

**SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS  
DOCUMENT BINDER  
May 23, 2018**

**"EXAMINING THE OLYMPIC COMMUNITY'S ABILITY TO PROTECT ATHLETES  
FROM SEXUAL ABUSE."**

Tab	Document
1	February 23, 2018, Washington Post, <i>Victims say the USOC deserves blame for America's Olympic sex abuse problem</i> by Will Hobson
2	October 2017, United States Olympic Committee; United States Olympic Committee SafeSport Audit, Baker Tilly
3	April 18, 2018, USOC Athlete Safety Policy
4	June 20, 2017, USOC SafeSport Policy
5	December 1, 2011, United States Olympic Committee; USOC Training Center Access Protocol
6	March 21, 2018, United States Center for SafeSport, Supplementary Rules for U.S. Olympic and Paralympic SafeSport Arbitrations
7	September 28, 2010, USOC, Working Group for Safe Training Environments, Recommendations to the USOC Board of Directors
8	June 10, 2014, United States Olympic Committee, USOC Board Meeting Minutes
9	2017 – April 13, 2018, Center for SafeSport, Sexual Abuse Reports Received by the Center
10	March 14, 2018, Email from Center for SafeSport (Julie Reebel) regarding Historical Codes
11	March 22, 2017, Indy Star, <i>SafeSport Center: Is it the answer to athlete sex abuse?</i> by Tim Evans, Marisa Kwiatkowski, and Mark Alesia
12	April 9, 2018, USA Gymnastics, Response to the Committee's March 7, 2018 Letter
13	March 21, 2018, USA Swimming, Response to the Committee's March 7, 2018 Letter
14	March 21, 2018, USA Taekwondo, Response to the Committee's March 7, 2018 Letter
15	April 1, 2017, USA Swimming, Background Check Policy
16	April 3, 2014, USA Taekwondo, Instructions to Complete Required Background Check
17	March 20, 2018, USA Volleyball, Response to the Committee's March 7, 2018 Letter
18	October 15, 2004, USA Volleyball, Background Screening Policy
19	March 21, 2018, USA Gymnastics, Response to the Committee's March 7, 2018 Letter
20	June 11, 2012, USOC, Memo regarding Background Checks

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21	October 2017, United States Olympic Committee, USOC SafeSport Audit of USA Gymnastics, Baker Tilly
22	September 2017, United States Olympic Committee, USOC SafeSport Audit of USA Swimming, Baker Tilly
23	October 2017, United States Olympic Committee, USOC SafeSport Audit of USA Taekwondo
24	January 5, 2018, United States Olympic Committee Audit Division, Follow-up on SafeSport Audit of USA Taekwondo
25	October 2017, United States Olympic Committee, USOC SafeSport Audit of USA Volleyball
26	January 10, 2018, United States Olympic Committee Audit Division, Follow-up on SafeSport Audit of USA Volleyball
27	April 18, 2018, USA Gymnastics, Response to the Committee's March 7, 2018 Letter
28	US Center for SafeSport, List of Covered Individuals by NGB
29	May 16, 2018, Covington Letter on Behalf of USOC, Narrative Response to the Committee's March 7, 2018 Letter
30	US Center for SafeSport, SafeSport Practices and Procedures for the US Olympic and Paralympic Movement
31	March 31, 2017, USA Today, <i>USOC Did Not Heed Sexual Abuse Warnings in 2004, 2005</i> by Nancy Armour and Rachel Axon
32	June 26, 2017, Deborah Daniels, Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes
33	2016, USOC, Form 990, Return of Organization Exempt from Income Tax
34	December 3, 2013, USOC Board of Directors Meeting, SafeSport Update
35	2014, USOC Board of Directors Meeting, SafeSport Update with Revenue Breakdown
36	June 2014, USOC Board of Directors, SafeSport Update
37	September 25, 2015, USOC Board of Directors Meeting, SafeSport Update
38	August 3, 2017, ESPN, <i>Three Female Taekwondo Athletes Win \$60 Million in Sex Case Against Coach</i>
39	May 3, 2014, USA Swimming, SafeSport Program Review Task Force Report
40	September 2017, USA Swimming, Vieth Report Progress Update
41	November 2015, USA Swimming, Vieth Report Progress Update
42	January 6, 2017, USOC Email regarding Karolyi Ranch



Olympics

# Victims say the USOC deserves blame for America's Olympic sex abuse problem

By [Will Hobson](#) February 23 [Email the author](#)



As two U.S. senators have called for USOC chief executive Scott Blackmun to step down, board chairman Larry Probst, right, stood by him this month, saying Blackmun has “served the USOC with distinction.” (Eric Risberg/AP)

In March 2013, a few weeks after she publicly accused one of the most accomplished American athletes in her sport of molesting her when she was 15, speedskater Bridie Farrell met with U.S. Olympic Committee CEO Scott Blackmun to discuss sex abuse in America’s Olympic organizations.

As they met at USOC headquarters in Colorado Springs, Farrell recalled recently, Blackmun praised her courage and then made a request: If other victims approached Farrell, she should tell them to contact the USOC and not to speak to the media.

A few minutes later, as Farrell pressed Blackmun to force U.S. Speedskating to punish Andy Gabel, the retired skater whom she accused of abuse, Blackmun said there was nothing he could do. While the USOC provides funding to Olympic sport governing bodies such as U.S. Speedskating — mostly tied to helping their athletes win medals — Blackmun said he had no authority to intervene in a disciplinary matter, according to Farrell.

“It felt like he was just trying to kind of keep it quiet,” said Farrell, now 36. “I told him, ‘I don’t trust you.’ And he’s done nothing since to show me any reason to think differently.”

#### ADVERTISING

Blackmun, who is recovering from surgery for prostate cancer, declined an interview request. “Scott has a very different recollection of his conversation with Ms. Farrell, but she deserves our support, not our disagreement,” USOC spokesman Mark Jones wrote in an email.

As the Winter Olympics play out on the other side of the globe, the USOC is facing rising criticism and scrutiny following last month's sentencing of convicted child molester Larry Nassar, the longtime Olympic women's gymnastics team physician accused by more than 260 girls and women, including several Olympians, of sexual assault. Two senators have called for Blackmun to resign, and three congressional committees are demanding answers from the USOC about its knowledge of Nassar's abuse.

As outrage in the public and Congress boiled over during Nassar's sentencing hearing last month, Blackmun and the USOC forced a wholesale change in USA Gymnastics leadership and pledged to help reform an exploitative culture in elite gymnastics that USOC officials have deplored for prioritizing winning medals over protecting children.

But according to interviews with dozens of victims and Olympic insiders and a review of thousands of pages of records produced in lawsuits against Olympic organizations, some of the blame for that culture belongs with the USOC.

Conversations recalled by victims and advocates, as well as in testimony offered in lawsuits, show Blackmun and other top USOC officials identifying winning as many Olympic medals as possible as the organization's core mission while deferring athlete welfare to the individual sports' national governing bodies, whose autonomy is established in the Ted Stevens Amateur Sports Act.

But victims and their advocates point out that when abuse scandals garner public outrage and congressional attention, as the Nassar case

did, the USOC is willing to exercise authority, pressuring governing bodies' CEOs and board members to step down.

“This has been going on for a long time, and it’s not just a gymnastics problem,” said Nancy Hogshead-Makar, an Olympic champion swimmer, civil rights attorney and victims’ advocate who is among those who have called for Blackmun to resign for the USOC’s failure to act aggressively in response to prior abuse scandals — most notably, one involving USA Swimming from 2010 to 2012.

“The USOC has just not wanted this [abuse prevention] to be on their plate. They didn’t want it to be their responsibility until now,” Hogshead-Makar said. “You needed to have a perpetrator that molested this many victims. That was the straw that broke the camel’s back.”

*[USOC, USA Gymnastics and Michigan State answer to Congress for Larry Nassar scandal]*

In an email in response to questions about criticism raised by victims and advocates, USOC spokesman Jones defended the organization’s abuse prevention efforts, such as requiring basic child protection measures at Olympic sports organizations in 2014 and the creation of the U.S. Center for SafeSport, a nonprofit that opened last year to take over dealing with suspicions of abuse committed by Olympic-affiliated coaches, athletes and officials.

“Athlete protection is everyone’s responsibility, and we have repeatedly made that case in words and actions,” Jones wrote.

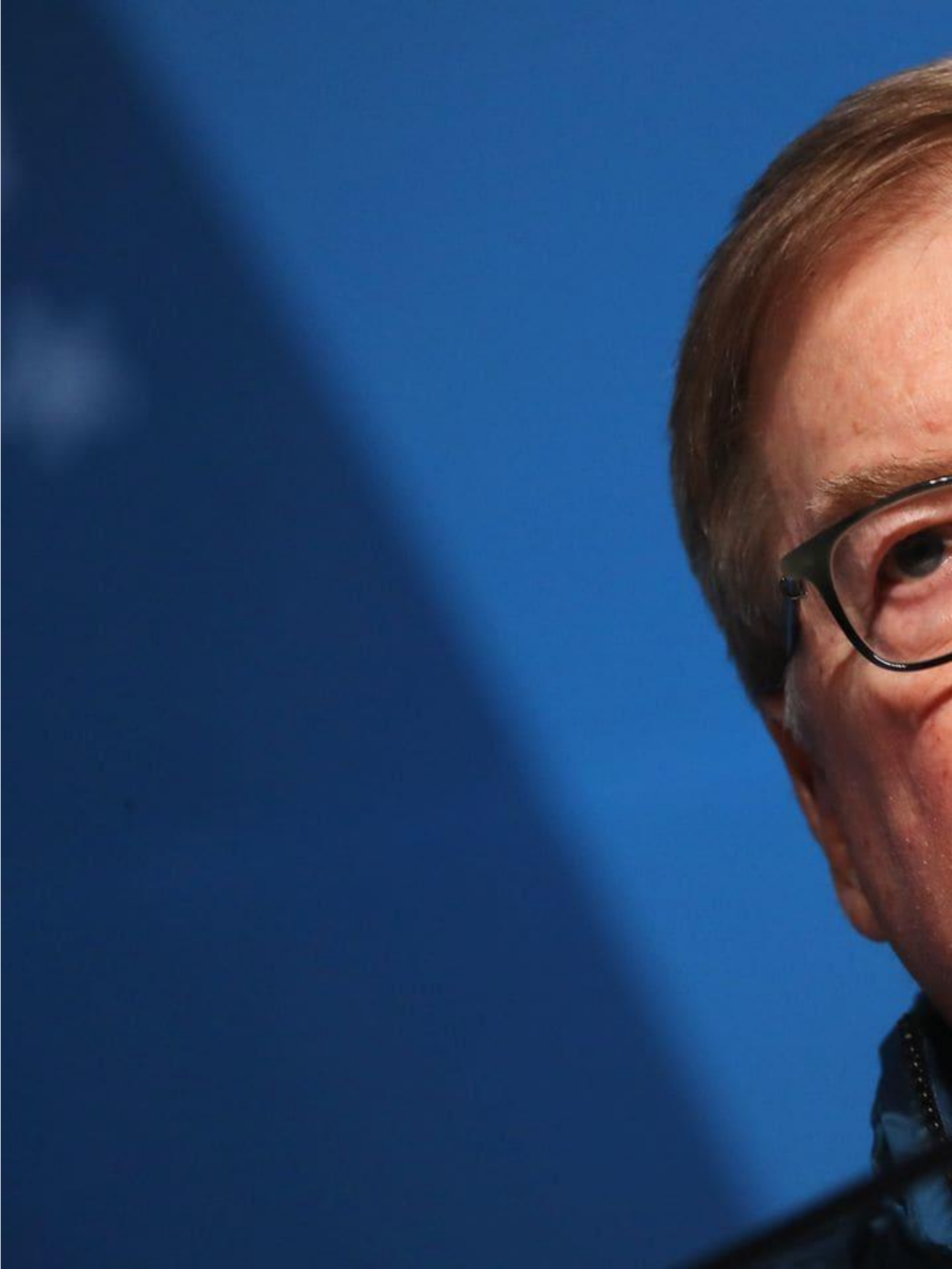
At a news conference in PyeongChang, South Korea, this month, USOC Chairman Larry Probst defended Blackmun as having “served

the USOC with distinction” and said “the Olympic system” failed Nassar’s victims.

“Obviously, USA Gymnastics needs to do more. They need a complete culture change. . . . The USOC can do more. . . . The IOC can do more,” Probst said. “Everybody that’s part of the Olympic movement needs to step up their game in this area.”

But to those who have spoken out about sex abuse in Olympic sports over the years, the USOC’s sudden alarm over gymnastics — after failing to crack down on officials during similar scandals involving USA Swimming, U.S. Speedskating, USA Judo and USA Taekwondo — seems disingenuous.

“For Blackmun to say it’s not happening anywhere else or this is only a gymnastics problem is sheer nonsense,” said Mike Saltzstein, a former vice president of USA Swimming who publicly voiced his concerns about sex abuse in that sport in 2010. “To not know this was going on. . . . You would have had to have been blind, deaf and dumb.”





USOC Chairman Larry Probst said before the PyeongChang Games that “everybody that’s part of the Olympic movement needs to step up their game in this area.” (Ker Robertson/Getty Images)

## **Success over safety?**

In some ways, it’s ironic that USA Gymnastics is the organization in the midst of the abuse scandal that has senators calling for change in USOC leadership. While sport national governing bodies, as a group, were years behind peer organizations in mandating protection measure such as criminal background checks and abuse education programs for coaches, USA Gymnastics actually has been among the more aggressive on child protection within this community.

In 1999, in a letter made public last year as evidence in a lawsuit, former USA Gymnastics chief executive Bob Colarossi warned Blackmun, then general counsel of the USOC, and two other top officials that other national governing bodies lacked basic abuse prevention measures.

“This is not an issue that can be wished away,” Colarossi wrote. “The USOC can either position itself as a leader in the protection of young athletes or it can wait until it is forced to deal with the problem under much more difficult circumstances.”

In a phone interview last year, Blackmun pointed out he was not CEO in 1999 and left the organization in 2001, returning nine years later.

“I can’t fix what happened before I arrived here. I can only address what’s happened since 2010,” Blackmun said.

*[Two senators call for USOC’s Scott Blackmun to step down in wake of Nassar scandal]*



In 2010, a few months after Blackmun returned to the USOC, USA Swimming became the subject of critical media reports about lax policies on sex abuse that allowed predator coaches to access children through the Olympic organization.

Just like USA Gymnastics in 2016, USA Swimming in 2010 publicly acknowledged that for years it required any sex abuse complaints to be in writing and from victims or direct witnesses of abuse. Lawsuits filed by victims of Andy King — a California swim coach convicted in 2010 of molesting three girls, with 12 more claiming abuse dating from the 1970s — produced evidence that USA Swimming chief executive Chuck Wielgus failed to take action on a complaint raised years before King’s arrest.

In 2002, a mother later testified, she called Wielgus to complain about King’s behavior around her daughter, and she said she never heard back from him or anyone at USA Swimming. Wielgus — who died last year — claimed he didn’t remember the conversation.

Evidence also emerged showing Wielgus allowed a USA Swimming national team coach who admitted to having sex with a 14-year-old to resign quietly and take a job working at a country club a few miles away.

In May 2010, Wielgus testified in a deposition in a case filed by an abuse victim of a USA Swimming coach in Indiana. A lawyer asked him to list USA Swimming’s core objectives, and Wielgus replied, “To build the base of our sport, to promote our sport and to achieve success at the international level, in competition.”

The lawyer noted that child safety wasn't among those and later asked Wielgus whether winning medals was his organization's core mission.

"The U.S. Olympic Committee certainly feels that way," Wielgus replied.

Blackmun and the USOC took no punitive measures toward USA Swimming.

Another potential reason for the USOC's inaction is the organization's legal interpretation of its role in governance. The Ted Stevens Act guarantees "autonomy" for the Olympic and Pan American national governing bodies for 47 sports, and USOC officials have cited that in multiple legal cases as the reason it cannot discipline coaches or athletes.

In a deposition in a 2016 lawsuit in which a taekwondo athlete alleged she was raped by her coach at the USOC's Olympic Training Center in Colorado Springs, USOC lawyer Gary Johansen, who has worked for the organization since 1999, displayed the USOC's view of its priorities.

"The USOC has a lot of priorities. . . . Chief among them is sending athletes to the Olympic, Pan American and Paralympic Games and doing well at those Games," Johansen said.

Stephen Estey, the lawyer for the victim, asked Johansen whether protecting athletes from abuse was a top priority for the USOC.

"The USOC does not have athletes," Johansen answered.

“You send athletes to the Olympics, but they’re not your athletes?” Estey asked.

“That’s correct,” said Johansen, who explained that athlete safety was the responsibility of each sport’s national governing body.

Estey asked what, then, the USOC meant by “Team USA,” if the organization has no athletes.

“That’s a branding terminology,” Johansen replied.

In a statement, USOC spokesman Jones wrote the organization “fundamentally rejected” any characterization of Johansen’s words that implies the USOC is indifferent to sex abuse in Olympic sports. Johansen, who is in Korea this week, did not respond to an interview request.



TEA

TEAM  
USA

A USOC lawyer, in claiming the organization is not directly responsible for any athletes, said that the phrase “Team USA” is “branding terminology.” (Joe Scarnici/Getty Images For Usoc)

## **Responses criticized**

Years before Ronda Rousey was a well-known professional wrestler and mixed martial artist, she was an aspiring Olympic judo fighter who spoke out about ignored allegations of abuse against a top official in her sport.

In June 2008, on her personal blog, Rousey wrote about allegations that Fletcher Thornton, then a member of USA Judo’s board of directors, had given some of his teenage pupils alcohol and marijuana and molested them in the late 1970s, when he was in his late 30s. Thornton publicly denied the claims and was never charged with a crime, but three athletes had sent written statements to USA Judo, seeking to get him banned from the sport. USA Judo didn’t act on them, its chief executive later explained to a reporter, because the statements had not been submitted under oath, as the organization’s bylaws required.

Frustrated at USA Judo’s inaction, Rousey’s mother — AnnMaria De Mars, herself a former judo fighter who said one of her friends was a victim — called the USOC. She talked to the athlete ombudsman, she said, a position designed to handle Olympic athlete concerns, and cited her concern that a sitting board member was facing such allegations.

The USOC official said the organization couldn’t intervene. He then warned De Mars, she said, that her daughter should be careful because judo is a judged sport and speaking out against a prominent official risked incurring vengeful treatment from judges or referees.

“I don’t think it was a threat,” De Mars said. “He was genuinely concerned it would happen.”

A few weeks later, Rousey’s blog post became the subject of a [New York Times story](#). Suddenly, the USOC announced it would investigate. Before an inquiry could be conducted, Thornton resigned. The USOC ombudsman in 2008, John Ruger, declined to comment on De Mars’s recollection. A USOC spokesman, in an email, also declined to address the account because it involved a previous administration.

The USOC’s response to the current USA Gymnastics scandal has drawn criticism from victims and their advocates as seemingly dictated more by congressional anger than by the revelations of lapses by USA Gymnastics officials.

In August 2016 — days after [an Indianapolis Star investigation](#) revealed USA Gymnastics had for years dismissed sex abuse complaints unless they came in writing from victims or direct witnesses — Blackmun defended USA Gymnastics chief executive Steve Penny and said the USOC wouldn’t launch any kind of inquiry. “We couldn’t possibly get in the business of investigating allegations of misconduct in 47 different NGBs,” Blackmun said at a news conference before the Summer Games in Rio de Janeiro.

A month later, [the Star published the account of two Nassar accusers](#), prompting dozens more to come forward and file police complaints. In November 2016, Nassar was arrested, and by March 2017, the number of girls and women asserting abuse had surpassed 100.

That month, as a congressional hearing loomed, the USOC’s board pressured Penny to resign. Over the ensuing 10 months, as calls mounted for additional changes at USA Gymnastics and for an

independent investigation into how the process was handled, the USOC took no further action.

Then last month, after Nassar's sentencing hearing reignited outrage about the case, the USOC called for USA Gymnastics's entire board of directors to resign and announced it had hired a law firm to conduct an independent investigation.

In a letter to that law firm last week, John Manly, attorney for more than 100 Nassar accusers, criticized the USOC's inquiry as a "public relations effort."

"But for the public sentencing hearings, and the intense pressure from the media and Congress, the USOC would have simply buried the Nassar case," Manly wrote.

USOC spokesman Jones defended the organization's handling of the case and said Blackmun first suggested USA Gymnastics's entire board needed to step down in a private conversation last year with the organization's new chief executive.

"But make no mistake, the powerful testimony of Nassar's victims and survivors absolutely compelled us to take further, more urgent action," Jones wrote.

De Mars is among those wondering why USOC leadership needed to see and hear the public accounts of sex abuse by 156 girls and women to decide more action was needed.

"I think none of those people give a rat's ass about sports or athletes. They care about money and power," De Mars said. "And I feel bad for those kids . . . because the athletes are just a means to an end."

*Rick Maese in PyeongChang, South Korea, contributed to this report.*





# United States Olympic Committee

## United States Olympic Committee SafeSport Audit

October 2017

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United States Olympic Committee  
USOC SafeSport Audit

# United States Olympic Committee SafeSport Audit<sup>1</sup>

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<sup>1</sup> To consider the report in its entirety, please refer also to the detailed management response that will appear here [[Governance Documents](#)] within 90 days of the date of this report.



United States Olympic Committee  
USOC SafeSport Audit

## Executive Summary

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## Summary Observations

The United States Olympic Committee (USOC) engaged Baker Tilly Virchow Krause (Baker Tilly) to assist the USOC in the completion of SafeSport audits to assess compliance with SafeSport policies and procedures at the USOC and all of its National Governing Bodies (NGBs) and High Performance Management Organizations (HPMOs).

Baker Tilly performed a review of USOC to evaluate compliance with the Athlete Safety Standards. It shall be the policy of the USOC that each NGB adopt a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013<sup>2</sup>. The USOC should also hold itself accountable to maintain compliance with the requirements noted in the Athlete Safety Standards, as applicable.

We noted the following opportunities to enhance the design of USOC's compliance with the Athlete Safety Standards:

### Testing Observations

- > **Athlete Safety Standards - Education and Training Testing**
  - Three individuals selected for testing (30% of the selected individuals) for USOC Headquarters did not complete education and training requirements during the testing period (i.e., May 1, 2016 through April 30, 2017); however, evidence was provided that the education and training requirements were completed after the testing period.
- > **Athlete Safety Standards - Criminal Background Check Testing**
  - The USOC Olympic Training Center has a policy that requires criminal background checks to be conducted; however, the USOC did not begin verifying that the criminal background checks were completed until April 2017.
- > **Athlete Safety Standards - Education and Training Policy Requirement**
  - The USOC's SafeSport-related documentation and administrative material does not require individuals such as coaches, volunteers, or contracted third parties working with Games, Medical Staff, or Paralympics who it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes to complete education and training as required by the Athlete Safety Standards.

### Process Improvements

- > **Athlete Safety Standards - Criminal Background Checks and Education and Training (Timeliness)**
  - The Athlete Safety Standards do not provide guidance related to how quickly criminal background checks and education and training should be completed (e.g., within 30 days of start date, within 30 days of membership), which leads to inconsistent practices among each NGB/HPMO.
- > **Athlete Safety Standards - Criminal Background Checks and Education and Training (NGB/HPMO Monitoring/Tracking)**



- Many of the NGBs/HPMOs are unable to effectively and/or efficiently determine accurate and complete populations of stakeholders required to comply with the Athlete Safety Standards.

> **Athlete Safety Standards - Policy Format and Structure**

- The Athlete Safety Standards require that NGBs/HPMOs adopt an athlete safety program; however, there is not specific guidance and/or specific requirements as to the format and structure of the program. Due to the lack of guidance and/or specific requirements, there are a number of inconsistencies with how each NGB/HPMO chooses to document these requirements. As such, this often leads to incomplete or inconsistent application of the requirements listed in the Athlete Safety Standards. For example, some NGBs/HPMOs have:

- Created SafeSport policy documents
- Created website content/materials
- Added to existing materials (e.g., code of conduct, bylaws)
- Referenced materials created by the Center for SafeSport, instead of creating and maintaining documentation specific to their environment and stakeholders

While other NGBs/HPMOs have done a combination of all the methods listed, spreading SafeSport-related requirements amongst policies, bylaws, and websites, which could hinder stakeholders from reporting SafeSport-related misconduct.

> **Athlete Safety Standards - Education and Training (Peer to Peer Abuse)**

- The Athlete Safety Standards do not specifically require or recommend criminal background checks or education and training for athletes, which could expose athletes to individuals with a criminal history or limit their understanding and awareness of SafeSport specific requirements, including prohibited misconduct.

> **Athlete Safety Standards – Reporting**

- The Athlete Safety Standards require that each NGB/HPMO establish a procedure for reporting misconduct; however, there are no specific requirements to provide an option for anonymous and/or confidential reporting. Further, there are no specific requirements that prohibit potential barriers to reporting a SafeSport concern (e.g., filing fees, written requirements, timeliness requirements).

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<sup>2</sup> Effective June 20, 2017 the USOC replaced the Athlete Safety Standards with the NGB Athlete Safety Policy. Due to the timing of this audit, fieldwork was performed in accordance with the Athlete Safety Standards.



- > **Athlete Safety Standards - Criminal Background Checks and Education and Training (Reviewing and Vetting Results)**
  - Not all NGBs/HPMOs have a consistent process for reviewing and assessing the results of a criminal background check (i.e., assessing potentially unfavorable outcomes or red lights). Some NGBs/HPMOs follow a zero-tolerance process and others have detailed procedures for reviewing and vetting potentially unfavorable outcomes.
- > **Athlete Safety Standards - SafeSport Compliance Monitoring**
  - A number of NGBs/HPMOs are not in compliance with the Athlete Safety Standards indicating that additional monitoring may be necessary.

## Background and Approach

The USOC engaged Baker Tilly to assist the USOC in the completion of SafeSport audits to assess compliance with SafeSport policies and procedures at the USOC and all of its NGBs and HPMOs.

Baker Tilly performed a review of USOC to evaluate compliance with the Athlete Safety Standards. The following activities were performed for this review of USOC:

- > Developed and executed an audit program that included:
  - Holding virtual entrance meetings to discuss and document USOC's SafeSport program and processes.
  - Selecting a sample of 10 from the required individuals to ensure a background check was performed and education and training was completed - USOC Games, USOC Medical Staff, USOC Headquarters, USOC Paralympic
  - Selecting a sample of six NGBs/HPMOs groups for USOC Olympic Training Center from Colorado Springs/Lake Placid to ensure a service agreement was completed with criminal background language included and a sample of 11 from the required individuals to ensure education and training was completed. See **Appendix A** for a list of documents reviewed.
  - Reviewing USOC's athlete safety policy and determining whether the following was addressed:
    - Required misconduct is prohibited and defined;
    - Reporting procedures are documented; and
    - The grievance process is documented and complies with Athlete Safety Standards.
  - Identifying which individuals are required to undergo a criminal background check and complete education and training.
- > Conducted a virtual exit meeting, if requested, following delivery of the draft report, to discuss audit findings and recommendation(s) with USOC. See **Appendix B** for a list of individuals interviewed.



United States Olympic Committee  
USOC SafeSport Audit

- > Identified specific observations and recommendations regarding opportunities to enhance compliance with Athlete Safety Standards. Observations include the following attributes: criteria, condition, cause, effect, and recommendation, as set out in the International Professional Practices Framework (IPPF) Standards and Practice Advisory 2410-1.





# Detailed Report

## Testing Observations

The tables below represent opportunities to enhance the design and effectiveness of USOC compliance with the Athlete Safety Standards.

<b>1. Athlete Safety Standards - Education and Training Testing</b>	
<b>Criteria</b>	The Athlete Safety Standards state each NGB/HPMO shall require education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	Three individuals selected for testing (30% of the selected individuals) for USOC Headquarters did not complete education and training requirements during the testing period (i.e., May 1, 2016 through April 30, 2017); however, evidence was provided that the education and training requirements were completed after the testing period.
<b>Cause</b>	Prior to 2017, USOC Headquarters may not have been consistently tracking and monitoring compliance with education and training requirements of the Athlete Safety Standards.
<b>Effect</b>	<p>Individuals USOC formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes may not be in compliance with the USOC's SafeSport program because they have not completed education and training prior to having contact with athletes.</p> <p>Also, athletes may have contact with individuals who are unaware of SafeSport misconduct and the potential impact to athletes' well-being, which could put athletes at SafeSport-related misconduct risk.</p>
<b>Recommendation</b>	USOC must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. USOC must consistently track and verify education and training requirements are met for all required individuals. Compliance with these requirements must be completed within 90 days of receipt of the final audit report.



### 1. Athlete Safety Standards - Education and Training Testing

<b>Management response</b>	We agree with the condition and recommendation. Before the audit report was issued and on its own initiative, the USOC implemented processes to track and verify all required individuals take education and training for USOC Headquarters (Employees).
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### 2. Athlete Safety Standards - Criminal Background Check Testing

<b>Criteria</b>	The Athlete Safety Standards state each NGB/HPMO shall require criminal background checks for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	The USOC Olympic Training Center has a policy that requires criminal background checks to be conducted; however, the USOC did not begin verifying that the criminal background checks were completed until April 2017.
<b>Cause</b>	Per discussion with USOC Olympic Training Center personnel, Olympic Training Center started incorporating criminal background checks in the 2017 service agreements templates.
<b>Effect</b>	<p>Individuals USOC Olympic Training Center formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes may not be in compliance with the USOC's SafeSport program because they have not completed criminal background checks prior to having contact with athletes.</p> <p>Also, athletes may have contact with individuals who have a criminal history, which could put athletes at SafeSport-related misconduct risk.</p>
<b>Recommendation</b>	USOC Olympic Training Center must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background check requirements in a timely manner and before they have contact with athletes to provide assurance that it is following the Athlete Safety Standards. USOC Olympic Training Center must consistently track and verify criminal background check requirements are met for all required individuals. Compliance with these requirements must be completed within 90 days of receipt of the final audit report.



## 2. Athlete Safety Standards - Criminal Background Check Testing

	USOC Olympic Training Center should review the testing results and require all necessary individuals to complete the necessary requirements (i.e., criminal background check).
<b>Management response</b>	We agree with the condition and recommendation. Before the audit report was issued and on its own initiative, the USOC implemented a procedure that requires NGBs to certify that criminal background checks are conducted for required individuals for each program conducted at an OTC.

## 3. Athlete Safety Standards - Education and Training Policy Requirement

<b>Criteria</b>	The Athlete Safety Standards state each NGB/HPMO shall require education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	The USOC's SafeSport-related documentation and administrative material does not require individuals such as coaches, volunteers, or contracted third parties working with Games, Medical Staff, or Paralympics who it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes to complete education and training as required by the Athlete Safety Standards.
<b>Cause</b>	<p><b>USOC Games</b> – Per discussion with USOC Games personnel, SafeSport training was not required for the 2016 Rio Games. As such, no additional training verifications could be provided. It was noted that USOC Games will be requiring and tracking SafeSport training for the upcoming Games in PyeongChang 2018 Winter Olympics.</p> <p><b>USOC Medical Staff</b> – Per discussion with USOC Medical Staff personnel, the listed individuals did not require education and training (SafeSport training) as they were not required during the audit testing period (i.e., May 1, 2016 through April 30, 2017). Education and training was a requirement implemented during 2017 for Games and Volunteers.</p> <p><b>USOC Paralympics</b> – Per discussion with USOC Paralympics personnel, Paralympics started incorporating SafeSport training in 2017.</p>
<b>Effect</b>	Individuals Games, Medical Staff, and Paralympics formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes may not be in compliance with the USOC's SafeSport program because



3. Athlete Safety Standards - Education and Training Policy Requirement	
	<p>they have not completed education and training prior to having contact with athletes.</p> <p>Also, athletes may have contact with individuals who are unaware of SafeSport misconduct and the potential impact to athletes' well-being, which could put athletes at SafeSport-related misconduct risk.</p>
<b>Recommendation</b>	<p>Games, Medical Staff, and Paralympics must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. Games, Medical Staff, and Paralympics must consistently track and verify education and training requirements are met for all required individuals. Compliance with these requirements must be completed within 90 days of receipt of the final audit report.</p>
<b>Management response</b>	<p>We agree with the condition and recommendation. Before the audit report was issued and on its own initiative, the USOC updated its SafeSport Policy to require individuals it formally authorizes, approves, or appoints (a) to a position of authority over or (b) to have frequent contact with athletes to complete safe sport awareness training and education. Additionally, the USOC implemented processes to track and verify all required individuals take safe sport training and education for Games, Medical Staff and Paralympics.</p>

**Process Improvements**

The USOC and Center for SafeSport have not had an opportunity to consider additional areas of improvement to the Athlete Safety Standards as they have been implementing additional policies, procedures, tools, and trainings to address and prevent SafeSport-related misconduct. Thus, the tables below provide several process improvements noted during our SafeSport audits of the NGBs/HPMOs that we think will strengthen overall compliance with Athlete Safety Standards, enhance monitoring efforts, reduce risk related to SafeSport misconduct, and reduce reputational risk.



**1. Athlete Safety Standards - Criminal Background Checks and Education and Training (Timeliness)**

<b>Criteria</b>	The Athlete Safety Standards states each NGB/HPMO shall require criminal background checks and education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	The Athlete Safety Standards does not provide guidance related to how quickly criminal background checks and education and training should be completed (e.g., within 30 days of start date, within 30 days of membership), which leads to inconsistent practices among each NGB/HPMO.
<b>Recommendation</b>	The USOC should consider updating the Athlete Safety Standards to provide specific guidance for administering criminal background checks and education and training requirements (e.g., timeliness requirements).
<b>Management response</b>	We agree with the condition and believe the recommendation will provide clarity for the NGBs and HPMS. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.

**2. Athlete Safety Standards - Criminal Background Checks and Education and Training (NGB/HPMO Monitoring/Tracking)**

<b>Criteria</b>	A number of NGBs/HPMOs have electronic membership systems that they use to monitor criminal background checks and education and training. However, there are NGBs/HPMOs that use less sophisticated systems such as Excel spreadsheets to monitor criminal background checks and education and training.
<b>Condition</b>	Many of the NGBs/HPMOs are unable to effectively and/or efficiently determine accurate and complete populations of stakeholders required to comply with the Athlete Safety Standards.
<b>Recommendation</b>	The USOC should consider providing guidance for an appropriate process for tracking, monitoring, and maintaining compliance with the Athlete Safety Standards related to criminal background checks and education and training requirements. Guidance could include the following:



## 2. Athlete Safety Standards - Criminal Background Checks and Education and Training (NGB/HPMO Monitoring/Tracking)

	<ul style="list-style-type: none"> <li>&gt; Review and update criminal background checks and education and training quarterly to verify completion and compliance with Athlete Safety Standards</li> <li>&gt; Review covered individuals (e.g., coaches, volunteers, officials, staff) at least annually to ensure the appropriate positions are included as NGBs/HPMOs change, grow, and are exposed to more public scrutiny</li> </ul>
<b>Management response</b>	<p>We agree with the condition and believe the recommendation will provide clarity for the NGBs and HPMOs. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.</p>

## 3. Athlete Safety Standards - Policy Format and Structure

<b>Criteria</b>	<p>It shall be the policy of the USOC that each NGB adopt an athlete safety program by December 31, 2013.</p>
<b>Condition</b>	<p>The Athlete Safety Standards require that NGBs/HPMOs adopt an athlete safety program; however, there is not specific guidance and/or specific requirements as to the format and structure of the program. Due to the lack of guidance and/or specific requirements, there are a number of inconsistencies with how each NGB/HPMO chooses to document these requirements. For example, some NGBs/HPMOs have:</p> <ul style="list-style-type: none"> <li>&gt; Created SafeSport policy documents</li> <li>&gt; Created website content/materials</li> <li>&gt; Added to existing materials (e.g., code of conduct, bylaws)</li> <li>&gt; Referenced materials created by the Center for SafeSport, instead of creating and maintaining documentation specific to their environment and stakeholders</li> </ul> <p>While other NGBs/HPMOs have done a combination of all the methods listed, spreading SafeSport-related requirements amongst policies, bylaws, and websites, which could hinder stakeholders from reporting SafeSport-related misconduct.</p>



### 3. Athlete Safety Standards - Policy Format and Structure

<p><b>Recommendation</b></p>	<p>The USOC should consider updating the Athlete Safety Standards to include policy templates and guidelines that NGBs/HPMOs can use to streamline their SafeSport program structure and help create consistency between each NGB's/HPMO's SafeSport documentation. Additionally, the USOC should strongly encourage NGBs/HPMOs to include all SafeSport-related requirements in one centralized area to create a "one stop shop" (e.g., a handbook, a policy, a website, etc.).</p>
<p><b>Management response</b></p>	<p>We agree with the condition and believe the recommendation will provide clarity for the NGBs and HP MOs. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.</p>

### 4. Athlete Safety Standards - Education and Training (Peer to Peer Abuse)

<p><b>Criteria</b></p>	<p>The Athlete Safety Standards address individuals interacting with athletes, but do not address athletes.</p> <p>The Athlete Safety Standards shall apply to (1) NGB employees; (2) athletes the NGB designates for the USADA required testing pool (RTP); and (3) individuals the NGB formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes. Further, the Athlete Safety Standards states that each NGB/HPMO shall require criminal background checks and education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.</p>
<p><b>Condition</b></p>	<p>The Athlete Safety Standards do not indicate that the SafeSport policy should apply to the NGB's/HPMO's athletes. Additionally, the Athlete Safety Standards do not specifically require or recommend criminal background checks or education and training for athletes, which could expose athletes to individuals with a criminal history or limit their understanding and awareness of SafeSport specific requirements, including prohibited misconduct.</p>
<p><b>Recommendation</b></p>	<p>The USOC should consider updating the Athlete Safety Standards to indicate the policy applies to athletes and include requirements for athlete-specific criminal background checks and education and training.</p> <p>If there are concerns related to requiring athletes to undergo background checks, then we suggest that athletes, whether they are adults or minors, are required to disclose any</p>



#### 4. Athlete Safety Standards - Education and Training (Peer to Peer Abuse)

	<p>misdemeanors and felonies committed to allow the NGB/HPMO to determine what action to take and hold athletes accountable if an incident is revealed that they have not disclosed.</p> <p>Additionally, if the USOC determines that the Athlete Safety Standards should not include athletes, then it should address athlete peer to peer abuse, criminal background checks, and education and training in a separate standard that NGBs/HPMOs will be required to comply.</p>
<p><b>Management response</b></p>	<p>We agree with the condition and believe the recommendation will provide clarity for the NGBs and HP MOs. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.</p>

#### 5. Athlete Safety Standards - Reporting

<p><b>Criteria</b></p>	<p>The Athlete Safety Standards state each NGB shall establish a procedure for reporting misconduct.</p>
<p><b>Condition</b></p>	<p>The Athlete Safety Standards requires that each NGB/HPMO establish a procedure for reporting misconduct; however, there are no specific requirements to provide an option for anonymous and/or confidential reporting. Further, there are no specific requirements that prohibit potential barriers to reporting a SafeSport concern (e.g., filing fees, written requirements, timeliness requirements).</p>
<p><b>Recommendation</b></p>	<p>The USOC should consider updating the Athlete Safety Standards to specifically address creating a process for anonymous and/or confidential reporting and specifically prohibit any requirement that could prevent an individual from reporting (e.g., filing fees, written requirements, timeliness requirements).</p>
<p><b>Management response</b></p>	<p>We agree with the condition and believe the recommendation will provide clarity for the NGBs and HP MOs. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.</p>





### 6. Athlete Safety Standards - Criminal Background Checks and Education and Training (Reviewing and Vetting Results)

<b>Criteria</b>	Each NGB/HPMO shall require criminal background checks for those individuals it formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	Not all NGBs/HPMOs have a consistent process for reviewing and assessing the results of a criminal background check (i.e., assessing potentially unfavorable outcomes or red lights). Some NGBs/HPMOs follow a zero-tolerance process and others have detailed procedures for reviewing and vetting potentially unfavorable outcomes.
<b>Recommendation</b>	The USOC should consider updating the Athlete Safety Standards to include guidance or recommendations on an appropriate process for each NGB/HPMO to review and vet the results of a criminal background check.
<b>Management response</b>	We agree with the condition and believe the recommendation will provide clarity for the NGBs and HP MOs. The USOC intends to conduct a review of the NGB Athlete Safety Policy in 2018.

### 7. Athlete Safety Standards - SafeSport Compliance Monitoring

<b>Criteria</b>	It shall be the policy of the USOC that each NGB adopt an athlete safety program by December 31, 2013.
<b>Condition</b>	A number of NGBs/HPMOs are not in full compliance with the Athlete Safety Standards indicating that additional monitoring may be necessary.
<b>Recommendation</b>	<p>The USOC should consider including SafeSport monitoring in Internal Audit's annual audit plan. The following are SafeSport-related areas Internal Audit could start within the next five years:</p> <ul style="list-style-type: none"> <li>&gt; Year 1: Compliance with completing education and training</li> <li>&gt; Year 2: Compliance with completing criminal background checks</li> <li>&gt; Year 3: Compliance with required prohibited language and definitions</li> <li>&gt; Year 4: Compliance with reporting and grievance processes</li> </ul>



### 7. Athlete Safety Standards - SafeSport Compliance Monitoring

- > Year 5: Compliance with all Athlete Safety Standards or updated SafeSport Standards

Dividing the review into small subsets of the Athlete Safety Standards will allow Internal Audit to review each NGB/HPMO and prepare NGBs/HPMOs for an overall review in Year 5.

**Management response**

We agree that SafeSport monitoring is valuable and the USOC should play a part in the monitoring process. The Internal Audit Division will take part in the monitoring process in 2018, this will be evaluated on a continuing basis.



United States Olympic Committee  
USOC SafeSport Audit

## Report Appendices

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## Appendix A: Documents Reviewed

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We reviewed the following documents:

- > Athlete Safety Standards Program Questionnaire
- > Population listing of “required individuals” (i.e., covered individuals required to undergo background check and training)
- > Bylaws of the United States Olympic Committee
- > United States Olympic Committee SafeSport Policies
- > United States Olympic Committee Policy for Periodic Background Checks on Employees
- > US Olympic Committee Policy: SafeSport 6.29.2017
- > NGB Athlete Safety Policy



## Appendix B: Personnel Interviewed

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We interviewed the following personnel:

- > Rick Adams, Chief, Sport Operations and Paralympics
- > Rebecca Crawford, Senior Director, Games Operations
- > Gary Johansen, Senior Associate General Counsel at United States Olympic Committee
- > Christine Johnson, Director, Sports Medicine Operations at United States Olympic Committee
- > Chris McCleary, General Counsel at United States Olympic Committee
- > Aron McGuire, Senior Director, Olympic Training Centers
- > Bill Moreau, Vice President, Sports Medicine Division
- > Dean Nakamura, Vice President, Games Operations Pam Sawyer, Managing Director, Human Resources
- > Nicki Skinner, Associate Director, Operations & Transportation at United States Olympic Committee
- > Jared Steenberge, Manager, Lake Placid Operations
- > Jenna Street, High Performance Health Care Services Provider
- > Bridget Toelle, Senior Director of Audit, United States Olympic Committee



**Policy Name:** Athlete Safety

**Date of Issuance:** 4-18-18

**Policy Owner:** Director of Athlete Safety

**Applies to:** BOD, USOC Staff, Others (as below)

## **Purpose:**

The U.S. Olympic Committee (“USOC”) is committed to the development and safety of athletes and participants involved in sport, including by supporting a safe and positive environment for physical, emotional and social development, ensuring an environment free of misconduct, and working cooperatively with the U.S. Center for SafeSport (“USCSS”). This policy sets forth standards and obligations to achieve that end.

## **Policy Statement:**

### I. Commitment to Athlete Safety

The USOC is committed to supporting a safe and positive environment for athletes’ physical, emotional and social development and to ensuring that it promotes a safe environment free of abuse and misconduct including bullying, hazing, harassment (including sexual harassment), and emotional, physical, and sexual abuse.

### II. Application

This Policy applies to:

- USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members, and other individuals working with athletes or other sport participants while at an OTC or at the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic or other Games in which the USOC sends athletes (“Delegation Events”).
- Athletes training and/or residing at a USOC Olympic Training Center, at a Delegation Event, or otherwise under the jurisdiction of the USOC when the USOC assumes the responsibility of a PSO or NGB.
- Individuals the USOC formally authorizes, approves or appoints to (a) a position of authority over or (b) have frequent contact with athletes.
- USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members, athletes and other individuals while attending or participating in a USOC sponsored event.

Throughout this Policy, “you” and “your” refer to people in these categories collectively.

All USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members are also subject to all policies and procedures developed and

issued by the USCSS; USOC internal employment practices, policies and procedures (as applicable); and all federal, state, and local laws.

### III. Prohibited Conduct

You must refrain from all forms of misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct as set out in the SafeSport Code for the U.S. Olympic and Paralympic Movements (the “Code”) as adopted by the USCSS, and all other policies or procedures issued or adopted by the USCSS.

### IV. Reporting

#### A. Requirement to Report

You must report your knowledge or suspicion of any form of misconduct or abuse, including bullying, hazing, harassment (including sexual harassment), and emotional, physical, and sexual abuse as set out in the Code, and all other policies or procedures issued or adopted by the USCSS.

If you become aware of possible **sexual misconduct** you must report your knowledge to law enforcement and the USCSS within 24 hours.

- In case of an emergency, call 911
- If you suspect or know of child abuse, call local police
- USCSS telephone 720-531-0340
- Online: <https://safesport.org/report-a-concern> Online Reports are accepted 24 hours a day, 7 days a week.

Then follow-up with the Director of Athlete Safety, Chief Security Officer, or Legal Department.

- Phone: 719-866-3869
- Email: [safesport@usoc.org](mailto:safesport@usoc.org)
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

Federal law requires all suspected child abuse, including sexual abuse, to be reported to both the USCSS and appropriate law enforcement authorities. The USOC does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

If you become aware of possible abuse that is **non-sexual in nature** (e.g., physical misconduct; verbal/emotional misconduct; bullying; hazing, and harassment) you must

report your knowledge to USOC (Director of Athlete Safety, Human Resources, Legal Department, Chief Security Officer, or manager/supervisor)

- Phone: 719-866-3869
- Email: [safesport@usoc.org](mailto:safesport@usoc.org)
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

As well, if you suspect or know of child abuse or other criminal activity, appropriate law enforcement authorities.

## B. How to Report

The USOC will accept a report in whatever way is most comfortable for you including an anonymous, in-person, verbal, or written report. Regardless of how you choose to report, it is helpful if the report includes the following information:

- the name(s) of the complainant(s);
- the type of misconduct alleged;
- the name(s) of the individual(s) alleged to have committed the misconduct,
- the approximate dates the misconduct was committed;
- the names of other individuals who might have information regarding the alleged misconduct; and,
- a summary statement of the reasons to believe that misconduct has occurred.

Reports to the USOC may be made on an Incident Reporting Form, which can be found on the USOC website at: <https://www.teamusa.org/SafeSport-Reporting-Form>

**All reports of suspected child abuse made to the USOC will be forwarded to the USCSS and appropriate law enforcement authorities.**

## C. Confidentiality, Anonymous Reporting, and Bad Faith Allegations

To the extent permitted by law, and as appropriate, the USOC will keep confidential the names of the complainant on request, the potential victims, and the accused perpetrator. However, anonymous reporting may make it difficult for the USOC to properly address allegations.

Regardless of outcome, the USOC will support the complainant(s) and his or her right to express concerns in good faith. The USOC will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Any allegations of such retaliation should be reported using the same process as for reporting an initial concern.

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith, is prohibited. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.



## V. Investigation and Resolution

### A. General

Pursuant to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (“the Act”), the USCSS has jurisdiction with respect to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse. The Act requires the USCSS to develop policies and procedures and conduct oversight to prevent the abuse of amateur athletes. The USOC will adopt and abide by any policies or procedures mandated by the USCSS as required by law, which may necessitate changes or supplements to this Policy.

As required by federal law, all allegations of suspected child abuse will be reported to both the USCSS and appropriate law enforcement authorities.

Other matters reported to the USOC and not subject to USCSS jurisdiction will be resolved by the USOC as described in subsection C below.

### B. Matters Referred to the U.S. Center for SafeSport

Matters referred to the USCSS will be investigated and resolved by the USCSS pursuant to federal law, the SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement, and any other policies and procedures that the USCSS may adopt.

### C. Matters Investigated and Resolved by the USOC

Matters within the jurisdiction of the USOC instead of the USCSS may be investigated and resolved pursuant to procedures as determined by the USOC. For example, employment matters will be determined by the USOC’s policy and procedures affecting USOC employees, and contractor matters may be determined as a matter of contract. In other cases, the USOC may apply the following general steps, subject to any additional procedures that the USCSS may require.

#### 1. Receipt of Report

Upon receipt of a report, the USOC may determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope and extent of the allegations. Such steps may include, without limitation:

- the collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual:
- formal investigation and hearing:

- retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction; and,
- reports to law enforcement

This investigation and/or hearing will not be conducted in a way intended to interfere with an ongoing criminal investigation or prosecution, or any ongoing investigation by the USCSS.

## 2. Preliminary Suspension/Interim Measures

If the reported complaint indicates that an individual's continued participation poses a material risk of ongoing physical or emotional harm, the USOC may preliminarily suspend or impose other interim measures against the accused individual pending final resolution of the complaint to eliminate such risk or harm. In such instances, the USOC will provide the individual with notice and offer her/him an opportunity for a hearing to contest the preliminary suspension or other interim measure.

For the purposes of this Policy, a preliminary suspension means that the accused individual may not participate in any capacity or in any role in the business, events, or activities of the USOC.

Any preliminary suspension or interim measure may be appealed to the American Arbitration Association ("AAA") at the written request of the accused individual within 14 days of the suspension or imposition of the interim measure.

## 3. Investigation

As appropriate, and at its discretion, the USOC may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct).

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- receive written notice of the report or complaint, including a statement of allegations;
- present relevant information to the investigator(s); and,
- legal counsel, at his or her own expense.

## 4. Hearing

### a. Procedural Safeguards

In every case where a hearing is conducted pursuant to this Policy, it will comply with the USOC Bylaws, provided that deviations in one or more of their

procedural safeguards are permitted where all of the following conditions are satisfied:

- the individual is informed of the allegations and evidence brought against him or her;
- the individual is given a reasonable opportunity to respond to the allegations brought forward;
- the individual may be represented by legal counsel at his or her expense;
- the Review Panel member(s) who make the determination can render an unbiased decision; and,
- there is a right to appeal the Review Panel's decision.

b. Review Panel

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the USOC Director of Athlete Safety is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, s/he will notify the Review Panel. The Review Panel will consist of the USOC Chief of Sport Operations or his/her designee, the USOC Chief of Sport Performance or his/her designee, the USOC Managing Director of Human Resources or his/her designee, the USOC Chief of Security or his/her designee, and a representative from USOC Legal.

c. Notice

The accused individual will be notified of a specific hearing date and time to ensure that he or she is available for the hearing. Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

d. Timing

The Review Panel will have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the Review Panel may render an expedited determination.

#### e. Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The Review Panel may also consider another organization's determination as evidence to be considered.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel.

The Review Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

#### f. Findings and Sanctions

The Review Panel has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The Review Panel will communicate its finding to the individual. The Review Panel may impose sanctions on the individual in its findings.

The decision regarding the appropriate sanction shall be up to the Review Panel deciding each complaint. In imposing a sanction, the Review Panel will consider:

- whether the individual poses an ongoing concern for the safety of the USOC's athletes and participants;
- the seriousness of the offense or act;
- the ages of the accused individual and alleged victim when the offense or act occurred;
- any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- the effect on the USOC's reputation; and,
- any other information, which in the determination of the Panel, bears on the appropriate sanction.

Sanctions may range from a warning and a reprimand to suspension from sport involvement with the USOC or other sanctions. Suspensions may be temporary or permanent.

For the purposes of this Policy, a suspension from sport involvement means that the individual may not participate in any capacity or in any role in the business, events or activities of the USOC for the duration of the period of suspension.

g. Confidentiality

The conduct of the hearing will be private. If the Review Panel determines that the individual has violated policy, it may publish its decision or a summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the panel's decision will not be disclosed until an appellate decision has been made.

If the Review Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

h. Appeal

If the individual disagrees with the finding or sanction of the Review Panel and wishes to appeal, he or she may file an appeal with the AAA within 14 days of the Review Panel's finding. A decision rendered by the AAA shall be final and binding on all parties.

VI. Loss of Benefits

If you have violated this Policy, or any policy adopted by the USCSS, and you have received certain USOC benefits such as monetary support or grants, access to Olympic Training Centers, educational and other support programs, participation in the U.S. delegation at a Delegation Event, etc., you may, at the discretion of the USOC, lose those benefits.

In the event that a preliminary suspension or other interim measure is imposed on you, the USOC may suspend any such benefits. If you are then found not to have committed a violation, the suspension will be lifted and, where it includes cash payments, such suspended payments will be paid. If such a payment is made to you after you have been accused of a violation, but prior to a final determination, and you are then found to have committed a violation, you may be obligated to repay the payment.

As noted above, employment matters will be determined by the USOC's policy and procedures affecting USOC employees and contractor matters may be determined as a matter of contract, consistent with any policies and procedures adopted by the USCSS.

## VII. Training and Education

The following individuals must complete a SafeSport awareness training and education program at least every two years:

- USOC employees and board members;
- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes; and
- others as determined by the USOC in its discretion or as required by USCSS.

To the extent possible, the required education and training will be based on materials and information available from the USCSS.

## VIII. Background Search

In addition to the background search requirements applicable to USOC employees and board members and to individuals attending Delegation Events under other USOC policies, the following individuals must also undergo a background search every two years:

- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes;
- adult U.S. residents residing at a USOC Olympic Training Center; and
- others as determined by the USOC in its discretion or as required by USCSS.

# U S Olympic Committee Policy



**Policy Name:** SafeSport

**Date of Issuance:** 6/20/2017

**Policy Owner:** Director of SafeSport

**Applies to:** BOD, USOC Staff and NGBs

## **Purpose:**

The U.S. Olympic Committee is committed to improving the development and safety of athletes and participants involved in sport, including by creating a safe and positive environment for physical, emotional and social development, ensuring an environment free of misconduct, and working cooperatively with the U.S. Center for Safe Sport. This policy sets forth standards and obligations to achieve that end.

## **Policy Statement:**

### I. Commitment to SafeSport Safety

The USOC is committed to creating a safe and positive environment for athletes' physical, emotional and social development and to ensuring that it promotes an environment free of misconduct including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct.

### II. Application

This Policy applies to:

- USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members, and other individuals working with athletes or other sport participants while at an OTC or at the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic or other Games in which the USOC sends athletes ("Delegation Events")
- Athletes training and/or residing at a USOC Olympic Training Center, at a Delegation Event, or otherwise under the jurisdiction of the USOC when the USOC assumes the responsibility of a PSO or NGB
- Individuals the USOC formally authorizes, approves or appoints to (a) a position of authority over or (b) have frequent contact with athletes
- USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members, athletes and other individuals while attending or participating in a USOC sponsored event

(collectively, "Constituents").

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A USOC employee is also subject to USOC internal employment practices, policies and procedures.

## III. Prohibited Conduct

Constituents must refrain from all forms of misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct as set out in the SafeSport Code for the U.S. Olympic and Paralympic Movements (the "Code") as adopted by the U.S. Center for Safe Sport.

## IV. Reporting

### A. Requirement to Report

A Constituent must report his/her knowledge or suspicion of any form of misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct as set out in the Code.

The report shall be made to:

- the USOC (i.e., a manager or supervisor, Human Resources, Legal Department, or Director of SafeSport);
- the U.S. Center for Safe Sport; and
- where applicable, appropriate law enforcement authorities.

The USOC does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

### B. How to Report

The USOC will accept a report in whatever way is most comfortable for the Constituent including an anonymous, in-person, verbal, or written report. Regardless of how a Constituent chooses to report, it is helpful if the report includes the following information:

- the name(s) of the complainant(s);
- the type of misconduct alleged;
- the name(s) of the individual(s) alleged to have committed the misconduct,
- the approximate dates the misconduct was committed;
- the names of other individuals who might have information regarding the alleged misconduct; and,
- a summary statement of the reasons to believe that misconduct has occurred.



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Reports to the USOC may be made on an Incident Reporting Form, which can be found on the USOC website at: <http://www.teamusa.org/Footer/Legal/Governance-Documents.aspx>

## C. Confidentiality, Anonymous Reporting, and Bad Faith Allegations

To the extent permitted by law, and as appropriate, the USOC will keep confidential the names of the complainant on request, the potential victims, and the accused perpetrator. However, anonymous reporting may make it difficult for the USOC to investigate or properly address allegations.

Regardless of outcome, the USOC will support the complainant(s) and his or her right to express concerns in good faith. The USOC will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Any allegations of such retaliation should be reported using the same process as for reporting an initial concern.

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith, is prohibited. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

## V. Investigation and Resolution

### A. General

The USOC will work with the U.S. Center for Safe Sport to determine the appropriate method for investigating and resolving reports made to the USOC. As indicated by the Code, reports may be investigated and resolved either by the USOC or by referral to the U.S. Center for Safe Sport.

### B. Matters Referred to the U.S. Center for Safe Sport

Matters referred to the U.S. Center for Safe Sport shall be investigated and resolved by the Center pursuant to the SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement.

### C. Matters Investigated and Resolved by the USOC

Matters within the jurisdiction of the USOC may be investigated and resolved pursuant to the appropriate procedures as determined by the USOC. For example, employment matters will be determined by the USOC's policy and procedures affecting USOC employees, and contractor matters may be determined as a matter of contract. In other cases, the USOC may apply the following general steps.

#### 1. Receipt of Report

Upon receipt of a report, the USOC may determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii)

## **U S Olympic Committee Policy**

the age of the accused and (iii) the nature, scope and extent of the allegations. Such steps may include, without limitation:

- the collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual;
- formal investigation and hearing;
- retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction; and,
- reports to law enforcement

This investigation and/or hearing will not be conducted in a way intended to interfere with an ongoing criminal investigation or prosecution.

### **2. Preliminary Suspension/Interim Measures**

If the reported complaint indicates that an individual's continued participation poses an acute risk of ongoing physical or emotional harm, the USOC may preliminarily suspend or impose other interim measures against the accused individual pending final resolution of the complaint to eliminate such risk or harm. In such instances, the USOC will provide the individual with notice and offer her/him an opportunity to contest the preliminary suspension or other interim measure.

For the purposes of this Policy, a preliminary suspension means that the accused individual may not participate in any capacity or in any role in the business, events, or activities of the USOC.

Any preliminary suspension or interim measure may be appealed to the American Arbitration Association ("AAA") at the written request of the accused individual within 14 days of the suspension or imposition of the interim measure.

### **3. Investigation**

As appropriate, and at its discretion, the USOC may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct).

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- receive written notice of the report or complaint, including a statement of allegations;
- present relevant information to the investigator(s); and,
- legal counsel, at his or her own expense.

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## 4. Hearing

### a. Procedural Safeguards

In every case where a hearing is conducted pursuant to this Policy, it will comply with the USOC Bylaws, provided that deviations in one or more of their procedural safeguards are permitted where all of the following conditions are satisfied:

- the individual is informed of the allegations and evidence brought against him or her;
- the individual is given a reasonable opportunity to respond to the allegations brought forward;
- the individual may be represented by legal counsel at his or her expense;
- the Review Panel member(s) who make the determination can render an unbiased decision; and,
- there is a right to appeal the Review Panel's decision.

### b. Review Panel

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the USOC Safe Sport liaison is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel. The Review Panel will consist of the USOC Chief of Sport Operations or his/her designee, the USOC Chief of Sport Performance or his/her designee, the USOC Managing Director of Human Resources or his/her designee, the USOC Chief of Security or his/her designee, and a representative from USOC Legal.

### c. Notice

The accused individual will be notified of a specific hearing date and time to ensure that he or she is available for the hearing. Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

### d. Timing

The Review Panel will have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the Review Panel may render an expedited determination.

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### e. Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The Review Panel may also consider another organization's determination as evidence to be considered.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel.

The Review Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

### f. Findings and Sanctions

The Review Panel has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The Review Panel will communicate its finding to the individual. The Review Panel may impose sanctions on the individual in its findings.

The decision regarding the appropriate sanction shall be up to the Review Panel deciding each complaint. In imposing a sanction, the Review Panel will consider:

- whether the individual poses an ongoing concern for the safety of the USOC's athletes and participants;
- the seriousness of the offense or act;
- the ages of the accused individual and alleged victim when the offense or act occurred;
- any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- the effect on the USOC's reputation; and,
- any other information, which in the determination of the Panel, bears on the appropriate sanction.

Sanctions may range from a warning and a reprimand to suspension from sport involvement with the USOC. Suspensions from sport involvement with the USOC may be temporary or permanent.

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For the purposes of this Policy, a suspension from sport involvement means that the individual may not participate in any capacity or in any role in the business, events or activities of the USOC for the duration of the period of suspension.

### **g. Confidentiality**

The conduct of the hearing will be private. If the Review Panel determines that the individual has violated policy, it may publish its decision or a summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the panel's decision will not be disclosed until an appellate decision has been made.

If the Review Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

### **h. Appeal**

If the individual disagrees with the finding or sanction of the Review Panel and wishes to appeal, he or she may file an appeal with the AAA within 14 days of the Review Panel's finding. A decision rendered by the AAA shall be final and binding on all parties.

## **VI. Loss of Benefits**

An individual who has committed a SafeSport violation and who receives USOC benefits may, at the discretion of the USOC, lose those benefits. Benefits that may be lost or restricted may include, but are not limited to, athlete support payments, tuition grants, use of and residence at Olympic Training Centers, access to Olympic Training Centers, elite athlete health insurance, alumni relations programs, athlete marketing programs, athlete ambassador programs, athlete service centers, career assistance programs, media services, USOC workshops, conferences and summits, personal development programs, sports medicine and performance services, and sports coaching and education programs. Additionally, individuals may lose opportunities to participate in or be associated with the U.S. delegation at a Delegation Event and any other competition or event as determined by the USOC.

In the event that a preliminary suspension or other interim measure is imposed on an individual, the USOC may suspend any payment that is to be paid to the individual. If the individual is found not to have committed a SafeSport rule violation, the suspended payment will then be paid to the individual. If a payment is made to an individual after the individual has been accused of a SafeSport violation, but prior to a final determination, and the individual is found to have committed a SafeSport violation, the individual may be obligated to repay the payment.

## **VII. Training and Education**

The following individuals must complete a safe sport awareness training and education program every two years:

- USOC employees;

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- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes; and
- others as determined by the USOC in its discretion

To the extent possible, the required education and training will be based on materials and information available from the U.S. Center for Safe Sport.

### VIII. Background Search

In addition to the background search requirements applicable to USOC employees and Board members and to individuals attending Delegation Events under other USOC policies, the following individuals must also undergo a background search every two years:

- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes;
- adult U.S. residents residing at a USOC Olympic Training Center; and
- others as determined by the USOC in its discretion



## APPENDIX A

### United States Olympic Committee USOC Training Center Access Protocol Effective 12/01/2011

#### 1. Introduction

At times, issues arise concerning who should have access to United States Olympic Committee (USOC) Training Centers. In this regard, the USOC endeavors to:

- provide a safe environment for athletes and other individuals who reside, train or compete at USOC Training Centers;
- protect persons at risk, including minors and mentally challenged adults;
- honor an athlete or other individual's opportunity to participate in various athletic residency, training and competition activities;
- protect USOC property; and
- maintain public confidence in the USOC and its activities.

The USOC may refuse access at any time to an individual whose conduct or activity falls under Part 2 of this Protocol.

This USOC Training Center Access Protocol (Protocol) does not apply if a National Governing Body (NGB) does not submit or withdraws its proposal to have an individual reside, train or compete at a USOC Training Center or if the NGB asks the individual to leave a USOC Training Center. In any such instance, the affected individual's recourse, if any, would be through his or her NGB's processes and procedures.

#### 2. Duty to Disclose/Background Check

An NGB, in submitting a proposal to have an individual reside, train or compete at a USOC Training Center, shall disclose to the USOC any information in its possession pertaining to any individual who (1) has been convicted of a felony, (2) has been arrested or criminally charged with a felony, where such arrest or charge has not yet been adjudicated, (3) has committed an act, or is engaging in an activity, that may raise concerns regarding the safety of individuals or the protection of property, or (4) engaged in, or is engaging in, other activity that may harm the USOC's reputation. In submitting its proposal, the NGB shall certify that it has disclosed any known conviction or activity as enumerated above. Disclosure of any such conviction or activity should occur at least six weeks before the program check-in date at a USOC Training Center or as soon as the NGB, or its representatives, becomes aware of an issue meeting the above requirements. Thus, an NGB's duty of prompt disclosure is ongoing.

Additionally, each individual who registers to reside, train or compete on a USOC Training Center shall fill out a Disclosure Form, listing any felony conviction and any

arrest or criminal charge that has not yet been adjudicated. Also, if an individual is arrested, charged or convicted of any illegal or criminal activity after obtaining access to the Training Center, the individual is obligated to inform the Director of the USOC Training Center within 24 hours of such arrest or charge.

The USOC, upon learning of conduct or activity as enumerated in (1) through (4) above, may refuse to allow access to that individual at the time of check-in. Further, failure to disclose such known conduct or activity by the NGB may adversely affect the terms of the NGB's Performance Partnership Agreement with the USOC and any such disclosure failure by the athlete may affect the athlete's future access to the USOC Training Center.

The USOC, at its discretion, may require that any individual who requests access, or who has been provided access, to a USOC Training Center undergo an authorized background check, conducted by the National Center for Safety Initiatives ("NCSI") or any other entity the USOC chooses to retain.

### **3. USOC Hearing**

On receipt of a disclosure made pursuant to this Protocol, the Chief of Sport Operations shall notify the Review Panel as described below if (1) he/she believes the individual should be denied access; or (2) the disclosure reveals a felony conviction or charge or any other conviction or charge of a violent or sexual nature and he/she believes the individual should be granted access. The USOC shall discuss the matter with the NGB. The USOC shall also notify the individual and inquire if the individual still desires to have access to the USOC Training Facility. If the individual desires access and the NGB continues to support the individual's access to a USOC Training Center, the individual will be afforded a hearing before a USOC Review Panel. The USOC Review Panel will then conduct a hearing to determine whether to allow the individual access and whether any restrictions will be placed on such access.

The Review Panel will consist of the Chief Administrator Officer or his/her designee, Chief of Sport Performance or his/her designee, the USOC Director of Safe Sport or his/her designee, the Chief of Security or his/her designee, and a representative from the USOC General Counsel's Legal Division. In addition, the Director of Risk Management may advise the Review Panel as to any attendant risks.

The individual will be notified of a specific date and time to ensure that he or she is available for the hearing. Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing.

At the hearing the individual will be allowed to present any evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require that documentary evidence be presented prior to the hearing and that the names of any witnesses be disclosed prior to the hearing. If a background check was conducted, or if the Review Panel requires the individual to undergo a background check prior to the hearing, the individual shall grant written permission for his or her complete background check finding to be provided to the Review Panel. The Review Panel shall also seek input



from the individual's NGB regarding the NGB's position on allowing the individual access to the USOC Training Center. In addition to any evidence or argument provided by the individual, the Review Panel will consider the recommendation of the USOC CEO, if any.

The Review Panel shall have authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

Upon the request of an individual, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to residency, training or competition that is scheduled, the Review Panel may render an expedited determination.

The Review Panel has the discretion to deny or place limitations on access to any individual if it finds, in good faith, that an individual's conviction or activity may have a negative effect on the USOC's endeavors as outlined in Part 1. In rendering its finding, the Review Panel shall consider the following:

- a. the legitimate interest of the USOC in providing a safe environment for athletes and other individuals who reside, train or compete on USOC Training Centers;
- b. the seriousness of the criminal offense or act;
- c. the time which has elapsed since the occurrence of the criminal offense or act;
- d. the age of the person at the time of occurrence of the criminal offense or act;
- e. the bearing, if any, the criminal offense or act has on the individual's request to reside, train or compete at a USOC Training Center;
- f. any information produced by the individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct;
- g. the specific request related to access to the USOC Training Center, such as whether the request is for residence, training or competition, the length of time of access and the scope of access;
- h. any voluntary restrictions on access proposed by the individual;
- i. any recommendation or information provided by the individual's National Governing Body;
- j. the effect on the USOC's reputation; and
- k. any other information, which in the determination of the Review Panel, would bear on whether or not the individual should have access to the USOC Training Center.

#### **4. Finding & Restrictions**

The Review Panel will communicate its finding to the individual, to the individual's NGB, and to the USOC CEO. In its finding, the Review Panel may impose restrictions on the individual that would have to be met in order for the individual to obtain access. The relevant NGB or the individual seeking access may be responsible for covering any costs associated with such restrictions.

**5. Arbitration**

If the individual disagrees with the finding of the Review Panel, he or she may file a demand for arbitration with the American Arbitration Association (“AAA”). A decision rendered by the AAA shall be final and binding on all parties.



**SUPPLEMENTARY RULES FOR U.S. OLYMPIC AND  
PARALYMPIC SAFESPORT ARBITRATIONS**

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**SUPPLEMENTARY RULES FOR U.S. OLYMPIC AND  
PARALYMPIC SAFESPORT ARBITRATIONS**

*Effective as of March 21, 2018*

\*All capitalized terms not otherwise defined here shall be defined as set forth in the *SafeSport Code for the U.S. Olympic and Paralympic Movement*.

**R-1. Application**

These *Supplementary Rules for U.S. Olympic and Paralympic SafeSport Arbitrations (Rules)* shall apply to arbitrations arising out of the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (Procedures)*. No other Arbitration Rules shall be applicable.

**R-2. Scope**

Arbitration shall resolve only whether a Responding Party violated the *SafeSport Code for the U.S. Olympic and Paralympic Movement (Code)* and/or the appropriate sanction (if any). Challenges to, or complaints about, any organizational practices or procedures shall not be addressed and the arbitrator shall be limited to evaluating whether a Covered Individual violated the *Code* and, if so, the appropriate sanction.

**R-3. Arbitrator qualifications**

The pool of arbitrators for SafeSport cases shall consist of individuals who are U.S. citizens and meet the SafeSport Arbitrator Qualifications (Exhibit 3), as determined by the arbitration body. Any reference to arbitrator shall also refer to an arbitration panel consisting of three arbitrators, if applicable. All arbitrators in the SafeSport arbitrator pool will receive specialized training.

**R-4. Parties**

When the Responding Party requests a hearing under the *Rules*, the parties to the arbitration will be the Office and the Responding Party.

When the Reporting Party requests a hearing under the *Rules*, the parties to the arbitration will be Reporting Party and the Responding Party. Any reference to the Office in these *Rules* shall refer to the Reporting Party. A reference to the parties, the Office, the Responding Party or the Reporting Party will include any parent or guardian of a Minor, unless otherwise stated herein.

**R-5. Advisor**

Any party may have a single advisor, at that party's own expense. The advisor may but need not be an attorney. The Responding Party's advisor (and only in a Reporting Party initiated proceeding, the Reporting Party's advisor), if any, may participate in the pre-hearing conference, confer with the advisee during the hearing, clarify procedural questions, present opening and closing arguments on behalf of the advisee, suggest questions to the advisee and the hearing panel during witness examinations, or to the extent direct examination by the parties is permitted, question witnesses on behalf of the advisee. A party intending to have an advisor shall notify the other party and the arbitration body of the name and address of the advisor a minimum of 24 hours before the date set for the hearing or other proceeding at which the advisor is first to appear. The parties are responsible for keeping the arbitration body informed of any changes in advisors. Notice given to a designated advisor shall be deemed notice to the advisee.

**R-6. Confidentiality**

The arbitration, including all pre-hearing matters, shall be subject to the confidentiality provisions set forth in the *Procedures* and other confidentiality policies adopted by the U.S. Center for SafeSport Response and Resolution Office (Office).

**R-7. Initiating arbitration**

After receiving a request for an arbitration hearing and the required fees from the appropriate party under R-35, the Office will send a notice to the Responding Party, the Reporting Party and the arbitration administrator informing them that an arbitration has been initiated and

requesting confirmation of an email address to which notice will be deemed received upon mailing to such address.

The notice shall set forth (i) the alleged Violation; (ii) the sanction determined by the Office; (iii) the recipient's confidentiality obligations; and (iv) that any recipient who violates confidentiality obligations shall be subject to the jurisdiction of the Office and may be held, after proper process, to have violated the *Code*.

#### **R-8. Number of arbitrators**

There shall be one arbitrator.

#### **R-9. Arbitrator appointment**

##### **a. Merits arbitrator**

- (1) Promptly after arbitration is initiated, the arbitration body will send simultaneously to each party an identical list of nine arbitrators, all of whom shall be attorneys or retired judges. The parties are encouraged to agree to an arbitrator from the submitted list and to advise the arbitration body of their agreement.
- (2) Within 48 hours after receiving the arbitrator list, the Office and the Responding Party each may strike the names of up to three arbitrators from the list and return the list to the arbitration body. If a party does not return a strike list within the time specified, all persons named in the list shall be deemed acceptable to that party. The names stricken by a party will not be disclosed to the other party.
- (3) From among the persons who have been approved on both lists the arbitration body shall invite an arbitrator to serve. If, for any reason, an arbitrator cannot be appointed from the submitted lists, the arbitration body shall have the power to make the appointment from among the other attorneys or retired judges of the pool, not to include any arbitrator previously stricken by a party.

##### **b. Interim measures hearings**

If an interim measures hearing is requested by the Office under R-40, it shall be heard by a single arbitrator, who is an attorney or retired judge, appointed by the arbitration body. The interim measures hearing arbitrator cannot manage the subsequent proceedings or serve as an arbitrator in a subsequent arbitration hearing of the matter.

#### **R-10. Notice to arbitrator of appointment**

Notice of the appointment of the arbitrator, whether appointed by the parties or by the arbitration body, shall be sent to the arbitrator by the arbitration body, together with a copy of these *Rules*. A signed acceptance by the arbitrator shall be filed with the arbitration body.

#### **R-11. Jurisdiction and conflicts of interest**

##### **a. Jurisdiction**

The arbitrator shall have the power to rule on the arbitration body's jurisdiction, including any objections with respect to the existence, scope or validity of the arbitration agreement. Any challenges to the arbitrator's jurisdiction must be made at the pre-hearing conference and shall be decided before the hearing, as set forth in R-15.

##### **b. Conflicts of interest**

- (1) Any person appointed as an arbitrator shall disclose to the arbitration body any circumstance that could affect impartiality or independence, including any bias, any financial or personal interest in the result of the arbitration, or any past or present relationship with the parties or witnesses.
- (2) The arbitration body shall communicate any information concerning a potential conflict of interest to the relevant parties and, as appropriate, to the arbitrator.
- (3) A party may file an objection with the arbitration body contesting an arbitrator's continued service due to a

conflict of interest. Upon receiving an objection, the arbitration body shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive. The parties may agree in writing that an appointed arbitrator subject to disqualification will not be disqualified.

**c. Replacing a conflicted arbitrator**

If the arbitration body determines that a selected arbitrator has a conflict of interest with one of the parties and the parties do not agree to waive the conflict, then the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges named on the arbitrator pool list. If the appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among other attorneys or retired judges in the arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

**R-12. Vacancies**

If an arbitrator is no longer able to hear a case for which the arbitrator has been appointed, the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges. If the appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among the other attorneys or retired judges of the full arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

**R-13. Submissions to, and communication with, arbitrator**

Except as provided under R-27.d., no party shall communicate unilaterally concerning the arbitration with an arbitrator or a candidate for an arbitrator position. Any documents submitted by any party to the arbitration body or to the arbitrator (with the exception of arbitrator strike lists under R-9) shall simultaneously be provided to the other party or parties to the arbitration.

**R-14. Hearing concerning sanctions**

If a Responding Party requests a hearing concerning only the Office's sanctions, the following *Rules* apply:

**a. Scope**

The Violation and the underlying facts will be deemed established. The arbitrator will determine whether the sanctions imposed fall outside the range of sanctions set forth in the *Procedures* and/or are otherwise inconsistent with the cumulative conduct history of the Responding Party.

**b. Standard of review**

The arbitrator is authorized to modify the sanction only upon finding that the Office abused its discretion.

**c. Briefing**

Within 10 business days of the arbitrator's appointment, the Responding Party shall file a brief setting forth the basis for the challenge to the sanction. Within seven business days of the Responding Party's filing, the Office shall file a responsive brief.

**d. Oral argument**

The decision shall be based on the parties' briefs and the Director's Decision. However, the arbitrator may in the arbitrator's discretion allow for oral argument.

**e. Decision**

The arbitrator will render a final and binding written decision to all parties within five business days from briefing.

**R-15. Pre-hearing conference**

**a.** The arbitrator shall schedule as soon as practicable a preliminary pre-hearing conference with the parties by telephone or video teleconference, but no sooner than four

business days and no later than 10 business days after the arbitrator is appointed.

- b. At least two business days before the pre-hearing conference, the Responding Party shall provide the Office and arbitration body with a written answer to the Office's decision against him/her (to include a written statement containing Responding Party's summary of the factual rebuttal to the Violation and the defenses the Responding Party intends to raise at the arbitration) and the documentary evidence and witnesses that the Responding Party intends to present at the hearing. If the Responding Party fails to submit the required information, the arbitrator has the discretion to deny its admittance at the arbitration.
- c. The pre-hearing conference will be directed by the arbitrator and shall be the exclusive opportunity of the parties to address issues that need to be resolved before the hearing, including, but not limited to:
  - (1) the timeline for the exchange of evidence and witness lists;
  - (2) any expected evidentiary issues;
  - (3) any challenges to jurisdiction;
  - (4) any disputes over the disclosure or exchange of evidence; and
  - (5) the scheduling and logistics of the hearing, to include without limitation the amount of time each side will have to present its evidence. The arbitrator will attempt to schedule the hearing to be completed within a single, eight-hour day.

The arbitrator may schedule more than one pre-hearing conference only if the arbitrator determines that an additional conference is necessary. All pre-hearing issues shall be resolved at the pre-hearing conference unless the arbitrator orders briefing. If briefing is ordered, all briefs must be

submitted at least five business days before the hearing, and the issues that are the subject of the briefing shall be, whenever possible, decided before the hearing.

The arbitrator shall issue a written decision memorializing decisions made and agreements reached during or following the pre-hearing conference. All identifying information of the Reporting Party (including name), the Responding Party and witnesses shall be redacted.

#### **R-16. Discovery**

There shall be no discovery, except in exceptional circumstances as ordered by the arbitrator.

#### **R-17. Date and time of hearing**

The arbitrator shall use best efforts to ensure that the hearing is completed and the decision rendered within 15 business days of the pre-hearing conference. Although the arbitrator shall make reasonable accommodations to the parties and their advisors with regard to scheduling, the parties and their advisors have a duty to be reasonably available to ensure the ability of the arbitration process to render a reasonably prompt result. The arbitrator in the arbitrator's sole discretion may rule that the unavailability of a party's advisor is not grounds for postponing the hearing. Failure by the arbitrator or the Office to adhere to the timelines set forth herein shall not be grounds for overturning the arbitrator's decision. On good cause shown by any party, the arbitration hearing process shall be expedited as may be necessary in relation to the Responding Party's potential participation in a competition as required by the Ted Stevens Olympic and Amateur Sports Act.

#### **R-18. Place of hearing**

The hearing will be conducted telephonically or by videoconference except as authorized by the arbitrator in unique circumstances, in which case the hearing may be held in person at a location in the United States determined by the arbitrator. If a hearing is held in



person, the arbitrator may nonetheless permit witnesses to appear behind screens, by telephone or via videoconference.

#### **R-19. Attendance**

Unless the arbitrator and the parties agree otherwise, only the following individuals shall be present at the hearing: (1) the Office; (2) the Responding Party; (3) the Reporting Party; (4) the parties' respective advisors; and (5) witnesses during their own testimony.

#### **R-20. Oaths**

Before proceeding with the hearing, each arbitrator will take an oath of office if required by law. The arbitrator will require witnesses to testify under oath if it is required by law.

#### **R-21. Interpreters**

All arbitration proceedings shall be conducted in English. Any party who would like an interpreter is responsible for coordinating directly with the interpreter and is responsible for the costs of the interpreter service. The interpreter must be free of conflicts of interest.

#### **R-22. Continuance**

The arbitrator may continue any hearing upon agreement of the parties, upon request of a party or upon the arbitrator's own initiative. Unless agreed, postponements shall be discouraged and only granted in compelling circumstances. A party or parties causing a postponement of a hearing will be charged a postponement fee, as set forth in the arbitration fee schedule (Exhibit 1).

#### **R-23. Arbitration in the absence of a party or advisor**

The arbitration may proceed in the absence of any party or advisor who, after notice, fails to be present or to obtain a postponement. The arbitrator shall require the party who is present to submit evidence that the arbitrator may require for the making of a decision.

#### **R-24. Standard of proof**

The arbitration body shall use a preponderance of the evidence standard to determine if a Covered Individual has violated the *Code*.

#### **R-25. Rules of evidence**

- a. Strict conformity to legal *Rules* of evidence shall not be necessary, and hearsay evidence may be considered.
- b. Any party may introduce the Director's Decision into evidence, and the arbitrator shall give it appropriate weight.
- c. The arbitrator shall determine the admissibility, relevance and materiality of the evidence offered and may exclude evidence deemed by the arbitrator to be cumulative, irrelevant or unreliable.
- d. The arbitrator may draw an adverse inference by failure of the Responding Party to cooperate, participate or testify during the Office's investigation or the arbitration.
- e. The arbitrator shall take into account applicable principles of legal privilege, including without limitation those involving the confidentiality of communications between an attorney and client and between a physician and patient.
- f. Any statement from a Minor, be it written, recorded or live, and whether direct or hearsay, shall be admissible.

#### **R-26. Evidence by affidavit**

The arbitrator may receive and consider the evidence of witnesses by declaration or affidavit and shall give it such weight as the arbitrator deems appropriate after considering any objection made to its admission.

#### **R-27. Hearing**

Unless the parties agree that the arbitrator can determine the case without an oral hearing and on written briefings alone (which the parties may do whether the matter relates to liability and sanctions or sanctions only), the arbitrator will hold an oral hearing.

##### **a. Arbitrator to manage proceedings expeditiously**

The arbitrator, exercising discretion, shall conduct the proceedings expeditiously and may direct the order of proof,

bifurcate the hearing between the Violation and sanction portions of the hearing, and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

**b. Opening statements**

Each party shall be entitled to present a concise opening statement prior to the presentation of evidence. The Office or its advisor shall present its opening statement first, followed by the Responding Party.

**c. Presenting evidence**

Both the Office and the Responding Party shall be entitled to an equitable amount of time to present evidence in support of or in opposition to the alleged Violations, as determined by the arbitrator at the pre-hearing conference. Absent exceptional circumstances, the parties will be expected to complete the hearing in a single, eight-hour business day. The arbitrator will track the time used by each party during the course of proceedings and enforce the time limits to ensure equitable time to both parties. The parties will be permitted, subject to any pre-hearing orders, to present documentary evidence through the submission of exhibits and to present testimony through affidavit or in-person testimony of witnesses.

The Office will present its evidence first. The Responding Party will present its evidence second. The Office will then present any rebuttal evidence.

**d. Examining witnesses**

(1) The Responding Party and Reporting Party shall be subject to questioning by only the arbitrator unless the Responding Party or Reporting Party agrees to direct examination and cross-examination by the opposing party.

(2) Unless the Responding Party and/or Reporting Party elect to be questioned directly by the parties, no later than five days before the hearing, the Office and the Responding Party each may submit, *ex parte*, proposed questions and lines of inquiry to the arbitrator for the questioning of the Responding Party and Reporting Party. The arbitrator will review the submitted questions and lines of inquiry and will, in the arbitrator's discretion, determine which are appropriate and relevant based on the understanding of the matter and to ensure the arbitrator's ability to render a decision in the matter. The arbitrator also may ask such other questions which the arbitrator deems appropriate.

(3) If the arbitrator has been the sole questioner of the Responding Party or Reporting Party, then after the arbitrator's direct questioning of the Responding Party or Reporting Party is completed, the witness will be temporarily excluded from the hearing so that the arbitrator can discuss with each of the parties separately appropriate follow-up questions or supplemental lines of inquiry for the arbitrator to consider. The arbitrator will ask follow-up questions of the witness that the arbitrator deems appropriate.

(4) The arbitrator shall also question any witness. The parties may also question all other witnesses directly, provided that the arbitrator shall have the authority to limit questioning of witnesses or lines of inquiry based on, without limitation, relevance, that the questioning is cumulative, or that the questioning has become harassing or abusive.

**(5) Examining Minors**

The presumption is that a Minor will not testify live at a hearing; however, with the permission of the Minor's parents or guardians (or in extraordinary circumstances, without such permission), the Minor may testify if so desired. The arbitrator shall determine the manner in

which Minor's evidence shall be given, including whether any or all questioning of the Minor (live or via video) will be completed outside the presence of their parent(s) or guardian(s), bearing in mind (a) the objective of achieving a fair hearing, (b) the possible damage to a Minor's welfare from giving evidence, and (c) the possible advantages that the Minor's evidence will bring to determining the facts.

A Minor may only be asked to testify in exceptional circumstances as determined by the arbitrator. In making this decision, the arbitrator shall consider:

- (a) the Minor's wishes and feelings, in particular, the Minor's willingness to give evidence (an unwilling Minor should rarely, if ever, be obligated to give evidence);
- (b) the Minor's particular needs and abilities;
- (c) whether the case depends on the Minor's allegations alone;
- (d) corroborative evidence;
- (e) the age of the Minor;
- (f) the maturity, vulnerability, understanding, capacity and competence of the Minor;
- (g) whether justice can be done without further questioning of the Minor;
- (h) the wishes and views of any parent, person with parental responsibility for the Minor, or any guardian, if appropriate; and
- (i) whether the Minor has given evidence to another tribunal or court related to the subject matter of the proceeding, the way in which such evidence was given, and the availability of that evidence.

**e. Role of the Reporting Party**

In arbitrations requested by the Responding Party, the Reporting Party is not a party, but has the right to be present during the hearing and to give testimony as a witness if called, but shall not otherwise participate in the hearing.

**f. Closing statements**

Each party will be entitled to present a concise closing statement after the close of evidence and before the hearing is concluded. The Office will present its closing statement first, followed by the Responding Party, and the Office will be allowed time for a reply.

**g. Hearing closed to the public**

The hearing shall be closed to the public.

**h. No disclosure of information**

All information obtained by the Office, Responding Party or the Reporting Party during the arbitration shall be subject to the stated limits set forth in the Office's *Procedures*.

**i. Recording**

At the request of any party or the arbitrator, hearings shall be recorded by the arbitration body and retained by the Office in its confidential files, but shall not be made available to any party or third party except in accordance with the *Procedures*. The requesting party is responsible for arranging the recording.

**R-28. Closing of hearing**

After all evidence has been submitted at the hearing, the arbitrator shall specifically inquire of each party whether it has any further evidence to offer or witnesses to be heard. Unless the arbitrator determines that additional evidence or witness(es) are required to resolve the controversy, the arbitrator will declare the hearing closed. There shall be no post-hearing briefing ordered except in exceptional

circumstances. If documents or responses are to be filed as directed by the arbitrator, or if briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs.

#### **R-29. Waiver of Rules**

Any party who proceeds with the arbitration after knowledge that any provision or requirement of these *Rules* has not been complied with and who fails to promptly state an objection in writing shall be deemed to have waived the right to object.

#### **R-30. Extensions of time**

For good cause shown, the arbitrator may extend any period of time established by these *Rules*, except the time for making the decision, keeping in mind the need to resolve these disputes expeditiously; the unavailability of an advisor—after an arbitrator’s efforts to reasonably accommodate the advisor’s schedule—shall not be considered good cause except in exceptional circumstances. The arbitrator shall notify the parties of any extension.

#### **R-31. Notice and receipt**

The parties each must provide an email address to the arbitration body and opposing parties/advisors upon initiation of an arbitration under the *Rules*. Notice sent to that email address shall be considered actual notice to the party effective upon delivery.

#### **R-32. Decisions**

##### **a. Time**

The reasoned decision shall be made promptly by the arbitrator after the close of evidence, and, unless otherwise agreed by the parties or specified by law, no later than seven business days from the date of close of the evidence or any briefing ordered by the arbitrator.

##### **b. Form**

In all cases, the arbitrator shall render a written, reasoned final decision, which shall be signed by the arbitrator. All

identifying information of the Reporting Party (including name), and witnesses (other than the Responding Party) shall be redacted. If the arbitrator determines that there has been no Violation, then the Responding Party may request that the arbitrator redact their name and/or identifying information in the final decision.

##### **c. Scope**

The arbitrator may grant such remedy or relief the arbitrator deems just and equitable and within the scope of the *Code* and the Sanctioning Guidelines.

##### **d. Delivery to parties**

The final decision shall be deemed delivered to the parties if transmitted as provided in R-31.

#### **R-33. Modifying decision**

Within three business days after the transmittal of the arbitrator’s final decision, any party, upon notice to the other parties, may request the arbitrator, through the arbitration body, to correct any clerical, typographical or computational errors in the decision. The arbitrator is not empowered to re-determine the merits of any matter already decided. The other parties shall be given two business days to respond to the request. The arbitrator shall dispose of the request within two business days after transmittal by the arbitration body to the arbitrator of the request and any response thereto.

#### **R-34. Appeal**

The arbitration decision shall be considered final and binding. The parties to arbitration waive, to the fullest extent permissible by law, any right to challenge in court the arbitrator’s decision.

#### **R-35. Filing fees and expenses**

- a.** The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable.

**b. Initiating arbitration**

1. Arbitration requested by Responding Party

a) Arbitration fees and expenses

The Responding Party shall pay a full deposit for all fees and expenses associated with the arbitration as set forth in Exhibit 1. If the Responding Party fails to provide the deposit, then the arbitration may not proceed.

b) Hardship exemption

In the case of Responding Parties who are Athletes, the Responding Party may, at the discretion of the Office, obtain a hardship exemption from payment of some of these fees through written certification that they have insufficient funds to cover arbitration (*see* Exhibit 2) If the Office grants an exemption, the Office shall pay all fees and expenses associated with the arbitration as set forth in Exhibit 1.

2. Arbitration requested by Reporting Party

a) Arbitration fees and expenses

The Reporting Party shall pay a full deposit for all fees and expenses associated with the arbitration as set forth in Exhibit 1. If the Reporting Party fails to provide the deposit, then the arbitration may not proceed.

b) Hardship exemption

In the case of Reporting Parties who are Athletes, the Reporting Party may, at the discretion of the Office, obtain a hardship exemption from payment of some of these fees through written certification that they have insufficient funds to cover arbitration (*see* Exhibit 2). If the Office grants an exemption, the

Office shall pay all fees and expenses associated with the arbitration as set forth in Exhibit 1.

**R-36. Other fees and expenses**

The expenses of witnesses and translators for any party shall be paid by the party producing such witnesses or translators. Parties shall be responsible for their own advisor's fees and costs, and all other expenses not expressly assumed by the Office. A party who successfully seeks a continuance shall pay a continuance fee as set forth in Exhibit 1.

**R-37. Arbitrator's compensation**

- a. Arbitrators shall be compensated at the rates set forth in the arbitration fee schedule (Exhibit 1).
- b. If there is disagreement concerning the terms of compensation, an appropriate rate shall be established with the arbitrator and the arbitration body, and confirmed to the parties. Any arrangement for the compensation of an arbitrator shall be made through the arbitration body and not directly between the parties and the arbitrator.

**R-38. Allocating fees and expenses**

The arbitrator shall, in the final reasoned decision, allocate fees and expenses as follows:

- a. Arbitrations requested by the Responding Party
  - 1. If a Violation is not found, the Office shall reimburse the Responding Party for all arbitration fees and expenses paid to the arbitration body pursuant to R-35.
  - 2. If the case involves multiple Violations, and the arbitrator modifies some Violations but not all, the arbitrator has the discretion to allocate the fees and expenses paid to the arbitration body pursuant to R-35.
  - 3. If, in a sanctions-only hearing, the sanction is reduced the arbitrator may reapportion responsibility for all

arbitration fees and expenses paid to the arbitration body pursuant to R-35 between the Office and the Responding Party.

**b. Arbitrations requested by the Reporting Party**

If a Violation is found, the Office shall reimburse the Reporting Party for all arbitration fees and expenses paid to the arbitration body pursuant to R-35.

**R-39. Interpreting and applying the Rules**

The arbitrator shall interpret and apply these *Rules* insofar as they relate to the arbitrator's powers and duties.

**R-40. Interim measures**

If the Office seeks interim measures, it will offer an opportunity for a hearing. The following *Rules* govern interim measures hearings.

**a. Notice to the Responding Party**

The Responding Party will be notified as soon as possible of (a) the interim measure and (b) the opportunity for a hearing to take place no later than 72 hours after the Responding Party requests a hearing (unless otherwise agreed by the parties). The Interim Measure is effective upon issuance of the Notice subject to stay procedures set forth in the Practices and Procedures.

**b. Arbitrator**

If the Office imposes or seeks to impose interim measures prior to the appointment of the arbitrator as provided in R-9, then a special arbitrator will be appointed by the arbitration body solely to conduct the interim measures hearing. This special arbitrator shall not be considered for appointment pursuant to R-9. If the Office imposes or seeks to impose interim measures after the appointment of the arbitrator, then the appointed arbitrator shall conduct the interim measures hearing.

**c. Filing fees and expenses**

The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable. The Office shall pay a deposit for 2/3's of the fees and expenses and the requesting party shall pay 1/3 of the fees and expenses associated with an interim measures arbitration as set forth in Exhibit 1.

**d. Procedures**

**(1) Expedited proceedings**

The interim measures hearing is an expedited proceeding to quickly resolve whether sufficient evidence exists to satisfy the arbitrator that the interim relief requested is appropriate on the facts and circumstances of the case. The interim measures hearing is not intended to be the hearing necessary to finally resolve whether the Responding Party has committed a Violation or what the appropriate sanctions should be, if a Violation is found to have occurred. Except in exceptional circumstances, the interim measures hearing will last no longer than two hours.

**(2) Scope**

The interim measures hearing will not be a hearing on the merits and is limited to determining if there is cause to impose the interim measure(s).

**e. Standard of review**

To impose interim measures, the arbitrator must find based on the evidence presented, that: (i) the interim measure is appropriate based on the allegations and facts and circumstances of the case as they appear to the arbitrator; (ii) the interim measure is appropriate to maintain the safety or well-being of the Reporting Party, Athletes, or other Non-athlete Participants; or (iii) the allegations against the

Responding Party are sufficiently serious that the Responding Party's continued participation in the sport could be detrimental to the reputation of sport. In all cases, there shall be a rebuttable presumption that the allegations, as presented, are true.

**f. Decision**

The arbitrator may approve, reject, or modify the interim measures imposed or proposed by the Office. The arbitrator shall issue a decision regarding the Office's request for interim measures either orally at the conclusion of the interim measures hearing, with a written reasoned order to follow, or by a written reasoned decision issued within 24 hours of the close of the interim measures hearing. The decision shall be given no weight in the hearing of the case.

**g. No appeal**

Neither the Office nor the Responding Party may appeal the arbitrator's decision. The denial of the requested relief shall not, however, prejudice the Office's right to seek interim measures in the same case in the future.

**h. Final hearing expedited if interim measures imposed**

If interim measures are imposed, then the time for the hearing will be expedited to the extent feasible.

**Exhibit 1**

**JAMS ARBITRATION FEES**

The arbitration body for U.S. Olympic and Paralympic SafeSport Arbitrations is JAMS, [www.jamsadr.com](http://www.jamsadr.com). Applicable arbitration fees are as stated, effective March 3, 2018.

\$5,200.00 Single arbitrator

\$1,500.00 Single arbitrator, interim measures hearing

- A deposit for the full price of JAMS fees and neutral rates is due at the time an arbitration is requested. An amount of \$1,600 for single arbitrator matters is non-refundable. An amount of \$1,500 for single arbitrator, interim measures hearings, is non-refundable.
- Applicable arbitrator travel costs will be charged.
- The above fees exclude usage of facilities. If a JAMS facility is used, a room rental fee not to exceed \$300/day will be charged.

**CANCELLATION/CONTINUANCE POLICY**

<i>Cancellation/Continuance period</i>	<i>Fee</i>
14 days or more prior to hearing	<ul style="list-style-type: none"><li>• Arbitration, single arbitrator, \$3,600 is refundable</li><li>• Interim Measures Hearing, non-refundable</li></ul>

- Hearing fees are non-refundable if time scheduled (or a portion thereof) is cancelled or continued after the cancellation date. The cancellation policy exists because time reserved and later cancelled generally cannot be replaced. In all cases involving non-refundable time, the party requesting the hearing is responsible for the fees of all parties.
- JAMS reserves the right to cancel the hearing if fees are not paid as required by the applicable cancellation date and JAMS confirms the cancellation in writing.



*Exhibit 2*

**HARDSHIP CERTIFICATION**

I, \_\_\_\_\_, certify under penalty of perjury that I qualify for a Hardship Exemption under the Supplementary *Rules* for U.S. Olympic and Paralympic SafeSport Arbitrations because I:

\_\_\_\_\_ am an Athlete, as defined in the SafeSport Policies and Procedures for the U.S. Olympic Movement, **and**

\_\_\_\_\_ do not have sufficient funds to cover the costs of arbitration as of this date.

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Signature

**NOTARIZATION**

State of \_\_\_\_\_)

SS: County of \_\_\_\_\_)

On this, the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me a notary public, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that the same was executed for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

***Exhibit 3***  
**SafeSport Arbitrator Qualifications**

**INDEPENDENCE**

Each arbitrator shall be independent. An arbitrator is “independent” if (a) the individual has or had no material affiliation or relationship, directly or indirectly, with the United States Center for SafeSport, the United States Olympic Committee (USOC), any National Governing Body (NGB), any Paralympic Sports Organization (PSO), the Athletes Advisory Council of the USOC (AAC), and/or any other affiliated organization such as an Olympic Training Center or designated partner, and (b) such person is free of any direct or indirect relationships that create an actual or perceived conflict of interest that could reasonably be expected to interfere with the exercise of independent judgment of such person. Before an arbitrator may be selected for the JAMS SafeSport Panel, the individual shall disclose any potential conflicts of interests to JAMS.

**KNOWLEDGE**

In addition to independence, arbitrators shall have a demonstrated working knowledge of sexual assault, domestic violence, child sexual abuse, grooming, trust dynamics, and trauma-informed questioning/forensic interviewing protocol. Experience involving emotional, physical and sexual misconduct in sport is strongly preferred.

**WORKING EXPERIENCE**

Arbitrators shall have experience working in at least one of the following areas:

- In criminal law as a judge, district attorney, or defense attorney, with specific experience in sexual misconduct
- Law enforcement, with specific experience in sexual misconduct
- As a social worker
- A Title IX coordinator or investigator
- As a guardian *ad litem* and/or
- Other comparable working experience.

# Working Group for Safe Training Environments

## Recommendations to the USOC Board of Directors

September 28, 2010



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## ***In Appreciation***

*I would like to thank all of the members of the Working Group for their dedicated service to the issue of promoting safe training environments in sport. Their outstanding participation in this effort over the last 5 months has led to the development of the key elements of this report.*

*I would also like to thank all of the NGBs, athletes, coaches, parents, volunteers, security experts, training providers, medical professionals, professional services organizations and other grassroots organizations for their insights and contributions to our efforts.*

*Nina Kemppel, Working Group Chair*

## I. Executive Summary

### *Purpose and Objectives of the Working Group*

The purpose of the Working Group for Safe Training Environments (Working Group) is to deliver a set of recommendations for promoting safe training environments in sport to the United States Olympic Committee (USOC) Board of Directors and Chief Executive Officer (CEO) for further consideration.

The Working Group consisted of a diverse set of members, which included both individuals from within the Olympic Family and external experts in their fields. Over the course of the last five months, the Working Group focused on four primary objectives:

- Addressing the level of significance of sexual and physical misconduct in sport.
- Reviewing the guidelines and best practices across sports and other related organizations for promoting safe training environments.
- Assessing the needs of athletes, coaches, staff, National Governing Bodies (NGBs), clubs and other sports organizations in promoting safe training environments in sport.
- Providing a set of recommendations that promote safe training atmospheres and, above all, safe environments for athletes.

### *Addressing the Issue of Safe Training Environments in Sport*

One of the key questions the Working Group was tasked with answering was: Is sexual and physical misconduct a prominent issue within sport? The Working Group is in unanimous agreement that this is a critical issue within the society in which we live and, therefore, within sport. Current statistics show that 1 in 4 girls and 1 in 6 boys are sexually abused before the age of 18.<sup>1</sup> Through discussions with professionals and organizations, it is generally agreed that many of these incidents are not reported and/or documented.

Sexual and physical abuse can be complicated within sport due to the unique relationships between athletes and authority figures. Athletes often develop very personal relationships with coaches and/or other authority figures (e.g., staff, and volunteers) that create substantial barriers for reporting of incidents due to fear of repercussion or the desire to protect authority figures. Also, the physical environments within many sports provide an opportunity for abuse to occur due to higher levels of physical interaction and an increased level of one-on-one contact between athletes and authority figures.

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<sup>1</sup> Source: Center for Disease Control and Prevention, <http://www.cdc.gov/nccdphp/ace/prevalence.htm>

### ***Current Focus on Sexual and Physical Misconduct***

Current events within religious organizations, other children's and sport's organizations suggest that sexual and physical abuse is an issue that needs to be addressed across multiple fronts.

While nearly all participants in sport have the utmost integrity in promoting the safety of their athletes, a small percentage of participants use sports venues as a means for perpetrating abuse. Unfortunately, this dynamic diverts attention to the situations where some athletes are not always provided the safe training environments and professional stewardship that we should expect within sport. This small group of ill-intentioned participants can have a dramatic impact on victims, individual sports organizations and, more broadly, all sports.

### ***Increasing Awareness of Sexual and Physical Abuse in Sport***

Some sports organizations have adopted strategies to tackle the issue of sexual and physical abuse; however, some sports organizations are just beginning to develop tools to deal with the issue of sexual and physical abuse within their sport. There is general recognition that this is a very difficult issue to address and it is only recently that sports organizations have expressed a desire for open collaboration in addressing the issue of sexual and physical abuse within sport.

In discussions with athletes, victims, coaches, NGBs, clubs, parents and other grassroots organizations, the predominant theme that emerged was that increasing awareness of sexual and physical abuse in sport was the most meaningful and important action that can be taken in promoting safe training environments. Training and education were identified as key pillars to raising a broader awareness of sexual and physical abuse across key stakeholders groups in sport. The development and adoption of policies, practices, programs and tools were also viewed as having a significant impact in helping to broaden the awareness of sexual and physical misconduct.

### ***The USOC's Role in Addressing this Issue***

Addressing the issue of safe training environments in sport will require a call to action for all members within the sports community, including members of the Olympic Movement and other grassroots sports organizations.

The USOC is poised to play a unique role as a leader in promoting safe training environments in sport given its position as the nation's elite sport organization. The USOC, NGBs and clubs have the ability to leverage their brands to drive adoption of innovative and meaningful tools for addressing sexual and physical misconduct in sport, enhance the collaborative development of programs/services that promote safe training environments and

promote further awareness of the issue of sexual and physical abuse within sport. Thus, the Working Group views this topic to be within the purview of the USOC and recommends that the USOC play a leadership role in promoting safe environments for athletes in sport.

While the recommendations outlined in this report provide a set of first steps in promoting safe training environments, the Working Group recommends that the USOC, NGBs, clubs and grassroots organizations continue to work together to evolve the model for providing safe training environments for athletes.

### ***Recommended Actions***

The Working Group assessed the topic of sexual and physical misconduct in a manner that was very inclusive and incorporated feedback from multiple stakeholder groups. Our recommendations include input from NGBs, athletes, victims, coaches, parents, security experts, training experts and other grassroots organizations. The Working Group's assessment of this issue has led our group to propose six key recommendations for the consideration of the USOC Board of Directors and CEO.

➤ ***The USOC should play a leadership role in promoting safe training environments.***

The Working Group recommends that the USOC Board of Directors embrace the opportunity to become a leader in promoting positive training atmospheres, with the acknowledgment that playing a leadership role signals to the USOC organization and its partners in sport that this issue is of utmost importance to athlete safety.

We recommend that the USOC Board of Directors adopt a policy statement that sends a strong message regarding the USOC's commitment to this issue. The Working Group recognizes that the USOC Board of Directors will want to develop its own language to be included in policy statement. To assist the Board, we have provided sample policy statement for consideration: "Sexual and physical abuse is inconsistent with the Olympic Ideals and the USOC will work with its partners to play a leadership role promoting safe training environments for athletes."

➤ ***The USOC should lead by example in promoting safe training environments.***

The Working Group recommends that the USOC lead by example in promoting safe training environments, including the following actions that support the USOC policy statement discussed above: (a) Develop clear language explicitly prohibiting sexual and physical misconduct in all USOC Code of Conduct forms; (b) Develop an effective sexual and physical abuse training program for athletes, coaches and other regular participants at Olympic Training Centers; and (c) Review all relevant policies and forms to ensure they are consistent with promoting safe training environments in sport.

- ***The USOC should develop and provide a centralized set of training and education materials focused on sexual and physical misconduct that can be adopted by NGBs, clubs and grassroots sports organizations.***

The Working Group recommends that the USOC, in collaboration with NGBs and other key stakeholders, work with an external content provider to develop and provide a core set of online training and education materials regarding sexual and physical misconduct that are applicable across all sports. A centralized training model creates significant economies of scale and reduces redundant efforts at the NGB level in development of their own training and education materials. The Working Group believes that leveraging the USOC brand will help to increase adoption at the NGB, club and grassroots organization levels.

- ***The USOC should develop a centralized online toolkit that provides a set of resources addressing various issues pertaining to sexual and physical misconduct in sport that can be used by NGBs, clubs and grassroots sports organizations.***

The Working Group recommends that the USOC, in collaboration with NGBs and other key stakeholders develop a centralized toolkit of reference materials designed to provide a set of standardized and readily available sexual and physical misconduct resources to NGBs, clubs and grassroots organizations. Resources could include sample code of conduct language, sample sexual and physical misconduct policies, sample behavioral guidelines, sample definitions of abuse, guidelines on reference checks, links to abuse reporting sites in each state, etc. The toolkit will allow NGBs, clubs and other grassroots organizations to adopt these tools directly or to customize the tools to fit their organizational needs, while still doing so in a cost effective manner.

- ***The USOC should work with NGBs to centralize and standardize the delivery of services designed to promote safe training environments.***

The Working Group recommends that, as a clear near-term example of centralizing the delivery of services, the USOC, in collaboration with NGBs: (a) Establish a criminal background check “preferred provider network” that includes reputable vendors with proven track records within sport; (b) Standardize the set of background search criteria across sports; (c) Negotiate equitable volume discounts with preferred providers to ensure participants have access to the best rates and providers are being compensated for their services; and (d) Standardize procedures for addressing violations found during the search process. Over the longer-term, the USOC and NGBs may pursue centralizing and standardizing other key services.

- ***The USOC should encourage NGBs to adopt policies, practices, programs and tools to address sexual and physical misconduct, and NGBs should, in turn, encourage clubs and other grassroots organizations in its sport to adopt similar measures.***



Due to the fact that sexual and physical misconduct is an issue that can exist at multiple levels within sport, the Working Group recommends that the USOC encourage NGBs to adopt the aforementioned policies, procedures, programs and tools and NGBs should encourage their clubs and members to adopt these types of measures as well.

### **Required Resources:**

The Working Group recognizes its third recommendation, regarding developing and providing centralized training and education materials may require an investment to deliver the quality training modules we have outlined in our report.

The Working Group believes that the other recommendations set forth in this report are also important and would only require a very limited investment to achieve success in these areas. The group also believes that the USOC has the opportunity to implement many of the limited cost initiatives in a timely manner if so inclined. The Working Group has provided a set of resources that serve as a starting point for the development of many of these additional tools and resources.

## **II. Working Group Approach and Methodology**

### ***Scope of Working Group Assessment***

Given the timeframe that the Working Group had to examine the topic of safe training environments, we limited the scope of our assessment to only include sexual and physical misconduct. The Working Group's recommendations take into consideration both abuse that occurs between a coach/ authority figure and an athlete, as well as, abuse that occurs between an athlete and another athlete.

While the Working Group addressed both sexual and physical abuse within the scope of this report, the majority of the feedback from athletes, NGBs and coaches was directly related to sexual abuse. It is our assumption that sexual and physical abuse in sport is inextricably linked and the recommendations that we have outlined in our report are applicable to both types of abuse.

It should be noted that bullying was also considered to be a significant threat within sport. While the Working Group did not have the time or resources to assess the topic of bullying, we recommend that it should be reviewed further at a later date.

Finally, the Working Group did not encounter any mentions of emotional abuse other than those that are directly associated with sexual and physical abuse, and thus, have not

included any recommendations that apply solely to emotional abuse in sport. This is a topic that the USOC should review at a later date.

### *Working Group Areas of Focus*

In addressing the complex issue of promoting safe training environments in sport, the Working Group focused its approach on reviewing best practices and recommendations across the following six key areas:

- Background Checks, Screening and Information Sharing
- Reporting Systems and Requirements
- Clubs and Grassroots Engagements
- Practices, Policies and Audits
- Behavioral Standards and Definitions of Abuse
- Training and Education



### *Diversity of Working Group Expertise and Knowledge*

The USOC Working Group was established with a focus on assembling a very diverse set of members, including individuals from within the Olympic Movement and external experts in their fields. The rationale for developing a diverse Working Group was to create a balance between members who had a deep understanding and experience in dealing with these issues within unique USOC-related environments and members that are external experts who could introduce new ways of thinking regarding best practices and innovative perspectives on sexual and physical misconduct topics.

Working Group Members include:

- Nina Kemppel: Working Group Chair, Four-time Olympian in Skiing and Vice-Chair of the Athletes' Advisory Council.
- Alison Alfors: Currently the General Counsel of Digital Globe with a strong background in training and compliance issues.

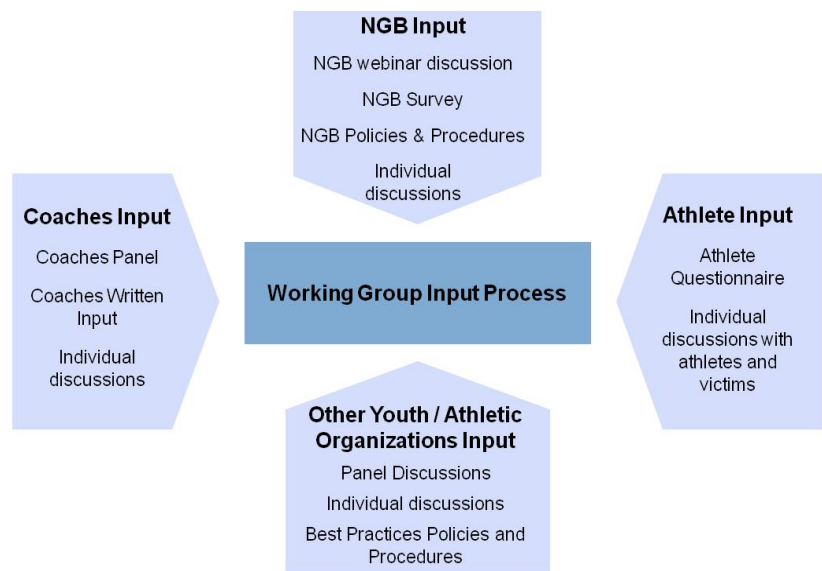
- Antonia Baum: Active psychiatrist with expertise related to sexual and physical misconduct topics in sport.
- Suzette Bewley: Legal Counsel with strong background in best practices for safe training environments.
- Jim Fox: Associate Executive Director of US Figure Skating.
- Amy Gantz: The Redwood Commercial Specialty Insurance Company, Senior Risk Manager.
- Rita Gladstone: Active Tennis Coach and Parent, former USOC Volunteer Coach of the Year.
- Raymond May: Former FBI with a Law Enforcement background and background check expertise.
- Steve Stenersen: President and CEO of US Lacrosse.
- Justin Wilcox: Olympic Athlete in Diving and member of the USOC Athletes' Advisory Council.

### **Working Group Methodology**

The Working Group addressed the topic of sexual and physical misconduct with a very inclusive process, which included input from key stakeholders within the Olympic Movement and with other organizations dealing with similar issues related to sexual and physical misconduct. Our recommendations include input from athletes, coaches, parents, NGBs, volunteers, security experts, training providers, medical professionals, professional services organizations and other grassroots organizations.

The Working Group's input process included: (a) One-on-one discussions with athletes, parents, coaches and NGBs, education providers, external security experts, background check providers and training providers; (b) Panel discussions with NGBs, coaches and other youth/ athletic organizations; (c) Surveys and questionnaires with athletes and NGBs; (d) Best practice documents from the USOC, NGBs, other youth /athletic organizations and insurance companies; and (e) Review of relevant research.

### **Working Group Input Process**



### *Discussion on Various Models*

The Working Group identified and vetted multiple models as part of assessment for promoting safe training environments in sport. The models that were discussed by the Working Group include:

- The direct delivery of all policies, practices, programs and services by individual NGBs, clubs and other grass roots organizations, with limited to no involvement by the USOC.
- The USOC, with direct input from NGBs, centralizes the delivery of core resources, such as best practice training / education and suggested policies, practices and services.
- The development of a USADA-type model that outsources all centralized services, including resources, programs, services and enforcement to an external provider.
- Hybrids of the above models.

### *Brand Agnostic*

The Working Group had numerous discussions with proprietary vendors and organizations that have strong recommendations on particular vendors who provide products and services that address the issue of sexual and physical misconduct in sport. However, the Working Group has taken the stance that it would remain brand agnostic on any recommendations it made to the USOC Board of Directors. The Working Group is able to share preliminary suggestions resulting from our work for suitable vendors that may be capable of providing the set of programs and services that the Board ultimately decides to pursue.

## **III. Recommended Actions**

The Working Group has developed six key recommendations for consideration by the USOC Board of Directors and CEO.

### **1. *The USOC should play a leadership role in promoting safe training environments.***

The Working Group recommends that the USOC acknowledge and embrace the opportunity to be a leader in promoting positive training atmospheres and, above all, safe training environments for athletes. Conduct constituting abuse of an individual is fundamentally inconsistent with the principles of Olympism. It is an inherent part of

the mission of the USOC and, by association, the NGBs, to promote and personify the principles of Olympism through example, education and advocacy. Furthermore, the International Olympic Committee Code of Ethics states: “All forms of harassment of participants be it physical, professional or sexual, and any physical or mental injuries to participants are prohibited.”<sup>3</sup>

Thus, the Working Group recommends that the USOC Board of Directors adopt a policy statement that communicates a strong message to members of the Olympic Movement and other sports organizations that the USOC is committed to providing safe training environments and forbids any acts of sexual and physical abuse in sport. While the Working Group recognizes the USOC Board of Directors will want to develop its own policy statement that embodies the Board’s point of view on this issue, we developed a statement that may serve as a starting point for the Board’s discussion. The suggested policy statement is as follows: Sexual and physical misconduct is inconsistent with the Olympic Ideals and the USOC will work with our partners to play a leadership role in promoting safe training environments for athletes.”

The Working Group believes that a strong statement of leadership from the Board of Directors will signal to the USOC and its Olympic family members and partners that the USOC:

- Considers safe training environments to be a topic of the utmost importance in promoting athlete safety.
- Is committed to raising awareness of the issue of sexual and physical misconduct.
- Encourages action at all levels within the sports community in addressing the issue of sexual and physical misconduct.

The USOC Board of Directors is held in very high regard by its key stakeholders and there is common agreement that a directive from the Board would be beneficial in driving a strong call to action within the sports community.

## **2. *The USOC should lead by example in promoting safe training environments.***

The Working Group recommends that the USOC lead by example in promoting safe training environments. As the nation’s most elite sports organization and a leader in promoting safe training environments, it is critical the USOC holds itself to the highest standard of integrity regarding sexual and physical misconduct. Thus, we recommend that the USOC:

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<sup>3</sup> 2009 International Olympic Committee Code of Ethics, Sections 1 and 4

- Include clear language explicitly prohibiting sexual and physical misconduct in all Code of Conduct forms (e.g., Games Forms, Olympic Training Center forms) which must be acknowledged by the reader's signature.
- Ensure that the USOC Olympic Training Centers are implementing the highest standards of training programs and policies to address sexual and physical misconduct. This includes requiring athletes, coaches and other participants residing, or training regularly, at Olympic Training Centers to complete mandatory training on the topic of sexual and physical misconduct and sign a Code of Conduct that includes language prohibiting sexual and physical misconduct within all Olympic Training Center facilities.
- Provide sexual and physical misconduct training to all USOC staff and volunteers. Staff that work directly with athletes and Olympic Training Center participants should be required to complete training on a regular basis (e.g., annually). Other staff members should be required to complete training on a less regular basis (e.g., every two years).
- Review all relevant policies and forms to ensure they are consistent with promoting safe training environments in sport. These policies and forms would include: USOC Bylaws, Games Forms, Olympic Training Center forms, and other related materials.

**3. *The USOC should develop and provide a centralized set of training and education materials focused on sexual and physical misconduct that can be adopted by NGBs, clubs and grassroots sports organizations.***

The Working Group recommends that the USOC, in collaboration with NGBs and key stakeholders, work with an external content provider to develop a set of standardized online training modules focused on the common elements of sexual and physical misconduct across all sports. These training materials may be customized by NGBs and clubs to fit their sport as appropriate.

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An ounce of prevention is worth a pound of cure.-- Benjamin Franklin

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Across all stakeholder groups (i.e., athletes, parents, coaches, volunteers, NGBs, clubs and other grassroots organizations), training and education were viewed as key pillars in helping to promote safe training environments and increasing awareness of sexual and physical misconduct in sport.

Many of the core training and education concepts related to sexual and physical misconduct are applicable across all sports. A centralized model provides a common channel for the delivery of fundamental training and education programs and provides a centralized knowledge source on these complex issues. The Working Group believes there are significant economies of scale in centralizing the development of these educational materials, rather than relying on the redundant

efforts of each NGB and club to develop their own programs. A centralized training model allows NGBs and clubs to focus their efforts and resources on their athletic programs and not on topics in which they may have limited expertise.

The Working Group believes that three important components of the training are: (a) It is capable of being delivered online; (b) The modules would be tailored to address the most relevant topics for different recipient groups (e.g., athletes, parents, coaches, staff, volunteers and other participants that have direct contact with athletes); and (c) It should be peer-to-peer to the extent possible in order to increase relevance for the recipient group.

As the nation's elite sport organization, the USOC is positioned to play a key role in centralizing training and education resources on the topic of sexual and physical abuse. The USOC has the ability to leverage the strengths of its brand to "push" educational materials out to NGBs, clubs and grass roots organization in a manner that the Working Group believes will drive increased adoption.

A portfolio of training and educational topics may include modules that address the following topics.

#### Coaches, Staff and Volunteer Training and Education

- Behavioral standards -- including clear guidelines for the appropriate set of behaviors for coaches and staff (e.g., one-on-one time with athletes, appropriate touching, travel and rooming policies).
- Standardized definitions of sexual and physical abuse-- including clear descriptions of what actions constitute sexual and physical abuse.
- Key warning signs of sexual and physical abuse.
- Reporting systems -- including resources for overcoming the barriers to reporting incidents and legal reporting requirements.

#### NGBs, Clubs and Grassroots Organizations Training and Education

- Pre-hire screening processes -- including examples of key questions to ask former employers (e.g., would you hire this individual again based on what you know now).
- Reference checks -- including who should be contacted and key questions to ask (e.g., references to contact such as a family member, co-worker, supervisor).
- Reporting systems -- including resources for overcoming the barriers to reporting incidents and legal reporting requirements.
- Audits and self-audits for NGBs and clubs to assess their performance in promoting safe training environments.

- Sexual and physical misconduct allegation response education for NGB executives.

#### Athlete Training and Education

- Education on appropriate behaviors in dealing with coaches and other authority figures – including clear guidelines for what are acceptable behaviors for coach / athlete relations.
- Education on key warning signs of sexual and physical abuse.
- Reporting systems – including resources for overcoming the barriers to reporting incidents and how to contact local authorities to report direct or suspected abuse.

#### Parents Training and Education

- Education on parental responsibilities and oversight for their children in sport.
- Education on appropriate behaviors in dealing with coaches and other authority figures – including clear guidelines for that are acceptable behaviors for coach / athlete relationships.
- Education on key warning signs of sexual and physical abuse.
- Training resources for young athletes that include a joint athlete / parent education process.

The Working Group recognizes that not all of these recommended training modules will be developed in year one, but wanted to provide a preliminary list of training needs that we encountered in our assessment of safe training environments. It is assumed that the above list of training modules will be enhanced, refined, prioritized and developed over time.

- 4. *The USOC should develop a centralized online toolkit that provides a set of resources addressing various issues pertaining to sexual and physical misconduct in sport that can be used by NGBs, clubs and grassroots organizations.***

The Working Group recommends that the USOC, in collaboration with NGBs and other key stakeholders develop a centralized toolkit of resources that would be available online for all NGBs, clubs and grassroots sports organizations to access. Resources would include standardized informational templates, best practices in educational resources, and links to external resources that serve as tools in addressing sexual and physical misconduct.



Through the Working Group's discussions with many key stakeholders, there was a need to have direct access to a toolkit of standard resources that sports organizations could easily adopt to address sexual and physical misconduct issues in their sport. The toolkit would provide a set of resources for NGBs, clubs and grassroots organizations that they could adopt and/or customize for the specific needs within each sport.

A set of centralized resources within the toolkit may include:

#### Sample Templates and Forms

- Sample code of conduct language that could be incorporated into a sport's code of conduct documents.
- Sample templates of sexual and physical abuse policies that can be adopted and customized by NGBs, clubs and grassroots organizations.
- Sample templates for policy statements regarding sexual and physical misconduct.
- Sample templates outlining the behavioral guidelines for coaches, athletes, staff and other members with direct access to athletes (e.g., parental monitoring, appropriate touching, and guidelines for unsupervised one-on-one time with athletes).
- Sample templates that provide standardized definitions of sexual and physical abuse.
- Sample incident reporting templates that allows for the tracking and recording of reported incidents -- including first call mapping and confidentiality guidelines.
- Sample self-audit forms for NGBs, clubs and grassroots organizations to assess their performance in promoting safe training environments.

#### Educational Resources

- Resources for pre-hire screening processes, such as top-ten tips for interviewing / Q&A on questioning former employers (e.g., key questions to ask).
- Resources for reference checks, such as top-ten tips for key people to contact and appropriate questions to ask (i.e., guidance on contacting family members, co-workers and supervisors in reference checks and a set of key questions to ask each group).
- Educational resources for parents, such as a "Protecting your Child Guide" (i.e., Q&A on warning signs of sexual and physical misconduct, roles and responsibilities of parents in interactions with sports organizations, top-ten tips to ask coaches and staff at training facilities).

- Resources for athletes outlining appropriate behavior for athlete to authority figure relationships.

#### Links to External Resources

- Links to the appropriate sites for reporting abuse in each state.
- Links to hotlines and professional resources that provide counseling and support services for victims.
- Links to professional services that provide treatment for sexual and physical abuse victims.
- Links to professional services for individuals with questions about reporting incidents.
- Links to professional services with expertise to help articulate an approach to sexual and physical misconduct within sport.

Providing this type of toolkit in a centralized location will help NGBs and clubs adopt and implement tools that will help them address sexual and physical misconduct in an efficient and cost effective manner. The Working Group will provide a set of materials that provide a starting point for many of the resources listed above.

#### **5. *The USOC should work with NGBs to centralize and standardize the delivery of services designed to promote safe training environments.***

The Working Group recommends that the USOC and NGBs work together to centralize and standardize the delivery of key services that will leverage the collective efforts of the sports community. Using criminal background checks as a near-term example, we recommend that the USOC:

- Establish a criminal background check “preferred provider network” of commercial vendors with proven track records within sport. The USOC could issue a request for proposal for qualified vendors and work together with NGBs to select a set of primary vendors.
- Work with the primary vendors to create a minimum standard for criminal background check criteria (e.g., types of criminal references searched, number of counties searched, number of years searched, number of databases searched) that can be applied across all sports.
- Work with vendors to establish reasonable volume discounts for the USOC, NGBs, clubs and grassroots organizations to ensure participants have access to the best rates for criminal background checks and providers are compensated for their services.
- Standardize procedures and develop a common methodology for addressing violations found during the search process across sports organizations.

Volume efficiencies may drive cost savings such that a collection of sports organizations could obtain better rates than each NGB could obtain on its own. Additionally, standardization across sports, to the extent logical, can help guard against “sport jumping” by persons who are trying to find a loophole or an entry point of least resistance.

Over the longer-term, the USOC and NGBs may consider centralizing and standardizing other key services, such as investigative services and additional training and education services.

**6. *The USOC should encourage NGBs to adopt policies, practices, programs and tools to address sexual and physical misconduct, and NGBs should, in turn, encourage clubs and other grassroots organizations in its sport to adopt similar measures.***

The Working Group was charged with delivering a set of recommendations to the USOC Board of Directors for its consideration of actions that the USOC can undertake in addressing sexual and physical misconduct in sport, and we have done so in this report. However, because the issue of sexual and physical misconduct exists at multiple levels within sport, NGBs, clubs and other grassroots sports organizations are critical partners in promoting safe training environments for our athletes. Thus, the Working Group recommends that the USOC encourage NGBs to adopt policies, practices, programs and tools that address sexual and physical misconduct in sport. We also recommend that NGBs encourage clubs and other grassroots organizations to adopt these types of measures as well.

The Working Group recommends that the USOC encourages NGBs, clubs and grassroots organizations to:

- Adopt language in their code of conduct prohibiting sexual and physical misconduct.
- Conduct commercial criminal background checks for staff, coaches, volunteers, chaperones and other participants who regularly work directly with athletes and/or minors upon entry into the organization and on a regular ongoing basis as appropriate. Conduct commercial criminal background checks for members of the Board of Directors, staff, volunteers and other participants who do not regularly work directly with athletes/minors on a regular ongoing basis as appropriate. Conduct new background checks on all members that are re-entering the organization.
- Implement the centralized training and education curriculum (or other training that they may have developed) for athletes, parents, coaches, volunteers, NGB staff and any other persons within the NGB and club organizations who regularly work directly with athletes and/or minors.
- Utilize the centralized toolkit of resources outlined in the recommendations above.

- Regularly evaluate themselves, as appropriate, regarding qualifications and criteria for club membership in an effort to increase the standardization and adoption of best practice policies, practices, programs and tools across all associated clubs and grassroots organizations.

### ***Other Recommendations***

#### **External Knowledge Sharing Groups**

As a result of the Working Group's outreach efforts, we have established relationships with several high profile organizations that are in the process of tackling similar issues related to sexual and physical misconduct. The USOC has an opportunity to cultivate these relationships in a more formal manner to create a venue in which we can work together to share best practices, evaluate current research, discuss current trends and evolve the collective thinking on the topic of sexual and physical abuse. Potential knowledge sharing groups includes the following:

- Groups with Related Missions and Goals -- to provide an ongoing venue for leaders addressing sexual and physical abuse issues to continue to share ideas and innovative thinking on the topic.
- Prevention and Detection Groups -- to provide a venue to work with other organizations and professional groups focused on sexual and physical abuse prevention.
- International Sports Organizations with the goal of promoting safe training environments -- to establish a venue for international organizations focused on sexual and physical misconduct issues to discuss and share ideas.

The Working Group is able to share preliminary suggestions resulting from our communications with other organization for potential partners for each of these knowledge sharing groups.

#### **Venues for Ongoing NGB Discussions on Promoting Safe Training Environments**

Based on the feedback the Working Group received in this process, NGBs expressed a desire to continue to share best practices, discuss current challenges/ opportunities and evolve the collective thinking on this topic with other NGBs. Thus, the Working Group recommends that the USOC provide a venue (e.g., a forum at the Olympic Assembly) for the ongoing NGB discussion on the topic of safe training environments.

### **Longer-Term Vision for the USOC Creating Awareness for Sexual and Physical Misconduct in Sport**

The Working Group believes the USOC has the potential to play an even greater role in raising awareness of sexual and physical misconduct in the future, with the potential for the model to evolve into something much broader than just supporting the sports organizations within the Olympic Family. In the future, the USOC's role may evolve to provide the highest quality education and supporting resources that address safe training environments and are available for use by a large and diverse set of sports organizations. Longer-term efforts could have potential implications on promoting child safety well beyond the sports environments.

## VI. Areas for Further Development

The Working Group encountered several areas that have a significant impact on promoting safe training environments, however, were considered to be longer-term areas for development. These areas of focus include:

- **Addressing bullying and emotional abuse as an important topic for promoting safe training environments**

The Working Group believes these is a key issue to be further addressed in promoting safe training environments, but was not able to fully assess these specific issues given the other topics that we were tasked to address. We recommend that a further review of bullying and emotional abuse in sport be conducted to ensure that we are promoting safe training environments for our athletes.

- **Providing a centralized hotline as an educational and support resource for victims or other parties that require information related to sexual and physical abuse**

The feedback that the Working Group received from both athletes and coaches was that an anonymous hotline that served as an educational and support resource would be of great benefit. There were several different models suggested for the implementation of such a hotline, but it was collectively seen as a third party vendor that provided advice and guidance to individuals on issues related to sexual and physical misconduct (e.g., reporting barriers, reporting to local authorities, confronting abusers, discussions with parents, dealing with guilt, education on treatment resources).

- **Providing further guidance and resources for NGBs in navigating the adjudication process, including the potential to provide centralized investigative services for NGBs**

The Working Group believes that there may be a benefit to providing further best practice templates and tools within the adjudication process and a potential benefit to providing a centralized set of investigative resources.

- **Establishing a coaches' code of conduct that prohibits sexual and physical misconduct**

The Working Group believes that the further development of the USOC's current draft of the coach's code of conduct would be a beneficial tool that NGBs, clubs and grass roots organizations could adopt to help to increase awareness of sexual and physical conduct in sport.

- **Developing a system for a club certification**

The Working Group recommends that the USOC and NGBs examine the merits of establishing a certification / accreditation process that would allow clubs and grassroots organizations to receive a "seal of approval" if they followed a high standard of policies, practices, trainings and programs.

## **VII. Other Prominent Issues Addressed by the Working Group**

The Working Group addressed several other key issues, but ultimately did not include them in the recommendations to the USOC Board. While the Working Group acknowledges that many of these issues can be powerful tools in promoting safe training environments, it was the consensus of our group that these issues were not viable to be addressed at this point. However, we recommend that the USOC continue to monitor the following:

- **Banned lists / non-eligible lists**

The Working Group discussed the merits and issues of a consolidated banned list and determined that this was not the best solution for all sports organizations at this time. Given the resources across all sports organizations, the Working Group believes that there may be more effective ways to address "sports jumping" in the near-term.

- **Other evolving background check technologies**

While it was brought to the attention the Working Group that while commercial background checks are a good first step in screening candidates, there may be other recognition technologies that are more useful in verifying a person's identity. We recommend that the USOC should be continuously analyzing background check technologies to identify new and innovative methods for helping to screen the individuals that sports organizations employ.

- **Requirement that all clubs become members of NGB organizations**

When assessing the broad range of NGB organizations, it became apparent to the Working Group that requiring all NGBs to implement a "club member organization"

model was not feasible. Notwithstanding the foregoing, the Working Group recognizes that this model, if implemented, affords the NGBs greater collaboration with its clubs and members, which in turn could be beneficial in implementing effective policies regarding safe training environments.

## **IV. Conclusion**

Sexual and physical misconduct is a very real issue within our society and, therefore, within sport. This type of abuse is inconsistent with the Olympic Ideals and needs to be addressed at all levels within sport to ultimately be successful in promoting athlete safety. We believe that USOC, as the nation's elite sport organization, is positioned to help create a call to action for all NGBs, clubs and grassroots organizations to work together to help promote safe training environments for athletes.

Upon the completion of our five month review on sexual and physical misconduct in sport, the Working Group believes that the USOC should play a leadership role in promoting safe training environments for athletes. We recommend that the USOC implement the set of six recommendations outlined in this report as a first step in providing leadership and resources to combat sexual and physical abuse in sport. We also recommend that the USOC continue to work collaboratively with NGBs, clubs and grassroots organizations to evolve the model to ensure we continue to have the most efficient and effective structure in place to promote safe training environments for our athletes.

**Minutes**  
**Board of Directors Meeting**  
**Cambridge, MA**  
**June 10, 2014**

A meeting of the Board of Directors (the “Board”) of the United States Olympic Committee (“USOC”) occurred on June 10, 2014 commencing at 8:00 a.m. local time, following notice duly given pursuant to the USOC Bylaws. The following members of the Board were present in person for the meeting: Larry Probst (Chair), Robbie Bach, Jim Benson, Scott Blackmun (CEO), Bob Bowlsby, Ursula Burns, Anita DeFrantz, John Hendricks, Nina Kemppel, Susanne Lyons, Bill Marolt, Mary McCagg, Dave Ogreaan and Whitney Ping. Jim Easton participated in the meeting by telephone. Mary McCagg joined the meeting at approximately 8:15 a.m. The above present members constitute a quorum of the Board under USOC Bylaws Section 3.16.

Present in the room at the commencement of the meeting were Rana Dershowitz, Secretary and Sarah Konrad, Chair of the Athletes Advisory Council. The minutes were recorded by Ms. Dershowitz.

**1. Call to Order and Welcome**

The Chair called the meeting to order at 8:00 and welcomed the Board.

**2. AAC Report**

AAC Chair Sarah Konrad spoke with the Board. Ms. Konrad explained that her goal for the day was to engage the Board in a dialog regarding two topics: how to develop more engaged and productive interaction between the AAC and the USOC Board and how to ensure more effective athlete representation on NGB boards.

Turning first to the topic of NGB boards, Ms. Konrad expressed the AAC’s perspective that having effective, strong athlete representatives increases trust and communication in both directions and is fundamental to the mission of the Olympic Movement. The Board concurred with this assessment and engaged in a discussion regarding how best to ensure this occurred. Ms. Konrad used an example involving athlete representation on a particular NGB to speak about some of the challenges that occur when the athlete representative – board relationship breaks down. Mr. Blackmun shared with the board the particular NGB’s perspective on the specific situations referred to by Ms. Konrad. The Board discussed the benefits of board orientation and the importance of clear understandings around board member responsibilities generally. As a part of this discussion the Board discussed potential ways USOC staff could be involved in supporting the development of NGB boards.



Ms. Konrad next shared with the Board her desire for there to be more engaged dialog between the USOC Board and the AAC. She noted that the AAC truly values being engaged as thought leaders to provide input and guidance and believes that it is valuable for the movement. She suggests bringing issues through the athlete representatives to the AAC before decision. The Board expressed its belief that in appropriate situations AAC engagement is critical, however, it is also important to appreciate that there are certain types of decisions that must remain solely within the USOC board. The Board expressed its belief that the current athlete representatives on the USOC board do a good job of engaging with the AAC as and when appropriate. Several non-athlete board members noted that they would be interested in attending AAC meetings when schedules permit to allow for greater engagement.

The Board then discussed the Ombudsman's role and function as well as expectations for the position.

At this time the following members of USOC management joined the meeting: Rick Adams, Malia Arrington, Alan Ashley, Lisa Baird, Jon Denney, Walt Glover Patrick Sandusky and Chris Sullivan. Ms. Konrad remained in the meeting room.

### **3. Supplemental High Performance Funding**

Mr. Blackmun reminded the Board that at the last meeting it had discussed the possibility of providing additional high performance funding and had requested a prioritized list of the projects for which such funding would be most beneficial. Mr. Blackmun confirmed that Alan Ashley, Chief of Sport Performance, had developed a prioritized project list, but recommended that the Board evaluate budget projections and expected revenues before discussing additional funding.

The Board discussed the funding proposals and projections for 2014 revenue. Following the discussion, the Board determined to consider the question of increased high performance spending at the September Board meeting.

### **4. Supplements**

Mr. Ashley spoke to the Board regarding dietary supplement usage by athletes. He explained the USOC's current approach to supplements, noting that the USOC's approach is in line with that of USADA. The Board discussed general concerns regarding supplements in light of the fact that violations of the WADA Code have resulted from tainted and/or inappropriate supplement use. Mr. Ashley shared with the Board different approaches used by a number of other countries. The Board discussed the pros and cons of becoming more proactive in this area as well as the dynamics of government programs in this space. The suggestion was made to explore potential partnerships with countries that have developed respected programs with government support. Staff will continue to evaluate the issue and will come back to the Board with a recommendation.

## **5. Development**

Jon Denney, Chief of Development, spoke to the Board regarding financial results from Development year to date, as well as plans for the second half of the year. Mr. Denney discussed with the Board his perspective on operations over the course of the year.

## **6. Collegiate Sports Strategy**

Mr. Ashley shared with the Board a proposal regarding how the USOC should address potential changes in the collegiate sports landscape with a goal of minimizing negative effects on Olympic sports and Olympic athletes. Mr. Ashley provided the Board with perspective on the impact NCAA programs have on both the USOC's medal count and other countries' medal counts.

Mr. Ashley indicated that the USOC intends to focus on engagement directly with individual institutions seeking to a) enhance direct communication at the university level, b) develop better awareness of the benefits of Olympic sport to specific college campuses, c) engage regarding growth and sustainability, and d) support high performance management of the student athletes in Olympic sport programs. The Board expressed its support for the direction, but recognized the limitations inherent in the differences in focus between colleges and the Olympic Movement. The discussion turned to alternative strategies that could be utilized in the event the current collegiate structure fundamentally changes.

## **7. Safe Sport**

Mr. Blackmun reminded the Board of the prior discussions regarding Safe Sport as well as the previously provided board materials. The proposal, related budget and NGB support was discussed. Mr. Blackmun confirmed that most, though not all, of the NGBs were completely supportive of the proposal. Particularly, the Board discussed critical importance of requiring all NGBs to participate as a condition of membership as well as the most effective way to ensure that the NGBs fully recognize the necessity and value of the program. The Board discussed the proposed board structure for the new entity, and sought input from AAC Chair Sarah Konrad. Ms. Konrad confirmed the AAC's support for an 11 person board with 2 athletes, provided that the athlete representatives could include AAC members rather than requiring that the athletes be independent of the AAC.

Following the discussion, a motion was made to approve the creation of an independent entity to manage Safe Sport related investigations, adjudication and education for the Olympic movement a) consistent with the structure and scope presented to the Board, b) with mandatory NGB participation as a condition of membership, c) with a total five year budget of \$25M, and d) with roughly \$5 million of funding over 5 years from each of the USOC and the NGBs, and third party sources making up the remainder. The motion further contemplated that launch of the entity be contingent upon obtaining

the necessary third party funding and the ability of the entity to obtain appropriate insurance. The motion passed unanimously.

At this time the Board took a short break and Ms. Konrad left the meeting.

## **8. Bid Discussion**

Mr. Probst turned the discussion to the possible US bid for the 2024 Olympic and Paralympic Games. At this time, Ms. DeFrantz and Mr. Easton stepped out of the meeting.

The Board discussed the engagement that has occurred to date with a variety of cities regarding a potential 2024 Olympic and Paralympic Games bid. The discussion explored the pros and cons of the cities being considered, with the Board ultimately concurring that the list of potential bid cities should be reduced to Boston, Los Angeles, San Francisco and Washington. Mr. Blackmun explained that in-depth due diligence would now occur with each of the remaining cities to determine whether or not the USOC should bid, and if so, with which of the cities.

At this time Ms. DeFrantz, Mr. Easton and Ms. Konrad rejoined the meeting.

## **9. Athlete Commercial Opportunities**

Lisa Baird, Chief Marketing Officer, walked the board through the text and purposes of Rules 40 and 50 of the Olympic Charter as well the application of those rules, globally and within the US. The Board engaged in a discussion regarding the rules. The athletes on the Board expressed their appreciation for the USOC being a leader in this space.

## **10. Olympic Museum**

Ms. Dershowitz, General Counsel, updated the Board regarding the proposed Olympic Museum in Colorado Springs, advising the Board of state based economic development funding that had been awarded to the projects and the steps the project leaders had taken since the last Board update. She further explained that based upon the Board's prior authorization to explore a licensing relationship, the USOC had negotiated a potential 30 year license agreement for the Museum. Ms. Dershowitz detailed the proposed Museum license structure for the Board, advising specifically on the legal protections that had been built in. The Board discussed the Museum, the potential benefits and risks for the USOC.

Following the discussion, a motion was made authorizing the USOC to enter into the proposed license agreement with the Olympic Museum. The motion passed by voting majority, with four directors voting against approval.

At this time the Board broke for lunch and Sarah Konrad left the meeting.

## **11. NGB Organizational Development**

Rick Adams, Chief of NGB Organizational Development spoke to the Board about the activities of the NGB OD department, the resources available to NGBs, the work done with various NGBs, the tools available to help challenged NGBs and some options for alternative approaches. Mr. Adams details a variety of programs already in place, including for example, NGB board training, Team USA Academy, matching grants, communications training, and executive searches.

Mr. Adams next shared with the Board the metrics currently used to evaluate NGBs, including membership numbers, annual revenue, percentage of budget coming from the USOC, financial condition, athlete matters and medal production. Mr. Adams provided the Board with insights regarding some of the highest and lowest performing NGBs. The Board discussed some of the metrics used and some ways those metrics could be further refined.

The discussion turned to the ways the USOC engages with challenged NGBs. Mr. Adams spoke about some of the initiatives underway for the year, and in particular ways in which the USOC is supporting specific NGBs in their areas of weakness.

Mr. Adams shared with the Board some key barriers the NGB OD department faces, as well as potential opportunities to become more effective. The Board discussed the challenges and areas of risk and particularly some disconnects regarding expectations from athletes and third parties. The discussion turned to possible motivational tools to use to drive desired changes and the barriers to applying those tools.

At this time management, other than Ms. Dershowitz, was excused from the meeting.

## **12. Audit Committee**

Ursula Burns, Chair of the Audit Committee, updated the Board regarding the activities of the Committee. She noted that the full Committee had been in attendance at the meeting held on June 9. The Committee had approved minutes from several Audit Committee calls, and received a financial report, including specific focus on the USOPF. Ms. Burns noted that the Committee has requested enhanced visibility into USOPF revenue and cash tracking on a going forward basis for the remainder of the year. The Committee also received a report on the activities of the internal audit department, noting the proactive training that audit group is doing. The Committee engaged in a broad discussion regarding risk for the USOC, and where within the organization risk oversight should sit, noting that the Audit Committee has a narrow financial focus. Ms. Burns next advised that the Committee had discussed a variety of NGB audits. Finally Ms. Burns noted that the Audit Committee had received a report from the General Counsel.

### **13. Compensation Committee**

Susanne Lyons, Chair of the Compensation Committee, reported to the Board regarding the activities of the Committee at its June 9, 2014 meeting. She noted that the Committee's first topic of conversation was the organizational screen and the USOC's current tracking against that screen. The Committee next looked at performance and incentive structures for the organization and will, later in the year, evaluate whether any changes to these structures should be made for the upcoming three year cycle. The Committee discussed the USOC's performance management reviews as well as certain special incentive plans in place for revenue drivers. The Committee next reviewed executive compensation as compared to benchmarks across the executive team. Ms. Lyons noted that Mr. Ashley had joined the Committee to discuss medal performance goal setting for Rio.

### **14. Nominating and Governance Committee**

John Hendricks, Chair of the Nominating and Governance Committee, updated the Board regarding the process that the Committee will be using to fill four board seats for the upcoming year. He reminded the Board of the qualifications document that had been developed and shared with the Board, explaining that it would be used as the basis on which Nominating Committee evaluations were made. He explained that, absent feedback to the contrary, formal notice would be sent to the AAC and NGBC following the board meeting requesting slates of candidates be provided to the Committee after the Olympic and Paralympic Assembly. Mr. Hendricks advised that a public call for independent candidates would also be made. The Committee would then interview candidates in October and November, with a goal of having recommendations for the Board to consider at the December board meeting.

### **15. Paralympic Advisory Committee**

Jim Benson, Chair of the Paralympic Advisory Committee, updated the Board regarding the activities of the PAC. Mr. Benson advised that those involved with the US Paralympic movement had come away from Sochi extremely enthusiastic and that the PAC was tapping into that enthusiasm to develop a strategic operations proposal. Mr. Benson noted that a productive strategy session had been held in May. He explained that the key element which must be addressed is that there needs to be substantial dedicated revenue developed for the Paralympics (through both sponsorship and philanthropy). At the same time, the PAC believes that high performance and resource allocation integration continues to be the best path. Mr. Benson advised that the PAC also believes that the US needs to become more involved with the Paralympic Movement at the international level.

### **16. Ethics Committee**

Mary McCagg, Chair of the Ethics Committee, provided the Board with an update on the Ethics Committee's activities. She noted for the Board of the proposed ethics

committee guidelines around fundraising in the context of a bid that had been distributed, advising that the Committee affirmatively wanted feedback from the Board recognizing the Board's greater involvement with the specific issues involved. Mr. Bach shared feedback regarding the proposed fundraising guidelines, which Ms. McCagg confirmed she would take back to the Ethics Committee.

## **17. Strategic Planning**

Mr. Blackmun indicated that he will be reconstituting a strategic planning working group of the Board.

## **18. Administrative Items**

### **A. USA Ultimate**

Ms. Dershowitz directed the Board to the recommendation contained in the Board materials regarding USA Ultimate being admitted to membership as a Recognized Sports Organization. A motion was made to approve USA Ultimate as a Recognized Sports Organization. The motion passed unanimously.

### **B. USA Volleyball**

Ms. Dershowitz next directed the Board to the recommendation contained in the Board materials regarding USA Volleyball becoming the governing body of sitting volleyball, a Paralympic sport. Ms. Dershowitz noted for the Board that USA Volleyball has been managing the sport for several years under a contractual arrangement with the USOC. She further noted that the request from USA Volleyball was supported by Sport Performance and US Paralympics. A motion was made to approve USA Volleyball as the governing body of sitting volleyball. The motion passed unanimously.

### **C. Board dates**

Ms. Dershowitz next reminded the Board that proposed Board dates for 2015 had been put forward in the Board materials. She requested that Board members raise any concerns with her within the next two weeks and confirmed that the USOC would do its best to revise the Board meeting dates to be as convenient for as many board members as possible.

### **D. Other business**

Ms. Ruggiero reminded the Board that the Youth Olympics will be held this summer in Nanjing China. She noted that the Youth Olympics will be on the IOC 2020 agenda as part of the discussion.

Ms. DeFrantz inquired regarding the interplay of any bid with the ANOC General Assembly in 2015 and our relationship with ANOC. Mr. Probst confirmed that the

ANOC program will be controlled by ANOC and that the partnership seems to be working well. Ms. DeFrantz suggested that the USOC work with ANOC to ensure any agenda items desired by the USOC are placed on the agenda.

**19. Adjournment**

There being no further business, the meeting was adjourned at approximately 2:20 p.m. ET.

This document constitutes a true and correct copy of the minutes of the meeting of the Board of Directors of the United States Olympic Committee.



Rana Dershowitz  
Secretary

June 30, 2014  
Date

a. Total number of written and oral reports, complaints, and allegations received by the Center regarding sexual abuse, and  
b. Number of cases and investigations opened

NGB	2017 (n=227)	2018 (as of April 13, 2018) (n=261)
Archery	10	0
Baseball	0	1
Basketball	0	6
Bowling	0	2
Boxing	1	10
Cycling	6	1
Diving	3	7
Equestrian	5	8
Fencing	1	8
Field Hockey	1	2
Figure Skating	3	12
Gymnastics	62	56
Hockey	40	28
Judo	2	1
Karate	2	3
Luge	1	0
Racquetball	0	1
Rollerskating	1	3
Rowing	2	1
Rugby	5	0
Sailing	1	0
Ski and Snow	2	1
Soccer	1	2
Softball	1	2
Speed Skating	1	1
Swimming	19	40
Taekwondo	11	6
Tennis	4	2
Track & Field	4	7
Triathlon	3	0
Volleyball	18	24
Water Polo	4	9
Water Skiing	1	1
Weightlifting	3	7
Wrestling	9	9



## Paula D'Amico

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**From:** Malia Arrington <malia.arrington@safesport.org>  
**Sent:** Wednesday, March 14, 2018 10:36 AM  
**To:** Malia Arrington  
**Cc:** Julie Reebel  
**Subject:** RE: NGB Codes of Conduct

**Importance:** High

All:

As a follow-up to Julie's email, we have received some feedback concerning the timing for the requested documents.

### Timing

We appreciate that many, if not most, of you will be delayed given the congressional request. We understand that and the requested response date is not a hard deadline – and we also get that this will take some work.

### What we're looking for

Some of you have asked what "historical" means in relation to the Code of Conduct. As you may be aware, it is a violation of the SafeSport Coder to have violated standards that were in place at the time, including any NGB standards. With this in mind, it would be very helpful to us to have any safe sport related policies your organization has had, whether embodied in bylaws, codes of conduct, sexual harassment policies, or safe sport policies. To date, we have been piecemealing such requests, which has become quite inefficient given the number of matters reported to us that go back several documents.

Please let us know if you have any additional questions.

Sincerely,

Malia

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**From:** Julie Reebel  
**Sent:** Wednesday, March 14, 2018 9:19 AM  
**To:** Julie Reebel <julie.reebel@safesport.org>  
**Subject:** NGB Codes of Conduct

Dear NGBs:

The Center for SafeSport is in the process of compiling historical codes of conduct (or any other policies relevant to safe sport) from each national governing body so that we can create a comprehensive database of policies. This will better assist us when we receive historical reports. If you would please send all relevant codes to me before the end of the month, it would be greatly appreciated.

Thank you for your assistance,

Julie

[julie.reebel@safesport.org](mailto:julie.reebel@safesport.org)



U.S. CENTER FOR  
**SAFESPORT**  
CHAMPION RESPECT END ABUSE

**Julie Reebel**

Program Administrator

Office: 720.531.7102

1385 S. Colorado Blvd., Ste. A-706, Denver, CO 80222

[www.safesport.org](http://www.safesport.org)

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# SafeSport Center: Is it the answer to athlete sex abuse?

[Tim Evans, Marisa Kwiatkowski and Mark Alesia](#), **IndyStar** Published 6:45 p.m. ET March 8, 2017 | Updated 3:05 p.m. ET March 22, 2017



*(Photo: Provided by Child USA)*  
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A new clearinghouse created to investigate sexual abuse and other misconduct in America's 47 Olympic sports organizations quietly opened last week, and has already received nine complaints.

It has also been engaged in an exchange of tough-talking letters with a pair of attorneys representing a coalition of athletes, coaches and child abuse experts critical of the way the center was structured.

The letters to the new U.S. Center for SafeSport's CEO Shellie Pfohl question the center's independence from the U.S. Olympic Committee, which created the center and provided seed money for its Feb. 28 launch.

The letters critical of the center were written by Marci Hamilton, CEO of Child USA, a research and advocacy group based at the University of Pennsylvania, and former Olympic gold-medal swimmer Nancy Hogshead-Makar, who now heads Champion Women, an organization that advocates for women in sport.

Hamilton and Hogshead-Makar, both lawyers, contend it's still unclear who falls under the center's oversight. In organizations such as USA Gymnastics, whose members include both individuals and gyms, not all gym employees are members. Will those non-members, they ask, be under the center's jurisdiction?

They also believe the center should prohibit juvenile athletes and coaches from being alone together.

The two advocates say they have the backing of at least 125 others, including former Olympians and athletes from more than 15 Olympic sports. Their supporters also include child and victims advocates, high school and college coaches, athletic directors, sports psychologists, legal experts, therapists and professors from the fields of sports management, law, ethics and psychology.

"The promise of this project is that we can reach organizational protection for 60 million children — and that's a large pay-off," Hamilton told IndyStar. "The difficulty, as we've seen with every other institution that has had this problems — from the church to Penn State to the boarding schools — is that it requires a transformation of the culture."

Based on their review of policies, she said, they are not convinced the center, which has been cited as a step toward solving the sex scandal that has embroiled USA Gymnastics and other governing bodies, is positioned to reach its potential.

"SafeSport right now is still in the position of protecting the adults and not adequately protecting the children," Hamilton said. "And it has quite a way to go to make that switch over to the culture of child protection."

Pfohl told IndyStar she disagrees with some of the group, and stressed the sole focus of the center is on the well-being of athletes. In a Monday letter to Hamilton and Hogshead-Makar, Pfohl took the pair to task.

"Differing views should not be perceived as a lack of commitment or passion for our respective missions," she wrote. "Unfortunately, there are a number of cases where you simply misrepresent or mischaracterize our policies; your editorial comments in several cases are quite offensive as they are flat wrong."

Despite the frustration evident in her letter, Pfohl told IndyStar she believes "we are all on the same side."

"We all want athletes to be safe, supported and strengthened through sports," she said. "I've known Nancy for a long time and I appreciate her passion on this issue. I think we are mutually aligned."

The center was created so individual sports groups no longer have to deal with sexual abuse and other misconduct allegations on their own.

It has been in the works since 2010, but its launch was not announced until November, amid an on-going IndyStar investigation into the child sex abuse practices of USA Gymnastics. Other Olympic sports, including swimming, taekwondo and speed skating, have also had sex abuse scandals.

"Sexual abuse is obviously a societal issue, not just something happening in the world of youth sports," USOC CEO Scott Blackmun said in November. "But as leaders in the world of sport, we have to do everything in our power to keep our athletes safe."

In its first week of operation, Pfohl said the center's response and resolution office received nine cases. That branch of the center is responsible for conducting investigations, she said, and will hand down sanctions that will be carried out by the national governing bodies.

The center also has a branch that Pfohl said will focus on prevention. Its reach will extend beyond the Olympic governing bodies into what she called "grassroots organizations all across the country."

"We will be creating more issue awareness campaigns. We will be creating training, not only for athletes and coaches, but for parents and community sports organizers, so that we can really get upstream and prevent as much abuse as possible," Pfohl said.

Addressing the issues raised by Hogshead-Makar and Hamilton, Pfohl said the center does employ two staff members who came from the USOC. However, she insisted that in no way compromises the center's independence. Neither will be involved in investigations or determining sanctions. One is the new center's chief operating officer and the other works in communications and outreach.

Pfohl said the center will not allow anyone who previously worked for the USOC or a sport's governing body to be involved in the handling of complaints, or in arbitration of disputes.

Her interview with IndyStar revealed some lingering ambiguity. In regard to who falls under the center's jurisdiction, Pfohl initially told IndyStar non-members employed by member gyms would be covered. She later contacted IndyStar and said the center's authority would extend only to people under a governing body's jurisdiction.

In the case of USA Gymnastics, that did not include non-members working in a member gym. A list of covered individuals provided by USA Gymnastics does not include non-members working in member gyms.

"USA Gymnastics, like all National Governing Bodies, is changing and adapting bylaws and other policies and procedures to align with the Center's requirements," USA Gymnastics said in a statement to IndyStar,

"The list of 'covered individuals' that USA Gymnastics turned in for the launch of the U.S. Center for SafeSport focuses on individuals who are members and others in our scope of authority. USA Gymnastics anticipates reassessing the list once Deborah Daniels' review of our Safe Sport policies, procedures and bylaws for sexual misconduct has concluded. Member Clubs are independent businesses, and we are aware of the issue of non-members who work at Member Clubs. Once we see Ms. Daniels' recommendations, our Board of Directors can see what other actions, if any, need to be taken regarding this area."

The situation involving one-on-one interactions between athletes and coaches is an area where the two sides may not come to agreement.

IndyStar's investigation into sexual abuse in USA Gymnastics revealed one-on-one interactions were a common theme in the sexual abuse of athletes by coaches. Time and

time again, documents reviewed by IndyStar showed, abuse occurred when coaches traveled alone with athletes, visited them in hotel rooms, worked with them alone in gyms, or took them into rooms behind closed doors.

"This is a sensitive area," Pfohl said. "The simplified answer is just don't ever let there be one-on-one instruction or training."

But, she argued, that is not always feasible. She said the individual governing bodies will be encouraged to implement best practices that prevent one-on-one interactions outside the view of other adults.

"To just make a blanket statement that there should never be any one-on-one instruction is not feasible," Pfohl said.

But Hogshead-Makar and Hamilton say that is not enough.

"We suggest SafeSport adopt a presumption that no covered adult may spend time alone (not merely one-on-one with a child," they wrote Tuesday. "The burden should then rest on the relevant NGB to justify the need for such alone time in the particular sport. Moreover, NGBs that permit covered adults to be alone with children should be required to notify parents and guardians of the potential risks, drafted by experts in the field."

The new center will act as a "mandatory reporter," Pfohl said, and will "immediately" pass allegations of suspected criminal abuse to law enforcement.

Pfohl said the center's response and resolution office will not attempt to substantiate allegations of criminal abuse before notifying police in the jurisdiction where the alleged incident occurred.

That has not always been the case with complaints made to national governing bodies. USA Gymnastics acknowledged earlier this year that it waited five weeks, while conducting its own investigation, before telling the FBI that it had received allegations of inappropriate conduct by Dr. Larry Nassar, the organization's longtime team physician.

Nassar, who volunteered for USA Gymnastics for nearly 30 years and accompanied the women's teams to four Olympic games, is now facing more than 20 criminal charges for sexual misconduct in Michigan, as well as federal child pornography charges.

Among those who are backing Hogsett-Makar and Hamilton in pushing for change to the SafeSport policies is Han Xiao, a table tennis player who was recently elected chairman of the USOC's Athlete Advisory Council. Xiao stressed he is speaking only on his behalf, not for the council that represents Olympic athletes and appoints members to the USOC.



Xiao said his biggest concern is "how do we ensure the center's credibility and independence?"

"When you have an independent entity," he said, "you have more credibility and ability to adjudicate in a fair manner — and investigate even if it's potentially controversial."

Xaio said he is confident the center and its supporters mean well and can succeed.

"It's a matter of talking to each other," he said, "and reinforcing the athlete advocacy side of things."

In their latest letter to Pfohl, Hamilton and Hogshead-Makar noted they both have long careers "dedicated to crafting the best legal and organizational policies to protect children from abuse and neglect for decades" and applaud the SafeSport project.

"Yet, as experienced lawyers and experts in the field of child abuse, we have shared with you legitimate concerns," they wrote, "which are due in part to unclear language as well as honest disagreement on best practices."

Despite the concerns they still have about the new center's policy, Hamilton said she remains optimistic.

"I think that this is the one institution where I feel confident that we'll get there," she said, "because there are so many parents and there are so many stories about abuse in sports at this point that I think the momentum is there."

*Call IndyStar reporter Mark Alesia at (317) 444-6311. Follow him on Twitter: [@markalesia](https://twitter.com/markalesia)*

*Call IndyStar reporter Marisa Kwiatkowski at (317) 444-6135. Follow her on Twitter: [@IndyMarisaK](https://twitter.com/IndyMarisaK).*

*Call IndyStar reporter Tim Evans at (317) 444-6204. Follow him on Twitter: [@starwatchtim](https://twitter.com/starwatchtim).*



April 9, 2018

Representative Greg Walden  
Chairman  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Representative Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Re: Committee on Energy and Commerce March 7, 2018 Letter

Dear Chairman Walden and Ranking Member Pallone:

Thank you for your letter dated March 7, 2018. We appreciate the Committee's support in allowing USA Gymnastics an extension to provide additional responses not previously included in the USA Gymnastics letter dated March 21, 2018.

As the new president and CEO of USA Gymnastics, I want to reiterate that the organization's highest priority is the safety and well-being of our athletes. USA Gymnastics is aligned with this Committee in holding ourselves to the highest standard of care. As noted in our March 21 letter, USA Gymnastics is currently facing litigation in multiple jurisdictions, which may limit what I can say regarding some matters. With that said, please know that our goal continues to be cooperative and to work collaboratively with the Committee.

In the Committee's letter dated March 7, 2018, you asked certain questions and requested certain information. With just a few months in my position, I am providing answers to your questions on behalf of the organization with limited and no first-hand additional knowledge of facts or events that preceded my becoming president and CEO of USA gymnastics on December 1, 2017. USA Gymnastics is working diligently to confirm information in order to be confident that we are providing as complete and detailed answers as is possible for the remaining questions raised by the Committee.



Please understand that some of the documents provided under cover of this letter may be duplicates of materials provided to the Committee on March 1, 2018. We apologize for any inconvenience, but the time needed to avoid possible duplication would have delayed our response.

**1. Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to those policies and procedures. Please specify if a policy or procedure is required or recommended.**

Versions of the following documents from 2005 to the present are being provided under cover of this letter:

*Code of Ethical Conduct:* The Code of Ethical Conduct sets standards and provides guidance for members regarding a member's conduct in situations with ethical implications. Those standards include a prohibition of sexual misconduct by a member. Members are required to comply with the standards established in the Code of Ethical Conduct.

*Participant Welfare Policy:* The Participant Welfare Policy outlined USA Gymnastics' commitment to promoting a safe environment for athletes, and other participants, as well as the requirements for, and expectations of, its members. The participant Welfare Policy was replaced in 2017 by USA Gymnastics' Safe Sport Policy. The Participant Welfare Policy, included definitions of physical and sexual abuse; procedures for reporting suspected abuse; misconduct/grievance procedures; member obligations and recommendations; standards of behavior; and other information regarding education concerning the Policy. Members and USA Gymnastics personnel are required to comply with the Participant Welfare Policy. The Policy includes recommendations for the gymnastics community at large.

*Bylaws:* Article 3.6 ("Membership and safe Sport Obligations") of the USA Gymnastics Bylaws (December 2017) notes that USA Gymnastics is "required to adhere to the safe sport rules and regulations of the USOC" and "must comply with the policies and procedures of the . . . U.S. Center for Safe Sport." Accordingly, members of USA Gymnastics must "comply with the SafeSport Code for the Olympic and Paralympic Movement (the 'SafeSport Code') of U.S. Center for Safe Sport. USA Gymnastics personnel and the Board of Directors are required to comply with the Bylaws.

Article 3.8(a) ("Membership and Disciplinary Matters") provides, in part, that Articles 9 ("Member Misconduct") and 10 ("Complaints") of the Bylaws apply to

individual members of USA Gymnastics. Further, the Bylaws explain that depending on the nature of the alleged misconduct the member may be subject to the exclusive jurisdiction of U.S. Center for Safe Sport. Further, the Bylaws list types of conduct that are deemed “Misconduct” (Art. 9.1) by a Covered Individual (same definition as in the USA Gymnastics Safe Sport Policy “which includes current members of” USA Gymnastics, “applicants for membership, or any individual who was a member of [USA Gymnastics] at the time of any alleged Misconduct.” Art. 9. There is also a list of Special Categories of Misconduct, which includes, but is not limited to, a member being listed on any State or Federal sexual offender list or registry” or “has been declared a sex offender in any applicable State or Federal jurisdiction.” Art. 9.2(a).

*Safe Sport Policy*: Introduced in June, 2017, and updated in December 2017, the USA Gymnastics Safe Sport Policy (replacing the Participant Welfare Policy) includes: reporting requirements for members, covers various forms of abuse or misconduct (*e.g.*, sexual misconduct, other physical misconduct, bullying and emotional/verbal misconduct), and prohibits the forms of abuse or misconduct covered by the policy. It also sets out various Proactive Policies that among other things establish professional boundaries between adults and gymnasts. USA Gymnastics personnel, Board of Directors and members are required to comply with the Safe Sport Policy.

### **USA Gymnastics communication of its policies**

The Safe Sport Policy, Code of Ethical Conduct and Bylaws are publicly posted on USA Gymnastics’ website. Changes or updates to the Safe Sport Policy, Code of Ethical Conduct and Bylaws are also publicly posted on USA Gymnastics website with dates of revision noted on each. In addition, the Safe Sport policy and its updates are communicated through various methods including through: trainings both online and at national educational congresses, through webinars, videos and other print to include newsletters and articles.

### **Member Advisements**

Each USA Gymnastics membership is for a one (1) year period coinciding with the gymnastics season (August 1 to July 31 of the following year). Since 2009, when a member receives his/her membership card, a Member Advisement has been included with the membership card, which includes information about USA Gymnastics Safe Sport program.

### **USA Gymnastics collaboration on safe sport development**

USA Gymnastics staff members and its former legal counsel have served on a number of working groups and task forces to assist with the USOC’s and U.S. Center for Safe Sport’s development of a safe sport programs.

## **USOC Safe Sport Curriculum**

The USOC first introduced safe sport materials in 2012 and provided the materials as a resource for NGBs and were not mandated by the USOC.

## **USOC Minimum Standards for Athlete Safety**

In 2013, the USOC began requiring certain safe sport standards, and athlete safety, from the NGBs. NGBs were audited on these standards in late 2017 at the direction of the USOC. As noted below (*see* No. 12), USA Gymnastics was one of only a handful of NGB's with a 'clean' audit.

Documents provided in response to this request are Bates-labeled USAG\_HR\_000006667 through USAG\_HR\_08538. Specifically, communications with Congress in 2016-2017 are Bates-labeled USAG\_HR\_000006677 through USAG\_HR\_000006816 and USAG\_HR\_000007632 through USAG\_HR\_000007744. Please also see responses to Numbers 4(a) and 12.

**4. Has the USOC required or recommended that your NGB adopt changes to your bylaws, policies, procedures, or other governing documents from 2005 to present. If so, please describe any changes so required or recommended.**

The USOC has required and recommended changes to USA Gymnastics' Bylaws. For example, in 2008, the USOC recommended some changes to the USA Gymnastics' Bylaws relating to the term of office of Board members. In 2017 or 2018, the USOC required changes to USA Gymnastics' Bylaws related to the creation of the Center for Safe Sport and jurisdiction over certain types of claims of misconduct.

**a. Please provide all documents and communications related to any changes required or recommended by the USOC referring or relating to sexual abuse.**

Documents responsive to this request are Bates-labeled USAG\_HR\_000008539 through USAG\_HR\_000008587, to the extent not already produced in response to Number 1. Please also see the response to Number 15(a).

**7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?**

**a. If so, how many individuals have been determined to be ineligible for membership with your NGB?**

USA Gymnastics does not keep records specifically related to non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with

USA Gymnastics based on disciplinary actions outside of USA Gymnastics jurisdiction.

USA Gymnastics maintains records in its membership database that may include notes or other records regarding the eligibility of individuals for membership. Those notes or records may reflect information relating to individuals who are not members at the time the information is received by USA Gymnastics. The records are not maintained in a way that permits compiling such records for production. In addition, some of the information would be deemed confidential and protected from disclosure under State and/or federal law (e.g., the Fair Credit Reporting Act).

**12. Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 SafeSport audit.**

In 2008-2009, USA Gymnastics, with the assistance of former legal counsel, undertook to research the “best practices” in safe sport issues; specifically, policies, procedures and protocols, including those dealing with reporting requirements, in other youth-serving sports organizations. This effort culminated in the development of USA Gymnastics Participant Welfare Policy in 2009. The Participant Welfare Policy was revised in 2012.

In 2012, a USA Gymnastics internal task force, assisted by counsel, undertook the effort to strengthen USA Gymnastics’ best practices in education and policy development. As a result, USA Gymnastics launched its Clubs Care Campaign, which was an educational initiative that focused on raising awareness about child sexual abuse for gymnastics clubs.

In 2015-2016, USA Gymnastics conducted a review of previous allegations of sexual misconduct received by the organization that did not result in a termination of membership. In addition, 102 files containing allegations of sexual misconduct that did not result in termination of membership were reviewed

The 2015-16 review also included the review of files of members who had been suspended by USA Gymnastics, pending the outcome of a legal matter. As a result of the review of 16 files of suspended members USA Gymnastics was able to determine the final outcome of 7 Court cases, which led to those members being placed on the Permanently Ineligible List.

As previously indicated, in late 2016, USA Gymnastics engaged Deborah J. Daniels, a former federal prosecutor, to conduct a comprehensive independent review of USA Gymnastics’ bylaws, policies, procedures and practices related to these issues. In conducting her review, Ms. Daniels partnered with Praesidium, a company

specializing in preventing sexual abuse in organizations that serve youth and vulnerable adults. USA Gymnastics provided Ms. Daniels and Praesidium with unrestricted access to the organization throughout the course of their review efforts. As part of her review, Ms. Daniels consulted with current and past USA Gymnastics leadership and staff, professional and instructional members, club owners, meet directors, national team staff and coaches, former athletes (including several who were alleged to be victims of sexual and other abuse by coaches), parents of athletes, leaders in the U.S. Olympic movement and the U.S. Center for SafeSport, safe sport advocates, and Congressional and law enforcement officials.

The “Report” to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes” (June 26, 2017), provided 70 recommendations in a number of key areas: administrative management; Board structure and duties; culture; education, training and athlete support; member requirements and enforcement; reporting of suspected violations; screening and selection of coaches, volunteers and other adults with access to athletes; the process for filing misconduct reports; the National Team Training Center; and national team selection process. In June 2017, the USA Gymnastics Board of Directors unanimously approved all of those recommendations, and USA Gymnastics is proud to say that it has implemented approximately 80% of those recommendations.

In 2017, USA Gymnastics engaged outside counsel to further review approximately 19 files from among files reflecting allegations of sexual misconduct that had not resulted in the termination of membership of the accused. An important reason for the further review was the change to USA Gymnastics Bylaws, consistent with the standard in the U.S. Center for SafeSport, which authorized USA Gymnastics jurisdiction over an allegation if the accused individual was a member at the time of alleged wrongdoing. This was a change from the prior requirement that provided jurisdiction only if the accused was a member at the time the allegation of misconduct was received. The further review resulted in 9 individuals added to the Permanently Ineligible list; 2 referrals to the U.S. Center for SafeSport; 4 that were reviewed and re-closed, and 4 matters are currently pending.

The USOC engaged Baker Tilly Virchow Krause, LLP, in 2017, to audit a number of NGBs, High Performance Management Organizations as well as the USOC concerning their compliance with SafeSport and athlete safety policies and procedures. USA Gymnastics was one of only a handful NGB’s with a ‘clean’ audit. The following is a link to the USOC athlete safety audit: <https://www.teamusa.org/About-the-USOC/Safe-Sport/2017-Audit-Reports>.

The results of the review of files in 2015-2016, and 2017 USOC audit of some of the same files, are as follows: 14 individuals were added to the USA Gymnastics Permanently ineligible list; 2 matters were reported to law enforcement; 3 matters

were reported to the US Center for SafeSport; 2 individuals are now deceased; 3 individuals have left the United States and were not citizens; 4 matters were reviewed and re-closed; the files of 16 individuals were 'flagged' in the membership data base to disallow membership application or renewal of membership; and 4 matters are still pending.

Documents responsive to this request are Bates-labeled USAG\_HR\_000008588 through USAG\_HR\_000008671.

**13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.**

Mindful of the fact that I was not with the organization prior to December 2017 and to the best of our knowledge, USA Gymnastics believes the following is the number of abuse-related settlements, by year, that USA Gymnastics was party to or is presently aware of: 1 in 2007; 2 in 2008; 1 in 2016; and 1 in 2018. Those settlements contain confidentiality provisions as to all, or parts, of the settlement. USA Gymnastics continues to search its records, but to the best of its knowledge at this writing, USA Gymnastics understands that those are the abuse-related settlements since 2005. USA Gymnastics in 2018, released the individual in the 2016 settlement from the non-disclosure provision of that settlement agreement.

**14. A detailed itemization of your NGB's annual budget.**

USA Gymnastics follows the calendar year for its annual budget. Generally, the budget for the next year is compiled in November and submitted to the USA Gymnastics Board of Directors at its meeting in December for its consideration and approval.

For 2018 there are approximately 25 categories of income and approximately 38 categories of expenses. A copy of the budget for 2018 is at USAG\_HR\_000008672 through USAG\_HR\_000008674.

**15. Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NGB's total funding that comes from the USOC.**

While the percentage has varied from time to time, USA Gymnastics receives approximately 10% to 12% of its income from the US Olympic Committee. For example, in 2016 it was 10.2%, in 2017 11.1%, and in 2018 it was 11.2%.

Every year, USA Gymnastics and US Olympic Committee sign a Performance Partnership Agreement, which sets out the levels of support to be provided by

USOC, as well as the requirements USA Gymnastics must follow in light of the financial support from the USOC, and performance objectives for USA Gymnastics. In the table below “PPA” refers to Performance Partnership Agreement.

<u>Year</u>	<u>PPA</u>	<u>Olympic Trials</u>	<u>Athlete</u>	<u>Other</u>	<u>Total</u>
2008	1,528,080	850,000	435,267	20,000	2,833,347
2009	1,475,052	-	424,014	-	1,899,066
2010	1,612,601	-	484,328	10,000	2,106,929
2011	1,652,307	-	525,600	50,000	2,227,907
2012	1,705,438	890,625	525,600	189,545	3,311,208
2013	1,779,188	-	516,036	81,769	2,376,993
2014	1,761,613	-	545,600	139,765	2,446,978
2015	1,869,884	-	555,000	51,521	2,476,405
2016	2,099,777	850,000	555,000	30,048	3,534,825
2017	2,162,777	-	593,309	25,000	2,781,086

Note: Athlete amounts above do not include Operation Gold, which is solely a USOC program.

- a. **Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.**

The US Olympic Committee has never suspended or decertified USA Gymnastics. As indicated above, the amount of funding provided to USA Gymnastics by the US Olympic Committee has varied over time. While that amount has varied, the US Olympic Committee has never pulled funding to USA Gymnastics.

In September 1999 the USOC’s Membership and Credentials Committee expressed concern to USA Gymnastics about USA Gymnastics suspending members (pending resolution of underlying allegation(s)), who had been charged with a felony crime involving a statute intended to protect children (e.g., child molestation, battery or assault against a minor). The USOC Membership and Credentials Committee opined that USA Gymnastics was “not in compliance with National Governing Body and membership requirements.”

In October 1999, Robert Colarossi, USA Gymnastics President, wrote to the USOC Executive Director and Deputy Executive Director responding to the September 1999 USOC Membership and Credentials Committee letter, saying in part, that the



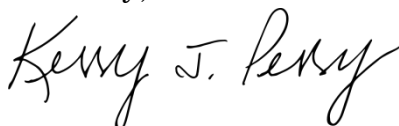
USOC's Membership and Credentials Committee's position was the "result of a fundamentally flawed process." USA Gymnastics has not been able to locate a copy of the September 1999 letter from the USOC's Membership and Credentials Committee.

In January 2018, the US Olympic Committee wrote to the USA Gymnastics Board of Directors regarding USA Gymnastics' status as an NGB. The USOC commended USA Gymnastics' "very good progress" in governance reform, including substantial amendments to its Bylaws in December 2017, and the hiring of myself as the new president and CEO. However, the USOC felt that additional steps were necessary and imposed various requirements on USA Gymnastics and set deadlines for those requirements (*e.g.*, the resignation of all then-current members of the USA Gymnastics Board of Directors by January 31, 2018, the seating of a new Interim Board). The letter went on to warn USA Gymnastics that if it could not or did not fulfill those requirements promptly and clearly, "the USOC will have no choice but to pursue termination of USAG's NGB status." USA Gymnastics is pleased and proud to report that it has completed some of the steps required by the USOC (*e.g.*, all then-current members of the Board of Directors have resigned and an interim Board of Directors was in place by February 28, 2018; all the staff has completed Safe Sport training) and is working diligently to timely fulfill the others (*e.g.*, before January 2019, having a new Board of Directors seated to replace the interim Board of Directors).

Please also see response to Number 4(a).

Thank you again for the opportunity to provide additional responses to your questions. I look forward to working with the Committee in our combined efforts to help protect the safety and well-being of our athletes.

Sincerely,



Kerry Perry  
President and CEO  
USA Gymnastics



One Olympic Plaza  
Colorado Springs, CO  
80909-5770  
o 719.866.4578  
f 719.866.4669  
usaswimming.org

VIA EMAIL

ATTN: Ms. Margaret Tucker Fogarty

March 21, 2018

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

The Honorable Frank Pallone  
Ranking Member  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

Dear Chairman Walden and Ranking Member Pallone:

I am writing on behalf of USA Swimming in response to your March 7, 2018 letter. I am submitting the enclosed information, attached as Appendix A to this letter, and documents numbered USAS – 000213 to USAS – 001642<sup>1</sup> in response to your requests.

In responding to your requests, USA Swimming has used its best efforts to be as accurate and responsive as possible based on its understanding of the terms used in your letter. The representations herein are based on reasonably available information and are not intended to, and do not, capture every event related to your requests, nor are they an exhaustive description of the events discussed.

In providing information and documents in response to the Committee's requests, USA Swimming does not waive, nor does it intend to waive, any of its rights or privileges with respect to your inquiry, including any applicable attorney-client, work product, or other evidentiary privilege, or any objection to your letter. This submission includes certain documents and information in the enclosed Appendix A that contain or constitute confidential and proprietary information of USA Swimming. Accordingly, USA Swimming has marked such documents submitted today with the legend "USA SWIMMING CONFIDENTIAL TREATMENT REQUESTED."

We respectfully request advance notice of any contemplated disclosure of the information and documents USA Swimming has voluntarily submitted to the Committee, as well as a reasonable opportunity to object.

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<sup>1</sup> On February 9, 2018, representatives of USA Swimming briefed Committee staff to answer the questions addressed in your January 26, 2018 letter and to share information regarding USA Swimming's Safe Sport program. During the briefing, Committee staff requested additional information and documents, which was provided on February 15, 2018 as documents numbered USAS-000001 to USAS-00212.

Thank you again for the opportunity to brief the Committee on USA Swimming's Safe Sport program and its handling of cases.

Best regards,

A handwritten signature in black ink, appearing to read 'Tim Hinchey III', written in a cursive style.

Tim Hinchey III  
USA Swimming Chief Executive Officer

cc:

The Honorable Gregg Harper

The Honorable Diana DeGette

The Honorable Robert E. Latta

The Honorable Janice D. Schakowsky

Enclosures

## Appendix A

### USA SWIMMING'S RESPONSE TO COMMITTEE'S REQUESTS DATED MARCH 7, 2018

USA Swimming submits the following in response to the Committee's requests. Please note that some of the documents produced today may be responsive to more than one of the Committee's requests.

- 1. Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to these policies and procedures. Please specify if a policy or procedure is required or recommended.***

For each year from 2005 to present, USA Swimming's Code of Conduct and investigation and hearing processes are enclosed, in addition to the year's summary of major legislation and rule changes. In 2010, USA Swimming adopted Athlete Protection Policies, which are also enclosed. (USAS-000213 – USAS-000416). All of these rules and procedures are required by USA Swimming.

Also enclosed are USA Swimming's recommended Best Practice Guidelines, which were adopted in 2010 (USAS-000417 – USAS-000418).

USA Swimming's efforts to locate additional communications to or from the NGB regarding changes to these policies and procedures are ongoing, and USA Swimming will supplement its production as appropriate.

- 2. Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates") regarding how to report and handle complaints of sexual abuse.***

USA Swimming is providing the following materials in connection with this request:

1. Deal With A Safe Sport Concern (USA Swimming website) (USAS-000419 – USAS-000421)
2. Safe Sport 101: Required Athlete Protection Training (APT) script (USAS-000422 – USAS-000426)
3. Action Plan for Scenario Training (part of the APT) (USAS-000427 – USAS-000431)
4. Action Plan for Preventing Bullying (supplement to the APT) (USAS-000432 – USAS-000436)
5. How To Respond When An Athlete Discloses Abuse (supplement to the APT) (USAS-000437)
6. Responding To Reports of Red-Flags (supplement to the APT) (USAS-000438)
7. USA Swimming Safe Sport: January 27, 2016 Webinar (USAS-000439 – USAS-000455)

8. Set. Direct. Protect. Athletes Presentation (USAS-000456 – USAS-000480)
9. Set. Direct. Protect. Regional Coaches Clinic (RCC) Presentation (USAS-000481 – USAS-000504)
10. RCC Sport Toolbox (online and available to all RCC attendees) (USAS-000505 – USAS-000546)
11. Safe Sport Club Presentation (USAS-000547 – USAS-000562)
12. Safe Sport Venue Evaluation (USAS-000563)

3. ***All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.***

Enclosed please find documents and communications regarding policies, procedures, or guidance provided to USA Swimming by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017 (USAS-000564 – USAS-000785).

USA Swimming's efforts to locate additional documents and communications from the Center are ongoing, and USA Swimming will supplement its production as appropriate.

4. ***Has the USOC required or recommended that your NGB adopt changes to your bylaws, policies, procedures, or other governing documents from 2005 to present. If so, please describe any changes so required or recommended***

The USOC has required or recommended that USA Swimming adopt changes to its bylaws, policies, procedures, or other governing documents on at least two occasions from 2005 to the present.

First, the USOC adopted its Minimum Standards Policy for Athlete Safety Programs in 2013, which resulted in USA Swimming prohibiting certain romantic or sexual relationships between adults (*see e.g.*, Article 304.3.8(C) of the 2014 Code of Conduct).

Second, the USOC updated its bylaws in 2015 to require all NGBs comply with safe sport policies and procedures of the independent safe sport organization designated by the USOC, which resulted in USA Swimming revising its Code of Conduct and applicable hearing procedures, effective July 1, 2017.

- a. ***Please provide all documents and communications related to any changes required or recommended by the USOC referring or related to sexual abuse.***

Enclosed please find documents and communications related to changes required or recommended by the USOC referring or relating to sexual abuse (USAS-000786 – USAS-001416).

USA Swimming's efforts to locate additional documents and communications related to any changes required or recommended by the USOC are ongoing, and USA Swimming will supplement its production as appropriate.

5. *Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.*

Enclosed please find a summary of sexual abuse reports received and the handling of that information from 2010 to the present (USAS-001417 – USAS-001418). USA Swimming began its Safe Sport program in 2010 and has the most complete data since that time.

6. *Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?*

Yes.

- a. *Please describe any lists that your NGB maintains and when you began maintaining any such lists.*

USA Swimming has maintained a *List of Individuals Permanently Suspended or Ineligible for Membership* (<https://usaswimming.org/utility/landing-pages/safe-sport/banned-member-list---perm>) since 2010 and a *List of Individuals Suspended or Ineligible – Specific Date* (<https://www.usaswimming.org/utility/landing-pages/safe-sport/banned-member-list---temp>) since 2016. Both lists contain the name, state of residence, and suspension date of the individual, as well as the applicable Code of Conduct violation resulting in ineligibility.

- b. *Please describe the circumstances that would result in a name being added to any such list.*

Names will be added to the list following notice and an opportunity for a hearing before the USA Swimming National Board of Review or final resolution by the Center for Safe Sport for a violation of USA Swimming's Code of Conduct. The lists are not limited to those ineligible for membership due to engaging in sexual misconduct, and individuals are not permitted to simply relinquish their membership.

- c. *Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.*

Yes, the lists are publicly available on USA Swimming's website and have been publicly available since they were first maintained (2010 and 2016, respectively).

- d. *How often is such a list or lists updated?*

USA Swimming's lists are updated following the conclusion of the underlying National Board of Review or Center for Safe Sport process.

***e. How many people are on each of the lists because of a matter related to sexual abuse?***

Of the 89 individuals banned for sexual misconduct related violations since the inception of Safe Sport in Fall 2010, 61 were banned for inappropriate sexual contact:

- a. Five adult-to-adult
- b. Fifty-four adult-to-minor
- c. Two minor-to-minor

The remaining 28 were banned for non-contact offenses, including sexually explicit communication, possession of child pornography, and voyeurism/surreptitious camera.

Prior to the inception of Safe Sport, 51 individuals were banned. Upon information and belief, the majority of these 51 individuals were based due to sexual misconduct.

Of the 19 individuals currently on the *List of Individuals Suspended or Ineligible – Specific Date*, eleven individuals' suspensions resulted from some type of sexual misconduct or boundary violation (e.g., inappropriate communication).

***7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?***

Yes.

***a. If so, how many individuals have been determined to be ineligible for membership within your NGB?***

USA Swimming has 297 non-member records that have blocks to prevent the individual from registering with USA Swimming without a review by headquarters (i.e., dummy records). A block is placed on a non-member record due to (1) international doping control violation; (2) failure to pass a background check; or (3) report made to USA Swimming that would constitute a Code of Conduct violation if the individual were under the jurisdiction of USA Swimming.

***8. What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?***

USA Swimming does not have a policy or practice of notifying the USOC of reports, complaints, or allegations of sexual abuse from 2005 to the present. However, since 2010, USA Swimming members have been required "to promptly report any incident of sexual misconduct ..." to USA Swimming and, effective July 1, 2017, to the US Center for Safe Sport. Furthermore, since 2010, USA Swimming policy has required the organization to report any incident of child sexual abuse to the relevant law enforcement agency.

**9. *Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?***

Upon current information and belief, on one occasion the USOC relayed to USA Swimming a report, complaint, or allegation of sexual abuse involving a member of USA Swimming when such complaint was received in the mail by the USOC.

**10. *Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investigation into that individual's conduct by law enforcement, the U.S. Center for SafeSport, your NGB, or others? Please explain why or why not?***

USA Swimming's rules permit an emergency hearing to be held after an initial investigation has been completed to determine if a member should be suspended pending the outcome of a full hearing.

**a. *Has the practice changed over time? If so, please explain.***

USA Swimming rules have provided for an emergency hearing since at least 2005.

**11. *Does your NGB require and perform background checks or other vetting of its athletes or affiliates?***

USA Swimming requires criminal background checks for all non-athlete members (e.g., coaches, officials and certain other volunteers) and for those who interact directly and frequently with athletes as a regular part of their duties, including team managers, chaperones, and club owners. USA Swimming does not otherwise require background checks for its athlete members, the vast majority of whom are minors (96.7%).

**a. *If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.***

USA Swimming's Background Check Policy and Frequently Asked Questions are enclosed (USAS-001419 – USAS-001425).

USA Swimming first required criminal background checks of its coaches, staff and select member groups in 2007. In 2011, the criminal background check requirement was expanded to include all non-athlete members and also to search the member's county of residence and conduct a monthly recurring check. Initially, coaches and officials were required to undergo a "level 2" background check and other non-athlete members were required to undergo a "level 1" background check. Both background checks involved national database searches for convictions, including sex offender searches in all 50 states, social security and identification traces, and a search of watch lists from various national and international databases, but the level 2 check included a search in the county of residence for the past ten years while a level 1 check included a search in the county of residence for the past seven years.



- b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.*

USA Swimming's Background Check Policy (at USAS-001419 – USAS-001420) reflects automatic and potentially disqualifying offenses.

- 12. *Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 SafeSport audit.***

A copy of the USOC's SafeSport Audit of USA Swimming, dated September 2017, which found, "USA Swimming's policies and procedures met the requirements of the Athlete Safety Standards" without observation, is enclosed for your reference (USAS-001426 – USAS-001433).

A copy of *When the Athlete is a Child: An Assessment of USA Swimming's Safe Sport Program*, dated January 27, 2014, by Victor Vieth of Gundersen National Child Protection Training Center and related follow up, including: (i) May 3, 2014 Safe Sport Program Review Task Force Report, (ii) 2015 Progress Update; and (iii) 2017 Progress Update<sup>2</sup>, are enclosed for your reference (USAS-001434 – USAS-001625).

There have been no other independent audits, reviews, or investigations that have been conducted of USA Swimming or on its behalf regarding sexual abuse or related policies and procedures from 2005 to the present.

- 13. *For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.***

USA Swimming has been a defendant in civil litigation relating to allegations of abuse made by athletes. Some of those matters were resolved through agreement between or among the parties. Those agreements typically contain confidentiality provisions that apply to the terms of the agreement (or often just the settlement amount); however, such confidentiality provisions typically do not apply to the athletes' abilities to discuss their experiences, including the abuse suffered.

Upon current information and belief, since 2005, USA Swimming was a party to or was made aware of one such agreement in 2010, two in 2011, four in 2012, one in 2013, seven in 2014, one in 2015, and two in 2016.

USA Swimming will supplement this response as additional information becomes available.

Additionally, USA Swimming has addressed a number of peer-to-peer cases of sexual misconduct involving minor athletes. In those instances, USA Swimming seeks to achieve a cooperative resolution with the athlete, rather than proceed through its adversarial hearing process. The

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<sup>2</sup> An outdated copy of the 2017 Progress Update was provided to the Committee on or around February 15, 2018. A correct version of the report has been enclosed.

resolution of those cases has involved binding agreements with the offending athletes regarding their membership status and ability to participate in the organization.

Finally, USA Swimming has entered into agreements whereby wrongdoers waive their right to a hearing and accept a sanction (lifetime ban, suspension for a period of years, etc.). Those cases are reflected in the statistics provided in response to request 5.

USA Swimming considers the information contained in this response to be highly confidential and sensitive in nature and respectfully requests advance notice of any contemplated disclosure of this information, as well as a reasonable opportunity to object.

**14. *A detailed itemization of your NGB's annual budget.***

A copy of USA Swimming's 2018 budget packet is enclosed (USAS-001626 – USAS-001642).

**15. *Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NGB's total funding that comes from the USOC.***

USA Swimming received \$5,134,700 from the USOC in 2017, which totals 14.4% of \$35,614,853 in total revenue.

- a. *Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.***

Upon current information and belief, the USOC has never suspended, decertified, or pulled funding from USA Swimming or threatened to suspend, decertify, or pull funding from USA Swimming.

**\*\*\***

**Committee of Energy & Commerce  
2125 Rayburn House Office Building  
Washington DC 20515-6115**

**Wednesday 21 March, 2018**



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

Telephone: 719-201-1047  
Fax: 719-866-4642  
[www.usa-taekwondo.us](http://www.usa-taekwondo.us)  
[@usa\\_taekwondo](mailto:@usa_taekwondo)

Dear Committee of Energy & Commerce,

Please find below and attached USA Taekwondo's response to the Committee's letter dated March 7 2018. USA Taekwondo staff and counsel have gathered the information requested - as I have been in my current position since October 2017, I do not have personal knowledge as to some of the answers below but am relying on information and documents available to me after a diligent search.

**QUESTIONS:**

**1) Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to those policies and procedures. Please specify if a policy or procedure is required or recommended.**

*Response: The requested documents are produced under numbers 101 – 127. The USA Taekwondo bylaw revisions for this period are attached, along with other historical policies that were published/distributed and were collected and are maintained by USA Taekwondo's outside independent disciplinary counsel. All members are required to abide by the bylaws of the organization, and submitting to policies related to SafeSport and background checks are a required condition of membership.*

**2) Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates") regarding how to report and handle complaints of sexual abuse.**

*Response: The requested documents are produced under numbers 201 – 202.*

**3) All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for Safe Sport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for Safe Sport was launched in 2017.**

*Response: The requested documents are produced under numbers 301 – 320.*

**4) Please provide all documents and communications related to any changes required or recommended by the USOC referring or relating to sexual abuse.**



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Response: *The requested documents that could be sourced are produced under numbers 401 to 404. There were generally two groups of changes recommended by the USOC. First, the USOC required each NGB to adopt a Safe Sport strategy document. Second, USOC required each NGB to amend its bylaws to incorporate U.S. Center for Safe Sport procedures and the allocation of jurisdiction to the Center for Safe Sport.*

**5) Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.**

Response: *USA Taekwondo does not have detailed records from which specific data can be reported on some requests above (oral reports etc), due to many changes in personnel over the period. There was one case that was discussed with the USOC as it involved a requested training partner for the 2016 Olympic Games. Given the circumstances, as much information on historical suspensions as is available is detailed below:*

*2010: 1 lifetime ban  
2011: 1 lifetime ban  
2012: 2 lifetime bans  
2013: 3 lifetime bans  
2014: 1 lifetime ban  
2015: 4 lifetime bans  
2016: 2 lifetime bans & 1 five year suspension  
2017: 1 lifetime ban, 1 2 year suspension  
2018: 3 lifetime bans, 1 10 year suspension, 1 temporary suspension still in place*

**6) Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?**

Response: *USA Taekwondo does maintain such a list. It is published here: <https://www.teamusa.org/USA-Taekwondo/V2-Resources/Legal/USAT-Suspension-List>*

**a. Please describe any lists that your NGB maintains and when you began maintaining any such lists.**

Response: *USA Taekwondo maintains lists of a) individual members who are banned or suspended from USA Taekwondo activities for ethical, judicial or SafeSport reasons, and b) a Competition Suspension List for athletes/coaches/referees who are suspended from competitions for competition related infractions (cheating, etc). List a has been maintained since 2010, list b has been maintained since 2016. Both are published on the Team USA website.*

**b. Please describe the circumstances that would result in a name being added to any such list.**



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

Telephone: 719-201-1047  
Fax: 719-866-4642  
[www.usa-taekwondo.us](http://www.usa-taekwondo.us)  
[@usa\\_taekwondo](mailto:@usa_taekwondo)



OFFICIAL MEMBER



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

Telephone: 719-201-1047  
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Response: *USA Taekwondo adds an individual's name to the list whenever a report comes in that warrants an interim suspension, the Center for Safe Sports imposes a suspension, or one of our hearing panels determines that a term of suspension or termination will be imposed.*

**c. Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.**

Response: *USA Taekwondo makes the lists publicly available and has done so since 2010 in the case of ethical, judicial or SafeSport related suspensions, and 2016 in the case of competition related suspensions.*

**d. How often is such a list or lists updated?**

Response: *USA Taekwondo updates the list immediately upon banning or suspending the individual.*

**e. How many people are on each of the lists because of a matter related to sexual abuse?**

Response: *USA Taekwondo's list currently includes 24 individuals banned or suspended because of sexual abuse.*

**7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?**

Response: *Yes, we do, from the commencement of background checks in 2014 – they are stored in our background check system, which has a record of every application that has been marked as ineligible for membership.*

**a. If so, how many individuals have been determined to be ineligible for membership with your NGB?**

Response: *There are 30 individuals who have been made ineligible for membership through the background check system since 2014.*

**8. What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?**

Response: *USA Taekwondo has not had a policy of informing the USOC of reports, complaints, or allegations of sexual abuse from 2005 to the present unless the individual may be representing the United States on a team fielded by the USOC (Pan-American Games, Olympics, etc.), or may have been involved in supporting an athlete on that team.*

**9. Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?**

Response: *No, the USOC has not relayed any such report, complaint, or allegation of sexual abuse to USA Taekwondo.*

**10. Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investi-**



OFFICIAL MEMBER



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

Telephone: 719-201-1047  
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[www.usa-taekwondo.us](http://www.usa-taekwondo.us)  
[@usa\\_taekwondo](mailto:@usa_taekwondo)

**gation into that individual's conduct by law enforcement, the U.S. Center for Safe Sport, your NGB, or others? Please explain why or why not.**

Response: *USA Taekwondo issues interim suspensions under the circumstances described above in response to question 6.b. USA Taekwondo only takes action when it is apprised of facts that led to an investigation, as a consequence of which there may be investigations that USA Taekwondo hears about but for which USA Taekwondo is unable to obtain sufficiently specific information. For example, if a complaint goes to the U.S. Center for Safe Sport or an independent law enforcement agency, there is a very good chance that the investigation will not be disclosed to USA Taekwondo until some interim relief is issued, in which case USA Taekwondo is not in a position to act. However, if someone reports sufficiently egregious facts to USA Taekwondo, then USA Taekwondo will suspend the individual pending further investigation even if the law enforcement agency or Center for Safe Sport does not specifically keep USA Taekwondo up to date on the progress of their investigations.*

**a. Has this practice changed over time? If so, please explain.**

Response: *USA Taekwondo's practices changed significantly with the opening of the U.S. Center for SafeSport, as the Center now has exclusive jurisdiction over sexual assault claims. In those cases in which the Center has informed USA Taekwondo that it is exercising jurisdiction, USA Taekwondo leaves the question of interim relief to the Center for SafeSport and strictly enforces any interim relief handed down by the Center.*

**11. Does your NGB require and perform background checks or other vetting of its athletes or affiliates?**

Response: *Yes, USA Taekwondo performs background checks on coaches, officials (referees and staff), and any vendor or technician who has access to the competition floor.*

**a. If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.**

Response: *The requested document is produced under number 1101. Background checks were introduced for all coaches, referees and staff members in 2014, to be retaken every two years. In 2018 USA Taekwondo also introduced mandatory background checks for all vendors and technicians who have floor access at any USA Taekwondo state or National tournament.*

**b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.**

Response: *An individual would be rejected for membership (or terminated if currently a member) if the background check revealed felony convictions or pending cases which could result in a felony conviction.*

*In other vetting, whether arising from an informal complaint or from USA Taekwondo's own research into an individual, a member could be denied membership, suspended, or terminated for any of the causes set out in our various regulations being*



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*produced herewith.*

**12. Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 Safe Sport audit.**

Response: *The requested document is produced under number 1201.*

**13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.**

Response: *USA Taekwondo has not been a party to any non-disclosure agreements, settlements, or similar resolutions of alleged assault, except in 2007 when a settlement agreement between USA Taekwondo, Mandy Meloon and Jean Lopez was reached – see supplied documents 1301 to 1303 for a copy of this agreement.*

**14. A detailed itemization of your NGB's annual budget.**

Response: *USA Taekwondo's annual budget is set out in the document attached numbered 1401.*

**15. Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NGB's total funding that comes from the USOC.**

Response: *The amount of funding and the percentage of USA Taekwondo's total funding changes from year to year. USA Taekwondo's funding is summarized in the Form 990s that USA Taekwondo files each year. The last four years are attached as 1501 to 1504.*

**a. Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.**

Response: *Under the current USA Taekwondo administration the USOC has never suspended, decertified, or pulled funding from USA Taekwondo, or threatened to suspend, decertify, or pull funding from USA Taekwondo. USA Taekwondo was placed on probation by the USOC in 2013 but these conditions were removed in 2014.*

I hereby certify that (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in (17) above, or identified as provided in (10), (11) or (12) of the original request.



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

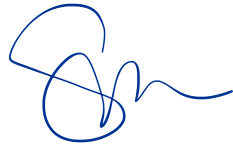
Telephone: 719-201-1047  
Fax: 719-866-4642  
[www.usa-taekwondo.us](http://www.usa-taekwondo.us)  
[@usa\\_taekwondo](mailto:@usa_taekwondo)



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Yours Sincerely,



**Steve McNally**  
Executive Director



Steve McNally  
Executive Director  
1 Olympic Plaza  
Colorado Springs  
Colorado  
80909 USA

Telephone: 719-201-1047  
Fax: 719-866-4642  
**[www.usa-taekwondo.us](http://www.usa-taekwondo.us)**  
[@usa\\_taekwondo](mailto:@usa_taekwondo)



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# USA Swimming Background Check Policy

All non-athlete members are required to pass a criminal background check conducted by IntelliCorp Records, the background check provider engaged by USA Swimming.

## Background Check Searches Conducted

- (1) Validated Criminal Database Search for criminal convictions including Validated Sexual Offender search in all states, social security trace and identity verification, and a search of other watch lists from various national and international databases. The validated database search will be conducted on the name provided and on all former last names (as applicable) found within the 7 year address history.

Such search will be repeated monthly on the anniversary of the original background check date for the 24-month period that the background check authorization is valid. Any member who chooses to leave USA Swimming during this 24-month period and wishes to stop the monthly updates must notify USA Swimming's Member Services Department in writing that such member has resigned his/her membership. We will discontinue the monthly update within 30 days following receipt of the member's notice of resignation. Depending on the scheduled monthly update and the date of resignation, one monthly update may occur following the notice of resignation.

- (2) County Criminal Search in all counties of residence within the 7 year address history on name provided and one (1) former last name as applicable.
- (3) Federal Court Search on name provided.

## USA Swimming Criminal Background Check Disqualification Criteria and Appeals Process

Any results that meet the criteria set below will be reported to USA Swimming's General Counsel.

Automatic Disqualifiers ("Review – Eligible for Dispute"): An individual will be disqualified from USA Swimming membership if a background search reveals that such individual has been convicted of, received an imposition of a deferred sentence for, or for any plea of guilty or no contest at any time, or the existence of any pending charges for any crime involving:

- (1) Any felony involving:
  - a. Violence against a person;
  - b. Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon);
  - c. Animal abuse or animal neglect
- (2) Any felony or misdemeanor involving:
  - a. All sexual crimes (excluding only those potential disqualifiers provided in 3c below);
  - b. Drug use or possession, (including the use of drug paraphernalia) within the previous 3 years;
  - c. Other drug related crimes including drug distribution, intent to distribute, manufacturing, trafficking, or sale within the previous 7 years;
  - d. Child endangerment, neglect or abuse.

Individuals with a "Pre-Adverse" Status may dispute the accuracy of the reported information with IntelliCorp Records, but not the consequence of disqualification if the above criteria are met.

Potential Disqualifiers ("Review – Eligible for Appeal"): An individual will be subject to review for disqualification from USA Swimming membership if a background search reveals that such individual has been convicted of, received an imposition of a deferred sentence for, or for any plea of guilty or no contest at any time, or the existence of any pending charges at any time of any crime involving:

- (1) Other felonies not included in Automatic Disqualifiers above;

- (2) Crimes involving vehicular bodily harm;
- (3) Other misdemeanors for:
  - a. Drug related crimes which are not covered in Automatic Disqualifiers above;
  - b. Violence against a person (including crimes involving firearms);
  - c. Prostitution, indecent exposure, and public indecency;
  - d. Stalking or harassment;
  - e. Destruction of property, including arson, vandalism, and criminal mischief;
  - f. Animal abuse or neglect.

Individuals with a status of "Eligible for Appeal" status may request a hearing before the USA Swimming Background Check Appeal Panel to contest the consequence of disqualification. An applicant may also dispute the accuracy of the reported information with IntelliCorp Records.

**Offenses that have already been reported to USA Swimming under its previous background check process would not trigger additional action.**

Questions? [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org)

# USA Swimming Background Check Program

## Frequently Asked Questions

### 1. Why does USA Swimming have a Background Check Program?

USA Swimming was among the first National Governing Bodies to require criminal background checks for coaches when the program was implemented in 2006. Since this program was initiated, criminal background checks have become a standard practice in the youth sports industry requiring not only coaches, but officials and others who have frequent and direct interaction with young people to complete background checks.

USA Swimming's background check requirement is designed to deter individuals who should not be working with athletes from ever applying for membership. Additionally, it serves to identify any unsuitable criminal history of those individuals who do apply for membership. Like previously mandated USA Swimming safety and education requirements, the background check program is another layer of protection for athletes in our sport.

It is important to emphasize that the purpose of this background check is to determine an individual's eligibility for membership in USA Swimming based on the criteria stated in the program overview found at [www.usaswimming.org/backgroundcheck](http://www.usaswimming.org/backgroundcheck). This check is not intended to serve as a pre-employment background screening program. The background check process is a criminal record search and is not a substitute for a club conducting appropriate pre-employment screening of applicants. It is a club's responsibility to screen potential employees. Clubs should carefully check references and prior employers, and consider requiring additional information such as driving records, before making a hiring decision.

### 2. Who is required to complete the background check?

All non-athlete members must satisfactorily complete the USA Swimming background check. USA Swimming requires that individuals serving in the following roles become non-athlete members of USA Swimming:

- Coaches
- Officials
- Athletes
- Meet Directors
- Team Chaperones
- USA Swimming Board of Directors and National Committee Members
- Individuals with any ownership interest in a member club
- Individuals with password access to the USA Swimming SWIMS member database
- Members of the USA Swimming House of Delegates
- HQ Staff
- "Employees and volunteers of USA Swimming, Zones, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties" (Article 305.4)

This provision does not apply to volunteers such as timers, marshals, computer operators, snack bar workers, and others who only have incidental contact with athletes at swim meets.

### 3. Can I require others in my club to complete the background check?

Yes. If your club requires other individuals to do a background check, be sure they also register as non-athlete members of USA Swimming. If they are not members, their background check records cannot be tracked by USA Swimming in its member database (SWIMS).

Updated 4/1/17

USAS-001421



#### **4. Who will be performing the background checks?**

We have selected IntelliCorp Records, an independent Consumer Reporting Agency, to perform the USA Swimming Background Check program. Headquartered in Cleveland, Ohio, IntelliCorp Records is a worldwide organization and a pioneer in the background screening industry. IntelliCorp is accredited by the National Association of Professional Background Screeners (NAPBS), and provides background screening products and services to help mitigate risk.

All information received shall be kept private and protected according to federal regulations. Individuals who login to perform their background check will be advised in writing prior to the background check and be required to authorize such background check. In addition, they will be provided an opportunity to review the results of any background check performed.

#### **5. If I already have been background checked for employment or other volunteer purposes, can USA Swimming accept that background check?**

Unfortunately, USA Swimming cannot accept your background check for another organization. Currently, there is significant duplication of efforts with regard to background checks required by schools, churches, youth sports and employers in part because organizations are not permitted to share applicant's background check reports with each other. In addition, different entities use different criteria to judge someone's suitability for employment, membership or service. There are no standard criteria by which search reports are evaluated.

#### **6. What searches does the background check include?**

The background check includes:

- a search of national criminal and sex offender databases on the name provided and up to four former last names found within the seven year address history;
- a search of other watch lists from various national and international databases on the name provided and up to four former last names found within the 7 year address history;
- a county criminal search in county of current residence on the name provided and one former last name;
- a county criminal search in all counties of residence within the 7 year address history on the name provided and one former last name;
- a federal court search on the name provided and one former last name;
- and a once per month update of the national criminal database for a period of 23 months.

#### **7. What offenses does the background check look for?**

For information regarding the components of the background check and the criteria by which the background check report will be evaluated see the PDF entitled *Program Overview* available at [www.usaswimming.org/backgroundcheck](http://www.usaswimming.org/backgroundcheck).

#### **8. How do I initiate the USA Swimming background check?**

Completing a USA Swimming background check is an online process that starts at this link: [www.usaswimming.org/backgroundcheck](http://www.usaswimming.org/backgroundcheck).

You will be directed from the USA Swimming website to the IntelliCorp Records website. Once on the IntelliCorp Records website, provide the information requested and pay with a credit card. You will receive an email confirmation once the background check has been submitted. Save this email as confirmation that you initiated a check.

If you encounter any problem with completing the check while online, please contact our dedicated account manager at Intellicorp Records available at 866-637-0010.

Updated 4/1/17

USAS-001422

## 9. What information will I be asked to provide?

You will be asked to provide the following information to IntelliCorp Records:

- *Required Information:*
  - First and Last Name
  - Home Address, City, State, Zip Code
  - Date of Birth
  - Social Security Number
  - Email Address
- *Requested Information:*
  - Middle Name
  - Maiden Name
  - Phone Number

Neither USA Swimming nor IntelliCorp Records is permitted to share any of the above information with any entity other than the subject of the report or as required by law.

## 10. With the current concerns about privacy and identity theft, why do we use social security numbers?

Background checks based on name, date of birth, address history and social security number are standard throughout the background screening industry. These are the key identifiers used to search national data bases and county criminal records.

IntelliCorp Records must follow federal regulations to manage and protect this information. IntelliCorp Records will not share your SSN with USA Swimming and, for privacy purposes, any record IntelliCorp Records might maintain will redact the first five digits of the SSN.

## 11. If I do not have a Social Security Number, do I complete the same background check?

Anyone who has lived in the United States for the past 10 years or longer who has a Social Security Number (SSN) or an IRS-issued Individual Taxpayer Identification Number (ITIN) should complete the regular USA Swimming Background Check.

Anyone who has lived outside the United States for more than 13 consecutive months within the past 10 years and any first-time resident of the United States who does not have a SSN or ITIN should contact [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org) to receive instructions on how to complete a background check.

## 12. What is the cost?

The new member background check costs \$38. The fee for all existing members the first time they complete a check with IntelliCorpRecords is \$38. The fee to renew the background check (every other year) is \$18.

### New York County Record Search Fees

Due to the unusually high access fees in certain counties of New York State, some members may be subject to an additional fee for county criminal record searches conducted in these counties. These counties are: Allegheny, Bronx, Cayuga, Cortland, Erie, Fulton, Hamilton, Kings (Brooklyn), Montgomery, Nassau, New York (Manhattan), Orleans, Queens, Richmond (Staten Island).

IntelliCorp Records will conduct county searches in these counties for the name provided and one former last name.

Updated 4/1/17



A search for an address in one of these counties is subject to an additional \$65 fee per name for county criminal record searches. This is the actual fee charged for the search by New York. However, as a benefit to members, USA Swimming will subsidize this fee such that USA Swimming will pay \$40 and members who are charged the additional fee(s) will pay only \$25 per name that must be searched. This fee will be applied at the time the background check is ordered.

### **13. When does my background check expire?**

Your USA Swimming non-athlete membership card includes a “Valid Through” date for your background check and your safety certifications. Your background expiration date is also available through your Deck Pass portal.

### **14. How will I be notified of my background check results?**

You will receive the results of the background check by email. Notification will normally occur within 7-14 business days following initiation of the background check. The subject line of the email will include your name and USA Swimming Background Check – Pass. The email will include a link to your background check report and results.

### **15. What should I do if my background check returns inaccurate criminal information?**

There will be times, particularly if you have a very common name, when a background check report will return potentially negative information that doesn't belong to you. When the report includes information that does not meet membership criteria, the applicant will receive a Pre-Adverse Action letter and a copy of the background check report.

If you believe information in your background check report is erroneous, please contact IntelliCorp Records immediately by following the directions on the Pre-Adverse Action letter. You will need to provide your full name, date of birth, and the Request ID listed under the applicant information section of the report. When information in a report is disputed, no action will be taken regarding membership eligibility until that information has been verified.

You have 15 business days to respond to the adverse action letter. If you fail to respond to the letter in 15 business days, we will assume that there is nothing in the background check that you dispute.

Upon receiving a report dispute, IntelliCorp Records will immediately review the situation and go back to the jurisdiction and verify or amend the record. This process could take up to 30 days depending on the jurisdiction in question.

### **16. If my background check returns information that disqualifies me for membership in USA Swimming, do I have the opportunity to appeal that decision? How do I initiate an appeal?**

The USA Swimming background check report will return a “Review – Eligible for Dispute”, “Review – Eligible for Appeal” or “Pass” score. A “Review – Eligible for Dispute” score is an automatic disqualifier for membership and can only be appealed on the grounds that the negative information in your report is incorrect. In such case, you will receive a pre-adverse action letter and you should follow the directions provided in that letter

A “Review – Eligible for Appeal” score indicates that the report includes public record information that, if correct, may not meet membership criteria. You will receive a pre-adverse action letter that provides two options:

Option #1 - You can challenge the accuracy of the information (see #15).

Option #2 - You can acknowledge the accuracy of the report and appeal the negative membership decision. In order to request an appeal, the applicant should contact USA Swimming by sending an email to [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org). The request should include the applicant's full name, date of birth, and the Request ID in the applicant information section of the background check report.

Updated 4/1/17

You have 15 business days to respond to the pre-adverse action letter. If you fail to respond to the letter in 15 business days, we will assume that there is nothing in your background check that you dispute.

The procedure for appeals will be in compliance with the hearing and appeals process outlined in Part Four of the USA Swimming Rules and Regulations.

USA Swimming will schedule your appeal hearing before the National Board of Review Background Check Appeal Panel as soon as is practical. A written decision will generally be rendered within three (3) business days of the hearing.

You must respond to the notification from IntelliCorp Records in order for your appeal to go forward. If you fail to respond at any stage in the appeal process, we will assume that there is nothing in the background check report that you dispute. In all cases, USA Swimming reserves the right to bring a National Board of Review hearing on the basis of background check report information, even if you withdraw from the membership process.

**17. At what point in the process will my club and/or LSCs be notified if I failed a background check?**

Your LSC's Registration Chair and the Club with which you are affiliated will be notified upon the earlier of: (a) the completion of the USA Swimming Board of Review Background Check Appeals process or (b) fifteen (15) days after the disqualification for membership notification is received by you and no appeal is filed. If your appeal is sustained and you are granted membership, neither the LSC nor the Club will be notified of the disqualifying information, unless and to the extent membership is granted on a probationary or restricted basis.

**18. How do I stop the automatic monthly database search updates if I no longer desire to be a member of USA Swimming?**

One of the features provided by the background check program is a monthly search of the IntelliCorp Records database. For the 24-month period that your background check authorization is valid, this update will automatically occur once per month on the anniversary date of your first background check by IntelliCorp Records. The monthly search keeps our program current and up-to-date.

If you choose to leave USA Swimming during this 24-month period and you want to stop the monthly database searches, you must notify USA Swimming's Member Services Department (MemberServices2@usaswimming.org) in writing that you have resigned your membership in USA Swimming. We will discontinue the monthly update within 30 days following receipt of your notice of resignation. It is possible, depending on your scheduled monthly update and your date of resignation, that one monthly update will occur following your notice of resignation.

*For more information regarding USA Swimming's background check program, contact [backgroundcheck@usaswimming.org](mailto:backgroundcheck@usaswimming.org).*

# Instructions to complete required background check



Print

**APRIL 03, 2014**, 5:51 P.M. (ET)

USA Taekwondo offers this reminder to all coaches and referees who plan to participate at any upcoming USA Taekwondo event, such as State Championships or the National Championships- You are required to take and to complete a Background Check before you are eligible to get a credential to coach or to referee at our USAT-sanctioned events. Background checks take from one day to as long as 12 business days, depending on your county of residence. Apply early for your background check through Hangastar so that you will not be surprised when you are denied a coaching credential or referee credential for a USA Taekwondo event. Please plan ahead.

**Please see below for instructions on how to complete the required background check.**

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USA Taekwondo has partnered with Verified Volunteers to complete required background checks as part of the U.S. Olympic Committee [SafeSport](#) initiative. All coaches, referees, instructors and/or club owners must complete a background check through Verified Volunteers before being able to register for any USA Taekwondo sanctioned event. Background checks must be updated every two years.

Please note that background checks take a minimum of one business day to clear, so be sure you have allowed ample time to complete your background check before registering for any event. The cost of background checks, which vary based on your location, will be incurred by each individual.

Follow this step-by-step procedure to accurately complete your required background check:

1. Log on to your Hang-A-Star account
2. Click the 'Membership' tab
3. Click 'Complete Background Check'
4. Copy the given 'Good Deed Code': **Taek001**
5. Click 'Click Here to take the Background Check' above the Good Deed Code
6. Click 'Create an Account' under the Volunteers login option on the Verified Volunteers page
7. Create username and password on the 'Get Started with Verified Volunteers' page
8. Click 'Get Verified'
9. Enter the 'Good Deed Code': **Taek001**
10. Fill out your personal information and follow steps to complete background check

Any attempt to register for an event will not be completed until the background check has been cleared. On each event registration page, the aforementioned required individuals will be prompted to complete a background check if they have not done so already. In this instance, please follow the above steps to complete.



Please note: if your status is listed as 'Complete' on your Hang-A-Star membership account, you **do not** need to re-take a background check.

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USA Taekwondo is issuing a reminder that any member who seeks to register for a USA Taekwondo sanctioned event as either a Coach, Referee, Instructor and/or Club Owner is now required to successfully take and pass a background check before being issued a credential as part of the USOC SafeSport initiative. A background check will take a minimum of one business day to complete and return. Therefore, it is very important that you plan ahead if you need to register for an event so that you allow yourself enough time to complete and get the results back from your background check. Please remember that each individual is responsible for paying for their own background check. You are not able to complete any event registration without first getting the clearance on your background check, and no exceptions will be made for your not having allowed enough time to complete a background check. Please pass this information to others who may be affected by this as well. Please be sure to register early and complete your background check.



**USAVolleyball.**

March 20, 2018

Honorable Greg Walden  
Chairman  
House of Representatives Committee on Energy and Commerce

Honorable Frank Pallone  
Ranking Member  
House of Representatives Committee on Energy and Commerce

Honorable Gregg Harper  
Chairman  
House of Representatives Subcommittee on Oversight and Investigations

Honorable Diana DeGette  
Ranking Member  
House of Representatives Subcommittee on Oversight and Investigations

Honorable Robert E. Latta  
Chairman  
House of Representatives Subcommittee on Digital Commerce and Consumer Protection

Honorable Janice D. Schakowsky  
Ranking Member  
House of Representatives Subcommittee on Digital Commerce and Consumer Protection

Dear Messrs. and Madams:

Please allow this correspondence and its supporting attachments, to serve as USA Volleyball's response to the House of Representatives Committee on Energy and Commerce's communication dated March 7, 2018. USA Volleyball has made every attempt to answer each and every request to the best of its knowledge and ability. Due to the limited time in which to provide its responses, USA Volleyball respectfully reserves the right to amend its responses should further information be discovered at a later date.

- Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to those policies and procedures. Please specify if a policy or procedure is required or recommended.**



Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q1 – USAV000186Q1

2. **Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates") regarding how to report and handle complaints of sexual abuse.**

Please see attached documents on USAV flash drive. Bates Numbers USAV 000001Q2 - USAV000224Q2

3. **All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.**

Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q3 – USAV000062Q3

4. **Has the USOC required or recommended that your NGB adopt changes to your bylaws, policies, procedures, or other governing documents from 2005 to present. If so, please describe any changes so required or recommended.**

Yes. In order to fulfill its USOC membership obligations and be considered a member in good standing, the USOC required that all NGB's, including USA Volleyball, adopt an athlete safety program consistent with the policy(ies) and standards directed by the USOC (minimum standards), and comply with the safe sport policies of the USOC and with the policies and procedures of the Center. One of the policies of the Center required adoption of SafeSport language and the recognition of the Center into USA Volleyball bylaws.

- a. **Please provide all documents and communications related to any changes required or recommended by the USOC referring or relating to sexual abuse.**

Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q4 – USAV000108Q4

- 5. Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.**

2018: To date, thirty (30) complaints, reports, or allegations of sexual abuse or sexual misconduct have been received by USA Volleyball. All 30 complaints, reports, or allegations have been reported to the U.S. Center for SafeSport (hereinafter "Center") in accordance with the Center's exclusive jurisdiction over such matters. Of those 30 complaints, twenty (20) were reported to law enforcement (not all matters are required to be reported to law enforcement and/or the matters fell outside law enforcement jurisdiction or statutes of limitations). To date, two of the 30 matters have been resolved by the Center to conclusion, both resulting in a finding by the Center of "permanent ineligibility." The remaining matters are under investigation and pending resolution by the Center and/or law enforcement.

2017: Fourteen (14) complaints, reports, or allegations of sexual abuse or sexual misconduct were received by USA Volleyball. All 14 complaints, reports, or allegations were reported to the Center in accordance with the Center's exclusive jurisdiction over such matters. Of those 14 complaints, reports or allegations of sexual abuse, at least one was reported to law enforcement (not all matters were required to be reported to law enforcement and/or the matters fell outside law enforcement jurisdiction or statutes of limitations). To date, seven of those 14 matters have been resolved by the Center to conclusion, resulting in "permanent ineligibility," temporary suspensions, or pending criminal charges. The remaining matters are under investigation and pending resolution by the Center and/or law enforcement.

2016: One (1) complaint, report, or allegation of sexual abuse or sexual misconduct was received by USA Volleyball. The matter was reported to law enforcement; however, it did not result in a prosecution. The individual was temporarily suspended from USA Volleyball. (After the Center started in 2017, this matter was reported to the Center.)

2015: One (1) complaint, report, or allegation of sexual abuse or sexual misconduct was received by USA Volleyball. The individual had already been arrested and was pending criminal charges. The individual has been suspended from USA Volleyball.

**6. Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?**

Yes.

**a. Please describe any lists that your NGB maintains and when you began maintaining any such lists.**

USA Volleyball maintains a list of those individuals who have been suspended from participation in USA Volleyball. The list has existed in different formats for at least ten (10) years.

**b. Please describe the circumstances that would result in a name being added to any such list.**

USA Volleyball includes the names of individuals who have been suspended from participation in USA Volleyball for any period of time ranging from a temporary suspension to permanently ineligible.

**c. Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.**

The list is publicly available on the USA Volleyball website since January 2018.

**d. How often is such a list or lists updated?**

The list is updated regularly upon receipt of new information.

**e. How many people are on each of the lists because of a matter related to sexual abuse?**

There are eleven (11) people on the list because of a matter related to sexual misconduct or sexual abuse.

**7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?**

No.

- a. **If so, how many individuals have been determined to be ineligible for membership with your NGB?**

Based on the above response, this question does not apply to USA Volleyball.

8. **What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?**

It is USA Volleyball's policy to inform the USOC of reports, complaints, or allegations of sexual abuse when and if USA Volleyball receives those reports, complaints, or allegations of sexual abuse during a USOC protected competition, i.e., Olympic Games, Paralympic Games, Pan American Games, Parapan American Games, or Youth Olympic Games. USA Volleyball is not aware of having received any such report, complaint, or allegation.

9. **Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?**

USA Volleyball is not aware of any report, complaint, or allegation of sexual abuse involving athletes or affiliates relayed to it by the USOC.

10. **Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investigation into that individual's conduct by law enforcement, the U.S. Center for Safe Sport, your NGB, or others? Please explain why or why not.**

Yes, USA Volleyball will take interim measures, including restricting or limiting a member's participation in activities pending an investigation by law enforcement, the U.S. Center for SafeSport, or USA Volleyball. These types of interim measures are used for the protection of all parties pending the outcome of the investigation.

- a. **Has this practice changed over time? If so, please explain.**

USA Volleyball has utilized the practice of imposing interim measures for quite some time.

**11. Does your NGB require and perform background checks or other vetting of its athletes or affiliates?**

Yes.

- a. If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.**

Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q11a – USAV000013Q11a

- b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.**

Automatic Disqualifiers for Participation in Sanctioned Junior Events and/or Activities: Anyone found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication or received court directed programs and/or other sentencing directives in lieu of a finding of guilt, for the following criminal offenses; All Sex offenses, Murder, and Homicide regardless of time limit; Felony Violence and Felony Drug offenses in the past 10 years; any misdemeanor violence offenses in the past 7 years; any multiple misdemeanor drug and alcohol offenses within the past 7 year; or any other crimes (not listed) against children in the past 7 years (the time frames associated with the categories of crime listed above are calculated based on the date of the offense). Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for disqualification as listed above, the individual would then be cleared and reinstated. Falsification of information on any membership application or the consent/release form is grounds for membership revocation or restriction of membership. Individuals that are automatically disqualified must wait one season before reapplying for affiliation and/or participation with a junior club or team.

**12. Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 SafeSport audit.**

Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q12 – USAV000019Q12

- 13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.**

USA Volleyball is unaware of any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which it has been a party or made aware of since 2005.

USA Volleyball fulfills mandatory reporting obligations by reporting matters to authorities. USA Volleyball documents the date the report was made and to what jurisdiction, that a statement was taken, the officer's name and title, and any directives provided to USA Volleyball from those authorities. Simultaneously, reports are also made to the Center.

Prior to the Center coming online officially in 2017, USA Volleyball reported any matters of sexual abuse it was notified of directly to law enforcement. In addition, and when authorized by law enforcement to do so, USA Volleyball would conduct investigations into reported allegations using law enforcement professionals or other independent investigators.

During the course of these investigations, USA Volleyball implemented relevant interim measures, including restricting or holding member participation. Results of investigations were turned over to the USA Volleyball Ethics and Eligibility Committee to conduct an independent hearing with the accused, with the accused being afforded an opportunity for representation and to rebut the findings of the investigation. These hearings often resulted in sanctions, accounting for the permanently suspended members that predated the Center's involvement (provided in question 6.e. above).

- 14. A detailed itemization of your NGB's annual budget.**

Please see attached documents on USAV flash drive. Bates Numbers USAV000001Q14 – USAV000003Q14

- 15. Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NGB's total funding that comes from the USOC.**

In 2017, the USOC provided grants to USA Volleyball totaling \$2,348,350.00, which represents 7.7% of our 2017 total income.



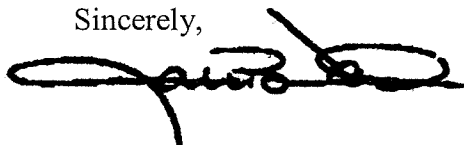
USA Volleyball  
March 20, 2018

- a. **Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.**

No.

We believe this communication has effectively and transparently responded to your documents request. USA Volleyball has made every effort to comply with the request in full. Please do not hesitate to contact the undersigned should you have any other questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Davis', with a stylized flourish at the end.

Jamie Davis  
CEO  
USA Volleyball

cc: Brittany Havens, Majority Staff, Room 316 Ford House Office Building  
John Ohly, Majority Staff, Room 316 Ford House Office Building  
Julie Babayan, Minority Staff, Room 564 Ford House Office Building  
Christina Calce, Minority Staff, Room 564 Ford House Office Building

**REGIONAL VOLLEYBALL ASSOCIATION of USA VOLLEYBALL**  
**BACKGROUND SCREENING POLICY**  
**Last revised October 15, 2004**

**POLICY**

It is the policy of the Regional Volleyball Associations (RVAs) that any entity intending to hire or use registered individuals in any sanctioned junior volleyball events and/or activities will accept and abide by this background screening policy. The following individuals will be screened: Club directors, club administrators, team reps, coaches, chaperones, and trainers who intend to register, affiliate and/or participate with a junior volleyball club or team in a RVA. Additionally, the entity will enforce the penalties resulting from a negative background screening report. Failure to do so is grounds for automatic suspension of membership privileges to participate in RVA/USAV sanctioned junior events and/or activities. All disqualified individuals have the right to dispute the findings of the background screening directly with SSCI.

The RVAs of USAV will not register, or allow to be registered, any individual who refuses to consent to a background screen if he/she intends to affiliate and/or participate with a junior club or team in the RVA. Junior members are any members under the age of 18. A background screen will not be required for those individuals who will be classified as junior players or those individuals not registered, affiliated and/or participating with a junior volleyball club or team in a RVA.

Individuals who are subject to background screening will be screened every two years. The RVAs retain the right to require additional background screens at any time.

**PROCESS**

Every individual required to submit to Background Screening must complete, sign and date the Consent and Waiver Release Form. These forms will be submitted and the applicant cleared before the applicant may participate in RVA/USAV sanctioned junior events and/or activities.

Upon receipt of the above described documents, the RVA will request that Southeastern Security Consultants, Inc. (SSCI) perform the background screen.

All information received as a result of a background check will be strictly confidential. Notice of clearance or disqualification for all applicants will be provided via e-mail to:

1. The designated contact of the RVA that submitted the application.
2. USA Volleyball National Office

A notice of automatic disqualification will be sent by the screening service to the hiring or using entity.

The complete profile will be provided directly to an automatically disqualified individual, along with a copy of the "Summary of Your Rights under the Fair Credit Reporting Act" (FCRA), and a notification that the individual is prohibited from participating in RVA/USAV sanctioned junior event and/or activities.

All disqualified individuals have the right to dispute the findings of the background screening directly with SSCI.

Individuals automatically disqualified are excluded from participation in any RVA /USAV sanctioned junior events and/or activities.

**AUTOMATIC DISQUALIFIERS FOR PARTICIPATION IN SANCTIONED JUNIOR EVENTS AND/OR ACTIVITIES:**

Convictions based on being found guilty, pled guilty or pled nolo contendere for sexual abuse, molestation, physical abuse, aggravated assault or assault of a minor, murder, manslaughter, kidnapping, and corruption of the morals of a minor.

Falsification of information on any membership application or the consent/release form is grounds for membership revocation or denial of membership.

Individuals that are automatically disqualified must wait one season before reapplying for affiliation and/or participation with a junior club or team.

**ENFORCEMENT :**

It is the responsibility of the entity hiring or using those individuals who are disqualified to make sure the individual does not participate in RVA/USAV sanctioned junior events and/or activities.

**PENALTY:**

Failure of an entity to request background screening or enforce disqualification is cause for suspension of all members of the offending entity until background screening and enforcement requirements are met.



March 21, 2018

Representative Greg Walden  
Chairman  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Representative Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Re: Committee on Energy and Commerce March 7, 2018 Letter

Dear Chairman Walden and Ranking Member Pallone:

Thank your letter dated March 7, 2018. We appreciate the Committee's support, in providing an extension to USA Gymnastics beyond March 21, 2018, to provide additional information in response to questions raised in the letter. It is USA Gymnastics' intent to provide the additional information as promptly as possible.

As the new president and CEO of USA Gymnastics since December 2017, I couldn't agree more with the Committee's assertion that the safety and well-being of our athletes is the highest priority of USA Gymnastics. As the leader of the organization, I am committed to not only ensuring that we hold ourselves to the highest standard of care, but that we continue to support and align our efforts with those committed to the same priority, including this Committee. While USA Gymnastics is currently facing litigation in multiple jurisdictions, which may limit what I can say regarding some matters, please know that my goal continues to be to work collaboratively with you.

In your letter dated March 7, 2018, you asked certain questions and requested certain information. With just a few months in my position, I am providing answers to your questions on behalf of the organization with limited and no first-hand knowledge of facts and events that preceded my tenure, which began December 1, 2017.

As agreed, USA Gymnastics is providing responses and information to some of the questions below.

**2. Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates") regarding how to report and handle complaints of sexual abuse.**

USA Gymnastics previously provided documents to the Committee that were Bates-labeled USAG\_HR\_00002953-6083 and responsive to this request. While USA Gymnastics believes those documents include many of the training materials responsive to this request, it will provide additional documents that it may identify.

**6. Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?**

**a. Please describe any lists that your NGB maintains and when you began maintaining any such lists.**

- USA Gymnastics began maintaining a list of permanently ineligible members in 1990. Based on an amendment of Article 10.16 to the USA Gymnastics Bylaws, beginning January 1, 2012, any individual who is declared ineligible due to a violation rule, regulation or policy violation which resulted in his/her expulsion would be published. The list may be found at:  
[https://usagym.org/pages/aboutus/pages/permanently\\_ineligible\\_members.html](https://usagym.org/pages/aboutus/pages/permanently_ineligible_members.html)
- USA Gymnastics Members who are currently under suspension have been imposed by order of the U.S. Center for SafeSport, or by authorization under USA Gymnastics Bylaw 10.5, Interim Measures implemented in December 2017. The Suspended List reflects the names of individuals currently suspended, and it is not intended to be a historical record of members who may have been suspended previously, nor names of minors serving suspensions. For this reason, the list is not exhaustive, and should be used to supplement other research. See:  
[https://usagym.org/pages/aboutus/pages/suspended\\_members.html](https://usagym.org/pages/aboutus/pages/suspended_members.html)
- Other relevant suspension and permanently ineligible lists that may also be consulted may be found here for additional reference: <https://safesport.org/uservioliations/search>

**b. Please describe the circumstances that would result in a name being added to any such list.**

Permanently ineligible members would be added to the list by operation of USA Gymnastics Bylaws or at the direction of the U.S. Center for SafeSport.

Suspended members would be added to the list by operation of USA Gymnastics Bylaws or at the direction of the U.S. Center for SafeSport.

**c. Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.**

The permanently ineligible member list has been publicly available since 1990. The suspended list was made public in 2018.

**d. How often is such a list or lists updated?**



The list is updated each time a name is added to the list. In 2012, the permanently ineligible member list was updated to include the rule, regulation or policy that was violated and resulted in the termination of membership.

The list is also updated when names are removed. Removal on the permanently ineligible list will occur when USA Gymnastics becomes aware the banned member is deceased.

Removal from the suspended list could occur

- If the interim measure or disciplinary sanction was for a specific period of time, the individual will be removed from the list at the conclusion of the suspension.
- By operation of USA Gymnastics Bylaws.
- In a case where the suspension is converted to an alternate form of discipline, such as termination of membership.
- As directed by the U.S. Center for SafeSport.

**e. How many people are on each of the lists because of a matter related to sexual abuse?**

As of March 2018, approximately 146 of 149 permanently ineligible members were listed for matters related to sexual abuse.

As of March 2018, 3 of 11 members are suspended for matters related to sexual abuse.

**8. What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?**

The USOC provides certain standards to its NGBs related to athlete safety. Those policies were previously provided to the Committee and Bates-labeled USAG\_HR\_O00006456-6465. The documents included:

- 1-1-18 NGB Athlete Safety Policy, US Olympic Committee Policy
- 6-20-17 NGB Athlete Safety Policy, US Olympic Committee Policy
- Minimum Standards Policy for Athlete Safety Programs

Beyond what these policies may require, USA Gymnastics is looking into this question but has thus far not identified any other relevant policy.

**9. Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?**

On occasion, the USOC's Athlete Ombudsman's office has relayed to USA Gymnastics concerns that were brought forth by an athlete, but we are not aware of any instance where the concerns involved allegations of sexual misconduct.

**10. Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investigation into that individual's**

**conduct by law enforcement, the U.S. Center for SafeSport, your NGB, or other? Please explain why or why not.**

**a. Has this practice changed over time? If so, please explain.**

As of December 2017, Interim Measures were added as Article 10.5 of USA Gymnastics Bylaws to ensure the safety and well-being of the gymnastics community or where an allegation is sufficiently serious that an Adverse Party's continued participation could be detrimental to the sport or its reputation.

We are continuing to look into the historical practice and will further apprise the Committee of any additional information.

**11. Does your NGB require and perform background checks or other vetting of its athletes or affiliates?**

Although USA Gymnastics does not perform background screenings of its athletes, the organization performs background screenings on its professional members, staff, and Board of Directors.

**a. If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.**

**b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.**

From 2005-2007 professional and instructor members were asked to sign a disclosure statement on the membership application form with the following verbiage:

*All persons requesting professional/instructor membership must sign this disclosure statement. If this statement is not signed, this application will not be processed.*

*Members of USA Gymnastics are expected to comply with all applicable criminal codes. This obligation is violated by any member who has been convicted of or has entered a plea of guilty or no contest to a criminal charge or indictment involving sexual misconduct, child abuse, or conduct that is a violation of a law specifically designed to protect minors, and, depending on the nature of the crime, may be violated by any member who has been convicted of or has entered a plea of guilty or no contest to any felony charge or indictment involving conduct other than that specifically described above.*

- 1. Have you ever been convicted of or entered a plea of guilty or no contest criminal charge or indictment involving sexual misconduct, child abuse, or conduct that is a violation of a law specifically designed to protect minors?*
- 2. Have you ever been convicted of or entered a plea of guilty or no contest to any other felony charge or felony indictment?*



Chairman Walden and Ranking Member Pallone

March 21, 2018

Page 5

In 2007, USA Gymnastics introduced changes to the Background Screening Policy for professional members, staff, and Board of Directors.

In 2014, USA Gymnastics added instructor level members background screening and, expanded search criteria for all to include: any conviction or disclosure of any lesser crime involving harm to a minor.

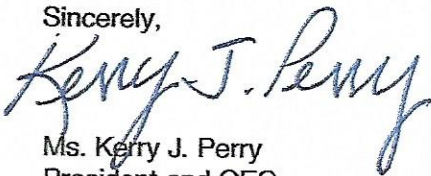
In 2016, USA Gymnastics reviewed and updated the terminology in the criminal background screening policy, [fka criminal background check policy] as well as a disclosure of the annual re-screening process such as:

- Individuals subject to a search: added other members/individuals designated by USA Gymnastics in its sole discretion.
- Annual re-screening: During the 24-month period that an individual's background screening authorization is valid, NCSI will conduct an automatic re-screen on or about one year from the applicant's initial background screening registration date. Individuals who are no longer members of USA Gymnastics during this 24-month period may request to cease the annual re-screen by notifying USA Gymnastics' Member Services Department in writing. The automatic re-screen will cease approximately 30 days following notice; however, based on the timing of the notices the re-screen may occur following the notice.

In 2018, USA Gymnastics expanded detail about the process of a 'red light' review so that the process is transparent to our membership. In addition, the criteria by which USA Gymnastics will override or uphold a red-light determination was updated.

Thank you again for the opportunity to provide preliminary responses to your questions, and I look forward to working with the Committee in our combined efforts to help protect the safety and well-being of our athletes.

Sincerely,



Ms. Kerry J. Perry  
President and CEO  
USA Gymnastics

DMS 11912715v1





MEMO

---

To: Scott Blackmun, Chief Executive Officer  
From: Malia Arrington, Director, Ethics & Safe Sport  
Date: 11 June 2012  
Re: SafeSport Update

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### Overview

This memo:

- (1) Describes the current status of the USOC's SafeSport initiative.
- (2) Addresses the two issues raised during the March 2012 Board meeting that were identified for further discussion at the June meeting:
  - (a) Mr. Ogreaan agreed to work with the NGB Council to get a sense for the NGB community's reaction should the USOC insist on criminal background checks, and
  - (b) At Ms. Ruggiero's suggestion, that the staff would provide the Board with some concepts around athlete resources.

## Current Status

- **Resources.** The USOC has launched the SafeSport website, [ [HYPERLINK "http://www.safesport.org"](http://www.safesport.org) ], and implemented the SafeSport Training (for Coaches, Staff and Volunteers). Resources include both **written materials** and the **video-based online SafeSport Training**.
- **Implementation Strategy.**
  - One of the Working Group's recommendations was to encourage the NGB to adopt and utilize the SafeSport resources developed by the USOC. To this end, we have:
    - Developed a communications strategy driven by Mr. Blackmun
    - Conducted multiple webinars to introduce the community to both the SafeSport initiative and the SafeSport training
    - Developed and identified various incentives for NGBs to adopt SafeSport, including:
      - The opportunity to license and co-brand their SafeSport programs with the USOC (which owns the SafeSport trademark and tagline, "Where your game plan starts"), based on established criteria. Such criteria include:
        - Criminal background checks
        - The availability of child sexual abuse training
        - A plan for responding to child sexual abuse
      - "Make the SafeSport Commitment"
  - We have also developed a marketing and promotional strategy and will provide press around the initiative after the June Board meeting. Mr. Adams and I continue to assess additional media opportunities to promote the initiative and establish the USOC as a national leader.

## Criminal Background Checks

### *Survey*

Mr. Ogreaan solicited feedback from NGBs on four questions concerning criminal background checks:

- (1) Does your NGB require criminal background checks?
- (2) If so, for which positions (board members, staff, coaches, volunteers, etc.)?
- (3) If not, are you planning to require them in the near future?
- (4) If not, what are the primary obstacles to doing so?

### *Summary*

With minor exception, NGBs require criminal background checks. Primary obstacles are cost and community resistance.

### *Results*

The full results of the survey are attached. In sum:

- 37 of 47 NGBs responded.
- Of the 37 NGBs who responded,
  - 35 (95 %) **require** some form of criminal background check.
  - 2 (5 %) **do not conduct** criminal background checks at all.
- The majority of NGBs require criminal background checks for staff, coaches and board members.
- There were two primary bases cited as obstacles to requiring criminal background checks: (1) cost; and (2) resistance from the NGB constituency.

## Resources for Athletes

### *Existing Resources*

(1) Through the safesport.org website, the following resources are currently available:

- Understanding appropriate behaviors (Q&A)
- FAQs concerning SafeSport issues
- Support Resources
  - Written and video references to help athletes begin the healing process
  - Counseling resources
    - Crisis Counseling (immediate assistance)
    - Individual Counseling (USOC point of contact to refer athletes to counseling services when they're ready)
    - Group Counseling
  - Reporting Resources
- Direct contact information for SafeSport

(2) We are in negotiation with the USOC's Employee Assistance Program provider to offer:

- Hotline services for the general public (any athlete, anywhere) – Posted via website
- For 1,000 athletes at various competitive levels within the U.S. Olympic Committee, 3 telephonic or in-person counseling services, along with additional referral resources

### *Resources under Consideration*

At Ms. Ruggiero's suggestion, I will undertake additional analysis to determine if we could develop a pro bono resource analogous to the Legal Referral Network for NGBs. In particular, Ms. Ruggiero suggested that it would be useful to have an individual who could help guide an athlete who has suffered abuse through (1) the criminal legal process and/or (2) the NGB procedure for resolving such allegations.

UNITED STATES OLYMPIC COMMITTEE  
1 Olympic Plaza  
Colorado Springs, CO  
80909



# United States Olympic Committee

## United States Olympic Committee SafeSport Audit of USA Gymnastics

October 2017

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**BAKER TILLY**

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United States Olympic Committee  
USOC SafeSport Audit of USA Gymnastics

# United States Olympic Committee SafeSport Audit of USA Gymnastics

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# Executive Summary

## Summary Observations

It shall be the policy of the United States Olympic Committee (USOC) that each National Governing Body (NGBs) adopt a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013<sup>1</sup>.

Based on this review of USA Gymnastics' SafeSport-related documentation and administrative materials, USA Gymnastics' policies and procedures met the requirements of the Athlete Safety Standards. Therefore, there were no observations noted during this audit.

## Background and Approach

USOC engaged Baker Tilly Virchow Krause (Baker Tilly), to assist the USOC in the completion of SafeSport audits, to assess compliance with SafeSport policies and procedures at the USOC and all of its NGBs and High Performance Management Organizations (HPMOs).

Baker Tilly performed a review of USA Gymnastics to evaluate compliance with the Athlete Safety Standards. The following activities were performed for this review of USA Gymnastics:

- > Developed and executed an audit program that included:
  - Holding a virtual entrance meeting to discuss and document USA Gymnastics' SafeSport program and processes.
  - Selecting a sample of 10 from the required individuals to ensure a background check was performed and education and training was completed. See **Appendix A** for a list of documents reviewed.
  - Reviewing USA Gymnastics' athlete safety policy and determining whether the following was addressed:
    - Required misconduct is prohibited and defined;
    - Reporting procedures are documented; and
    - The grievance process is documented and complies with Athlete Safety Standards.
  - Identifying which individuals are required to undergo a criminal background check and complete education and training.
- > Conducted a virtual exit meeting, if requested, following delivery of the draft report, to discuss audit findings and recommendation(s) with USA Gymnastics. See **Appendix B** for a list of individuals interviewed.

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<sup>1</sup> Effective June 20, 2017 the USOC replaced the Athlete Safety Standards with the NGB Athlete Safety Policy. Due to the timing of this audit, fieldwork was performed in accordance with the Athlete Safety Standards.





United States Olympic Committee  
USOC SafeSport Audit of USA Gymnastics

- > Identified specific observations and recommendations regarding opportunities to enhance compliance with Athlete Safety Standards. Observations include the following attributes: criteria, condition, cause, effect and recommendation, as set out in the International Professional Practices Framework (IPPF) Standards and Practice Advisory 2410-1.



United States Olympic Committee  
USOC SafeSport Audit of USA Gymnastics

## Report Appendices

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## Appendix A: Documents Reviewed

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We reviewed the following documents:

- > Athlete Safety Standards Program Questionnaire
- > Population listing of “required individuals”(i.e., covered individuals required to undergo background check and training)
- > USA Gymnastics Prohibited Conduct
- > Women's Responsibilities Manual
- > USA Gymnastics Bylaws
- > USA Gymnastics Participant Welfare Policy



United States Olympic Committee  
USOC SafeSport Audit of USA Gymnastics

## Appendix B: Personnel Interviewed

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We interviewed the following personnel:

- > Renee Jamison, Director of Administration and Olympic Relations



# **United States Olympic Committee**

**United States Olympic Committee SafeSport Audit  
of USA Swimming**

September 2017



Candor. Insight. Results.

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United States Olympic Committee  
USOC SafeSport Audit of USA Swimming

# United States Olympic Committee SafeSport Audit of USA Swimming

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# Executive Summary

## Summary Observations

It shall be the policy of the United States Olympic Committee (USOC) that each National Governing Body (NGBs) adopt a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013<sup>1</sup>.

Based on this review of USA Swimming's SafeSport-related documentation and administrative materials, USA Swimming's policies and procedures met the requirements of the Athlete Safety Standards. Therefore, there were no observations noted during this audit.

## Background and Approach

USOC engaged Baker Tilly Virchow Krause (Baker Tilly), to assist the USOC in the completion of SafeSport audits, to assess compliance with SafeSport policies and procedures at the USOC and all of its NGBs and High Performance Management Organizations (HPMOs).

Baker Tilly performed a review of USA Swimming to evaluate compliance with the Athlete Safety Standards. The following activities were performed for this review of USA Swimming:

- > Developed and executed an audit program that included:
  - Holding a virtual entrance meeting to discuss and document USA Swimming's SafeSport program and processes.
  - Selecting a sample of 10 from the required individuals to ensure a background check was performed and education and training was completed. See **Appendix A** for a list of documents reviewed.
  - Reviewing USA Swimming's athlete safety policy and determining whether the following was addressed:
    - Required misconduct is prohibited and defined;
    - Reporting procedures are documented; and
    - The grievance process is documented and complies with Athlete Safety Standards.
  - Identifying which individuals are required to undergo a criminal background check and complete education and training.
- > Conducted a virtual exit meeting, if requested, following delivery of the draft report, to discuss audit findings and recommendation(s) with USA Swimming. See **Appendix B** for a list of individuals interviewed.

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<sup>1</sup> Effective June 20, 2017 the USOC replaced the Athlete Safety Standards with the NGB Athlete Safety Policy. Due to the timing of this audit, fieldwork was performed in accordance with the Athlete Safety Standards.





United States Olympic Committee  
USOC SafeSport Audit of USA Swimming

- > Identified specific observations and recommendations regarding opportunities to enhance compliance with Athlete Safety Standards. Observations include the following attributes: criteria, condition, cause, effect and recommendation, as set out in the International Professional Practices Framework (IPPF) Standards and Practice Advisory 2410-1.



United States Olympic Committee  
USOC SafeSport Audit of USA Swimming

## Report Appendices

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## Appendix A: Documents Reviewed

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We reviewed the following documents:

- > Athlete Safety Standards Program Questionnaire
- > Grievance List
- > Population listing of “required individuals” (i.e., covered individuals required to undergo background check and training)
- > Reporting to SafeSport Pamphlet
- > USA Swimming Attachment 2 – US Center for SafeSport Proposed Legislation
- > USA Swimming Membership System Screen Prints
- > USA Swimming Rule Book 2017



## Appendix B: Personnel Interviewed

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We interviewed the following personnel:

- > Mike Unger, Interim Chief Operating Officer and Chief Executive Officer
- > Susan Woessner, Director of SafeSport



# United States Olympic Committee

## United States Olympic Committee SafeSport Audit of USA Taekwondo

October 2017

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United States Olympic Committee  
USOC SafeSport Audit of USA Taekwondo

# United States Olympic Committee SafeSport Audit of USA Taekwondo<sup>1</sup>

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<sup>1</sup> To consider the report in its entirety, please refer also to the detailed management response that will appear here [[Governance Documents](#)] within 90 days of the date of this report.



## Executive Summary

### Summary Observations

It shall be the policy of the United States Olympic Committee (USOC) that each National Governing Body (NGBs) adopt a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013<sup>2</sup>.

We noted the following opportunities to enhance the design of USA Taekwondo's compliance with the Athlete Safety Standards:

- > **Athlete Safety Standards - Criminal Background Checks and Education and Training Testing** – Requiring criminal background checks and education and training is not consistently enforced by USA Taekwondo. The following exceptions were identified during our testing:
  - One individual selected for testing (10% of the selected individuals) did not complete a criminal background check during the testing period (i.e., May 1, 2016 through April 30, 2017); however, evidence was provided that the criminal background check were completed prior to issuing the audit report.
  - One individual selected for testing (10% of the selected individuals) did not complete education and training requirements during the testing period (i.e., May 1, 2016 through April 30, 2017).

### Background and Approach

USOC engaged Baker Tilly Virchow Krause (Baker Tilly), to assist the USOC in the completion of SafeSport audits, to assess compliance with SafeSport policies and procedures at the USOC and all of its NGBs and High Performance Management Organizations (HPMOs).

Baker Tilly performed a review of USA Taekwondo to evaluate compliance with the Athlete Safety Standards. The following activities were performed for this review of USA Taekwondo:

- > Developed and executed an audit program that included:
  - Holding a virtual entrance meeting to discuss and document USA Taekwondo's SafeSport program and processes.
  - Selecting a sample of 10 from the required individuals to ensure a background check was performed and education and training was completed. See **Appendix A** for a list of documents reviewed.
  - Reviewing USA Taekwondo's athlete safety policy and determining whether the following was addressed:
    - Required misconduct is prohibited and defined;
    - Reporting procedures are documented; and

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<sup>2</sup> Effective June 20, 2017 the USOC replaced the Athlete Safety Standards with the NGB Athlete Safety Policy. Due to the timing of this audit, fieldwork was performed in accordance with the Athlete Safety Standards.





- The grievance process is documented and complies with Athlete Safety Standards.
  - Identifying which individuals are required to undergo a criminal background check and complete education and training.
- > Conducted a virtual exit meeting, if requested, following delivery of the draft report, to discuss audit findings and recommendation(s) with USA Taekwondo. See **Appendix B** for a list of individuals interviewed.
- > Identified specific observations and recommendations regarding opportunities to enhance compliance with Athlete Safety Standards. Observations include the following attributes: criteria, condition, cause, effect, and recommendation, as set out in the International Professional Practices Framework (IPPF) Standards and Practice Advisory 2410-1.



## Detailed Report

The table below represents opportunities to enhance the design and effectiveness of USA Taekwondo's compliance with the Athlete Safety Standards.

<b>1. Athlete Safety Standards - Criminal Background Checks and Education and Training Testing</b>	
<b>Criteria</b>	The Athlete Safety Standards state each NGB/HPMO shall require criminal background checks and education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	Requiring criminal background checks and education and training is not consistently enforced by USA Taekwondo. The following exceptions were identified during our testing: <ol style="list-style-type: none"><li>1. One individual selected for testing (10% of the selected individuals) did not complete a criminal background check during the testing period (i.e., May 1, 2016 through April 30, 2017); however, evidence was provided that the criminal background check were completed prior to issuing the audit report.</li><li>2. One individual selected for testing (10% of the selected individuals) did not complete education and training requirements during the testing period (i.e., May 1, 2016 through April 30, 2017).</li></ol>
<b>Cause</b>	USA Taekwondo may not be consistently tracking and monitoring compliance with the criminal background checks and education and training requirements of the Athlete Safety Standards.
<b>Effect</b>	Individuals the USA Taekwondo formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes may not be in compliance with the SafeSport program because they have not completed criminal background checks and/or education and training prior to having contact with athletes. USA Taekwondo must be in compliance with the Athlete Safety Standards to be a member in good standing. Noncompliance with the Athlete Safety Standards can result in disciplinary action by the USOC including withdrawal of high performance funding.  Also, athletes may have contact with individuals who are unaware of SafeSport misconduct and the potential impact to athletes' well-being and/or have contact with individuals who have a criminal history, which could put athletes at SafeSport-related misconduct risk.



<b>1. Athlete Safety Standards - Criminal Background Checks and Education and Training Testing</b>	
<b>Recommendation</b>	<p>USA Taekwondo must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. USA Taekwondo must consistently track and verify criminal background checks and education and training requirements are met for all Required Individuals. Compliance with these requirements must be completed within 90 days of receipt of the final audit report.</p> <p>USA Taekwondo should review the testing results and require all necessary individuals to complete the necessary requirements (i.e., criminal background check and/or education and training).</p>
<b>Management response</b>	<p>We agree with the condition and recommendation and will respond to the USOC with a detailed plan to ensure compliance with the current NGB Athlete Safety Policy. Our plan will be submitted to the USOC within the 90 day timeline referenced above.</p>



United States Olympic Committee  
USOC SafeSport Audit of USA Taekwondo

## Report Appendices

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## Appendix A: Documents Reviewed

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We reviewed the following documents:

- > Athlete Safety Standards Program Questionnaire
- > Population listing of “required individuals” (i.e., covered individuals required to undergo background check and training)
- > USA Taekwondo SafeSport Program Handbook (2017)
- > USA Taekwondo SafeSport Policies



## Appendix B: Personnel Interviewed

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We interviewed the following personnel:

- > Ariana Heter, Membership Manager
- > Keith Ferguson, Executive Director

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**United States Olympic Committee**  
**Audit Division**



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**Report for:**  
**USA Taekwondo**

**Follow-up on:**  
**SafeSport Audit**

**Dated:**  
**January 5, 2018**



UNITED STATES OLYMPIC COMMITTEE  
1 Olympic Plaza  
Colorado Springs, CO  
80909

January 5, 2018

Steve McNally  
Executive Director  
USA Taekwondo

Dear Steve,

During the second and third quarter of 2017, Baker Tilly Virchow Krause (Baker Tilly) performed a SafeSport audit of USA Taekwondo (USAT). The purpose of this follow-up review is to report on the status of recommendation from the SafeSport audit of USAT dated October 2017. Our methodology was limited to communication with USAT and a review of various policies provided by the organization. The Audit Division did not perform additional audit work to verify action was taken. However, SafeSport will continue to be tested during the routine audit process.

The review found that the recommendation was implemented and is considered closed. Overall, USAT was prompt to implement the recommendation made in the SafeSport audit.

We thank you and your staff for assisting in this follow-up review.

Sincerely,

Bridget Toelle, CPA, CIA  
Senior Director, Audit

Ellen Senf  
Staff Auditor

cc: Scott Blackmun      Don Reynolds  
Rick Adams  
Gary Johansen  
Chris McCleary





## SafeSport Follow-up Report

USA Taekwondo

Follow-up Status	Recommendation	Management Response	Follow-up Action
Implemented	USA Taekwondo must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. USA Taekwondo must consistently track and verify criminal background checks and education and training requirements are met for all Required Individuals. USA Taekwondo should review the testing results and require all necessary individuals to complete the necessary requirements (i.e., criminal background check and/or education and training).	We agree with the condition and recommendation and will respond to the USOC with a detailed plan to ensure compliance with the current NGB Athlete Safety Policy.	USA Taekwondo has implemented a process to ensure all required individuals complete background checks and SafeSport education before they have contact with athletes.



# United States Olympic Committee

## United States Olympic Committee SafeSport Audit of USA Volleyball

October 2017

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United States Olympic Committee  
USOC SafeSport Audit of USA Volleyball

# United States Olympic Committee SafeSport Audit of USA Volleyball<sup>1</sup>

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<sup>1</sup> To consider the report in its entirety, please refer also to the detailed management response that will appear here [[Governance Documents](#)] within 90 days of the date of this report.



## Executive Summary

### Summary Observations

It shall be the policy of the United States Olympic Committee (USOC) that each National Governing Body (NGBs) adopt a Minimum Standards Policy for Athlete Safety Programs (Athlete Safety Standards) by December 31, 2013<sup>2</sup>.

We noted the following opportunities to enhance the design of USA Volleyball's (USAV) compliance with the Athlete Safety Standards:

- > **Athlete Safety Standards - Application of the SafeSport Policy (Minors)** – USA Volleyball's SafeSport Policy states that, "It is the policy of USA Volleyball that those participants who (1) have direct contact to or supervision over minor participants, (2) are responsible for enforcing child abuse and misconduct policies, (3) are in managerial or supervisory roles of a USA Volleyball Member Program, and (4) are new and current employees and/or volunteers of USA Volleyball Member Programs, are advised to complete the appropriate training about child physical and sexual abuse and other types of misconduct before having contact with youth participants."

"Under the policy, USA Volleyball will not authorize or accept any member who has routine access to minors unless that person consents to be screened and passes a comprehensive screen by USA Volleyball's approved background screen vendor. This policy encompasses all adults associated with junior programming, including coaches, officials and event staff."

USA Volleyball's application of this policy is inconsistent with the requirements listed in the Athlete Safety Standards and may be focused too narrowly on minors. The Athlete Safety Standards do not limit these activities to include only minors.

### Background and Approach

USOC engaged Baker Tilly Virchow Krause (Baker Tilly), to assist the USOC in the completion of SafeSport audits, to assess compliance with SafeSport policies and procedures at the USOC and all of its NGBs and High Performance Management Organizations (HPMOs).

Baker Tilly performed a review of USAV to evaluate compliance with the Athlete Safety Standards. The following activities were performed for this review of USAV:

- > Developed and executed an audit program that included:
  - Holding a virtual entrance meeting to discuss and document USAV's SafeSport program and processes.

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<sup>2</sup> Effective June 20, 2017 the USOC replaced the Athlete Safety Standards with the NGB Athlete Safety Policy. Due to the timing of this audit, fieldwork was performed in accordance with the Athlete Safety Standards.



United States Olympic Committee  
USOC SafeSport Audit of USA Volleyball

- Selecting a sample of 10 from the required individuals to ensure a background check was performed and education and training was completed. See **Appendix A** for a list of documents reviewed.
  - Reviewing USAV's athlete safety policy and determining whether the following was addressed:
    - Required misconduct is prohibited and defined;
    - Reporting procedures are documented; and
    - The grievance process is documented and complies with Athlete Safety Standards.
  - Identifying which individuals are required to undergo a criminal background check and complete education and training.
- > Conducted a virtual exit meeting, if requested, following delivery of the draft report, to discuss audit findings and recommendation(s) with USAV. See **Appendix B** for a list of individuals interviewed.
- > Identified specific observations and recommendations regarding opportunities to enhance compliance with Athlete Safety Standards. Observations include the following attributes: criteria, condition, cause, effect and recommendation, as set out in the International Professional Practices Framework (IPPF) Standards and Practice Advisory 2410-1.



# Detailed Report

The table below represents opportunities to enhance the design and effectiveness of USAV's compliance with the Athlete Safety Standards.

<b>1. Athlete Safety Standards - Application of the SafeSport Policy (Minors)</b>	
<b>Criteria</b>	The Athlete Safety Standards state each NGB/HPMO shall require criminal background checks and education and training for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.
<b>Condition</b>	<p>USA Volleyball's SafeSport Policy states that, "It is the policy of USA Volleyball that those participants who (1) have direct contact to or supervision over minor participants, (2) are responsible for enforcing child abuse and misconduct policies, (3) are in managerial or supervisory roles of a USA Volleyball Member Program, and (4) are new and current employees and/or volunteers of USA Volleyball Member Programs, are advised to complete the appropriate training about child physical and sexual abuse and other types of misconduct before having contact with youth participants."</p> <p>"Under the policy, USA Volleyball will not authorize or accept any member who has routine access to minors unless that person consents to be screened and passes a comprehensive screen by USA Volleyball's approved background screen vendor. This policy encompasses all adults associated with junior programming, including coaches, officials and event staff."</p> <p>USA Volleyball's application of this policy language is inconsistent with the requirements listed in the Athlete Safety Standards and may be focused too narrowly on minors. The Athlete Safety Standards do not limit these activities to include only minors.</p>
<b>Cause</b>	USAV may not have updated its SafeSport-related documentation and administrative materials to align with requirements in the Athlete Safety Standards.
<b>Effect</b>	<p>USAV may not be in compliance with the Athlete Safety Standards. USAV must be in compliance with the Athlete Safety Standards to be a member in good standing. Noncompliance with the Athlete Safety Standards can result in disciplinary action by the USOC including withdrawal of high performance funding.</p> <p>Additionally, stakeholders (e.g., coaches, officials, volunteers, etc.) may not know that criminal background checks and education and training requirements apply to them or be</p>



<b>1. Athlete Safety Standards - Application of the SafeSport Policy (Minors)</b>	
	<p>informed of SafeSport initiatives and the related misconduct areas. Also, athletes may have contact with individuals who are unaware of SafeSport misconduct and the potential impact to athletes' well-being and/or have contact with individuals who have a criminal history, which could put athletes at SafeSport-related misconduct risk.</p>
<b>Recommendation</b>	<p>USAV must require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards. Compliance with these requirements must be completed within 90 days of receipt of the final audit report.</p>
<b>Management response</b>	<p>We agree that USAV shall revise its SafeSport policy language to reflect its compliance with SafeSport, and will regularly audit compliance with criminal background and SafeSport education and training requirements per the NGB Athlete Safety Policy. USAV will respond to the USOC with its plan for compliance within 90 days of the final audit report.</p> <p>USAV and its Regional Volleyball Associations support a number of activities raising the platform of SafeSport, which include, but are not limited to: the production of athlete videos to raise awareness and prevention, the publishing of SafeSport content in its coaching newsletters, and ensuring resources are distributed with our participants through USAV's website and communications.</p>





United States Olympic Committee  
USOC SafeSport Audit of USA Volleyball

## Report Appendices

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## Appendix A: Documents Reviewed

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We reviewed the following documents:

- > Athlete Safety Standards Program Questionnaire
- > Bylaws of USA Volleyball
- > Population listing of “required individuals”(i.e., covered individuals required to undergo background check and training)
- > USA Volleyball SafeSport Policy



## Appendix B: Personnel Interviewed

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We interviewed the following personnel:

- > Margie Mara, Senior Director and National SafeSport Contact
- > Bernie MacLean, Director of Human Resources
- > Jamie Davis, Chief Executive Officer
- > Patty Fadum, Coordinator of Region Services Programs

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# United States Olympic Committee

## Audit Division



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**Report for:**  
**USA Volleyball**

**Follow-up on:**  
**SafeSport Audit**

**Dated:**  
**January 10, 2018**



January 10, 2018

Jamie Davis  
Chief Executive Officer  
USA Volleyball

Dear Jamie,

During the second and third quarter of 2017, Baker Tilly Virchow Krause (Baker Tilly) performed a SafeSport audit of USA Volleyball (USAV). The purpose of this follow-up review is to report on the status of recommendation from the SafeSport audit of USAV dated October 2017. Our methodology was limited to communication with USAV and a review of various policies provided by the organization. The Audit Division did not perform additional audit work to verify action was taken. However, SafeSport will continue to be tested during the routine audit process.

The review found that the recommendation was implemented and is considered closed. Overall, USAV was prompt to implement the recommendation made in the SafeSport audit.

We thank you and your staff for assisting in this follow-up review.

Sincerely,

Bridget Toelle, CPA, CIA  
Senior Director, Audit

Ellen Senf  
Staff Auditor

cc: Scott Blackmun  
Rick Adams  
Gary Johansen  
Chris McCleary

Lori Okimura  
Bernie MacLean



## SafeSport Follow-up Report

USA Volleyball

Follow-up Status	Recommendation	Management Response	Follow-up Action
<p><b>Implemented</b></p>	<p>USAV's policy must be consistent with its practice and require that individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes complete criminal background checks and education and training requirements in a timely manner and before they have contact with athletes to provide assurance that they are educated on the requirements of the Athlete Safety Standards.</p>	<p>We agree that USAV shall revise its SafeSport policy language to reflect its compliance with SafeSport and will regularly audit compliance with criminal background and SafeSport education and training requirements per the NGB Athlete Safety Policy. USAV and its Regional Volleyball Associations support many activities raising the platform of SafeSport, which include, but are not limited to: the production of athlete videos to raise awareness and prevention, the publishing of SafeSport content in its coaching newsletters, and ensuring resources are distributed with our participants through USAV's website and communications.</p>	<p>USA Volleyball amended its policy in September 2017 to address the recommendation.</p> <p>Through testing procedures performed during the audit, USAV practice fully complied with education and training and criminal background check requirements</p>



130 E. Washington St.  
Suite 700  
Indianapolis, IN 46204  
P 317.237.5050  
F 317.237.5069

[usagym.org](http://usagym.org)

April 18, 2018

Representative Greg Walden  
Chairman  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Representative Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn Building  
Washington, D.C. 20515

Re: Committee on Energy and Commerce March 7, 2018 Letter

Dear Chairman Walden and Ranking Member Pallone:

This is in response to your letter dated March 7, 2018. We appreciate the Committee permitting USA Gymnastics additional time to respond to Request Nos. 3 and 5, which were not included in USA Gymnastics' letter to you of April 9, 2018. We are also providing a more detailed and supplemental response to the previously answered Request No. 13.

As the new president and CEO of USA Gymnastics, I want to reiterate that the organization's highest priority is the safety and well-being of our athletes. USA Gymnastics is aligned with the Committee in holding ourselves to the highest standard of care.

In the Committee's March 7<sup>th</sup>, 2018 letter, you asked questions related to a number of issues and in doing so may have also requested supporting documents. Please keep in mind, that I am providing answers to your questions on behalf of the organization, but have no first-hand knowledge of facts or events that may have occurred that preceded my becoming president and CEO of USA Gymnastics on December 1, 2017.



It is also important to note that USA Gymnastics is currently facing litigation in multiple jurisdictions, which may limit my ability to describe some matters in greater detail.

With that said, please know that USA Gymnastics remains committed to being not only cooperative in responding to your requests, but to also provide transparency as we continue to work collaboratively with you and the Committee. USA Gymnastics remains engaged in a full review of its files and my ongoing goal is to provide responsive answers to your inquiries.

In your March 7, 2018 correspondence you asked for responses to the following questions.

**3. All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.**

Documents responsive to this request are Bates-labeled USAG\_HR\_O00008675 through USAG\_HR\_O00011340.

**5. Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.**

In general, between 2005 and 2013, other than for individuals who were added to the Permanently Ineligible list, USA Gymnastics did not track information about reports, complaints or allegations of sexual abuse made to the organization in a consistent or substantive manner that allows USA Gymnastics to provide an answer responsive to the level of detail sought in this request.

The organization is in the process of implementing a data collection and reporting system for current and future reports, complaints or allegations (of any form of abuse, not only sexual). USA Gymnastics has hired an outside data



management vendor for this specific purpose and in support of our overall Safe Sport program, but unfortunately, prior to my arrival at the organization, USA Gymnastics did not take on this critical task. Further, since 2013, USA Gymnastics has kept more detailed information related to some complaints, but it has become clear that the records are not sufficiently detailed to provide you with the information sought in this request (*i.e.*, a definitive data-driven analysis).

In order to ensure that we convey to you our clear understanding of what you and the Committee seek and given that we have identified some information that we believe is responsive, if not in whole then in part, to your request, the categories enunciated in your question are highlighted separately, below:

**The total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse;**

USA Gymnastics records are not sufficiently detailed to provide a more specific response for all years beyond the information reflected below. However, USA Gymnastics estimates it received 50 reports relating to matters regarding sexual abuse in 2017, and 40 reports regarding sexual abuse in 2018. All of those reports were forwarded to the U.S. Center for SafeSport.

**The number of cases and investigations opened;**

USA Gymnastics records are not sufficiently detailed to provide a more specific response for all years beyond the information reflected below.

**The number of written and oral reports, complaints, and allegations referred to law enforcement;**

USA Gymnastics has referred matters to law enforcement on a case-specific basis. For example, in a situation involving consenting adults or if the conduct was decades old when reported and the reporting parties were adults; there may have not been a report to law enforcement. Other examples include instances where USA Gymnastics did not receive enough information to make a report (e.g., the complaint was anonymous, and/or the perpetrator not identified).

The organization's records indicate that over the past 20 years not including the period described in the next paragraph, USA Gymnastics made an original referral of at least 11 matters to law enforcement or an appropriate child protective service agency.

Over the past 12-18 months, USA Gymnastics is aware that 72 out of approximately 115 matters were referred to, or eventually involved to some degree

law enforcement or a child protective service agency, or an investigation by those offices prior to or at the time of involvement by USA Gymnastics.

Of the 115 matters referred above there were approximately 43 matters for which USA Gymnastics does not have more complete information. These include the following matters: (1) there were 16 that USA Gymnastics does not know whether the matter was originally referred to law enforcement by the U.S. Center for SafeSport or the complainant; (2) there were 18 matters where USA Gymnastics did not receive sufficiently detailed information to know whether the matter was reportable to law enforcement or was of a non-sexual nature, and (3) there were three matters that were not sexual misconduct related, but never-the-less, USA Gymnastics asked the U.S. Center for SafeSport to exercise its discretion in taking jurisdiction over the matters.

The remaining six matters involved reports submitted via the USA Gymnastics on-line reporting portal that were eventually truncated, or administratively closed. For example, the reporting individual did not provide some information, such as a name or phone number, before they checked the “sexual misconduct” box on the form, which then automatically routes the reporting individual to the US Center for SafeSport reporting site. In those six situations, USA Gymnastics does not have more complete information regarding those reports.

**The number of cases shared or discussed with the USOC;**

On occasion, USA Gymnastics may have consulted with the USOC on a safe sport matter; however, whether that contact occurred and any related information to the contact was not tracked. Please see our prior response to your inquiry Number 8.

**The number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued;**

The number of individuals added to the Permanently Ineligible list by year:

2005 - - 1	2012 - - 6
2006 - - 0	2013 - - 6
2007 - - 20	2014 - - 3
2008 - - 8	2015 - - 0
2009 - - 3	2016 - - 16
2010 - - 7	2017 - - 22
2011 - - 6	2018 - - 24

There were 96 individuals on the Permanent Ineligibility list over the 2005-2017 period. As of the date of this response, there are 157 individuals on the

Permanent Ineligibility list. Since 2005, all but three of those individuals were placed on the list in matters involving allegations of sexual misconduct.

USA Gymnastics' Permanently Ineligible Members list may be found at: [https://usagym.org/pages/aboutus/pages/permanently\\_ineligible\\_members.html](https://usagym.org/pages/aboutus/pages/permanently_ineligible_members.html).

The approximate number of individuals placed on the Suspended Members list by year:

2013:	21 (5 individuals converted to the Permanent Ineligibility list);
2014:	16 (3 individuals converted to the Permanent Ineligibility list);
2015:	14 (1 membership reinstated after investigation; 1 individual dropped from the list due to death of the member);
2016:	19 (16 individuals converted to the Permanent Ineligibility list);
2017:	26 (24 individuals/2 clubs) (suspensions added per direction of the US Center for SafeSport; 18 individuals converted to the Permanent Ineligibility list; 1 individual's status is pending based on a conviction for a non-sexual offense); and
2018:	19 (as of today's date); 5 individuals converted to the Permanent Ineligibility list; 3 suspensions vacated by hearing panel decision; 1 individual's status is pending).

USA Gymnastics' Suspended Members list became publicly available starting in 2018. That list may be found at:

[https://usagym.org/pages/aboutus/pages/suspended\\_members.html](https://usagym.org/pages/aboutus/pages/suspended_members.html).

While the online list may list fewer members than this correspondence indicates, the list above represents our most current information; the website information is presently being updated at this writing.

We note that members of the public may also search U.S. Center for SafeSport disciplinary records by way of accessing the Permanently Ineligible Members and Suspended Members lists on the USA Gymnastics web-site.

USA Gymnastics referred 52 matters to the U.S. Center for Safe Sport in 2017. Approximately two of those matters did not involve allegations of sexual misconduct. In those instances, USA Gymnastics asked that the U.S. Center for

Safe Sport to exercise its discretionary authority by accepting jurisdiction over those matters.

Further, in 2018 USA Gymnastics referred 41 other matters to the U.S. Center for Safe Sport. One of those did not involve allegations of sexual misconduct. In that instance, USA Gymnastics asked that the U.S. Center for Safe Sport exercise its discretionary authority by accepting jurisdiction over those matters. It is also our present understanding that there were 65 investigations in 2017 and 51 in 2018, by the US Center for SafeSport involving a USA Gymnastics member.

In 2017 there were six matters involving allegations of sexual misconduct handled by USA Gymnastics prior to the creation of the U.S. Center for SafeSport in March. In all but one of those matters, there was a referral to a law enforcement agency. In the one situation not referred to law enforcement, the alleged incident occurred approximately 40 years prior to being reported to USA Gymnastics.

**The number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations:**

From 2005-2016, USA Gymnastics is aware of approximately 23 claims of sexual misconduct that were made against individuals who were never members of USA Gymnastics, had not been members for many years before the misconduct was reported, or who were not citizens and/or had left the United States before the misconduct was reported. In those situations, USA Gymnastics made a notation in its membership data base so that the individual against whom the allegation was directed would be banned from the membership application process in the future.

**All other information necessary to demonstrate the organization's handling of these cases.**

Currently, USA Gymnastics is not aware of additional information to provide beyond that provided above or in prior responses. As we describe above, the organization is engaged in a complete data-driven approach to capturing current and future cases which we anticipate will also permit us to go back and capture what historical information remains in our files.

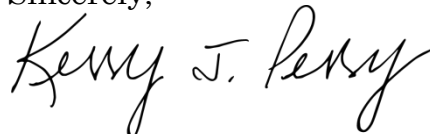
**13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.**

In addition to the information previously conveyed to you on April 9, 2018 relating to settlements and confidentially language (to include language associated with non-disclosure of settlement terms, other than the settlement amount), we

have identified a settlement from 2011, which, while a personal injury claim unrelated to abuse or allegations of abuse, includes confidentiality language as to the settlement terms. We bring this to your attention again with the purpose of fully responding to your request.

Thank you again for the opportunity to provide additional responses to your questions and the additional time in which to do so. I continue to look forward to working with the Committee in our combined efforts to help protect the safety and well-being of our athletes.

Sincerely,

A handwritten signature in black ink that reads "Kerry J. Perry". The signature is written in a cursive style with a large, stylized "K" and "P".

Kerry Perry  
President and CEO



### Covered Individuals

The U.S. Olympic Committee (USOC) has granted the U.S. Center for SafeSport jurisdiction over:

Any individual who: (a) currently is, or was at the time of a possible violation of the SafeSport Code for the U.S. Olympic and Paralympic movements, within the governance or disciplinary jurisdiction of a national governing body (NGB) or who is seeking to be within the governance or disciplinary jurisdiction of an NGB (e.g., through application for membership), (b) is an Athlete or Non-Athlete Participant that an NGB or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) an NGB identifies as being within the Center’s jurisdiction.

These individuals are referred to as “Covered Individuals.” Below are the categories of Covered Individuals for each NGB recognized by the USOC. Please note that categories will vary based on the NGB’s organizational structure and legal relationships with constituents. For questions concerning the categories of Covered Individuals, consult with the NGB directly.

Organization	Covered Individuals
USA Archery	<ul style="list-style-type: none"> <li>• Members</li> <li>• Staff</li> <li>• Non-members who may be serving on the board of directors or committees</li> <li>• Independent contractors</li> <li>• Volunteers</li> </ul>
USA Badminton	<ul style="list-style-type: none"> <li>• Members</li> <li>• Athletes</li> <li>• Club owners, directors, administrators, coaches</li> <li>• Tournament directors</li> <li>• Referees, umpires and line judges</li> <li>• Coaches and team managers</li> <li>• Staff, board members and interns</li> </ul>
USA Baseball	<ul style="list-style-type: none"> <li>• Full-time staff</li> <li>• Board members</li> <li>• Coordinators</li> <li>• National Team field staff and support staff (trainers, physicians/doctors, media/public relations personnel)</li> <li>• National Team Trials athletes</li> <li>• Various program task force who assist in events</li> <li>• Host families</li> </ul> <p>* For avoidance of doubt, while USA Baseball’s member organizations are not subject to the jurisdiction of the U.S. Center for SafeSport, USA Baseball strongly encourages its member organizations to adopt and implement programs and policies modeled after SafeSport.</p>

<p><b>USA Basketball</b></p>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Board members</li> <li>• Individuals USA Basketball formally authorizes, approves or appoints to a position of authority over, or to have frequent contact with minor athletes, including: <ul style="list-style-type: none"> <li>• National Team coaches</li> <li>• Player support personnel and chaperones for teams with minor participants</li> <li>• All USA Basketball coach applicants and licensees</li> </ul> </li> <li>• Any other individual participating in the activities or affairs of USA Basketball</li> </ul>
<p><b>U.S. Biathlon</b></p>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Members, including coaches, officials and athletes, but not to include supporting members or life members who are not active in the sport</li> <li>• Board members</li> <li>• Physiotherapists, trainers who U.S. Biathlon formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes</li> <li>• Medical personnel who U.S. Biathlon formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes</li> <li>• Volunteers and contractors who U.S. Biathlon formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes</li> </ul>
<p><b>USA Bobsled &amp; Skeleton</b></p>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Coaches (USABS, ORDA and UOP)</li> <li>• Officials and volunteers (members of USABS)</li> <li>• Athletes</li> <li>• Medical staff</li> <li>• Strength and conditioning coaches</li> <li>• Mechanics</li> </ul>
<p><b>U.S. Bowling Congress</b></p>	<ul style="list-style-type: none"> <li>• Athletes as defined in USBC Bylaws, Art. IX, § B</li> <li>• USBC high performance department employees</li> <li>• Employees serving operational roles at the USBC Team USA training center (ITRC)</li> <li>• USBC Team USA coaches</li> </ul>
<p><b>USA Boxing</b></p>	<ul style="list-style-type: none"> <li>• Coaches</li> <li>• Officials</li> <li>• Physicians</li> <li>• Athletes</li> <li>• Staff</li> <li>• Board members</li> </ul>

<b>USA Canoe/Kayak</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Volunteers and officials</li> <li>• Coaches</li> <li>• Clubs</li> <li>• Athletes</li> </ul>
<b>USA Curling</b>	<ul style="list-style-type: none"> <li>• Employees of USA Curling and employees of contractors engaged by USA Curling</li> <li>• U.S. Curling Association board members and other national and international representatives of the organization</li> <li>• Volunteers serving on committees, operational groups and selection panels recognized by the national organization</li> <li>• Volunteers for and participants in USA Curling events, camps and other USA Curling programs, including athletes, coaches, course conductors, ice makers, instructors, officials and organizers</li> <li>• Individuals who have been certified by USA Curling as a coach, instructor, official or ice maker and are functioning in that capacity</li> </ul> <p>* To clarify, these policies do not directly apply to U.S. Curling Association member organizations and individual curlers within those organizations unless those individuals all into one of the classifications above. USA Curling encourages all member organizations to adopt similar SafeSport policies and procedures. Member organizations are also encouraged to reach out to USA Curling and/or the U.S. Center for SafeSport for assistance in cases of abuse or harassment within their organizations.</p>
<b>USA Cycling</b>	<ul style="list-style-type: none"> <li>• Licensed athletes (including one-day licensees), coaches, mechanics, officials and race directors</li> <li>• UCI support license holders in the following categories: Soigneur, trainer, team doctor, team manager and team director</li> <li>• Collegiate conference directors</li> <li>• Committee members</li> <li>• Board members</li> <li>• Staff</li> <li>• Independent contractors USA Cycling formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with any athlete</li> <li>• Local association staff, board members and volunteers</li> </ul>
<b>USA Diving</b>	<ul style="list-style-type: none"> <li>• Coaches (members)</li> <li>• Staff</li> <li>• Board members</li> <li>• Medical staff, trainers and team consultants</li> <li>• Athletes (members)</li> <li>• Judges and officials</li> <li>• Meet directors and hosts</li> <li>• Volunteers who have direct contact in a supervisory role with minor athletes, or consistent and regular contact with covered persons as a part of team operations</li> </ul>



<p><b>U.S. Equestrian</b></p>	<ul style="list-style-type: none"> <li>• Athletes, including minors (riders, drivers, handlers, vaulters and longeurs participating in USEF licensed competition or USEF sanctioned events)</li> <li>• Coaches or trainers (adults who share responsibility for instructing, teaching, schooling, training or advising an athlete or horse in the context of equestrian sport)</li> <li>• USEF designees (staff, licensed officials, board members and individuals USEF formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with any athlete as defined above)</li> <li>• USEF participants (any USEF member, or any other individual, required to sign an entry blank in connection with a USEF licensed competition or USEF sanctioned event)</li> <li>• Any individual who: (a) currently is, or was at the time of a possible SafeSport violation, within the governance or disciplinary jurisdiction of USEF or who is seeking to be within the governance or disciplinary jurisdiction of USEF (e.g., through application for membership)</li> </ul>
<p><b>USA Fencing</b></p>	<ul style="list-style-type: none"> <li>• Any individual who currently is, or was at the time of the possible SafeSport Code violation, within the governance or disciplinary jurisdiction of USA Fencing, and/or who is seeking to be within the governance or disciplinary jurisdiction of USA Fencing, for example through application for membership</li> <li>• All individuals, both athletes and non-athletes, USA Fencing formally authorizes, approves or appoints (i) to a position of authority over athletes, or (ii) to have frequent contact with athletes</li> <li>• National office staff</li> <li>• Members</li> <li>• Volunteers</li> <li>• Contractors</li> <li>• Medical staff/trainers</li> <li>• Additional individuals USA Fencing identifies as being within the Center’s jurisdiction</li> </ul>
<p><b>USA Field Hockey</b></p>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Members – athletes and non-athletes – including USA Field Hockey staff, coaches, umpires and athletes)</li> <li>• Trainers</li> <li>• Medical personnel</li> <li>• Volunteers</li> <li>• Contractors</li> <li>• Club owners, directors and administrators</li> </ul>

<p><b>U.S. Figure Skating</b></p>	<ul style="list-style-type: none"> <li>• Members</li> <li>• Employees</li> <li>• Independent contractors</li> <li>• Individuals U.S. Figure Skating formally authorizes, approves or appoints to a position of authority over, or to have frequent contact with, athletes</li> <li>• Any individual who currently is, or was at the time of a possible SafeSport Code violation, within the governance or disciplinary jurisdiction of U.S. Figure Skating, and/or who is seeking to be within the governance or disciplinary jurisdiction of U.S. Figure Skating, for example through application for membership</li> <li>• Additional individuals U.S. Figure Skating identifies as being within the U.S. Center for SafeSport’s jurisdiction</li> </ul>
<p><b>USA Golf</b></p>	<ul style="list-style-type: none"> <li>• Board members</li> <li>• Staff</li> <li>• Athletes</li> <li>• Security</li> </ul>
<p><b>USA Gymnastics</b></p>	<ul style="list-style-type: none"> <li>• Any individual who currently is, or was at the time of a possible SafeSport Code violation, within the governance or disciplinary jurisdiction of USA Gymnastics or who is seeking to be within the governance or disciplinary jurisdiction of USA Gymnastics (e.g. through application for membership), including: <ul style="list-style-type: none"> <li>• Current members (professional, junior professional, instructor, athlete, introductory athlete)</li> <li>• Applicants for membership</li> <li>• Individuals who were members of USA Gymnastics at the time of any suspected misconduct or prohibited conduct described in the U.S. Center for SafeSport’s SafeSport Code or USA Gymnastics SafeSport Policy</li> <li>• USA Gymnastics staff and board members</li> </ul> </li> <li>• Any individual who is an athlete or non-athlete participant that USA Gymnastics formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes, such as persons compensated and/or appointed by USA Gymnastics to perform services at sanctioned activities run by USA Gymnastics National Office or its state and regional committees, such as camps, competitions and educational events, including for example: <ul style="list-style-type: none"> <li>• Events staff (individuals with access to the field of play)</li> <li>• Medical personnel</li> <li>• Chaperones</li> <li>• Athlete Development Center support staff</li> </ul> </li> <li>• Any other contracted individual working with or around athletes</li> </ul>

<b>USA Hockey</b>	<ul style="list-style-type: none"> <li>• Persons registered with USA Hockey as Registered Participant Members (players and coaches) and referees, and in the “Ice Manager/Volunteer” category</li> <li>• National staff</li> <li>• All persons serving as a member of USA Hockey’s board of directors, on a national level council, committee or section, or in any other similar positions appointed by USA Hockey</li> <li>• All coaches, officials or staff (e.g., trainers, physicians, equipment managers) for any USA Hockey team, camp or national level program</li> <li>• Any person that is elected or appointed by a USA Hockey Affiliate or Member Program to a position of authority over athletes or that have frequent contact with athletes</li> </ul>
<b>USA Judo</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Coaches</li> <li>• Officials &amp; referees</li> <li>• Athletes</li> <li>• Medical personnel</li> <li>• Volunteers &amp; contractors</li> <li>• Members</li> <li>• Board members</li> </ul>
<b>USA National Karate-Do Federation</b>	<ul style="list-style-type: none"> <li>• Board members</li> <li>• Staff</li> <li>• Interns</li> <li>• Contractors</li> <li>• Operational and Governance Committee members</li> <li>• Volunteer event staff</li> <li>• Event and National Team medical staff and trainers</li> <li>• Coach members</li> <li>• Referee members</li> <li>• Individuals with access to the competition floor</li> <li>• Athletes over 18 years of age</li> <li>• Volunteers over 18 years of age</li> </ul>
<b>U.S. Luge Association</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Coaches</li> <li>• Medical staff</li> <li>• Board members</li> <li>• Athletes</li> <li>• Chaperones</li> </ul>

<b>USA Modern Pentathlon</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Board members</li> <li>• National Team coaches and trainers</li> <li>• Members</li> <li>• Athletes</li> <li>• Medical personnel</li> <li>• Volunteers and contractors</li> <li>• Regional directors</li> <li>• Club volunteers and staff</li> </ul>
<b>USA Racquetball</b>	<ul style="list-style-type: none"> <li>• All state association board members</li> <li>• All instructor program members</li> <li>• Employees &amp; contractors</li> <li>• High school board, coaches and commissioners</li> <li>• Collegiate council, coaches and commissioners</li> </ul>
<b>USA Roller Sports</b>	<ul style="list-style-type: none"> <li>• Team USA staff (to include coaches, managers and medical personnel)</li> <li>• Staff</li> <li>• Board members</li> <li>• Official USA Roller Sports coaches</li> <li>• Officials</li> <li>• Referees and non-skating officials</li> <li>• Athletes</li> <li>• Athletic trainers</li> <li>• Official team chiropractors and other team medical staff</li> <li>• Event volunteers and contractors</li> </ul>
<b>USRowing</b>	<ul style="list-style-type: none"> <li>• USRowing administrative and team support staff members</li> <li>• USRowing employed coaches</li> <li>• Seasonally contracted coaches and staff, whether volunteer or paid</li> <li>• Coaches and staff selected through trials, whether volunteer or paid</li> <li>• Board members</li> <li>• Standing Committee members</li> <li>• Licensed referees</li> </ul>

<b>USA Rugby</b>	<ul style="list-style-type: none"> <li>• Staff, interns and contractors</li> <li>• Certified coaches and officials</li> <li>• Board members</li> <li>• Operational and Governance Committee members</li> <li>• Registered members</li> <li>• USA Rugby training and education certification workforce</li> <li>• Contracted medical personnel at sanctioned events</li> <li>• Contracted medical personnel relating to USA Rugby National Teams</li> <li>• Volunteers acting on behalf of USA Rugby at sanctioned events</li> <li>• Volunteers acting on behalf of USA Rugby in conjunction with National Teams</li> <li>• Other individuals that the USA Rugby formally approves or appoints on an ad hoc or interim basis to a position of authority over or to have frequent contact with minor athletes</li> </ul>
<b>US Sailing</b>	<ul style="list-style-type: none"> <li>• Staff and interns</li> <li>• Board members</li> <li>• Olympic Sailing Committee</li> <li>• US Sailing team staff to include: <ul style="list-style-type: none"> <li>• Coaches, contract coaches and US Sailing coach applicants</li> <li>• Support personnel, including but not limited to, medical, therapeutic and boat wrights</li> </ul> </li> <li>• US Sailing certified race officials for US Sailing championships and other events for which US Sailing is the organizing authority, including PROS, umpires, judges and measurers</li> <li>• Committee chairs that are responsible for US Sailing championships</li> <li>• Educational personnel to include master trainers and instructor trainers</li> <li>• Members</li> </ul> <p>* For the avoidance of doubt, these policies do not directly apply to US Sailing’s organizational members; however, US Sailing strongly encourages its organizational members to adopt similar SafeSport programs and policies.</p>
<b>USA Shooting</b>	<ul style="list-style-type: none"> <li>• Staff and national coaches</li> <li>• Named national assistant coaches</li> <li>• Named USA Shooting National Team athletes (junior squad, junior team, development team, national team)</li> <li>• USA Shooting supervised volunteers (e.g. competitions)</li> <li>• Officials/referees (e.g. competitions)</li> <li>• USA Shooting Certified Training Center coaches/volunteers</li> <li>• USA Shooting Coach Academy certified coaches (advanced and high performance coaches)</li> </ul>

<b>U.S. Ski &amp; Snowboard Association</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Members holding a USSA coaching license</li> <li>• Members holding a USSA officials' license</li> <li>• Licensed USSA athletes (non-masters)</li> <li>• Members at USSA clubs whom the club formally designates to be in a position of authority over athletes</li> <li>• USSA governance board members</li> </ul>
<b>U.S. Soccer Federation</b>	<ul style="list-style-type: none"> <li>• Athletes who directly register with U.S. Soccer</li> <li>• Individuals who are appointed or authorized by U.S. Soccer to oversee athletes who have directly registered with U.S. Soccer, including coaches, administrators and medical personnel</li> </ul>
<b>USA Softball</b>	<ul style="list-style-type: none"> <li>• Organizational governing bodies <ul style="list-style-type: none"> <li>• Board members</li> <li>• USA Softball Council members</li> </ul> </li> <li>• National office staff</li> <li>• National Teams, including: <ul style="list-style-type: none"> <li>• Staff</li> <li>• Coaches</li> <li>• Players</li> <li>• Athletic trainers</li> <li>• Medical personnel</li> </ul> </li> <li>• Local association softball officials, including: <ul style="list-style-type: none"> <li>• Board members</li> <li>• Commissioners</li> <li>• JO commissioners</li> <li>• Player representatives</li> <li>• Umpires-in-chief</li> <li>• Tournament directors</li> </ul> </li> <li>• Local association members, including: <ul style="list-style-type: none"> <li>• Players</li> <li>• Coaches</li> <li>• Umpires</li> </ul> </li> </ul>
<b>U.S. Speedskating</b>	<ul style="list-style-type: none"> <li>• Members (first-year members, club competitors/recreational skaters, national-level competitors, USS coaches, USS officials, USS club officers, introductory two-month members and USS alumni members)</li> <li>• Staff, including office staff, trainers and National Team coaches</li> <li>• Board members</li> <li>• Volunteers and contractors, including medical personnel, massage therapists, event volunteers and committee members</li> </ul>

<b>U.S. Squash</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Athletes</li> <li>• National coaches</li> <li>• Regional coaches</li> <li>• National officials</li> <li>• Registered officials</li> <li>• National trainers</li> </ul>
<b>USA Swimming</b>	<ul style="list-style-type: none"> <li>• Coaches</li> <li>• Officials</li> <li>• Athletes</li> <li>• Meet directors</li> <li>• Team chaperones</li> <li>• USA Swimming Board members and national committee members</li> <li>• Individuals with any ownership interest in a member club</li> <li>• Individuals with password access to the USA Swimming SWIMS member database</li> <li>• Members of the USA Swimming House of Delegates</li> <li>• USA Swimming headquarters staff</li> <li>• Employees and volunteers of USA Swimming, Zones, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties</li> </ul>
<b>U.S. Synchronized Swimming</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Board members</li> <li>• Support staff and consultants</li> <li>• National Team coaches (head coaches and assistants), volunteers, consultants and chaperones</li> <li>• National talent/national elite camp coaches (head coaches and assistants), volunteers, consultants and chaperones</li> <li>• National Team, international relations and LTAD committees (18 years of age and older)</li> <li>• Club teams – all volunteer, employed and contracted coaches; support staff to include dance, acrobatics, flexibility, swimming, etc., at any training facility; and chaperones</li> <li>• All judges (levels 1 through FINA A)</li> <li>• All approved club options/private invitations staff, including coaches, managers and adults traveling with the team</li> </ul>
<b>USA Table Tennis</b>	<ul style="list-style-type: none"> <li>• Committee members</li> <li>• Tournament directors, event organizers, referees, umpires and officials</li> <li>• Club owners and coaches working in USATT affiliated clubs</li> <li>• Board members</li> <li>• Headquarters staff</li> <li>• Anyone who has access to minors within USATT sanctioned competition or club activity</li> </ul>

<b>USA Taekwondo</b>	<ul style="list-style-type: none"> <li>• Members</li> <li>• Medical staff</li> <li>• Employees</li> <li>• Board members</li> <li>• USA Taekwondo club owners</li> <li>• Referees</li> <li>• Officials</li> <li>• Registered coaches</li> <li>• Contracted employees</li> <li>• State organization officials</li> </ul>
<b>U.S. Team Handball Federation</b>	<ul style="list-style-type: none"> <li>• Board members</li> <li>• Staff</li> <li>• Coaches</li> <li>• Referees</li> <li>• Committee chairman and chairwomen</li> <li>• Member clubs</li> <li>• Members</li> <li>• Certified medical care providers</li> </ul>
<b>U.S. Tennis Association</b>	<p>(i) USTA-certified individuals; and (ii) individuals whom the USTA formally authorizes, approves, or appoints to a position of authority over or to have frequent contact with, minor athletes; and (iii) any other individual participating in activities or affairs of the USTA who are subject to the USTA’s Safe Play policies and disciplinary procedures (“Covered Individuals”). Covered Individuals include coaches and player support personnel, such as athletic trainers. For the avoidance of doubt, Covered Individuals include individuals within the remit of USTA Player Development Incorporated, the USTA National Tennis Center Incorporated, and the USTA Foundation Incorporated and does not apply to Sectional Associations and Organization Members to adopt similar USTA Safe Play policies and disciplinary procedures.</p>
<b>USA Track &amp; Field</b>	<ul style="list-style-type: none"> <li>• Members</li> <li>• Staff</li> <li>• Board members</li> <li>• USATF registered coaches</li> <li>• USATF youth coaches/volunteers</li> <li>• USATF certified officials</li> <li>• USATF authorized agents</li> <li>• USATF independent contractors at the CVOTC</li> <li>• Team staff for international teams</li> </ul>



<b>USA Triathlon</b>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Board members</li> <li>• Certified coaches</li> <li>• Certified race directors</li> <li>• Technical officials</li> <li>• Regional council chairs</li> <li>• Interns</li> <li>• Contracted massage therapists</li> <li>• Contracted chiropractors</li> <li>• Contracted mechanics</li> <li>• Contracted employees</li> <li>• Members</li> <li>• Athletes</li> </ul>
<b>U.S. Olympic Committee</b>	<ul style="list-style-type: none"> <li>• All USOC staff</li> </ul>
<b>USA Volleyball</b>	<ul style="list-style-type: none"> <li>• Registrants of USA Volleyball and the RVAs to include but not limited to: <ul style="list-style-type: none"> <li>• Staff</li> <li>• Board members</li> <li>• Regional leadership</li> <li>• Committee members</li> <li>• Commission members</li> <li>• Athletes</li> <li>• Coaches</li> <li>• Officials</li> <li>• Tournament directors and staff</li> </ul> </li> </ul>
<b>USA Water Polo</b>	<ul style="list-style-type: none"> <li>• Members, including athletes, coaches, officials, administrators and clubs</li> <li>• Staff</li> <li>• Board members</li> <li>• Contractors</li> <li>• Medical personnel</li> <li>• Volunteers</li> <li>• Event organizers</li> </ul>

<p><b>USA Water Ski</b></p>	<ul style="list-style-type: none"> <li>• Governance leaders <ul style="list-style-type: none"> <li>• Officers and members of the board of directors of USA Water Ski</li> <li>• Officers and members of the board of directors of any and all of the nine sport disciplines under the USA Water Ski umbrella</li> <li>• Committee chairs and members of any USA Water Ski or sport discipline committee</li> </ul> </li> <li>• Non-team coaches (any individual who accepts any form of payment for providing coaching expertise)</li> <li>• U.S. team staff (whether or not paid), including, but not limited to, coaches, managers and physicians</li> <li>• Clinic or certification instructors</li> <li>• Individuals appointed to any position of authority (including sport divisions and member clubs)</li> <li>• Tournament officials, including referees, scorers and judges</li> <li>• Tournament directors</li> <li>• Assigned medical personnel</li> <li>• Headquarters staff</li> <li>• Contracted employees</li> <li>• Volunteers who have frequent contact with minors</li> </ul>
<p><b>USA Weightlifting</b></p>	<ul style="list-style-type: none"> <li>• Staff</li> <li>• Board of directors</li> <li>• Committee members</li> <li>• Any member of USA Weightlifting – member categories are as follows: <ul style="list-style-type: none"> <li>• USA Weightlifting staff</li> <li>• USA Weightlifting employed contractor coaches</li> <li>• Athletes (masters, senior, junior and youth)</li> <li>• Any person with a current coaching certification from USA Weightlifting; (there are occasions when a certification may over-run the course of their membership)</li> <li>• Referees and technical officials</li> </ul> </li> <li>• Contractors</li> <li>• Any individual engaging in a USA Weightlifting sanctioned activity, at any time, at any location</li> <li>• Members of the USA Weightlifting Sports Medicine Society</li> </ul>

<b>USA Wrestling</b>	<ul style="list-style-type: none"><li>• Members</li><li>• Athletes</li><li>• Coaches</li><li>• Officials</li><li>• Volunteers</li><li>• Participants</li><li>• Staff</li><li>• Any person that is elected or appointed to a position of authority over athletes or who has frequent contact with athletes, including event staff, medical personnel, chaperones and any other contracted individual working with or around athletes</li></ul>
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# COVINGTON

BEIJING BRUSSELS DUBAI JOHANNESBURG LONDON  
LOS ANGELES NEW YORK SAN FRANCISCO SEOUL  
SHANGHAI SILICON VALLEY WASHINGTON

**Brian D. Smith**

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 5090  
bdsmith@cov.com

**May 16, 2018**

Ms. Brittany Havens  
Mr. John Ohly  
Ms. Julie Babayan  
Ms. Christina Calce  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Ms. Havens, Mr. Ohly, Ms. Babayan, and Ms. Calce:

On behalf of our client, the United States Olympic Committee, this letter is a supplemental response to the Committee's requests, including the March 7, 2018, letter to Susanne Lyons, acting chief executive officer of the United States Olympic Committee, from Chairman Walden, Ranking Member Pallone, Chairman Harper, Ranking Member DeGette, Chairman Latta, and Ranking Member Schakowsky, and may also be responsive to the Committee's earlier requests. In addition, on behalf of U.S. Paralympics, a division of the United States Olympic Committee, this letter is a supplemental response to the March 7, 2018, letter to Rick Adams, chief of Paralympic sport at the United States Olympic Committee, from Chairman Walden, Ranking Member Pallone, Chairman Harper, Ranking Member DeGette, Chairman Latta, and Ranking Member Schakowsky.

This letter responds to the questions the Committee posed in the letters above. The Olympic Committee appreciates the opportunity to address these important matters to the best of its ability. In certain instances, we have noted where information is not known or available to the Olympic Committee.

The Committee inquired about required or recommended changes in the bylaws of national governing bodies. The Olympic Committee has regularly provided guidance on national governing body bylaws and periodically required changes in bylaws related to the requirements of the Ted Stevens Olympic and Amateur Sports Act or the Olympic Committee's own bylaws. Additionally, the Olympic Committee maintains template bylaws that national governing bodies may reference when revising their own bylaws. The bylaws template provides a governance structure that, in the view of the Olympic Committee, exemplifies best practices and complies with the foundational governance documents. The bylaws template is attached.

Further, around 2005, the Olympic Committee undertook a governance reform effort and subsequently approved governance guidelines for national governing bodies. The recommended reforms included reducing the size of national governing bodies' boards, adding more independent directors to the boards, more clearly defining the roles and responsibilities of management, and providing financial and operational transparency. The current NGB Governance Guidelines are attached. In 2014, a working group of athletes, national governing body representatives, and Olympic Committee staff developed best practices for national governing body board members, resulting in the NGB Board Member Guidelines. These

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Guidelines were adopted by the Athletes' Advisory Council and the National Governing Bodies Council. The NGB Board Member Guidelines are attached. The Olympic Committee has generally sought to provide the national governing bodies with governance support and limited direct intervention to certain circumstances.

In that regard, and with respect to issues related to athlete safety, the Olympic Committee has significantly increased the requirements for national governing bodies over the past eight years, culminating in the requirements related to the Center for SafeSport. In 2010, the Olympic Committee determined that athlete safety issues warranted renewed attention, and it convened a working group to study the issue and make recommendations. Following the recommendations, the Olympic Committee adopted the SafeSport Handbook in 2012 and implemented a Minimum Standards Policy for Athlete Safety Programs on January 1, 2014. The policy required national governing bodies to create comprehensive safety policies. As the Olympic Committee was implementing the recommendations, it concluded that the community needed an independent entity dedicated to athlete safety, and it began the process of launching the Center.

In December 2015, the Olympic Committee board amended its bylaws to make participation in the Center for SafeSport a requirement for all national governing bodies. Under section 8.7(l) of the Olympic Committee's bylaws, each national governing body must comply with the policies related to SafeSport and, additionally, the policies and procedures of the Center. In 2017, the Olympic Committee replaced the minimum standards with the NGB Athlete Safety Policy. The NGB Athlete Safety Policy requires national governing bodies to maintain an athlete safety program that contains certain minimum standards, including prohibiting misconduct (emotional, physical, and sexual misconduct, including bullying, hazing, and harassment), requiring criminal background checks at least every two years for individuals who have authority over or frequent contact with athletes, implementing education and training requirements, establishing a reporting procedure, and establishing enforcement procedures. The Olympic Committee, in its NGB Athlete Safety Policy, requires that national governing bodies mandate that covered individuals come under the jurisdiction of the Center.

The Committee requested data regarding the number of reports, cases, and dispositions of complaints regarding sexual abuse made to the national governing bodies. Because the national governing bodies are separate entities, the Olympic Committee does not possess sufficient information to respond to this request. With respect to Paralympic sports organizations internal to the Olympic Committee, the Olympic Committee's records indicate that from 2010 to the present, the Olympic Committee addressed seven cases related to SafeSport complaints. One inquiry spanned 2010 and 2011; one inquiry occurred in each of 2011, 2016 and 2017; and three inquiries occurred in 2018. Three cases have been referred to law enforcement, all in 2018. Of the seven cases, two cases were resolved with no further action; two cases resulted in employment terminations, ineligible for rehiring; two cases resulted in suspensions, of which one case is ongoing; and one case is ongoing.

In the Olympic Committee's work on athlete safety issues over the past eight years, it became clear that the Olympic community needed the type of detailed data that the Committee requested. For that reason, with the launch and funding of the Center for SafeSport, the Olympic Committee provided that the Center would report periodically to the Olympic Committee regarding the number of active cases, resolutions, and other data to enable the

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Olympic Committee to spot and assess trends in the Olympic community regarding athlete safety. Finally, because the Olympic Committee directly operates Olympic Training Centers at Colorado Springs and Lake Placid, the Olympic Committee has the ability to collect and track safety data regarding these facilities. The Olympic Committee previously produced to the Committee its annual safety reports regarding the Olympic Training Centers.

The Committee inquired about lists of individuals banned or suspended from participation in the activities of a national governing body. Traditionally, each national governing body maintained the authority and responsibility to maintain lists related to eligibility to participate in the activities of the national governing body. As far as the Olympic Committee is aware, some national governing bodies maintain public lists of ineligible individuals, and others do not. Recognizing the need for greater transparency and uniformity with respect to sexual assault, the Olympic Committee worked with the Center for SafeSport at its launch to track, develop, publicize, and share lists of ineligible individuals. The Center maintains a website that provides public access to a searchable database, and links to the publicly available lists of individual national governing bodies that make such lists available. In addition, the Center maintains an Adjudication List that is provided to each national governing body and the Olympic Committee every two weeks. The list includes all decisions, interim actions, and resolutions of the Center, to provide notice to the national governing bodies regarding these actions.

The Olympic Committee is actively undertaking a number of efforts to improve transparency and information sharing regarding ineligible lists among the Olympic Committee, the Center, and the national governing bodies. For Paralympic sports internal to the Olympic Committee, U.S. Paralympics keeps records regarding ineligible individuals. Within the past two months, the Paralympic sports organizations internal to the Olympic Committee have had their first suspensions. As a result, the Olympic Committee is in the process of providing public access to its own list of ineligible individuals. Finally, the Olympic Committee has additional responsibilities with respect to the Olympic Training Centers that it operates in Colorado Springs and Lake Placid. For these sites, the Olympic Committee maintains a “no access list” that restricts certain individuals from accessing the training centers.

The Committee inquired about relaying of reports or allegations of sexual abuse between the Olympic Committee and national governing bodies. As discussed with you, there was not a policy or practice of national governing bodies reporting such information to the Olympic Committee. Nonetheless, individual communications may occur in a number of contexts. As discussed with you, the Ted Stevens Act provides for an independent athlete ombudsman funded by the Olympic Committee. The athlete ombudsman generally provides independent advice to athletes on the policies and procedures related to resolving complaints. The communications with the ombudsman are confidential. The current ombudsman has indicated that athletes have contacted her office both before and after submitting complaints to a national governing body or the Center for SafeSport. Athletes have sought assistance submitting complaints or assistance resolving a complaint already submitted. Additionally, an athlete may contact Olympic Committee personnel directly or the Olympic Committee may become aware of a concern through public reports. In such situations, the Olympic Committee has reported allegations to both national governing bodies and the Center for SafeSport since its launch. U.S. Paralympics generally shares information concerning individuals under its jurisdiction with the

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Olympic Committee; there is not a separation that would necessitate a formal report or reporting policy.

The Committee inquired about guidance concerning interim measures. As noted above, the Olympic Committee requires each national governing body (including its internal Paralympic organizations) to comply with the policies and procedures of the Center for SafeSport. The SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement, which is an appendix to the SafeSport Code, provides guidance concerning interim measures in section five. The Code, including the Practices and Procedures appendix, is attached. The Center's Practices and Procedures provide that interim measures are available "at any point" before the conclusion of a matter. The Practices and Procedures indicate that interim measures may be appropriate where an allegation is sufficiently serious or the individual's continued participation could be detrimental. In an emergency situation, the Practices and Procedures provide for immediate removal. Interim measures may include altering training schedules, providing chaperones, implementing contact limitations between the parties, and suspensions.

The Olympic Committee's SafeSport Handbook, which is attached, provides additional guidance. The Handbook provides that organizations may immediately suspend an individual when a reported complaint indicates that "continued employment, membership or participation poses a risk of ongoing physical or emotional harm." With respect to child abuse or physical and sexual abuse, the Handbook indicates that the organization may immediately terminate the individual to ensure participant safety.

The Committee inquired about the use of background checks. The Olympic Committee has required background checks in various forms for a number of years. For example, Olympic Games background check policies have been in place since at least 2007. As part of its more recent efforts, the Olympic Committee required background checks by national governing bodies with the implementation of the Minimum Standards Policy for Athlete Safety in 2014. That policy required each national governing body to conduct a background check for any individual the national governing body authorizes, approves, or appoints to a position of authority over an athlete, or to have frequent contact with an athlete. Under the current NGB Athlete Safety Policy, the Olympic Committee requires that each national governing body adopt a policy requiring criminal background checks, at least every two years, for an individual the national governing body authorizes, approves, or appoints to a position of authority over an athlete, or to have frequent contact with an athlete.

The Olympic Committee conducts background checks on four categories of individuals: Coaches, games staff, individuals who have contact with athletes, and certain other members of the United States delegation to an Olympic Games; the Olympic Committee's board of directors, employees, and interns; participants in the Olympic Committee Volunteer Program; and individuals with contact with athletes at an Olympic Training Center. The policies, criteria, and processes are described in the attached background check procedures for Olympic Games, and the background checks are currently performed by the National Center for Safety Initiatives. In addition to background checks, medical staff personnel undergo a medical credential review of American Medical Association physician profiles, professional credentials, U.S. Drug Enforcement Administration files, and licensing board sanctions. The relevant organizing committee for each Olympic Games conducts its own, independent background checks on



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individuals credentialed for those Games (both athletes and non-athletes). The Olympic Committee is not part of that process.

The Committee inquired about nondisclosure agreements and settlements. To the best of its knowledge, the Olympic Committee and U.S. Paralympics have not been a party to dispute settlements, nondisclosure agreements as part of settlements, or other similar resolutions regarding sexual abuse. Through information provided to it by third parties, the Olympic Committee has become aware of agreements regarding sexual abuse that have been entered into by other parties. Regarding Olympic athletes, the Olympic Committee is currently aware of a settlement related to Mandy Meloon in 2007, a settlement related to McKayla Maroney in 2016, and a settlement related to an unnamed athlete in 2018 (*Jane Doe v. USA Gymnastics*, *Savannah Metro Inc.*, and *William McCabe*). The Olympic Committee is not a party to any of these settlements.

The Committee inquired about instances of a national governing body decertification and threatened decertification. With respect to complete decertification as a national governing body, the Olympic Committee decertified the U.S. Team Handball Federation in 2006 and the National Rifle Association in 1994. There are numerous instances in which the Olympic Committee placed a national governing body on probation, or the Olympic Committee pursued or discussed decertification and then proceeded with a remediation plan instead. For example, the Olympic Committee commenced a decertification hearing against the U.S. Taekwondo Union in 2004, and the Taekwondo Union subsequently entered into a remediation plan with the Olympic Committee. Similarly, the Olympic Committee agreed not to seek decertification after the U.S. Bobsled and Skeleton Federation entered a remediation plan in 2006. Other examples include a restructuring plan at the USA Karate-do Federation in 2007, and governance and management changes at USA Table Tennis in 2007. The Olympic Committee has also placed various national governing bodies on probation, including USA Boxing in 2002, USA Taekwondo in 2012, USA Judo in 2015, and the U.S. Bowling Congress in 2017.

As discussed extensively with the Committee, on January 25, 2018, the Olympic Committee issued a letter to the board of USA Gymnastics outlining six specific steps that the Olympic Committee is requiring of USA Gymnastics. The Olympic Committee specifically indicated that it would pursue termination of USA Gymnastics' national governing body status if it failed to implement the six steps.

The Committee inquired about the Olympic Committee's involvement in the selection of board members, employees, athletes, and others of a national governing body. Because they are separate organizations with separate boards of directors, the Olympic Committee is generally not involved in the management and employment matters of national governing bodies. As a leader of the Olympic community in the United States, the Olympic Committee provides guidance and assistance to the national governing bodies in a variety of ways. Additionally, in extraordinary circumstances, the Olympic Committee has used its role to exert significant influence on the leadership decisions of national governing bodies. The Olympic Committee's NGB Services and Diversity and Inclusion departments can be a resource for national governing bodies seeking to identify potential independent director candidates. The NGB Services department has also provided assistance to national governing bodies conducting searches for leadership staff positions. Following the removal of the entire board of USA Gymnastics earlier



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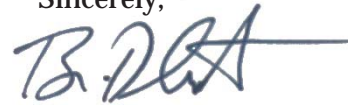
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this year, the Olympic Committee provided extensive assistance to USA Gymnastics in its selection of new interim board members.

With respect to athletes, coaches, and others involved in the Olympic Games, the Olympic Committee has additional roles. For example, the national governing bodies' athlete selection procedures are subject to review and approval by the Olympic Committee. As the designated credentialing organization for the United States, the Olympic Committee collects and submits the names of participants nominated by the national governing bodies to participate in the Olympic, Paralympic, Pan American, Parapan American, and Youth Olympic Games. The selection of the specific individuals is the responsibility of the applicable national governing body.

As indicated in my letter yesterday, this submission completes our response to the Committee's requests. Nonetheless, the Olympic Committee remains committed to working with the Committee on these important issues, and if you have additional questions or requests, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. D. Smith", with a long horizontal stroke extending to the right.

Brian D. Smith



**SAFESPORT PRACTICES AND PROCEDURES FOR THE  
U.S. OLYMPIC AND PARALYMPIC MOVEMENT**

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**SAFESPORT PRACTICES AND PROCEDURES FOR THE  
U.S. OLYMPIC AND PARALYMPIC MOVEMENT**

*Effective as of March 21, 2018*

**I. APPLICATION AND STANDARDS**

**A. Application**

The U.S. Center for SafeSport Response and Resolution Office (Office) uses the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (Procedures)* to determine whether a Covered Individual violated the *SafeSport Code for the U.S. Olympic and Paralympic Movement (Code)*.

**B. Authority**

**1. Exclusive authority**

The Office, or its duly appointed designee, has exclusive authority over (a) actual or suspected sexual misconduct by a Covered Individual; and (b) misconduct that is reasonably related to an underlying allegation of sexual misconduct, as set forth in the *Code*. Exclusive authority means that (a) only the Office will investigate and manage any related hearings involving sexual misconduct and (b) neither the NGB nor USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided.

**a. No statute of limitations or Time Bar of Any Sort**

The Office is assessing a Covered Individuals current fitness to participate in sport. Accordingly, no criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent the Center from investigating, assessing and considering relevant conduct in its process.

**b. Limit—individuals and non-employment matters**

- i. The Office’s authority extends only to the conduct of *individuals*—Covered Individuals specifically. It does not regulate, investigate or audit LAO, NGB or USOC organizational practices.
- ii. The Office’s exercise of any authority under its resolution proceedings are independent of any employment decisions made by an LAO, NGB or the USOC, which have sole responsibility for any employment action.

**2. Discretionary authority**

On the written request of an NGB or the USOC, the Office may, in its discretion, accept jurisdiction over any form of misconduct as set forth in the *Code*.

**C. Substantive Standards**

In resolving allegations of misconduct, the Office applies its currently effective procedures and the substantive standards in effect at the time of the alleged violation. If a report is made regarding conduct that occurred before the effective date of the *Code*, the Office will apply the relevant NGB’s substantive rules and regulations and/or other standards applicable at the time of the alleged conduct.

**D. Standard of proof**

The Office uses the preponderance of the evidence standard to determine whether a Covered Individual violated the *Code*.

**II. REPORTING, CONFIDENTIALITY AND PRIVACY**

**A. Reporting**

**1. Anyone may report**

Anyone who becomes aware of possible sexual misconduct under the *Code* by a Covered Individual may report to the Office and is encouraged to do so.

## 2. Mandatory reporters

### a. Covered Adults

#### i. Sexual misconduct

Covered Adults *must* report to the Office (conduct of which they become aware that could constitute (a) sexual misconduct, (b) misconduct that is reasonably related to the underlying allegation of sexual misconduct and (c) retaliation related to an allegation of sexual misconduct:

- Telephone: 720-524-5640
- Online: <https://safesport.org/response-resolution/report>. Online reports are accepted 24 hours a day, 7 days a week.
- Regular mail:

U.S. Center for SafeSport  
c/o Response and Resolution Office  
1385 South Colorado Boulevard, Suite A-706  
Denver, Colorado 80222

#### ii. Proactive policies

Conduct by a Covered Individual that could violate a proactive policy should be reported to the relevant, promulgating organization. If the relevant, promulgating organization is an LAO, the LAO must report the matter to its NGB. The NGB, in turn, should report the possible violation to the Office.

### b. No assessment of credibility or validity

The obligation to report is broader than reporting the criminal arrest of a Covered Individual; it requires reporting to the Office any conduct that comes to the Covered Adult's attention which, if true, would violate the *Code*. Questions about whether conduct triggers a reporting obligation should be directed to the Office.

*Individuals should not investigate, or attempt to evaluate the credibility or validity of allegations involving sexual misconduct, as a condition of reporting to the Office.*

### c. Initial disclosure to LAO, NGB or the USOC

If the possibility of sexual misconduct under the *Code* is first disclosed to a Covered Adult at an LAO, NGB or the USOC, that Covered Adult *must* promptly report the possibility of sexual misconduct, in writing, to the Office.

### d. Identity of Third-party Reporter and Reporting Party

The Office will not identify or use the name of a Third-party Reporter. Nor will it publicly release a Reporting Party's identifying information.

## 3. Ongoing obligation

- a. The obligation to report is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information about which a Covered Adult becomes aware.
- b. If a Covered Adult learns additional information, including information regarding the nature of an incident, the identity of witnesses, statements

regarding the incident (including statements by the Reporting Party, Responding Party or a Third-party Reporter), or the existence of evidentiary material (including any documents, electronic communications, emails, text messages, medical reports, photographs, audio or video recordings, or social medial activity), it must be reported promptly to the Office.

- c. The ongoing obligation does not require, and persons should not attempt to conduct, an investigation into possible sexual misconduct. The Office, however, recognizes the potential need for an organization to gather sufficient facts to ensure the safety of its constituents that may be impacted by the alleged misconduct.

#### **4. Reports concerning child abuse or neglect—separate obligation to report to legal authorities**

A report of child abuse or neglect to the Office as required under this policy *does not* satisfy any separate obligation an individual or organization may have under federal or applicable state law to report known or suspected child abuse or neglect.

- a. Covered Adults must report suspicions or allegations of child abuse or neglect to both the Office and appropriate legal authorities. If an allegation reported to the Office involves child abuse or neglect, the Office will also comply with all federal or state reporting requirements.
- b. *No one should investigate suspicions or allegations of child abuse or neglect or attempt to evaluate the credibility or validity of allegations, as a condition of reporting to the appropriate legal authorities.*  
For state-by-state reporting information, visit

<https://www.childwelfare.gov/topics/responding/reporting/>.

#### **5. No statute of limitations**

Civil or criminal statutes of limitations do not affect or negate the obligation of a Covered Adult to report possible sexual misconduct to the Office under the *Code* and should be reported to the Office, regardless of when it occurred.

#### **6. Anonymous reports**

Reports may be made to the Office anonymously. Anonymity means that the identity of the individual who makes the report is not known to the Office. It does **not** mean that the information provided will be protected.

However, an anonymous report may limit the Office’s ability to investigate and respond to a complaint. And, if a Covered Adult reports anonymously, it may not be possible for the Office to verify that mandatory reporting obligations have been satisfied. *Consequently, the Office strongly discourages Covered Adults from reporting anonymously.*

### **B. Confidentiality and privacy**

#### **1. Confidentiality for a Reporting Party**

If a Reporting Party would like the details of an incident to be kept confidential, the Reporting Party may speak with the USOC’s Athlete Ombudsman’s Office.

The USOC Athlete Ombudsman provides independent, cost-free advice to athletes regarding the opportunity to participate in protected competition, and the various policies and procedures associated with participating in sport at an elite level, including SafeSport issues. Confidentiality parameters will be discussed at the outset of any communication and may be limited by mandatory

reporting requirements, including cases of immediate threat or danger, or abuse of a Minor.

The Athlete Ombudsman can be reached by phone: 1-800-ATHLETE, 719-866-5000, or via email: [athlete.ombudsman@usoc.org](mailto:athlete.ombudsman@usoc.org). For more information, visit [www.athleteombudsman.org](http://www.athleteombudsman.org).

## 2. Reporting Party request for confidentiality

If the Office receives notice of possible sexual misconduct, but a Reporting Party does not wish for their name or identity to be shared, does not wish for an investigation to take place or does not want a formal resolution to be pursued, the Reporting Party may make such a request to the Office, which will evaluate the request.

- a. In cases where a Reporting Party requests confidentiality and the circumstances allow the Office to honor that request, the Office will not pursue formal action.
- b. In cases indicating pattern, predation, threat, use of weapons and/or violence, the Office will likely be unable to honor a request for confidentiality.

## 3. Privacy

Information will be shared only as necessary with investigators, witnesses and the Responding Party. It will be necessary for the Office to (a) notify the NGB of an allegation involving a Covered Individual from that NGB, (b) if the Office seeks an interim measure, (c) if the Office proceeds to a full investigation, and (d) any final decision regarding whether a violation occurred and sanctions, if any. But the Office will not disclose the identity of a Reporting Party to the NGB unless necessary to the case.

## 4. Parental notification

The Office reserves the right to notify parents/guardians of Reporting Parties regarding any health or safety risk.

# III. RESOLUTION PROCEDURES

Proceedings may be conducted by the Office and/or its designees. The timing and scope of the proceedings will be based upon the particular circumstances of the matter at issue. While applying the *Procedures* consistently in similar situations is a priority, they are flexible and will not be applied the same way in every situation. The Office reserves the right to modify its processes as it deems necessary.

Absent compelling circumstances, cases involving more than one Reporting Party and/or more than one Responding Party will be treated as a single matter throughout resolution proceedings, including arbitration, if any.

## A. Participation

### 1. Advisors

#### a. Right to an advisor

The Reporting Party and Responding Party are entitled to an advisor of their choosing to guide and accompany them throughout proceedings. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who may be called as witnesses may not serve as an advisor.

Each party is entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews and hearings. An advisor should help their advisee prepare for each meeting, and is expected to advise ethically, with integrity and in good faith.

**b. Rules**

Each advisor is subject to the same rules, whether or not the advisor is an attorney:

- i.** An advisor may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if the advisor wishes to interact with Office officials.
- ii.** An advisor is expected to refrain from interference with the Office’s proceedings and may be asked to leave any meeting if an Office official considers the advisor to be disruptive or otherwise failing to respect the limits of the advisor role.
- iii.** No audio or video recording of any kind is permitted during meetings with Office officials other than as authorized by the Office.

**2. Participation of Reporting Party and Responding Party**

**a. Opportunity to provide evidence**

During an investigation, both the Reporting Party and the Responding Party are permitted to provide evidence, including written statements, lists of potential witnesses and other physical or documentary evidence.

**b. Cooperation and adverse inferences**

Full cooperation and participation in the investigation process is important to ensure that all relevant facts and evidence are presented to the Office so it can determine whether a *Code* Violation occurred. If a party declines to cooperate or participate in an investigation, the Office will make its decision based

on the available evidence. If a Responding Party does not cooperate with the Office, an adverse inference may be drawn.

**c. Witnesses**

Any witness scheduled to participate in an arbitration must consent to be interviewed by the Office prior to any hearing, unless the Office otherwise agrees to the witness’s participation.

**B. Preliminary inquiry**

**1. Initiating proceedings**

- a.** When the Office receives notice of a matter within its exclusive authority, or accepts a matter within its discretionary authority, it will undertake a preliminary inquiry to determine if there is (a) reason to believe (b) a Covered Individual (c) violated the *Code*. If, after a preliminary inquiry, the Office concludes there is reason to believe a Covered Individual has violated the *Code*, it will initiate proceedings, which may include an informal or formal resolution.
- b.** The Office may initiate proceedings without a formal report, and reserves the right to initiate proceedings without a report from, or participation by, the Reporting Party.

**2. Interim measures**

The Office may, at any point before a matter is final, seek interim measures as set forth below in Part V.

**C. Informal resolution**

At any time prior to an arbitrator’s final decision, the Office has the authority to reach an informal resolution of any matter. An informal resolution is a final disposition of the matter and the final disposition will not be confidential.



## **D. Formal resolution—full investigation**

If the Office determines that a formal resolution process is necessary, it will appoint trained investigators, usually within two business days of determining that a formal resolution should proceed. The number of investigators and the length of the investigation will depend on the nature and/or complexity of the matter.

### **1. Steps**

The investigator(s) may take the following steps:

- a. Seek to notify the Reporting Party that the Office is conducting an investigation into the possible *Code* Violation and inform the Reporting Party of the right to meet with the investigator and present evidence in support of the complaint along with the names and/or contact information of any potential witnesses with direct knowledge of the allegations.
- b. Seek to interview the Responding Party and advise the Responding Party of the nature of the allegation before making a determination. The Responding Party will be provided the opportunity to present a response to the allegations, including evidence and the names and/or contact information of potential witnesses with direct knowledge of the allegations.
- c. Seek to interview witnesses with direct knowledge of the allegations.
- d. Seek evidence and take any other action as the investigator may deem relevant to the investigation.
- e. Review the evidence provided by a Third-party Reporter, the Reporting Party, the Responding Party or any other source.
- f. Document all investigative efforts, including but not limited to interviews, receipt of relevant

documentation, database searches, and review and collection of other publicly-available information (e.g., social media, public records).

### **2. Closing the investigation**

At any point prior to final resolution the Office may close the investigation if (a) the investigator could not conduct or complete the investigation, (b) it is determined the Office does not have authority or jurisdiction over the alleged Violation or (c) it is determined there is no reason to believe that there has been a Violation. The Office may, at its discretion, reopen any case closed under this section.

### **3. Investigative report**

Upon completing the investigation, the investigator will prepare a report that, based on the preponderance of the evidence, sets forth findings of fact and references disputed facts and any credibility assessments. The investigator's report will also state whether the Responding Party violated the *Code*. If it is determined that the Responding Party violated the *Code*, the investigator will include in the report a recommended sanction.

### **4. The Director of Investigation's Decision**

The Director of Investigations (Director) will consider the investigative report and any other relevant information. If the Director decides no further investigation is necessary, the Director will issue a Decision that (a) states whether a violation of the *Code* occurred, based on a preponderance of the evidence, (b) the *Code* Violation and (c) the sanction to be imposed (if any), consistent with the Sanctioning Guidelines. The Decision will include a summary of the relevant facts, evidence relied upon and the rationale for the Decision. Names of witnesses and parties will be replaced with alpha-numeric identifiers.

## 5. Notice of Director's Decision

The Director will provide written notice and a copy of the Decision to the Responding Party and the Reporting Party. The written notice will state the Responding Party's opportunity to request a hearing before the arbitration body to challenge all or part of the Decision. The Decision will also include notice of the Reporting Party's right, as discussed below, to request a hearing before the arbitration body to challenge a determination that the Responding Party did not violate the *Code*. Notice and receipt may be accomplished either through actual notice or constructive notice. Constructive notice is sufficient for all purposes for which notification is required under these *Procedures*.

### a. Actual notice

Actual notice and receipt may be accomplished by any means that conveys actual knowledge of the matter to the person. Actual notice and receipt shall be effective upon delivery.

### b. Constructive notice

Constructive notice and receipt may be accomplished by third-party courier, email or U.S. Postal mail.

- i. Notice shall be sent to the person's most recent mailing address or email address on file (taking into account the most recent contact information on file with the Office or the LAO, NGB or USOC, as relevant). Also, if the person has provided the Office with the name and contact information of a designated advisor, notice may be sent to the advisor's most recent mailing or email address. Notice shall be achieved if the third-party courier indicates delivery or if the U.S. Postal mail is not returned within a reasonable period of time.

- ii. Constructive notice and receipt shall be effective one business day after delivery by a third-party courier or email or five business days after depositing the notice with the U.S. Postal Service.

## 6. Options

### a. Reporting Party

If the Director decides there was no violation of the *Code* by the Responding Party, the matter will be closed. If, however, the Reporting Party is an Athlete or Non-athlete Participant, then the Reporting Party may initiate arbitration within five business days to request a finding that the Responding Party violated the *Code*.

### b. Responding Party

If a violation of the *Code* is found, the Responding Party shall have five business days from receipt of the Director's notice to request a hearing concerning the Director's Decision. The Responding Party may request a hearing concerning the Director's finding(s) that there was a violation of the *Code*, the sanction or both. If the Responding Party fails to request a hearing within five business days, the Director's Decision shall go into effect unless the Director determines that the Responding Party has shown good cause for an extension of the time to request a hearing.

### c. Interim measures and sanctions remain in effect pending arbitration

All interim measures and sanctions imposed by the Office will be in effect until arbitration, if any, is final. However, the Responding Party may request that the Director delay implementation of the sanctions until the arbitration is final. Whether to

delay implementation of the sanctions rests in the sole discretion of the Director and is not reviewable.

#### **7. Arbitration**

Any arbitration will be conducted pursuant to the *Supplementary Rules for U.S. Olympic and Paralympic SafeSport Arbitrations (Rules)*. On receiving a hearing request from the Responding Party, the Office will initiate an arbitration as provided for in the *Rules*. If these *Procedures* conflict with the *Rules*, the *Rules* govern.

#### **8. Reopening a case**

At any time after an informal resolution, Decision or arbitration is final, either the Reporting Party or Responding Party may request that the Office reopen a matter to consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included in this request. Whether to reopen a case is within the Director's sole discretion.

### **IV. MISCONDUCT RELATED TO THE OFFICE'S PROCEEDINGS**

When the Office is engaged in proceedings related to an actual or suspected *Code* Violation, and even after a matter is final, the following behavior by a Covered Individual may be considered misconduct, which violates these *Procedures*, and may give rise to sanction: abuse of process, failure to report, intentionally making a false report, or Retaliation.

#### **A. Abuse of process**

Direct or indirect abuse of or interference with Office proceedings by: (a) falsifying, distorting or misrepresenting information; (b) destroying or concealing information prior to or during an investigation; (c) attempting to discourage an individual's proper participation in or use of, the Office's

processes; (d) harassing or intimidating (verbally or physically) any person involved in the Office's processes before, during and/or following proceedings (including up to and through arbitration); (e) publicly disclosing a Reporting Party's identifying information; (f) failing to comply with an interim measure or other sanction; or (g) influencing or attempting to influence another person to commit abuse of process.

#### **B. Failure to report**

A failure by a Covered Individual to report actual or suspected misconduct that could violate the *Code*.

#### **C. Intentionally making a false report**

A report that is intentionally false or made maliciously without regard for truth.

### **V. INTERIM MEASURES**

At any point before a matter is final through these *Procedures* or arbitration, interim measures may be appropriate to ensure the safety or well-being of the Reporting Party, Athletes, other Non-athlete Participants or the Responding Party. Interim measures may also be appropriate where an allegation against the Responding Party is sufficiently serious that the Responding Party's continued participation could be detrimental to sport or its reputation. Nothing in these *Procedures* prevents the Office, LAO, NGB or USOC from taking appropriate interim measures upon notice of an imminent threat of harm. In such emergency circumstances, it may be appropriate to immediately remove a Covered Individual to address such a threat.

#### **A. Rules**

Any interim measures hearing will be conducted according to the *Rules*.

**B. Scope**

The interim measures hearing is not to be a full hearing on the merits and is limited to determining whether there exists reasonable cause to impose one or more interim measure(s).

**C. Measures**

Interim measures may include, but are not limited to, altering training schedules, providing chaperones, implementing contact limitations between the parties, and suspensions.

**VI. SANCTIONING GUIDELINES**

Sanctions will be reasonable and proportionate to the *Code* Violation and surrounding circumstances with the intended effect of protecting relevant participants.

**A. Possible sanctions**

One or more of the following sanctions may be recommended or imposed singularly or in combination: (a) written warning; (b) educational or behavioral programs; (c) loss of privileges; (d) probation; (e) suspension or other eligibility restrictions, up to and including permanent ineligibility. The Office reserves the right to lessen or broaden any range of recommended sanctions in the case of mitigating circumstances or egregiously offensive behavior.

The Office may maintain a searchable database of Covered Individuals who have had their eligibility restricted or suspended under these *Procedures* on or after March 3, 2017.

**B. Considerations**

Factors relevant to determining appropriate sanctions include, without limitation:

1. Seriousness of the Violation;
2. The Responding Party’s prior history;
3. Ages of individuals involved;

4. Whether the Responding Party poses an ongoing threat to the safety of others;
5. Voluntary disclosure of offense and/or cooperation by the Responding Party;
6. Disposition of an investigation by state or federal law authorities;
7. Real or perceived impact of incident on the Reporting Party, NGB(s) or USOC; and
8. Other mitigating and aggravating circumstances.

**C. Reciprocity**

A sanction as to one NGB’s Covered Individual, resulting from the Office’s exercise of its exclusive or discretionary authority, shall also be enforced by the USOC and all other NGBs and LAOs.

**VII. RELATED PROCEEDINGS**

**A. Effect of criminal or civil proceedings**

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the *Code*, the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a violation of the *Code* has occurred, regardless of the outcome of any criminal process. Conduct may constitute sexual misconduct under the *Code* even if the Responding Party is not charged, prosecuted or convicted for the behavior that constitutes a potential violation of the *Code*, is acquitted of a criminal charge, or legal authorities decline to prosecute.

The Office’s resolution will not typically be altered or precluded on the grounds that (a) a civil case or criminal charges involving the same incident or conduct has been filed, or (b) that charges have been dismissed or reduced; or (c) a lawsuit has been settled or dismissed. However, the Office may:

1. Undertake a delay in its investigation or resolution process to avoid any conflict or interference with law enforcement proceedings; and/or
2. Comply with a law enforcement request for cooperation when criminal charges associated with the incident or conduct that invoked this process is being investigated.

**B. Effect of criminal conviction**

If the Responding Party is convicted of a crime or subject to a Criminal Disposition related to the underlying misconduct, the Office may either investigate or conclude that a violation of the *Code* occurred based on a conviction or Criminal Disposition. If a conclusion is reached that a violation of the *Code* occurred, the Office may issue a sanction.

**VIII. USE OF MATERIALS**

Materials created or produced by the Office and marked confidential as part of these *Procedures* and any arbitration under the *Rules* shall not be disclosed outside those proceedings, except as required by law.

# USOC did not heed sexual abuse warnings in 2004, 2005

**Nancy Armour and Rachel Axon, USA TODAY** Published 6:03 a.m. ET March 31, 2017 | Updated 6:16 p.m. ET March 31, 2017



(Photo: Rob Schumacher, USA TODAY Sports)

Nearly six years before USA Swimming was rocked by a series of sexual abuse accusations against coaches, the national governing body sent two letters to the U.S. Olympic Committee asking it to take the lead in developing policies to protect young athletes across the Olympic movement.

The letters, which were sent in late 2004 and early 2005 and obtained by USA TODAY Sports, echoed a plea made five years earlier by USA Gymnastics. In both cases, the USOC was alerted to a potential crisis by two of the country's largest and most decorated governing bodies.

USA Swimming executive director Chuck Wielgus wrote to the USOC that it should follow the lead of other national youth organizations, which crafted plans and programs that were then implemented at the local level.

"The thrust of our question, however, involves whether or not the USOC sees the nature of these subjects as being important enough to offer recommendations or requirements to all (national governing bodies)," Wielgus wrote in the second letter.

STORY FROM BUD LIGHT LIME

## Bud Light Lime

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 ([http://eb2.3lift.com/pass?tl\\_clickthrough=true&redir=http%3A%2F%2Fpr.ybp.yahoo.com%2F%2Fcd%2FR-nitOjCifTScxewisWQ8nL4m4C4toncfoFiBeyK2IZfwHTu88e66jk-QbVUIWwLcsIGH48mHwRaSvWK-TRnPBLN492vb8bnjSwUJVR-vRqaSvGKAy\\_T3K5lyCdrMTf%2F%2Furl%2Fhttps%3A%2F%2Fuproxx.com%2F%2Fbud-light-lime-orange-beer%2F](http://eb2.3lift.com/pass?tl_clickthrough=true&redir=http%3A%2F%2Fpr.ybp.yahoo.com%2F%2Fcd%2FR-nitOjCifTScxewisWQ8nL4m4C4toncfoFiBeyK2IZfwHTu88e66jk-QbVUIWwLcsIGH48mHwRaSvWK-TRnPBLN492vb8bnjSwUJVR-vRqaSvGKAy_T3K5lyCdrMTf%2F%2Furl%2Fhttps%3A%2F%2Fuproxx.com%2F%2Fbud-light-lime-orange-beer%2F))

"When we look at other national youth organizations (YMCA, Boy Scouts., etc.) with grassroots constituencies we see national policies that help to guide the locally-based programs ... and we think this overarching approach is something that the USOC should seriously consider."

[USA Gymnastics CEO who handled sexual abuse scandal resigns](https://www.usatoday.com/story/sports/olympics/2017/03/16/usa-gymnastics-ceo-who-handled-sexual-abuse-scandal-resigns/98999586/)

(<https://www.usatoday.com/story/sports/olympics/2017/03/16/usa-gymnastics-ceo-who-handled-sexual-abuse-scandal-resigns/98999586/>)

[IndyStar's investigation on sexual abuse in gymnastics: What we know](http://www.indystar.com/story/news/2016/12/16/indystars-investigation-sexual-abuse-gymnastics-what-we-know/95469994/)

(<http://www.indystar.com/story/news/2016/12/16/indystars-investigation-sexual-abuse-gymnastics-what-we-know/95469994/>)

[Attorneys call for USA Swimming chief to be fired](https://www.usatoday.com/story/sports/olympics/2017/03/31/usa-swimming-chuck-wielgus-fire-usoc-sexual-abuse-usa-gymnastics/99878698/)

(<https://www.usatoday.com/story/sports/olympics/2017/03/31/usa-swimming-chuck-wielgus-fire-usoc-sexual-abuse-usa-gymnastics/99878698/>)

The issue of sexual abuse by coaches and the responsibility of national governing bodies to protect athletes has been under scrutiny in recent months. *The Indianapolis Star*, which is part of the USA TODAY NETWORK, has reported more than 360 cases in which gymnasts have accused coaches of sexual transgressions over 20 years. More than 80 gymnasts have alleged sexual abuse by Larry Nassar, who was the national team physician from 1996 to 2015. Nassar is in custody in Michigan and faces local, state and federal charges related to criminal sexual conduct and child pornography. He has denied any wrongdoing.

On Tuesday, the Senate Judiciary Committee heard testimony from former gymnasts and officials in regard to a proposed bill that would make it a crime for national governing bodies — there are 47 under the Olympic umbrella — to fail to report child sexual abuse allegations promptly to law enforcement or child welfare authorities.

Rick Adams, who represented the USOC at the hearing, said the sexual abuse cases should be prevented. "The Olympic community failed and must do better," Adams said.

However, there are now at least two documented instances in which national governing bodies raised concerns about child protection policies with the USOC.

In the case of the 2004 and '05 letters from USA Swimming, the USOC did not address the idea of creating a policy that could be implemented by all of the national governing bodies in its response. Instead, it referred USA Swimming to a company that was doing background checks for a handful of other national governing bodies and said it was in the process of sending out a reminder about the importance of them.

In 1999, the then-president of USA Gymnastics, Bob Colarossi, made a similar plea. In lodging a complaint against a USOC group that had threatened to decertify USA Gymnastics as the sport's governing body over its policy of immediately suspending anyone charged with a felony involving abuse of a child, Colarossi warned that the USOC was not doing enough to protect young athletes.

"This is not an issue that can be wished away," Colarossi wrote. "The USOC can either position itself as a leader in the protection of young athletes or it can wait until it is forced to deal with the problem under much more difficult circumstances."

In a statement to USA TODAY Sports, USOC CEO Scott Blackmun said, "One thing that has been made clear as we learn more and more about the past is that the Olympic community failed to protect its athletes. We are profoundly sorry and wish we had acted sooner and more aggressively."

Nancy Hogshead-Makar, an Olympic gold medalist in swimming, is the founder of Champion Women and advocates for the protection athletes and says the USOC has a history of failing to act in the best interests of young athletes.

"It wasn't until a series of crises have happened that have pushed (the USOC) toward acting," she said. "It's disheartening that they have not acted, because it's the right thing to do."

The swimming scandal was touched off in April 2010 by a *20/20* report detailing inappropriate relationships between coaches and underage athletes, which included the revelation that 36 coaches had been banned for life over the previous 10 years. There are now more than 100 names on the banned list, most for sexual misconduct, and USA Swimming was named in at least eight lawsuits accusing it of mishandling abuse complaints.

Wielgus, in particular, was criticized for failing to investigate abuse complaints against a coach who would later plead guilty to 20 counts of child molestation, and he apologized for his handling of sexual abuse complaints years later.

Faced with a petition from 19 former swimmers who said they were sexually abused by their coaches, Wielgus withdrew his name from consideration for the International Swimming Hall of Fame in 2014.

Wielgus was not available on Thursday for medical reasons.

USA Swimming spokesman Scott Leightman said the 2004 letter came as a result of a task force the NGB created in 2003 to look at requiring background checks, a step it made in 2006.

The swimming scandal prompted the USOC to form a working group in 2010 to evaluate how it could better protect young athletes, and its recommendations would become the blueprint for current policies in the Olympic movement. But it was not until Dec. 31, 2013 – more than nine years after USA Swimming's letters – that the USOC established minimum standards for how national governing bodies should address sexual abuse.

The USOC also announced in 2014 it would open the U.S. Center for Safe Sport, which would house education and training efforts while also adjudicating sexual misconduct cases for NGBs. The Center did not open until this month, a delay Blackmun blamed on difficulty in fundraising.

In the interim, USA Taekwondo, US Speedskating and, most recently, USA Gymnastics, have faced lawsuits or public criticism for their handling of sexual abuse cases.

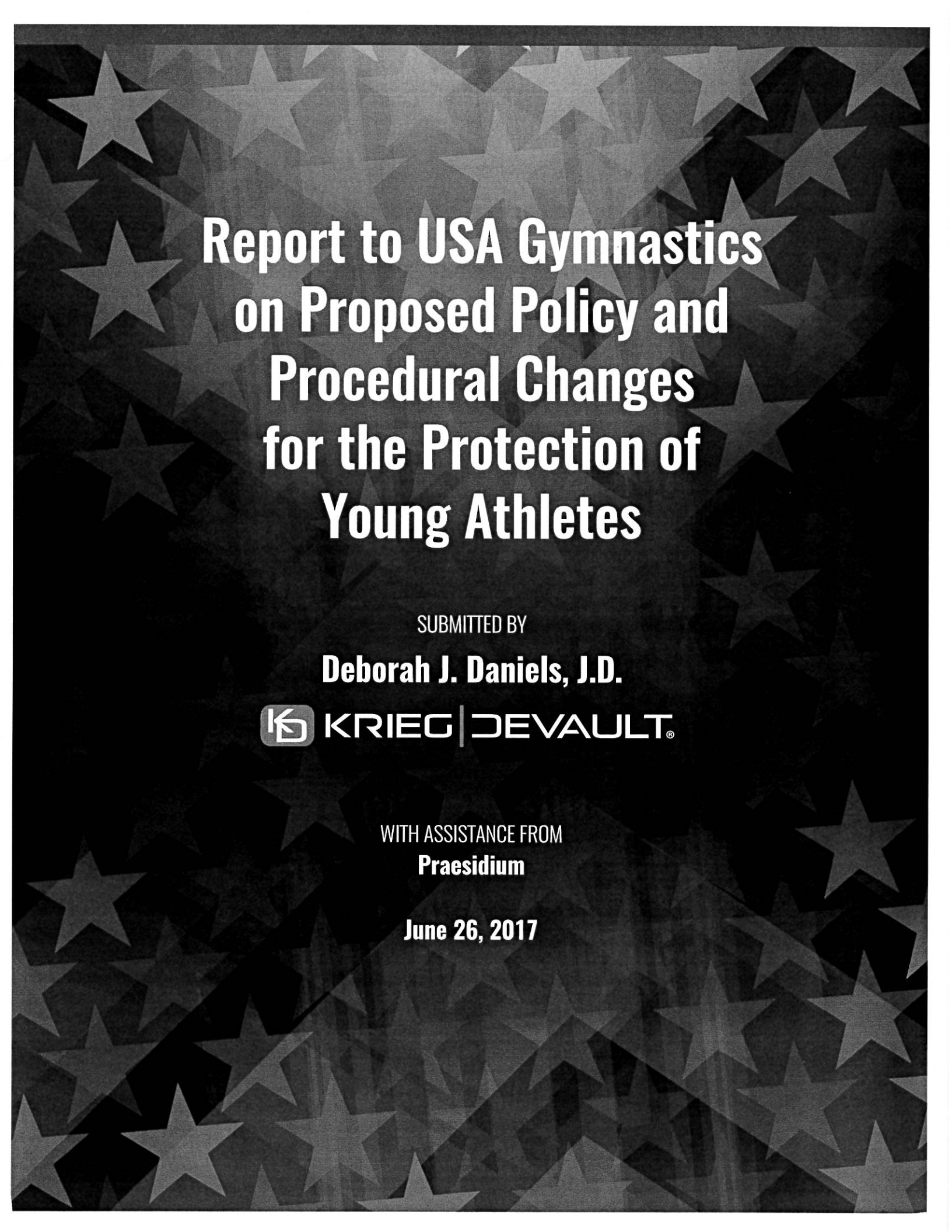
Colarossi's letter was sent to then-president Bill Hybl and then-executive director Dick Schultz, both of whom announced their resignations in 1999, and Blackmun, who was then the USOC's general counsel. Blackmun left the USOC in 2001 and returned in 2010 as the CEO.

USA Swimming's initial letter, which was addressed to then-CEO Jim Scherr and sent on Oct. 27, 2004, does not specifically mention sexual abuse. But it highlights four areas of concern: background checks, confidentiality, child protection and disqualifying factors for membership.

All those areas would be part of later policy changes for USA Swimming and other NGBs to address sexual abuse.





The background of the entire page is a dark, textured field filled with numerous light-colored stars of varying sizes and orientations, creating a pattern reminiscent of the American flag.

# **Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes**

SUBMITTED BY

**Deborah J. Daniels, J.D.**

 **KRIEG | DEVAULT®**

WITH ASSISTANCE FROM

**Praesidium**

**June 26, 2017**



# Executive Summary

## EXECUTIVE SUMMARY

In late 2016, USA Gymnastics engaged Deborah J. Daniels, Managing Partner of Indianapolis-based Krieg DeVault LLP and a former federal prosecutor, to conduct an independent review of USA Gymnastics' bylaws, policies, procedures and practices related to handling sexual misconduct matters, and to make recommendations for improvement in the interest of protecting young athletes from abuse. For purposes of the review, Daniels partnered with Praesidium, a company that specializes in preventing sexual abuse in organizations that serve youth and vulnerable adults.

Beginning in early 2017, Daniels and Praesidium conducted over 160 combined interviews of the following individuals: USA Gymnastics leadership and staff, former USA Gymnastics leadership, USA Gymnastics Board Members, USA Gymnastics professional and instructor members, club owners, meet directors, National Team staff and coaches, past athletes, parents of athletes, United States Olympic Committee leadership, US Center for SafeSport leadership, Safe Sport advocates, Congressional staff members, and law enforcement representatives. The team visited the following locations: the national office of USA Gymnastics; 25 site visits to member clubs; 5 gymnastics competitions ("meets"); and the USA Gymnastics National Team Training Center at the Karolyi Ranch. Throughout the review process, Daniels and Praesidium conducted a thorough data collection and analysis of USA Gymnastics policies and procedures.

USA Gymnastics has a history dating back to the 1980s of implementing athlete protection measures. In fact, USA Gymnastics was one of the first sports to initiate practice and policies aimed at protecting its athletes, its coaches and the National Governing Body as a whole. For example, it was reportedly the first Olympic National Governing Body (NGB) to create a list of those permanently ineligible for membership. However, over time, the practices of USA Gymnastics have not kept up with best practices in the field of child abuse protection, allowing for significant gaps and exposures regarding the prevention and reporting of child sexual abuse within the sport. Recent media articles describing allegations of abuse and of insufficient response on the part of USA Gymnastics; the allegations against Dr. Larry Nassar and other USA Gymnastics members or former members; the brave, outspoken former athletes and victims of alleged abuse; and proposed new federal legislation all suggest the need for a significant cultural change within the sport. Such a change would highlight what most individuals within the sport already know and practice: athlete safety and athlete success are complementary, not competing, demands; and the protection of athlete safety must be the top priority of USA Gymnastics and its member clubs.

Cultural change is not an overnight process; it requires an intentional, comprehensive plan involving the organization's Board, leadership, members and often outside subject matter experts. It is imperative that USA Gymnastics create such a plan to effectively and efficiently address the specific findings and recommendations detailed within this report.

Praesidium utilizes the following framework to assist organizations in creating a culture where every day, every individual contributes to abuse prevention and overall safety:

- A strong voice from the top of the organization
- Clear standards of care and behavior
- Provision of sufficient resources to assist in maintaining the standards
- Accountability



### **A Strong Voice from the Top of the Organization: Committing to Action**

To set the tone for the entire sport, the words and deeds of the USA Gymnastics Board of Directors (Board) and the administrative leadership must embody a culture of protection. In the past, the USA Gymnastics commitment to protecting the safety of the athletes has been questioned by various sources – the media, member clubs, the United States Olympic Committee, and others. To combat these doubts, the leadership must act swiftly, yet deliberately.

Appointing a Director of Safe Sport is one step towards accomplishing this goal, and that process is currently underway within USA Gymnastics. This individual, under the supervision of the USA Gymnastics Board of Directors and administrative leadership, must develop a strategic plan including specific goals, objectives, action steps, roles, responsibilities, and a time line for addressing the recommendations listed within this report. In the past, USA Gymnastics has taken a piecemeal and largely ineffective approach to abuse prevention by adding various documents, webinars, and policy updates to its website. Moving forward, USA Gymnastics leadership must take an active role in ensuring that all materials distributed fall within the overarching framework of the newly developed Safe Sport program, and that there is a clear understanding in the field not only of the policies, but also of the consequences, for failure to abide by them. Further, USA Gymnastics leadership must commit to taking decisive action to enforce its policies.

### **Clear Standards of Care and Behavior**

USA Gymnastics must clearly articulate mandatory standards of behavior with regard to abuse prevention, expand the audience to which these standards apply, and provide the proper reporting channels for violations of these standards.

In the past, USA Gymnastics has required that all member clubs adopt a Participant Welfare Policy; however, it has not mandated prohibitions on specific types of behavior. USA Gymnastics has provided suggested abuse prevention policies and procedures; however, interviews with clubs and a review of their policies revealed significant discrepancy in what they have adopted, and some clubs do not even have a policy. USA Gymnastics is currently amending its Participant Welfare Policy, aligning it with the policies promulgated by the U.S. Center for SafeSport, and re-branding it the “USA Gymnastics Safe Sport Policy”. The revised policy, if adopted, will require that certain standards of conduct be included in the member club policies.

For individual members, the USA Gymnastics Code of Ethical Conduct is offered as a “guide” to conduct, but not a requirement for members to follow. In addition, this guide only suggests promoting “a safe environment for participants” by not engaging in sexual relations or abuse with an athlete. The Code of Ethical Conduct does not offer clear and practical guidelines for how members should and should not interact with athletes. This results in a broad interpretation of what is considered “appropriate” or “inappropriate” conduct with an athlete and stifles the reporting of red-flag behaviors or warning signs of abuse. The Code of Ethical Conduct is not aligned with the proposed new Safe Sport Policy and is not prescriptive with respect to conduct and reporting requirements.

In order better to protect its young athletes, USA Gymnastics must strengthen and clarify what is required of individual and club members by providing succinct and organized mandatory abuse prevention policies and procedures that outline appropriate and prohibited behaviors, even if those behaviors do not rise to the level of prosecutable child abuse. The effort to revise the Participant Welfare Policy is an important step in that direction.

It must be made clear to whom reports of boundary violations, misconduct and abuse should be made, when they should be made, and how they should be made. In addition, the policies must outline how USA Gymnastics will respond once it receives a report. These policies and procedures should extend to all members (including the expanded membership as addressed by this report) and the programs governed by USA Gymnastics, including the National Team Training Center.

Not everyone who interacts with a USA Gymnastics athlete at a USA Gymnastics member club is an individual member of USA Gymnastics. For example, the requirement of membership does not now include those with an ownership interest in a member club; coaches at a member club who do not coach athletes competing in USA Gymnastics-sanctioned events; and volunteers, even those with ready and frequent access to young athletes. In order to ensure that abuse prevention policies and procedures are applicable to those who have frequent contact with athletes, these groups of individuals should be included under the jurisdiction of USA Gymnastics.

### **Provision of Sufficient Resources to Assist in Maintaining the Standards**

USA Gymnastics must train members on the revised policies and procedures, expanded abuse prevention topics, and reporting procedures. This training must be conducted more frequently and delivered through various channels. USA Gymnastics must also provide parents and athletes with information about USA Gymnastics policies and procedures as well as how to report concerns.

Historically, USA Gymnastics has provided required and voluntary abuse prevention training for its professional members and voluntary training for athletes and their parents. While interviews with USA Gymnastics members indicate that the mandatory training is informative, this report will highlight several areas in which the training can be improved such as: requiring additional training regarding club membership, the revised abuse prevention policies and procedures, and revised reporting requirements in line with those of the US Center for SafeSport and pending federal legislation; providing members with advanced courses in abuse prevention and reporting (including hiring practices and preventing youth-to-youth sexual activity); and requiring more frequent training.

There is certainly no lack of resources available through USA Gymnastics; but the organization lacks a comprehensive strategy for education and resource delivery. As a result of its scattered approach, either professional members, member clubs, parents and athletes are not aware of all the resources available to them, the various groups are overwhelmed and do not know where to begin or how to extract the knowledge needed from the significant amount of information available, or both.

In addition, USA Gymnastics should provide both athletes and their parents with non-cumbersome and non-threatening means of reporting. This will require far greater training accessibility, transparency, user-friendly means of reporting and feedback; as well as meaningful mentoring of athletes by people whose first priority is the athletes' well-being.

Communications to parents, rather than avoiding the subject as so often happens now in some clubs, should include descriptions of all types of safety precautions, including abuse prevention, reassuring them that the organization, whether USA Gymnastics itself or a member club, is looking out for the safety of their child in every possible way.

## Accountability

There must be accountability throughout the organization, beginning with the Board holding the administrative leadership accountable for protecting athletes. This accountability must cascade throughout the organization, with the administrative staff holding national team staff and individual clubs accountable -- including an audit function periodically reviewing the level of compliance of individual clubs.

USA Gymnastics currently lacks systems to ensure that member clubs adhere to their membership requirements. In addition to creating systems to monitor compliance, USA Gymnastics must require members to report violations; and, when USA Gymnastics does learn of a violation, it must respond swiftly. Specifics will be provided throughout this report; but one of the primary changes in practice must be that membership in USA Gymnastics is recognized as a privilege that can and will be revoked if the standards (as revised) are not maintained.

For example, there should be strict requirements for the reporting of physical, emotional and sexual abuse. Failure by a club owner, a professional member, or any other person under the jurisdiction of USA Gymnastics to report misconduct as outlined by the revised reporting guidelines (of USA Gymnastics and the US Center for SafeSport) should be punishable with sanctions ranging up to the revocation of membership. And failure to report suspected child abuse promptly to law enforcement authorities should be punishable by revocation of the non-reporting club owner's membership.<sup>2</sup> The same should be true of any coach, judge or other adult member who is aware of another person's misconduct and fails to report it.

Finally, while member clubs that fail to abide by the rules of USA Gymnastics, in particular rules relating to child abuse and violations of the newly created USA Gymnastics Safe Sport Policy, should be punished, examples of success in protecting athletes should be modeled by USA Gymnastics and celebrated. Clubs that model the correct approach to athlete protection should be held up to other clubs as examples, and serve as mentors to other clubs.

## Conclusion

We believe, based on our extensive review, that addressing the recommendations in this report through the cultural change framework will enable USA Gymnastics to improve its ability to protect the young competitors in its charge, and other young aspiring athletes, from harm. The safety of countless young gymnasts throughout the country is dependent on the ability of USA Gymnastics to effect this cultural change.

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<sup>2</sup> We include a recommendation in this report that any person with an ownership interest in a member club should be required to be a member of USA Gymnastics as well.



Form **990**

**Return of Organization Exempt From Income Tax**  
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

OMB No. 1545-0047

**2016**  
Open to Public Inspection

Department of the Treasury  
Internal Revenue Service

▶ Do not enter social security numbers on this form as it may be made public.  
▶ Information about Form 990 and its instructions is at [www.irs.gov/form990](http://www.irs.gov/form990).

**A For the 2016 calendar year, or tax year beginning and ending**

<b>B</b> Check if applicable: Address change Name change Initial return Final return/terminated Amended return Application pending	<b>C Name of organization</b> United States Olympic Committee		<b>D Employer identification number</b> 13-1548339
	Doing business as		
	Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	<b>E Telephone number</b> (719) 866-4823
	1 Olympic Plaza		
City or town, state or province, country, and ZIP or foreign postal code Colorado Springs, CO 80909			<b>G Gross receipts \$</b> 340,147,123.
<b>F Name and address of principal officer:</b> Morane Kerek 1 Olympic Plaza, Colorado Springs, CO 80909			<b>H(a) Is this a group return for subordinates?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>I Tax-exempt status:</b> <input checked="" type="checkbox"/> 501(c)(3) 501(c) ( ) ◀ (insert no.) 4947(a)(1) or 527			<b>H(b) Are all subordinates included?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> If "No," attach a list. (see instructions)
<b>J Website:</b> www.teamusa.org			<b>H(c) Group exemption number</b> ▶
<b>K Form of organization:</b> <input checked="" type="checkbox"/> Corporation Trust Association Other ▶			<b>L Year of formation:</b> 1950 <b>M State of legal domicile:</b> CO

**Part I Summary**

<b>Activities &amp; Governance</b>	<b>1</b> Briefly describe the organization's mission or most significant activities: To support United States Olympic and Paralympic athletes.	
	<b>2</b> Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.	
	<b>3</b> Number of voting members of the governing body (Part VI, line 1a)	3 15
	<b>4</b> Number of independent voting members of the governing body (Part VI, line 1b)	4 9
	<b>5</b> Total number of individuals employed in calendar year 2016 (Part V, line 2a)	5 616
	<b>6</b> Total number of volunteers (estimate if necessary)	6 377
	<b>7 a</b> Total unrelated business revenue from Part VIII, column (C), line 12	7a 1,125,547.
<b>b</b> Net unrelated business taxable income from Form 990-T, line 34	7b 0.	
<b>Revenue</b>	<b>8</b> Contributions and grants (Part VIII, line 1h)	Prior Year 25,083,780. Current Year 28,568,038.
	<b>9</b> Program service revenue (Part VIII, line 2g)	9 438,413. 183,840,636.
	<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d)	268,165. 421,808.
	<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	106,771,178. 123,236,873.
	<b>12</b> Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)	141,561,536. 336,067,355.
	<b>Expenses</b>	<b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3)
<b>14</b> Benefits paid to or for members (Part IX, column (A), line 4)		0. 0.
<b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)		49,062,720. 52,949,974.
<b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e)		0. 0.
<b>b</b> Total fundraising expenses (Part IX, column (D), line 25) ▶ 10,116,855.		
<b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)		73,746,711. 109,820,457.
<b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)		199,309,505. 257,530,595.
<b>19</b> Revenue less expenses. Subtract line 18 from line 12	-57,747,969. 78,536,760.	
<b>Net Assets or Fund Balances</b>	<b>20</b> Total assets (Part X, line 16)	Beginning of Current Year 238,167,374. End of Year 311,372,643.
	<b>21</b> Total liabilities (Part X, line 26)	65,989,846. 60,888,047.
	<b>22</b> Net assets or fund balances. Subtract line 21 from line 20	172,177,528. 250,484,596.

**Part II Signature Block**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

<b>Sign Here</b>	Signature of officer	Date			
	Morane Kerek, Chief Financial Officer				
<b>Paid Preparer Use Only</b>	Print/Type preparer's name	Preparer's signature	Date	Check if self-employed	PTIN
	Rachel Henderson-Pennington			<input type="checkbox"/>	P01499421
<b>Preparer Use Only</b>	Firm's name ▶ Deloitte Tax LLP	Firm's EIN ▶ 86-1065772			
	Firm's address ▶ 111 South Wacker Drive Chicago, IL 60606	Phone no. 312-486-1000			

May the IRS discuss this return with the preparer shown above? (see instructions)  Yes  No



**Part VIII Statement of Revenue**

Check if Schedule O contains a response or note to any line in this Part VIII

				(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
Contributions, Gifts, Grants and Other Similar Amounts	1 a	Federated campaigns	1a				
	b	Membership dues	1b				
	c	Fundraising events	1c				
	d	Related organizations	1d	13,668,221.			
	e	Government grants (contributions)	1e	714,352.			
	f	All other contributions, gifts, grants, and similar amounts not included above	1f	14,185,465.			
	g	Noncash contributions included in lines 1a-1f: \$		4,046,591.			
	h	<b>Total.</b> Add lines 1a-1f		28,568,038.			
Program Service Revenue	2 a	Broadcast Rights	Business Code 711300	172,975,975.	172,406,329.	569,646.	
	b	Olympic Training Cntr.	711300	6,895,269.	6,895,269.		
	c	International Competit	711300	2,871,527.	2,871,527.		
	d	International Relation	711300	687,248.	687,248.		
	e	Drug Control	711300	203,062.	203,062.		
	f	All other program service revenue	711300	207,555.	207,555.		
	g	<b>Total.</b> Add lines 2a-2f		183,840,636.			
	3	Investment income (including dividends, interest, and other similar amounts)		954,572.			954,572.
4	Income from investment of tax-exempt bond proceeds						
5	Royalties		121,061,346.		506,262.	120,555,084.	
Other Revenue	6 a	Gross rents	(i) Real 118,962.	(ii) Personal 179,600.			
	b	Less: rental expenses	0.	136,856.			
	c	Rental income or (loss)	118,962.	42,744.			
	d	Net rental income or (loss)			161,706.	42,744.	118,962.
	7 a	Gross amount from sales of assets other than inventory	(i) Securities 701,301.	(ii) Other			
	b	Less: cost or other basis and sales expenses	705,411.	528,654.			
	c	Gain or (loss)	-4,110.	-528,654.			
	d	Net gain or (loss)			-532,764.		-532,764.
	8 a	Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18	a				
	b	Less: direct expenses	b				
	c	Net income or (loss) from fundraising events					
	9 a	Gross income from gaming activities. See Part IV, line 19	a				
b	Less: direct expenses	b					
c	Net income or (loss) from gaming activities						
10 a	Gross sales of inventory, less returns and allowances	a	1,931,117.				
b	Less: cost of goods sold	b	2,708,847.				
c	Net income or (loss) from sales of inventory			-777,730.		-777,730.	
Miscellaneous Revenue			Business Code				
11 a	Prof service fees	711300	5,503,031.			5,503,031.	
b	Games event revenue	711300	1,249,157.			1,249,157.	
c	Loss on Hospitality	711300	-4,029,125.	-4,029,125.			
d	All other revenue	711300	68,488.		6,895.	61,593.	
e	<b>Total.</b> Add lines 11a-11d		2,791,551.				
12	<b>Total revenue.</b> See instructions.		336,067,355.	179,241,865.	1,125,547.	127,131,905.	





**UNITED STATES OLYMPIC COMMITTEE**  
**BOARD OF DIRECTORS MEETING – DECEMBER 3, 2013**  
**SAFE SPORT UPDATE**

# SAFE SPORT UPDATE

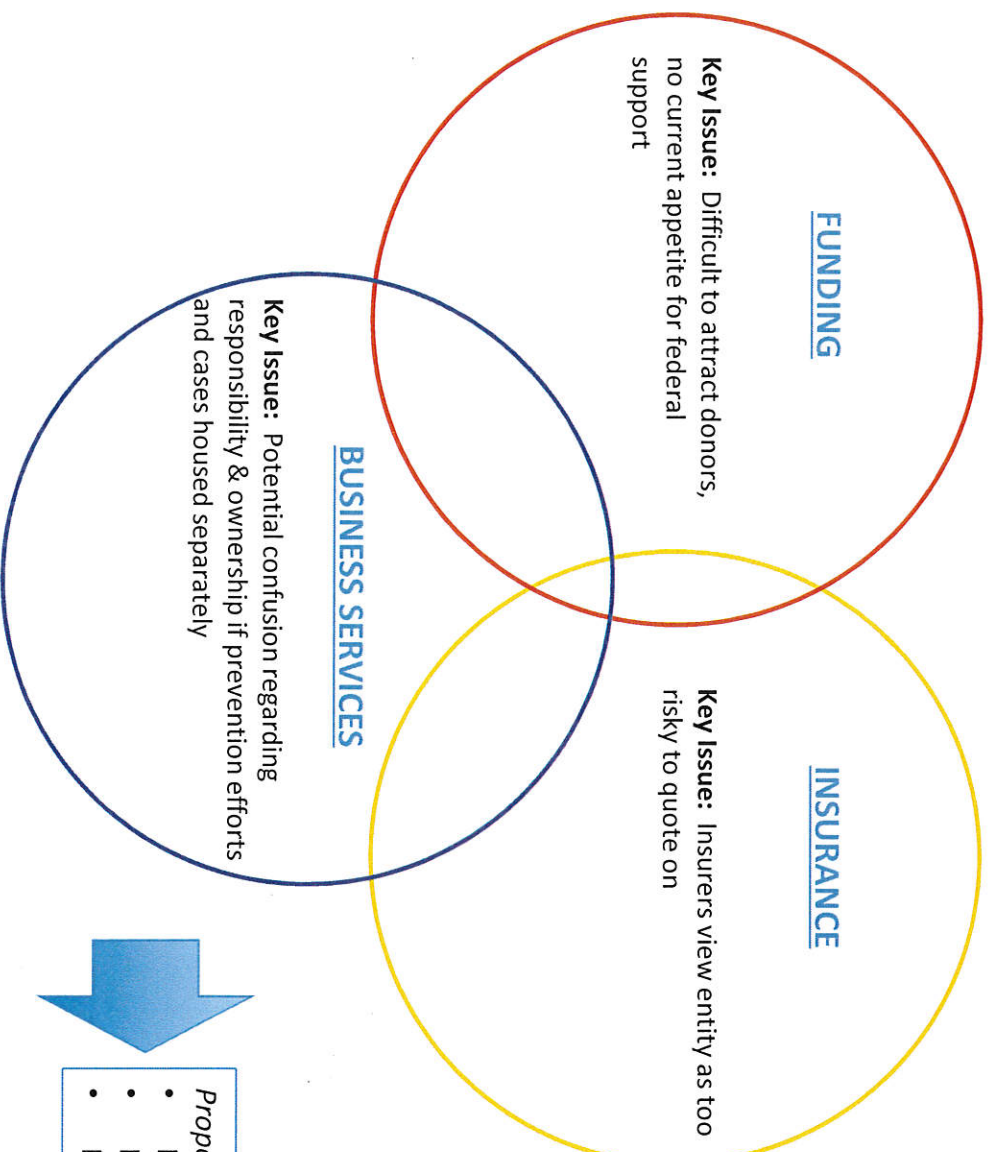
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In September, the working group made six recommendations concerning the management of safe sport allegations:

1. **Model.** The authority to address safe sport cases should be centralized with a new, independent entity.
2. **Governance.** To ensure independence, the safe sport entity should be governed by a board of directors, which includes individuals who are independent and provide relevant expertise and experience.
3. **Jurisdiction.** The safe sport entity should have jurisdiction over misconduct involving – and directly related to – sexual misconduct.
4. **Authority.** For cases within its jurisdiction, the safe sport entity should have operational authority over all case management functions, including the authority to conduct investigations, make findings and issue disciplinary measures.
5. **Procedures.** The safe sport entity should utilize an investigation-based process, with the goal of accumulating the maximum amount of relevant information about a complaint.
6. **Participation.** To ensure a strong, effective and credible system for addressing safe sport cases, participation by Olympic and Pan-American NGBs and Paralympic Sport Organizations should be mandatory.

# SAFE SPORT UPDATE

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# SAFE SPORT UPDATE

Create leading Center for Safe Sport that delivers three core services:

Prevention programming (all 6 types of misconduct)	Case resolution services	Research
<ol style="list-style-type: none"> <li>1. Education and awareness               <ol style="list-style-type: none"> <li>A. Communications</li> <li>B. Training and education</li> <li>C. Special programs: athlete leadership</li> </ol> </li> <li>2. Behavioral standards               <ol style="list-style-type: none"> <li>A. Relevant misconduct</li> <li>B. Risk management policies</li> </ol> </li> <li>3. Centralization of screening tools               <ol style="list-style-type: none"> <li>A. Criminal background checks</li> <li>B. "Flagged" participants</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Investigate and resolve allegations               <ol style="list-style-type: none"> <li>A. Sexual misconduct, including sexualized behaviors and grooming behaviors</li> <li>B. Misconduct directly related to sexual misconduct (e.g., emotional/physical)</li> <li>C. Misconduct posing a risk to participant welfare (at NGB's request and center's discretion, may address any of the 6 types of misconduct, e.g., bullying/harassment)</li> </ol> </li> <li>2. Special programs: victim resources               <ol style="list-style-type: none"> <li>A. Mentorship programs</li> <li>B. Victim advocates /support networks</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Risk management               <ol style="list-style-type: none"> <li>A. Developmental patterns of grooming</li> <li>B. Differential risks between sport and other youth serving activities</li> <li>C. Assessment of risk between sports</li> </ol> </li> <li>2. Performance and misconduct               <ol style="list-style-type: none"> <li>A. Effects on team cohesion</li> <li>B. Biochemical effects</li> </ol> </li> </ol>

# SAFE SPORT UPDATE

Recommended initial funding at start-up: Years 1-3 (through 2016): ~ \$10 million (incl. central management database)

## Funding schedule

### – Year 1 (2014): Start-up

- Legal (incorporation, etc.)
- Branding; website development
- Case management software
- Initial IT equipment outlay; office furniture/equipment/supplies; tenant improvements; initial HR/payroll setup fees
- Training program – staff/investigators/review panel
- External program awareness training (creation)
- Central management database (repository for criminal background checks/"flagged" participant list)

**Total projected start-up costs: \$1 million** (excl. central management database) - **\$2 million** (incl. central management database)

### – Years 2-3 (2015-16): Annual costs

- Salaries (8 FTEs – CEO/ED; general counsel; case manager; investigator(s); administrative staff; communications director; education/trainer; community outreach coordinator); payroll taxes; unemployment insurance; fringe benefits
- Travel
- Conference/education/meetings; dues and subscriptions
- Rent and utilities; office expenses, supplies, etc. (assumes located in Colorado Springs)
- Professional fees
- Research grants
- Insurance

**Total projected annual costs: \$3.7 million**

– Years 4 and beyond (2017-on): Annual ongoing costs (expanded service offerings, research grants, special leadership/mentorship programming)

**Total projected ongoing costs: \$7-10 million**

# SAFE SPORT UPDATE

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## Funding mechanisms

- Years 1-3: USOC seed funding and external funding sources
- Years 4 and beyond: external funding sources (public/private)

## Potential funding sources

- Private
  - Leagues (prevention programming, special programs)
  - Insurers/risk managers (prevention programming, research)
  - Non-profits with similar missions (prevention programming, research)
- Public
  - Centers for Disease Control (prevention, research)
  - Federal government (prevention, case management, research) (long-term)



# SAFE SPORT UPDATE

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## Next steps

Timeline to launch: 12 months

### Phase 1: Pilot

- Confirm viability through “market testing” with potential funders, insurers and risk management companies

### Phase 2: Development

- Develop business strategy plan, develop services and file corporate documents

### Phase 3: Execution

- Secure funding
- Hire staff
- Begin to implement service delivery

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**UNITED STATES OLYMPIC COMMITTEE**

BOARD OF DIRECTORS MEETING - SAFE SPORT



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## THE ISSUE

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### Within sport

Based on available rates concerning sexual abuse **in sport**:

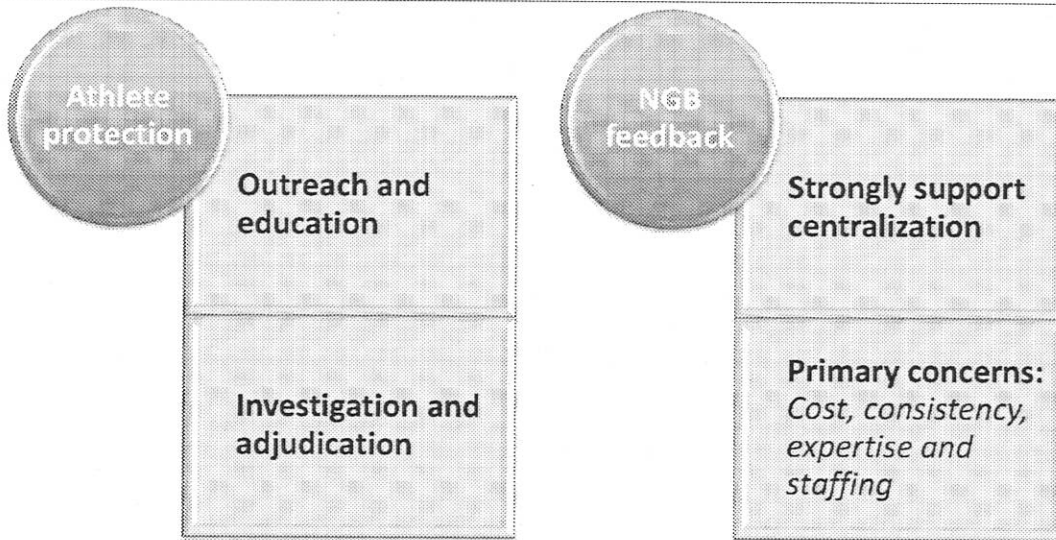
- Between 2.8 and 4.5 million athletes will be victims of child sexual abuse by the age of 18
- Within the Olympic NGBs, **between 640,000 and 1,040,000** will be victims of child sexual abuse by the age of 18

### Elite sport

- Canada: 22% of elite female swimmers had sexual intercourse with an authority figure
  - 800 females competed at the 2012 Olympic Trials
- Norway: 51% of elite athletes experience sexual abuse or sexual harassment
- Australia: 21.9% of elite athletes experience sexual abuse in their lives

## BACKGROUND—2013 WORKING GROUP

*The working group recommended possible models to respond to safe sport cases*



## CENTER FOR SAFE SPORT—SUMMARY

The working group recommended the center deliver two prevention services:

### Education and awareness

1. Education and awareness
2. Behavioral standards
  - A. Relevant misconduct
  - B. Risk management policies
3. Training
  - A. Online
  - B. Live

### Member regulation

1. Referral and consultation
2. Response, including investigation
  - A. Sexual misconduct, including sexualized behaviors and grooming behaviors
  - B. Misconduct directly related to a case involving sexual misconduct (e.g., emotional/physical)
  - C. At NGBs request and center's discretion, center may address any relevant misconduct
3. Disciplinary measures

### PARTNERED SERVICES: VICTIM'S ASSISTANCE

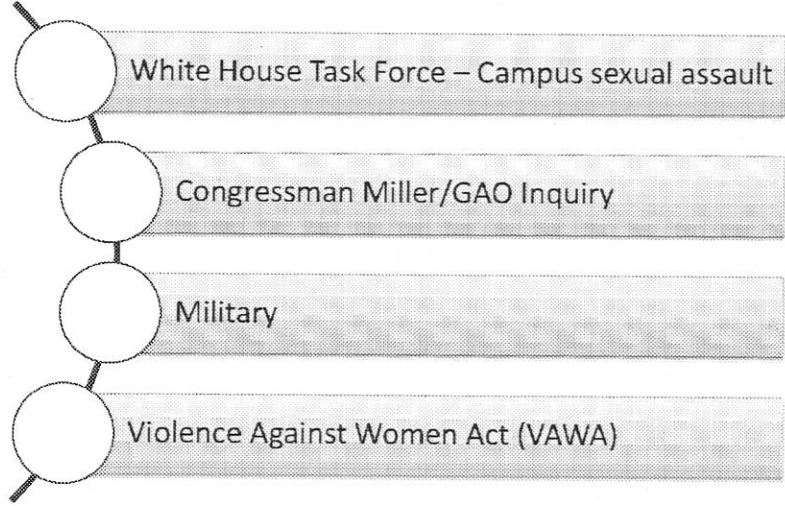
1. The center will partner with existing organizations to deliver support services to victims and their families by identifying free victim's assistance services.
2. After start-up, and with sufficient funding from an external source (i.e., insurance provider), the center will evaluate establishing a victim's assistance fund.

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## NATIONAL CONTEXT

*Significant federal interest and regulation*

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## BUSINESS PLAN—SUMMARY

*Create new, independent safe sport entity to respond to allegations of sexual misconduct*

Services	Funding	Legal structure
<ul style="list-style-type: none"><li>• Outreach and education</li><li>• Investigation and adjudication</li></ul>	<ul style="list-style-type: none"><li>• USOC</li><li>• NGBs</li><li>• Charitable giving</li><li>• Government grants</li></ul>	<ul style="list-style-type: none"><li>• Independent special purpose vehicle</li><li>• USOC as sole member</li><li>• Limited business purpose</li></ul>

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**BOARD FEEDBACK—APRIL 2014**

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*Continue to develop business plan that provides:*

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Adequate resources to support  
success at anticipated scale

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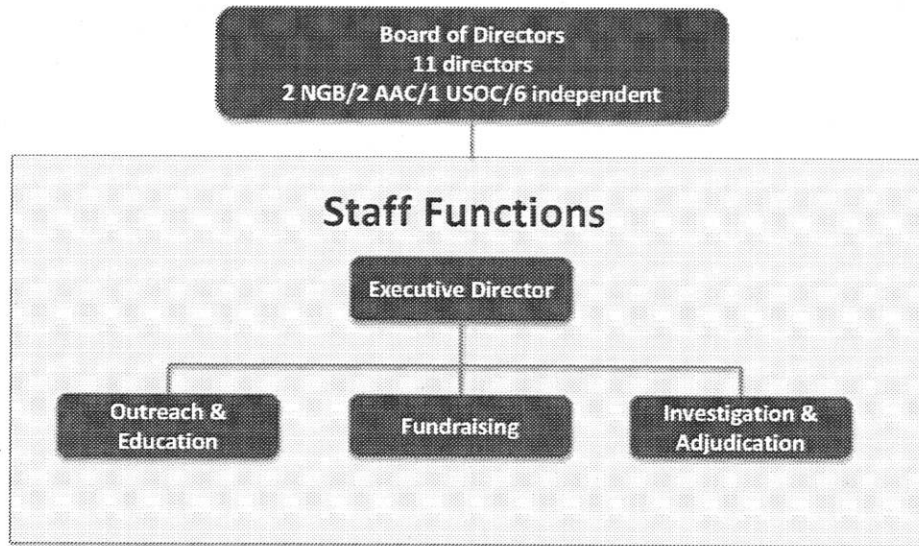
Sufficient focus for entity to be  
effective

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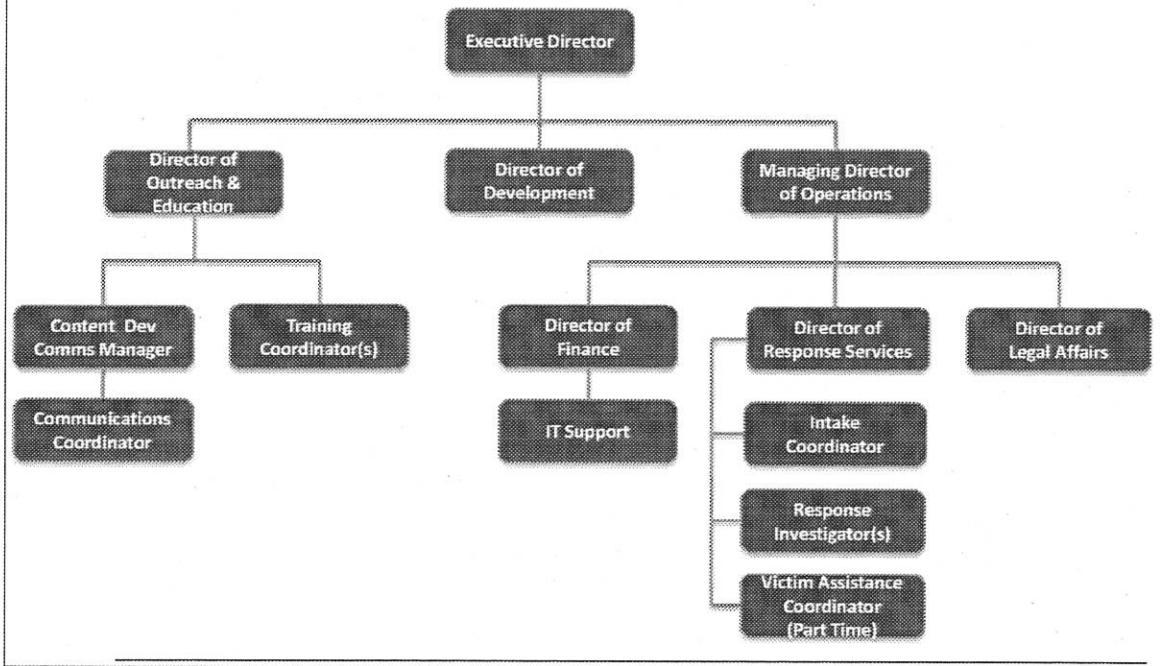
Detailed funding plan for near-  
and long-term viability

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# CENTER FOR SAFE SPORT—PROPOSED GOVERNANCE



# CENTER FOR SAFE SPORT—PROPOSED ORGANIZATIONAL CHART



Assumptions – Director of Development in Year 3; ED plays Development Role with COO hired to run operational activities



## CENTER FOR SAFE SPORT—BUDGET

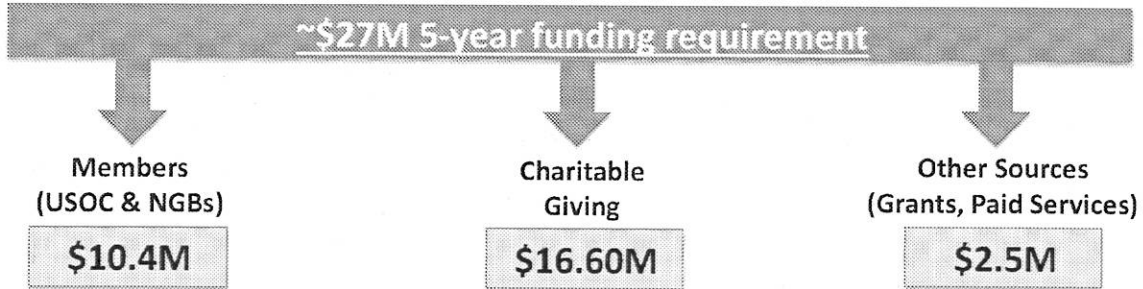
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
<b>Initial/One-time Startup Costs:</b>						
Initial requirements	\$ 1,167,200	\$ 290,000	\$ -	\$ -	\$ -	\$ 1,457,200
Additional items - "Banned Database"	-	-	-	1,000,000	-	1,000,000
Contingency	230,000	30,000	-	-	-	260,000
<b>Total</b>	<b>1,397,200</b>	<b>320,000</b>	<b>-</b>	<b>1,000,000</b>	<b>-</b>	<b>2,717,200</b>
<b>Ongoing Annual Costs:</b>						
Personnel Costs	\$ 1,189,607	\$ 1,701,998	\$ 2,089,870	\$ 2,328,993	\$ 2,588,114	\$ 9,898,582
Professional Fees	400,000	921,000	1,181,400	1,489,700	1,526,300	5,518,400
Research Grants	50,000	51,000	52,000	53,000	54,000	260,000
Travel & Business Meetings	403,000	284,245	334,661	401,116	473,198	1,896,219
Professional Education/Dues	26,000	34,000	42,000	50,000	54,000	206,000
Office expenses/Rent/Supplies	192,225	254,215	272,847	381,321	310,439	1,411,047
Insurance	500,000	515,000	540,800	567,800	596,200	2,719,800
Contingency	410,000	470,000	450,000	530,000	560,000	2,420,000
<b>Total</b>	<b>3,170,832</b>	<b>4,231,458</b>	<b>4,963,578</b>	<b>5,801,930</b>	<b>6,162,251</b>	<b>24,330,049</b>
<b>Total Initial/One-time and Annual Ongoing Costs</b>	<b>\$ 4,568,032</b>	<b>\$ 4,551,458</b>	<b>\$ 4,963,578</b>	<b>\$ 6,801,930</b>	<b>\$ 6,162,251</b>	<b>\$ 27,047,249</b>

**Material changes from April budget:**

- Increase in insurance cost projection (2x)
- Additional staff/professional consultants: (Director of Operations/Lobbyist/Director of Development)
- Additional IT infrastructure (Learning Management System)

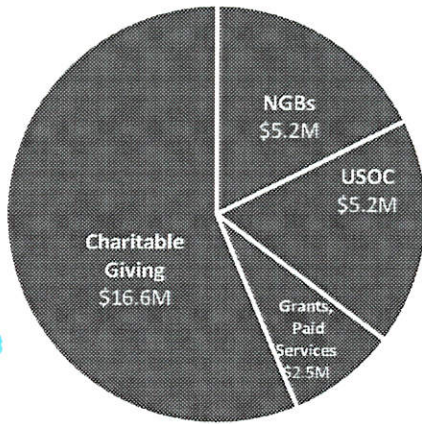
## CENTER FOR SAFE SPORT—FUNDING REQUIREMENTS

Year	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Amount	\$4.5M	\$4.5M	\$5.0M	\$6.8M	\$6.2M	27.0M



**Initial Term Revenue Target: \$27.0M**

## CENTER FOR SAFE SPORT—REVENUE PLAN



Source	Goal	Approach/timeline
NGBs	\$ 5.2 @ \$ 1.04M/yr	<ul style="list-style-type: none"> <li>Tiered payment structure, based on revenue</li> <li>Payments begin in 2015</li> </ul>
USOC	\$ 5.2 @ \$ 1.04M/yr	<ul style="list-style-type: none"> <li>Expand current investment in Safe Sport through 5-year initial term with increase of \$ 700k per year</li> <li>Current safe sport budget utilized for 2014 expenditures</li> <li>Formal payment begins in 2015</li> </ul>
Charitable giving	\$ 16.6 M, frontloaded in Y1-2	<ul style="list-style-type: none"> <li>Volunteer consultant supporting early raise activities</li> <li>Create fundraising working group</li> <li>Payment schedule may depend on 501(c)(3) status</li> </ul>
Grants & paid services	Grants: \$ 2.0 M @ \$ 500K/yr Paid services: \$ 500k @ \$ 100K/yr	<ul style="list-style-type: none"> <li>Hire lobbyist for 18 months</li> <li>Grant award targeted to begin in 2016</li> <li>Services: In-person trainers, keynote speakers, train-the-trainer programs</li> </ul>

## NEXT STEPS

Timing	Activity
June 10, 2014	Board approval obtained
June 10, 2014	Articles of incorporation and bylaws drafted
June 15, 2014	Fundraising working group formed; fundraising initiated
June 30, 2014	Initial nominating and governance committee formed
July 31, 2014	Potential board members identified
September 30, 2014	Articles of incorporation and bylaws reviewed/approved by USOC Board
October 1, 2014	Articles of incorporation filed
October 15, 2014	Form1023 filed for 501(c)(3) status
December 31, 2014	Executive director hired

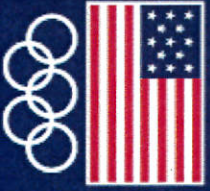
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## REQUESTED BOARD ACTION

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*Authorize USOC expenditure of \$1.04M per year for five years, beginning in 2015, subject to satisfaction of the following conditions:*

- *Availability of insurance within budget*
- *USOC board approval of initial board members*
- *Commitment of at least \$ 15 M in charitable donations*



**UNITED STATES OLYMPIC COMMITTEE**

**BOARD OF DIRECTORS MEETING - SAFE SPORT**



## **NATIONAL CENTER FOR SAFE SPORT BOARD APPROVAL – JUNE 2014**

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1. Independent entity to manage Safe Sport related investigations, adjudication and education for the Olympic and Paralympic movement, with a 5-year budget of \$25M:
  - a) a total of \$10.4 million of funding over 5 years from USOC (@\$1.04M/yr) and the NGBs (@\$1.04M/yr),
  - b) with third-party sources making up the remainder (a total of \$15M over 5 years).
2. Launch contingent on:
  - a) obtaining the necessary third-party funding, and
  - b) the ability of the entity to obtain appropriate insurance.

Anticipated launch: 2015

# OPERATIONAL UPDATE

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- Bylaws
  - Status
    - Draft complete
    - Will circulate to NGB Counsel, AAC for comment period after Assembly
    - Will seek USOC Board approval at December meeting
  
- Insurance
  - Pilot
  - Survey
  - In-person meeting



# FUNDRAISING UPDATE

*A fundraising working group has been established to raise funds for entity*

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**Maureen E. Schafer (Chair)**  
Chief Corporate Development Officer  
LifeNexus



**Brian Burke**  
President of Hockey Operations  
Calgary Flames



**Deirdre Byrne**  
Managing Director  
Three-Sixty Advisory Group



**Jim Livengood**  
Former Director of Athletics  
UNLV, U. of Arizona



**David Rone**  
President of Sports, News and Local Programming  
Time Warner Cable



**Jeffery N. Wilkins, MD**  
Lincy/Heyward-Moynihan Endowed Chair of Addiction Medicine,  
Cedars-Sinai Medical Center; Professor of Clinical Psychiatry,  
David Geffen School of Medicine at UCLA

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## FUNDRAISING UPDATE

*Expected initial time horizon 4-6 months to raise \$15.5*

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- Initial 5-year raise
  - Initial prospect list compiled, prioritized
  - Collateral material
    - Electronic collateral finalized
    - Additional collateral in development
  - Priority prospect meetings set
- Long-term funding strategy (>5 years)
  - Budget-relieving for USOC
  - Ongoing mixture of funding sources
    - Government
    - Fee-for-service
    - Charitable contributions

## FUNDRAISING UPDATE

Seed Grants	Annual Fund	Program Development	Total Goal*	
\$10M	\$5M	\$1M	\$16M	
Prospect Type	Targets	Priority prospects	Giving Level	Giving Focus
Sport organizations	<ul style="list-style-type: none"> <li>Professional leagues</li> <li>League player foundations</li> <li>NCAA/Athletic conferences</li> </ul>	17	\$1M - \$5M	Seed grants
Private foundations, individuals	<ul style="list-style-type: none"> <li>Cerner</li> <li>Kempe</li> <li>Wynn</li> <li>McCormick</li> </ul>	57	\$100k - \$500k	Program development
Corporations	<ul style="list-style-type: none"> <li>American Legion</li> <li>Robert Wood</li> <li>Gates</li> <li>David Bonder</li> </ul>			
	<ul style="list-style-type: none"> <li>Socially-responsible public companies</li> <li>Insurance providers</li> <li>Health care providers</li> </ul>	5	\$500k - \$1M	Annual fund



## **NEXT STEPS**

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1. Approve bylaws
2. Apply for tax-exempt status
3. Obtain insurance
4. Raise \$15.5M in charitable contributions
5. Populate nominating committee
6. Board of directors appointed
7. Executive director/other key staff hired



**UNITED STATES OLYMPIC COMMITTEE**

**BOARD OF DIRECTORS MEETING – September 25, 2015**

**U.S. CENTER FOR SAFE SPORT – UPDATE**

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## Fundraising

*Launch of U.S. Center for Safe Sport contingent on raising five-year's worth of funding*

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- **Projected five-year budget: \$25.5M**
  - Anticipated commitments: \$15.4M
    - USOC (\$5.2M)
    - NGBs (\$5.2M)
    - NCAA (\$5.0M – *contingent on a similar level of financial support from at least one of the major professional sports leagues*)
  - Gap: \$10.1M
- **Next steps**
  - Conclude effort to recruit founding partners group (professional leagues) by Sept. 30
    - Ask: Commitment of \$500K/year for five years from each of four leagues
  - Shift focus to foundation and individual donors

## **Board of directors**

### ***Nine-member board***

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- **Nominating & governance committee appointed**
  - Daniel Parker (Parker & Associates)
  - Mary Wittenberg (Virgin Sport)
  - Robin Schepper (Bipartisan Policy Center)
  - Steve Penny (NGBC)
  - Cassandra Metzler (AAC)
- **First round of candidate interviews conducted. Candidates have diverse backgrounds and qualifications relevant to the Center's near-term success and credibility:**
  - Fundraising
  - Education, public health and medicine
  - Economics
  - Compensation and performance management systems
  - Legal governance
  - Public policy, politics and legislation
  - Media and communications
  - Law enforcement, investigation, child safety and abuse prevention
  - Coaching
  - Sports administration

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## **Next steps**

- 
- **Appoint board**
  - **Approve amended and restated bylaws**
  - **Continue fundraising (shift focus to foundations and individuals)**

**Anticipated launch: Q2-Q3 2016**



 **[PRINT]** **ESPN.com:** ESPN

[\[Print without images\]](#) 

Thursday, August 3, 2017

## Three female taekwondo athletes win \$60 million in sex case against coach

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Associated Press

LOS ANGELES -- A California judge has awarded \$60 million to three female taekwondo competitors who were sexually abused by their coach.

The judgment was issued last week in Los Angeles Superior Court against coach Marc Gitelman.

Gitelman is serving more than four years in state prison for molesting the girls between 2007 and 2013.

Attorney Stephen Estey says the judgment was awarded after Gitelman failed to reply in the case.

The lawsuit alleged that the U.S. Olympic Committee and USA Taekwondo failed to protect the young athletes, but the judge dismissed the case against the organizations.

Attorneys for the victims are challenging that decision in a state appeals court.

Yasmin Brown, Kendra Gatt and Brianna Bordon were minors when the crimes occurred. They agreed to let their names be used publicly.

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## **Safe Sport Program Review Task Force Report 3 May 2014**

### **INTRODUCTION**

“When the Athlete is a Child: An Assessment of the USA Swimming’s Safe Sport Program” is a report by Victor Vieth of the Gunderson National Child Protection Training Center (the “Vieth Report”). USA Swimming commissioned the report based on a request for proposal in August 2013. On January 25, 2014, this report was presented to the President of USA Swimming and its Board of Directors. On that day, the President formed the Safe Sport Program Review Task Force to evaluate the report.

### **PART ONE: BACKGROUND**

#### **TASK FORCE MEMBERS**

Jay Thomas, Chair	USA Swimming Board of Directors (FG)
Dave Anderson	USA Swimming Board of Directors; Head Coach, Schroeder Swim Team (WI)
Cecil Gordon	Safe Sport Committee Chairperson (MA)
Megan Ryther	USA Swimming Board of Directors, Former National Team Athlete (IN)
Rachel Stratton-Mills	Head Coach, Asphalt Green Unified Aquatics (MR)
Sandy Wurtele, Ph.D.	Professor, Department of Psychology, University of Colorado at Colorado Springs; Internationally recognized expert in child sexual abuse prevention.
John Morse	USA Swimming General Counsel (MV)
Mike Unger , Staff	Assistant Executive Director
Susan Woessner, Staff	Director of Safe Sport

#### **TASK FORCE CHARGE**

The Task Force was charged with: evaluating the Safe Sport Program Review Report produced by Victor Vieth and presenting to the USA Swimming Board of Directors a strategy for responding to the report’s recommendations.

The Vieth Report includes a significant number of recommendations, and the implementation of these recommendations should be done in alignment with a plan that:

- a. identifies priorities;
- b. identifies resources, financial and otherwise, that will be required for implementation;
- c. advises a timetable for implementation; and
- d. provides instructions for communications to targeted audiences.

## APPROACH AND GUIDING PHILOSOPHY

The Safe Sport Program Review Task Force report provides recommendations to the President of USA Swimming and its Board of Directors to approve a path forward in the continuously evolving Safe Sport Program. This report recognizes the significant effort, progress, and achievements made over the past three and one half years by the membership of USA Swimming towards establishing the finest athlete protection program in the United States Olympic movement. As one of our Task Force members stated, this is not just a plan for the next 3-5 years, it's a plan for the next 10-15 years.

In 2007, the Center for Disease Control (CDC) released the report *Preventing Child Sexual Abuse within Youth-Serving Organizations: Getting Started on Policies and Procedures*<sup>1</sup> designed to assist youth serving organizations (YSO) examine how they can best protect their youth members from sexual abuse and what policies YSOs should adopt to do so. USA Swimming used the CDC report as a resource in the initial development of the framework<sup>2</sup> on which the Safe Sport Program is based including six programmatic areas: (1) Policies and Guidelines; (2) Screening and Selection; (3) Education and Training; (4) Monitoring and Supervision; (5) Recognizing, Responding, and Reporting; and (6) Grassroots Engagement and Feedback. In consideration of the Vieth Report recommendations, USA Swimming again reviewed the CDC's report for guidance. The introduction of the CDC report states:

*"The process of implementing child sexual abuse prevention strategies takes time and will evolve differently in each organization. Not all strategies presented in this document will apply to all organizations. However, it is very important that organizations abide by their youth protection policies and procedures to avoid being criticized for not adhering to them if a youth is sexually abused" (2).*

The Task Force found this particularly relevant in its evaluation of each recommendation and assembly of an implementation plan to guide the efforts of the Safe Sport Program for the next 5-10 years. The Task Force approached its evaluation of the Vieth Report based on the following considerations:

- a. USA Swimming must develop and implement strategies, policies, procedures and programs that can operate and thrive with consideration for the requirements of and restrictions imposed by the Ted Stevens Olympic and Amateur Sports Act.
- b. USA Swimming recognizes the burden it places on its members when it imposes requirements and the Task Force sought to identify implementation strategies that incentivize rather than mandate.
- c. USA Swimming is a member organization and retains jurisdiction over its members. It has little jurisdiction or enforcement mechanism to implore non-members to complete membership requirements.
- d. Development and implementation of the strategies, policies, procedures and programs will take a significant amount of time. USA Swimming has not made a one, two, or five year commitment to Safe Sport, but rather a long-term organizational commitment to build and nurture a culture of Safe Sport in the swimming community.

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<sup>1</sup> CDC report in full available here: <http://www.cdc.gov/violenceprevention/pdf/PreventingChildSexualAbuse-a.pdf>

<sup>2</sup> Safe Sport Framework: [http://www.usaswimming.org/Rainbow/Documents/8ba430b7-ec23-4bf8-878c-9c471e0fc8e2/Chart\\_Athlete%20Protection%20Program%20Framework.pdf](http://www.usaswimming.org/Rainbow/Documents/8ba430b7-ec23-4bf8-878c-9c471e0fc8e2/Chart_Athlete%20Protection%20Program%20Framework.pdf)

## **SAFE SPORT PERSONNEL**

The following background on the USA Swimming Safe Sport staff is provided to orient the Board of Directors as to the operation of the team within the organization.

The Safe Sport team is located within the Executive Division and overseen directly by the Executive Director. It consists of two full time staff, the Director of Safe Sport and the Safe Sport Coordinator and receives support in complaints management and execution of the background check program from a staff member in the Business Operations Division. Safe Sport staff regularly works with outside parties for a variety of services including legal (Bryan Cave LLP), education (Praesidium, Inc.), and screening (Sterling Infosystems, Frasco Profiles).

Safe Sport staff serves as the liaisons for the Safe Sport Committee, a 12-member group with diverse representation across USA Swimming, which includes three outside experts in the field of child welfare:

Cecil Gordon, *Chair* (MA)  
CJ Fiala (PV)  
George Geanon (WI)  
Margaret Hoelzer (PN)  
John Ingram (Colorado Springs Police Department)  
Bob Kizer (IL)  
Meaghan Murphy (NJ)  
Ron Van Pool (PN)  
Greg York (PV)  
Sandy Wurtele (University of Colorado at Colorado Springs)  
John Morse, USA Swimming General Counsel, *ex-officio*  
Malia Arrington, United States Olympic Committee, *ex-officio*

## **PART TWO: METHODOLOGY**

### **PROCESS**

The Task Force completed its work over three months from February – April 2014. Each member received a copy of the report and was given three weeks to carefully evaluate it before the first conference call. The Task Force participated in five conference calls and members participated in additional sub-group conference calls. The Task Force met on two occasions for two-day in person meetings in Dallas, Texas.

The Task Force solicited feedback from its membership via a mass-distributed President's Message<sup>3</sup> promoted broadly via social media. A total of 14 responses were received from a cross-section of USA Swimming membership and some non-members. A summary of that feedback is here:

Athletes: 0  
Coaches: 2  
Parents: 1 (some of the officials are also likely parents)  
Officials: 8

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<sup>3</sup> February 3, 2014 President's Message:

<http://www.usaswimming.org/ViewNewsArticle.aspx?TabId=0&itemId=5856&mid=8712>

Unknown or Other: 3

**Total Responses: 14**

The Task Force also received feedback from the American Swim Coaches' Association which it reviewed and took into consideration in its evaluation of the Vieth Report.

The Task Force received a recommendation from the Safe Sport Committee that survivor feedback was critical to the evaluation of the Vieth Report. Safe Sport staff reached out individually to two dozen survivors or parents of survivors with which it has worked during the past three years. Feedback was received from six survivors and reported back to the Task Force.

The recommendations in the Vieth report are varied in scope and complexity. The Task Force examined each recommendation very carefully from the perspective of the athletes, coaches, officials, parents, volunteers and staff.

### **RECOMMENDATION CODING**

The report cites 39 specific recommendations for action by USA Swimming. During the Task Force's initial review, additional recommendations and items categorized as "sub-recommendations" were identified adding to the recommendations.. The Task Force identified a grand total of 54 items to be evaluated.

The Vieth Report organized its recommendations in each of USA Swimming's six programmatic areas: (1) Policies and Guidelines; (2) Screening and Selection; (3) Education and Training; (4) Monitoring and Supervision; (5) Recognizing, Responding, and Reporting; and (6) Grassroots Engagement and Feedback and added a seventh category,(Other). In order to provide a uniform and understandable tracking system to manage the material in the Report, the Task Force "coded" each recommendation based on which category it was assigned within the Report:

<b>Category</b>	<b>Code</b>	<b># of Recommendations</b>
Policies and Guidelines	PG	4
Screening and Selection	SS	4
Education and Training	ET	16
Monitoring and Supervision	MS	5
Recognizing, Reporting and Responding	RRR	11
Grassroots Feedback and Engagement	GF	3
Other Recommendations	OT	11

## **TOOLS TO SUPPORT IMPLEMENTATION**

In the course of its work, the Task Force identified one existing and two proposed tools to assist in the implementation of the Vieth Report recommendations. The tools are referenced throughout the recommendations section of this report and are outlined below for reference.

### ***Internal Complaints Process Manual***

Safe Sport Staff has created an internal document to memorialize and govern its processes for complaints management. In its current form, the Internal Complaints Process Manual focuses specifically on complaints management, but the Task Force identified opportunities to expand this document to address a variety of internal processes across the Safe Sport Program including for example: (1) general Safe Sport philosophy and approach statements; (2) staff and volunteer job descriptions and communication channels; (3) complaints management check and balance assurances; and (4) staff, contractor, and volunteer continuing education requirements. The document will be renamed to reflect its broader purpose.

### ***Safe Sport Certified Team***

Throughout the report review process, the Task Force looked for ways to motivate and incentivize coaches, teams, athletes, and parents to embrace and participate in the Safe Sport training and enhance the awareness of the Safe Sport program.

The Task Force recommends creating a “Safe Sport Certified Team” program designed to recognize clubs who demonstrate a strong commitment to Safe Sport by achieving a designated score through a combination of the following proposed measures:

- Designating a Safe Sport Club Coordinator;
- Implementing Codes of Conduct for its members and their families (Coach Code of Conduct, Athlete Code of Conduct, Parent Code of Conduct) to set clear expectations and consequences;
- Implementing all the required policies (Travel, Electronic Communication, and Bullying) as well as the optional policies (Photography, Locker Room Monitoring). The club regularly reviews these policies in person with its members;
- Conducting consistent pre-employment checks and hiring practices for all club employees;
- Conducting consistent screening practices for all club volunteers;
- Meeting or exceeding the designated threshold completion percentage of Athlete Safe Sport Training;
- Meeting or exceeding the designated threshold completion percentage of Parent Safe Sport Training;
- Hosting an in-person Safe Sport training for its athletes and/or parents;
- Dedicating a section of its club’s website to Safe Sport resources.

#### **Incentives and Rewards:**

- Clubs who achieve Safe Sport Certified Club status will receive a logo it can post on its website and the club portal to designate the recognition. Status will have to be renewed after a designated period of time.
- Clubs will also receive a banner or poster that can advertise the status at the training site.
- A deck pass patch will be available for all members from these clubs.
- The Task Force recommends that LSCs not distribute national event travel funding to clubs who have not achieved Safe Sport Certified Club status.

### **Safe Sport Training Library**

Training USA Swimming members is a key component of the Safe Sport program. The report recommends several areas where increased training should be made available to all classes of membership. Staff presented the Task Force with the concept of a "Safe Sport Training Library."

The Safe Sport Training Library would offer courses addressing a variety of topics and common risk areas including:

- Safe Sport 101 – basic course required of all new members
- How to talk to your athletes about Safe Sport
- Anti-Bullying
- How to handle a peer-peer incident at your club
- Implementing and enforcing an electronic communication policy
- I think one of my athletes is hurting themselves/being hurt at home. What do I do?
- Responsible hiring practices
- Abuse prevention for athletes with a disability

The non-athlete member training requirement would shift from an annual requirement to take a designated course to a continuing education model. Courses would be assigned a point value based on their content and length. Non-athlete members would be required to complete a designated number of points in a specified time period to maintain compliance with the Safe Sport training requirement.

The Task Force supports shifting Safe Sport training from a mandated requirement to a member service. By offering a number of courses on a variety of topics and allowing non-members to take them as they need them, non-athlete members can use the courses as these issues come up in the local club and directly use the information presented in the course to address the pressing issue.

### **PART THREE: RECOMMENDATIONS**

The Task Force used the following framework to organize its consideration of and implementation plan for each recommendation:

<b>Recommendation</b>	<b>Task Force Recommendation</b>	<b>Phase/Time to Complete</b>	<b>Resources</b>
<b>Discussion</b>			
<b>Recommended Action</b>			

**Recommendation:** Text from each recommendation is reprinted from the Vieth Report. The page on which the recommendation is found in the Vieth report is referenced in parentheses (pp).



**Task Force Recommendation:** Implement, Implement with Amendment, Do Not Implement, or other course of action

**Phase:** Phase (1-4) to which the recommendation has been assigned based on prioritization and anticipated workload of Safe Sport Staff

**Time to Complete:** Estimated length of time the recommendation will take to complete once executed within a phase.

**Resources:** Estimated cost is indicated according to the following chart and assigned as “One Time” or “Annual”.

\$	<\$10,000
\$\$	\$10,000-\$25,000
\$\$\$	\$25,000-\$75,000
\$\$\$\$	>\$75,000

Items with an asterisk (SSSS\*) indicate the total cost of an education vendor contract that includes multiple training modules.

**Discussion** – the Task Force provides specific background and evaluation information where appropriate regarding the recommended approach for each recommendation.

**Recommendation** – Specific implementations tasks are outlined to address each of the report’s recommendations.



## RECOMMENDATIONS

Recommendation	Task Force Recommendation	Phase/Time Required to Complete Project	Resources
<b>PG1. Provide equal layers of protection for all abused children within the sport and require all adults to report child abuse. (Report Page 16)</b>	Implement but Amend to encourage all adults to report child abuse and assist adults in doing so.	Phase 3/ Ongoing commitment	\$ Annual
<b>Discussion</b>			
<p>The Vieth Report cited 31 states (including the District of Columbia) that name coaches as mandatory reporters. The Task Force agrees wholeheartedly with the need to provide equal layers of protection for abused children, but struggled with how USA Swimming might best enforce such a mandate.</p> <p>The Task Force came to the decision to educate and assist our members on reports of child abuse that occur outside of USA Swimming rather than require it based on the following considerations:</p> <ol style="list-style-type: none"> <li>1. If all adults are mandated to report child abuse, then they need to be trained in properly identifying child maltreatment. According to a recent analysis, universal mandatory reporting (UMR) states do not require or provide such training (McElroy, 2012). Instead of training, many UMR states provide public education campaigns to increase awareness of the problem and encourage citizens to report suspicions of abuse or neglect.</li> <li>2. Many Child Protection Service (CPS) agencies are at or beyond capacity; and any increase in reports from the general public could overwhelm case workers, who are required to investigate all reports. A move to UMR must be accompanied by an increased CPS capacity to investigate these reports.</li> <li>3. Professionals are the most frequent source of reports of suspected maltreatment, and reports by professionals are substantiated at a significantly higher rate than those of the general public. Adding additional reports could create a situation in which more serious cases fall through the cracks while CPS agencies try to meet the increased demand.</li> <li>4. Some experts are concerned that more reports and more investigations could be harmful to children and families. Parents and children could be needlessly subjected to intrusive investigations, including forensic interviews or medical examinations.</li> <li>5. UMR states struggle with prosecuting failure to report child maltreatment. CPS administrators interviewed by McElroy (2012) reported that it is relatively uncommon for such cases to be prosecuted, because they are often difficult to prove except in the most egregious of circumstances.</li> <li>6. When reviewing the literature on the impact of mandatory reporting laws, there is little empirical evidence to support or disprove the hypothesis that such legislation better protects children and young people (Wallace &amp; Bunting, 2007).</li> </ol>			
<b>Recommended Action</b>			
<p>The Task Force recommends that USA Swimming identify opportunities where it can promote the importance of reporting child abuse that occurs outside USA Swimming to its members. Suggested opportunities include:</p> <ol style="list-style-type: none"> <li>1. USA Swimming could sponsor a public education campaign to increase awareness of the child abuse problem and encourage adults to report any disclosures of abuse or any suspicions of child maltreatment, irrespective of the identity of the offender or the type of child maltreatment.</li> <li>2. Since coaches may be able to see signs of physical abuse on a child's body, they could benefit from instruction on how to recognize physical evidence of abuse, how to ask the child about these suspicious injuries, and how to report their suspicions.</li> </ol>			

3. The Safe Sport home page section entitled, *The Importance of Reporting*, could be modified to reference other forms of child maltreatment, and to encourage reporting to CPS, along with assistance to do so (from USA Swimming and through links to other child welfare and advocacy organizations).

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>PG2. Develop a workable definition and response to cases of psychological abuse. (Report Page 19)</b></p> <p><b>PG2A. Develop Workshops on emotional abuse in the context of swimming and present these workshops in multiple forums within the sport (Report Page 20)</b></p> <p><b>PG2B. – Conduct a national survey of parents and coaches in which various hypotheticals of emotional abuse are presented and asking for an assessment of which scenarios cross the line. (Report Page 21)</b></p>	Implement	<p>Phase 3 (PG2, PGB2B)/ Determined based on the researcher’s proposed project scope.</p> <p>Phase 3 (PG2A)/1 year</p>	<p>\$\$\$ - One Time</p> <p>\$ Annual</p>
<b>Discussion</b>			
<p>The Vieth Report cites USA Swimming’s current efforts to combat the emotional or verbal abuse of children by coaches by prohibiting bullying but rightfully urges USA Swimming to do more to clearly define psychological abuse and bring attention to the long term effects it can have on the athlete. The struggle the Task Force had in its own discussions to clearly define psychologically abuse underscores the Vieth Report’s recommendation to survey USA Swimming’s membership to determine what kinds of behaviors it recognizes as abusive. The Task Force agrees with the Vieth Report’s assertion that USA Swimming needs a clearer definition of this challenging issue and the strategy that the Vieth Report suggests to come to that definition.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Survey members through a series of sport situation hypotheticals and use the findings to create a conduct-based definition of emotional abuse.</li> <li>2. Safe Sport Committee should sponsor future legislation defining abuse based on member survey.</li> <li>3. Identify and make available new and existing resources to prevent such behaviors in the interim.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>SS1. Recommend to clubs additional pre-employment screening tools of a written application, personal interview and written acknowledgement of the code of conduct pertaining to child protection. (Report Page 23)</b></p> <p><b>SS2. Develop materials to assist clubs in the hiring process. (Report Page 24)</b></p>	Implement	Phase 1/3 months	\$ One Time
<b>Discussion</b>			
The Task Force agrees that Swimming should provide enhanced hiring tools to clubs to facilitate and improve existing employment screening tools for their employees.			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff, working in conjunction with the Club Development Division and potentially with an outside expert in hiring practices and procedures, will develop and disseminate a "Hiring Practices Resource Guide" for clubs that will to include:               <ol style="list-style-type: none"> <li>a. Sample job description</li> <li>b. Sample written application</li> <li>c. Personal interview sample questions</li> <li>d. Reference check sample questions</li> <li>e. Form to capture and keep on file of acknowledgement by the candidate of the USA Swimming Code of Conduct and Athlete Protection Policies.</li> <li>f. Additional tools as deemed appropriate.</li> </ol> </li> <li>2. Include above recommended items into proposed "Safe Sport Certified Team" requirements.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>SS3. Safe Sport training for parents should include info on asking questions about pre-employment screening. (Report Page 25)</b>	Implement	Phase 3/9-12 months	\$ One Time
<b>Discussion</b>			
<p>The Vieth Report suggests that USA Swimming’s parent training module should educate the parents of our members as to the importance of pre-employment screening in the hiring process of club employees. The Task Force agrees that as parents become more vigilant with questions about the club’s pre-employment screening processes, clubs will become more consistent in completing such processes.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will work with its online training vendor to add a .pdf document to the existing parent training course outlining the practices clubs are required to do and a list of questions parents can ask to ensure those practices are being done.</li> <li>2. The Safe Sport Committee and Safe Sport staff will consider the option of creating a new training for club leadership to assist them in the hiring process.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>SS4. USA Swimming should maintain its current background check program but explore feasibility, perhaps in collaboration with other youth serving organizations, or one day moving to a fingerprint based check. (Report Page 28)</b></p>	<p><b>Agree with recommendation not to implement a fingerprint based background check at this time.</b></p>	<p>N/A</p>	<p>N/A</p>
<b>Discussion</b>			
<p>USA Swimming requires its 35,000 non-athlete members to pass a robust background check through its background check vendor every two years. The current background check requires:</p> <ol style="list-style-type: none"> <li>1. A search of national criminal and sex offender databases;</li> <li>2. A social security trace which provides a search of alias names and past addresses associated with the SSN;</li> <li>3. A search of county of residence court records from the past 7-10 years, and;</li> <li>4. A monthly recurring check through the National Criminal Database for each of twenty-four months.</li> </ol> <p>On the surface, a fingerprint based background check seems to be a superior method to vet potential members, but it is not for the following reasons:</p> <ol style="list-style-type: none"> <li>1. If a comprehensive fingerprint based background check were available, it would differ from name-based checks because it would flag an individual (who had an arrest record where fingerprints were accessible) who used an alias when applying for USA Swimming membership. Outside of that situation, the name-based check would provide a flag across the national criminal database.</li> <li>2. An FBI fingerprint based background check comes from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, federal employment, naturalization, or military service. A majority of fingerprints obtained from State, County and Local arrests are never submitted to the FBI for inclusion in their database.</li> <li>3. USA Swimming would have to request and obtain approval from the FBI for authorization to have blanket access to FBI background checks.</li> <li>4. Since the only added level of security of a fingerprint based check is checking for the use of an alias (for an individual who is in their database), the fingerprint process would be a one-time occurrence.</li> <li>5. There would be a cost of \$30-\$50 per check in addition to the standard name based check (\$19-\$39).</li> <li>6. The Vieth Report cites a NCMEC nationwide fingerprint program; however that program expired in 2011. Due to the procedural, IT, operational and monetary investment that would be required, USA Swimming should only consider implementation if a new program is a permanent government-sponsored program.</li> </ol>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Agree with the Vieth Report recommendation not to require a fingerprint based background check system at this time.</li> <li>2. Safe Sport staff will continue to monitor developments in enhanced background check systems and program initiatives.</li> <li>3. USA Swimming should support the development of a single, comprehensive, cross-jurisdictional fingerprint based background check program.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET1. Require children who are athlete members 12-18 to take the Safe Sport training. (Report Page 32)</b>	Implement but Amend to Strongly Recommend through incentives rather than require.	Phase 2/1 year	None
<b>Discussion</b>			
<p>To date, less than 1% of athletes have taken the free Safe Sport training for athletes. The Task Force feels strongly that all athletes should take the course but has concerns about mandating participation for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Task Force does not believe it can restrict participation of athletes under the Amateur Sports Act for failure to complete the course.</li> <li>2. The Task Force wants to create a positive association around Safe Sport efforts and creating a mandate that would have consequences around failure to complete could potentially create a negative association.</li> <li>3. The Task Force recognizes that the Safe Sport training addresses the difficult topic of sexual abuse and understands that some parents may not want their children to participate in the course. USA Swimming would need to implement a notification, permission, and opt-out option for parents.</li> </ol> <p>The Task Force believes that USA Swimming could work toward requiring the course as a condition of membership, but believes that it should incentivize voluntary participation to build support for such a requirement.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. "Percentage of Athlete Completion of Safe Sport Program" should be a requirement of the Safe Sport Certified Club program. Exact percentage TBD.</li> <li>2. Work with vendors to develop multiple platforms for delivery, including web and Deck Pass.</li> <li>3. Safe Sport staff and the Safe Sport Committee should look for ways to incentivize participation including: <ol style="list-style-type: none"> <li>a. Deck Pass Patch</li> <li>b. T-Shirt, Cap, or other swimming gear; and</li> <li>c. Bag Tag</li> </ol> </li> <li>4. Safe Sport staff should pursue additional opportunities to conduct the training for large groups of athletes.</li> <li>5. Safe Sport staff should continue its effort to train LSC Safe Sport Chairs to conduct the training for large groups of athletes.</li> <li>6. The Safe Sport Committee should monitor participation and attitudes over the next 2-4 years to determine if steps to require participation through legislation can be taken.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET2. Develop personal safety materials for younger children – and require parents to review them with all younger athletes (Report Page 34)</b>	Implement but Amend to Strongly Recommended through incentives rather than require.	Phase 2 / 9-12 months	\$ - One Time
<b>Discussion</b>			
<p>Young children are critical to USA Swimming's efforts to inform athletes and parents about the factors important to provide a safe sport environment for all. By engaging younger children, USA Swimming is able to teach the importance of boundaries between adults and athletes earlier and potentially prevent an unhealthy or abusive coach-athlete relationship. Younger children are much more likely than their adolescent peers to openly embrace the information provided in a meaningful training program. By encouraging parents to review personal safety materials together with their children, we simultaneously increase the awareness and participation of parents.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. The Safe Sport Committee and Safe Sport staff will work with its online training vendor to develop material appropriate for parents to use to talk about Safe Sport with children under age 12 as well as materials for parents which explain why talking about Safe Sport with their children is important.</li> <li>2. Create an incentive through the Safe Sport Certified Club program by requiring a certain percentage of parent participation to achieve designation. Exact percentage TBD.</li> </ol>			



Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET3. Require parents to take Safe Sport training (Report Page 34)</b>	Implement but Amend to Strongly Recommended rather than require. Encourage through incentives.	Phase 2/1 year	No Cost
<b>Discussion</b>			
<p>To date, less than 1.4% of non-member parents have taken the Safe Sport Training for Parents program. This number is alarmingly low. The Task Force acknowledges that USA Swimming does not have an enforcement mechanism to require parents to take the Safe Sport training but believes that USA Swimming should strongly recommend that parents view the Safe Sport Training. The Task Force also believes that USA Swimming should encourage participation by incentivizing through the Safe Sport Certified Club program.</p>			
<b>Recommended Action</b>			
<p>“Percentage of Parent Completion of Safe Sport Program” should be a requirement of the Safe Sport Certified Club program. Exact percentage TBD.</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET3A. Make Safe Sport Training for parents Spanish. (Report Page N/A)</b>	Implement	Phase 3/1 year	\$/\$\$
<b>Discussion</b>			
<p>The Task Force believes that our membership base has a growing population of coaches, parents, and athletes for whom Spanish is the first – and perhaps primary – language. The Task Force believes that USA Swimming should provide all Safe Sport training materials in Spanish. Although this was not a recommendation from the Vieth Report, the Task Force believes this would be a worthwhile enhancement to the Safe Sport Program which would help reach this segment of USA Swimming’s membership.</p>			
<b>Recommended Action</b>			
<p>Safe Sport staff will identify a vendor or other resource to translate all Safe Sport training materials (on-line training, written, web pages, etc.) and make available in Spanish.</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
ET4. Develop a version of Safe Sport education accessible to children or parents with a disability (Report Page 35)	Implement	Phase 4/1 Year	\$\$\$\$*
<b>Discussion</b>			
The Vieth Report suggests that USA Swimming's members with disabilities are at a greater risk for abuse than the able bodied population. The Task Force agrees with the report recommendation.			
<b>Recommended Action</b>			
Safe Sport staff, in consultation with the Disability Committee, will identify and work with an outside expert and its training vendor to develop Safe Sport training materials specifically geared towards protecting athletes with disabilities.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET5. Strengthen the physical abuse section of the Safe Sport training.</b>	Implement	Phase 4/6-12 months	\$\$\$\$*
<b>Discussion</b>			
<p>The Vieth Report suggests that adults involved in the sport of swimming are uniquely positioned to recognize signs of physical abuse of athletes because swimsuits expose a large portion of a child's body that might otherwise be concealed to hide bruises or other injuries. The Vieth Report encourages USA Swimming to better empower its members to recognize and report such injuries to help children who might be being physically at home or otherwise outside the sport. The Task Force agrees with this recommendation.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will work with its online training vendor to add a .pdf reference document to the section of the existing non-athlete member required course that discusses signs of physical abuse. This document will be a short reference guide to suspicious injuries so adults will have more confidence in identifying and reporting such injuries to the authorities.</li> <li>2. The Safe Sport Committee and Safe Sport staff will consider adding additional training specific to recognizing and reporting physical abuse to the proposed Safe Sport Training Library.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>ET6. Incorporate Adverse Childhood Experience (ACE) Research into Safe Sport training. (Report Page 37)</b></p> <p><b>ET6A. – Modify existing course content on the effect of child abuse modified and put in the context of ACE research. (Report Page 41)</b></p> <p><b>ET6B. – Second workshop pertaining to ACE research that could be developed and offered as an advanced course for coaches and others who have taken the basic Safe Sport Training. (Report Page 41)</b></p> <p><b>ET6C. – USA Swimming could utilize already existing ACE training that can be accessed for free or at minimal Resources. (Report Page 41)</b></p> <p><b>ET6D. – As LSCs look for speakers at area gatherings of parents, coaches and club owners, speakers who can discuss ACE could be utilized.(Report Page 41)</b></p>	Implement	Phase 4/6-12 Months	\$\$\$\$*
<b>Discussion</b>			
ET6 identified four specific ways (A-D) to incorporate Adverse Childhood Experience (ACE) research into Safe Sport Training. The Task Force agrees that ACE research should be incorporated in USA Swimming’s Safe Sport training materials.			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will review its existing training resources and identify opportunities to incorporate ACE research. As it develops additional resources now and into the future, USA Swimming will consult and incorporate ACE research in its development.</li> <li>2. Safe Sport staff will seek opportunities to offer ACE research-based trainings during in-person Safe Sport presentations at Swimposiums, Convention, etc.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET7. Develop training and written materials pertaining to juvenile sexual behaviors and offenses (peer-to-peer). (Report Page 41)</b>	Resource Guide now available; Recommend to develop subject-specific training	Phase 3/Resource Guide available now; 6 months for an online training	\$\$\$\$*
<b>By Discussion</b>			
<p>Safe Sport staff and the Safe Sport Committee have recently completed a Peer-Peer Incident Resource Guide for clubs and coaches to assist in handling peer-to-peer juvenile sexual behaviors and offenses seriously, quickly, and with sensitivity to all parties. The Vieth Report recommends review by:</p> <ol style="list-style-type: none"> <li>1. Juvenile sex offender treatment provider.</li> <li>2. Pediatrician current on juvenile sexual behaviors literature.</li> <li>3. Detective or prosecutor experienced in investigating and responding to juvenile sex offenses.</li> </ol> <p>As of publication of the Vieth Report, the Resource Guide had been reviewed by (1) two juvenile sex offender treatment providers, (2) a leading expert and researcher in child sex abuse, and (3) a detective in the Crimes Against Children Unit at the Colorado Springs Police Department. The Resource Guide is complete and currently available for use by members.</p> <p>The Task Force agrees that Safe Sport staff and Committee should look into what additional training materials may be helpful to clubs and coaches to increase awareness of how to prevent and how to handle juvenile sexual behaviors and offenses.</p>			
<b>Recommended Action</b>			
<p>Safe Sport staff and Safe Sport Committee will:</p> <ol style="list-style-type: none"> <li>1. Promote existing "Resource Guide for Handling Peer-Peer Incidents".</li> <li>2. Work with USA Swimming's on-line training vendor to incorporate juvenile sexual behavior information into existing training materials. Consider developing training module specific to juvenile sexual behavior</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>ET8. Incorporate resilience research into Safe Sport training (Report Page 42)</b>	Implement	Phase 4/6-12 months	\$\$\$\$*
<b>Discussion</b>			
<p>The Vieth Report recommends replacing a section of the Safe Sport Training which discusses the joys of working with children with a section giving coaches tips on how they can and do build resilience in children who have endured trauma.</p>			
<p>The Task Force feels that this recommendation should be incorporated into the Safe Sport Training emphasizing the positive impact that the great majority of coaches have in the lives of athletes. The training should demonstrate the significant positive impacts coaches can have in helping children bounce back and recover from abuse or other trauma.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will work with USA Swimming's on-line training vendor to update the Safe Sport Training Program to incorporate resiliency messages into the training.</li> <li>2. Safe Sport staff will look for additional opportunities to incorporate resiliency research into: <ol style="list-style-type: none"> <li>a. Written on-line training materials.</li> <li>b. Other delivery options such as Swimposiums, workshops and USA Swimming Convention presentation.</li> </ol> </li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>ET9. Constantly re-evaluate training as research expands. (Report Page 43)</b></p> <p><b>ET9A. – Monitor literature, attend national child abuse conferences and regularly have training and other aspects of the program reviewed by those well versed in the literature.</b></p> <p><b>ET9B. – Require ongoing training for the investigators, attorneys, and others within USA Swimming who respond to any aspect of child maltreatment.</b></p>	<p>Continue current efforts and memorialize existing process in Internal Complaints Manual.</p>	<p>Phase 1/1-3 weeks</p>	<p>\$ Annual</p>
<b>Discussion</b>			
<p>When examining ET9, the Task Force identified two more specific sub-recommendations which require action. The Task Force agrees with the Vieth Report. The Task Force confirms that Safe Sport staff is currently accomplishing these tasks and should memorialize its commitment to staying abreast of the latest research and training advancements in the areas of child abuse incidence and prevention in its internal process documents.</p>			
<b>Recommended Action</b>			
<p>Safe Sport staff will continue work to:</p> <ol style="list-style-type: none"> <li>1. Develop a process to monitor new research for potential updates in Safe Sport training programs. Incorporate the process in the Internal Complaints Process Manual.</li> <li>2. Memorialize existing process to identify and support training opportunities for investigators, attorneys and Safe Sport staff in the Internal Complaints Process Manual.</li> </ol>			



Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>MS1. Continually reinforce the rationale behind the importance of the monitoring and supervision rules. (Report Page 44)</b>	Continue current efforts and memorialize existing process in Internal Complaints Manual.	Phase 1/1-3 weeks	No Cost
<b>Discussion</b>			
USA Swimming must continue to cultivate a culture of Safe Sport and demonstrate unwavering intolerance for those who threaten the safety of children through violation of our Safe Sport rules and policies.			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff and the Safe Sport Committee, together with USA Swimming staff and volunteer leadership, should continue their efforts to keep the awareness of USA Swimming staff and all 340,000+ members high on the importance of the Safe Sport program including policies, guidelines, educational materials and reporting requirements.</li> <li>2. Continue to create infrastructure of individuals at all levels of USA Swimming committed to raising awareness to reduce the risk for abuse in sport. Build on existing structure of USA Swimming staff and volunteer leadership, Safe Sport Committee, Safe Sport headquarters staff, LSC Safe Sport Chairs with the goal of adding Safe Sport Club Coordinators within five years.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>MS2. Continue to develop options for the “two deep leadership” on all team travel. (Report Page 45)</b>	Implement	Phase 2/1-3 months	No Cost
<b>Discussion</b>			
The Task Force agrees that USA Swimming should continue to develop options for “two deep leadership” on team travel that balance the necessity of travel to competitions by clubs of all sizes and resources with the need to minimize the risk for abuse presented by travel opportunities.			
<b>Recommended Action</b>			
The Safe Sport Committee and Safe Sport staff should work with clubs and coaches to brainstorm options to make two-deep leadership the norm during team travel wherever possible. The Safe Sport Committee and Safe Sport staff should synthesize these options and create resources that can be widely distributed to clubs and coaches.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>MS3. Develop checks and balances of quality control measure for the informal resolution process.(Report Page 46)</b></p> <p><b>MS3A. Develop written criteria for screening a case into the informal resolution process.</b></p> <p><b>MS3B. Randomly selected number of cases resolved through informal resolution should be reviewed by an external expert on child maltreatment.</b></p>	Implement	Phase 1/6-12 months	\$ Annual
<b>Discussion</b>			
<p>Consistent with the Center for Disease Control’s recommendation, USA Swimming has developed an informal resolution process to address those reports of behavior that are concerning but may not be unlawful, violate USA Swimming’s Code of Conduct, or otherwise warrant intervention. Having such a process allows Safe Sport staff to devote its time and resources to those allegations that are clear violations of the Code of Conduct and most severely threaten the health and well-being of our members.</p> <p>The Vieth Report affirms the informal resolution process and suggests that Safe Sport staff develop several quality control measures to strengthen that process in credibility and consistency. When examining MS3, the Task Force identified two specific sub-recommendations (MS3A and MS3B) which outline a potential checks and balances procedure that Safe Sport staff could adopt. The Task Force supports this recommendation.</p>			
<b>Recommended Action</b>			
<p>Safe Sport staff will develop a checks and balances procedure for quality control in the informal resolution process including:</p> <ol style="list-style-type: none"> <li>1. Continuing its current practice of weekly case update meetings which ensures that the decision to use Informal Resolution is always made by at least two people.</li> <li>2. Implementing a review procedure where one or more external experts conduct an audit on a random sampling of cases resolved through Informal Resolution.</li> <li>3. Memorializing the existing Informal Resolution Process and the proposed quality control measures into the Internal Complaints Process Manual.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR1. Extend whistle blower protection to coaches and others who make a good faith report of physical abuse or psychological abuse. (Report Page 49)</b>	Implement to extend retaliation protection against reports of physical abuse	Phase 1 / 1 year	None
<b>Discussion</b>			
<p>The Task Force agrees with the Vieth Report that USA Swimming's anti-retaliation provision be extended beyond reports of sexual misconduct to prohibit retaliation against an individual who makes a good faith report of physical abuse.</p> <p>The Task Force believes that anti-retaliation should be extended to prohibit retaliation against an individual who makes a good faith report or emotional abuse when the recommendations in PG2 have been completed and USA Swimming has come to a clearly defined, conduct-based definition of emotional abuse.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. The Task Force requests that the Board of Directors sponsor legislation for the 2014 House of Delegates which amends Article 306.2 to include good faith reports of physical abuse.</li> <li>2. Future legislation prohibiting retaliation of reports of psych abuse should follow implementation of recommendation of PG2.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR2. Extend whistleblower protection to coaches and others who make a good faith report to the authorities or to USA Swimming of any act of child abuse committed by any person inside or outside of USA Swimming (Report Page 50)</b>	Do not recommend implementation	N/A	N/A
<p>Since 2010, USA Swimming has prohibited retaliation of any member who reports sexual misconduct of a member against another member or any minor in good faith (Article 306.2). In RRR1, the Vieth Report recommends that USA Swimming extend that prohibition to include physical and psychological abuse. The Task Force supports a phased implementation of that recommendation, with legislation to be proposed this year to include physical abuse in 306.2 and future legislation prohibiting retaliation of reports of psychological abuse following the implementation of PG2.</p> <p>This recommendation (RRR2) suggests that USA Swimming also prohibit retaliation of any member who makes a report of any act of child abuse, including those that occur outside of USA Swimming. The focus of the Task Force’s discussion on this measure centered on USA Swimming’s ability to enforce such a prohibition. USA Swimming’s jurisdiction extends to its members and does not reach to non-members including parents.</p> <p>The example in the Vieth Report to support this recommendation describes a coach who reports a case of child abuse only to have the accused parent pull the athlete from the club and incur the wrath of the other parents or employees for having cost the club a valuable member. Presuming that the parent is a non-member of USA Swimming, any disciplinary action USA Swimming attempts to take against the parent lacks an enforcement mechanism. USA Swimming cannot restrict the parent’s membership or implement a monetary fine because the parent has nothing to lose for not complying. The Task Force does not believe that sanctioning the athlete of the parent is an appropriate disciplinary measure.</p>			
<b>Recommended Action</b>			
<p>The Task Force does not support adoption of this recommendation for the reasons outlined above. It does encourage Safe Sport staff to continue to assist clubs and coaches who have concerns about the welfare of athletes outside swimming to identify the local child protection services and other local resources.</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR3. Create a rebuttable presumption clause that further protects coaches and other reporters from retaliation (Report Page 50)</b>	Implement	Phase 1 / 1 year	None
<b>Discussion</b>			
<p>A rebuttable presumption clause protects an individual who reports abuse from retaliation by presuming that any action taken against a reporter within a designated period of time after a report was taken because of the report. The Vieth Report suggests that USA Swimming create such a clause to further protect reporting parties from retaliation.</p> <p>The Task Force supports the creation of a rebuttable presumption clause for reports of sexual and physical abuse – those forms of abuse where USA Swimming mandates (sexual abuse) or the Task Force proposes it mandate (physical abuse) reporting to Safe Sport staff. The Task Force encourages the Safe Sport Committee to consider adding emotional abuse to a prospective rebuttable presumption clause at a future date when emotional abuse is included in USA Swimming’s mandatory reporting requirement.</p>			
<b>Recommended Action</b>			
<p>The Task Force requests that the Board of Directors sponsor legislation for the 2014 House of Delegates which creates a rebuttable presumption clause related to reports of sexual abuse and physical abuse (if mandatory reporting and anti-retaliation legislation of physical abuse is adopted by the HOD).</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR4. If a report concerns recent abuse such that most witnesses are in one location, consider the possibility of the investigator traveling to the community and conducting in-person interviews.</b>	Implement	Phase 3/ 3 months (to develop policy, create budget, update agreement with investigators)	\$\$ Annual
<b>Discussion</b>			
<p>Investigations of Code of Conduct allegations are currently conducted telephonically by investigators independent of USA Swimming. Investigators have conducted interviews by video conference at times. The Task Force agrees that, where possible due to circumstance and budget, USA Swimming should have the investigator travel to conduct in-person interviews and investigation on-site.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will work with outside legal counsel to develop a policy for determining through what methods an investigation shall be conducted including phone, videoconference, and in-person.</li> <li>2. Safe Sport staff will update the Internal Complaints Process Manual to incorporate the new policy.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR5. If the crime scene is available and accessible to the investigator, have it photographed.</b>	Implement	Phase 1/1-3 weeks	No Cost
<b>Discussion</b>			
<p>Where an allegation is being investigated by USA Swimming and any criminal investigation has already occurred, USA Swimming or its investigators may have the opportunity to photograph the location of the reported incident including a coach's office, a pool or deck area, etc. Such photographs assist the NBOR panel in understanding how and where the allegation occurred. The Task Force supports the recommendation to take photographs of locations relevant to the allegation where USA Swimming has access to do so.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff will work with outside legal counsel to develop a policy for determining for photographing locations relevant to a case.</li> <li>2. Safe Sport staff will update the Internal Complaints Process Manual to incorporate the new policy.</li> </ol>			



Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR6. Develop a pool of medical, mental health, and sex offender treatment experts that can be consulted in cases of physical abuse, psychological abuse, and juvenile sex offenses</b>		<b>Phase 4/</b>	
<b>Discussion</b>			
<p>Safe Sport staff and outside legal counsel have made contacts with various professionals whom it can reach out to provide advice and consultation on specific cases where needed. This network was created informally but it has been invaluable to Safe Sport’s complaints management when used. The Task Force agrees with the Vieth Report’s recommendation to continue this practice and expand to other professionals dependent on the need of the case.</p>			
<p>The Task Force does have concerns about the unintended consequence of liability for the professionals who provide their advice and expertise without receiving compensation and therefore does not recommend that Safe Sport staff take any additional steps to formalize the network.</p>			
<b>Recommended Action</b>			
<p>Safe Sport staff should continue to seek assistance from experts when the specifics of a case necessitate.</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR7. Disband or limit the coaches' panel to evaluating whether a coach's conduct is acceptable within the sport (Report Page 60)</b>	Implement – "Clarify" role of coaches' panel not "disband" or limit.	Phase 1/6months	None
<b>Discussion</b>			
<p>The Task Force agrees with the Vieth Report that the coaches' panel's charge should be clarified in the USA Swimming Rulebook as originally intended: to determine whether the conduct is within the accepted parameters of professional coaching methods of skill enhancement, physical conditioning, team building, discipline or improving athletes. If the coaches' panel determines that the reported behavior is outside parameters of professional coaching methods, it will be the charge of the National Board of Review to determine if reported behavior is a violation of the USA Swimming Code of Conduct.</p>			
<b>Recommended Action</b>			
<p>The Task Force requests that the Board of Directors sponsor legislation for the 2014 House of Delegates which clarifies the scope and charge of the coaches' panel to whether the conduct is outside the customary and acceptable bounds of coaching.</p>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR8. Develop materials that may assist an abused athlete and his or her family in cooperating with an investigator or NBOR hearing (Report Page 61)</b>	Implement	Phase 2/3-6 months	No Cost
<b>Discussion</b>			
The Vieth Report recommends that USA Swimming develop reference materials that provide information and perspective that may alleviate a family's concerns about testifying before the National Board of Review (NBOR) and assist the family in making an informed decision to that end. The Task Force agrees with the Vieth Report.			
<b>Recommended Action</b>			
Safe Sport staff should create materials based on existing research and the experience of witnesses in past NBOR cases to help victims and their families understand the NBOR process and make an informed decision about whether or not to participate.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR9. Research the effects of testifying before the NBOR and utilize this research in responding to cases in which a victim or family is uncooperative. (Report Page 63)</b>	Implement but amend to adapt existing resources; do not conduct independent study.	Phase 2/3-6 months	
<b>Discussion</b>			
<p>The Vieth Report recommends a study to determine if the “culture of swimming” makes testifying before the National Board of Review different than testifying before another legal proceeding. The Vieth Report cites a case where a swimmer reported a “lack of support and even cruel treatment from those who support the coach.” The Task Force feels that these types of behaviors and responses to cases are only unique in that they involve swimming and that there is ample existing research available in this regard.</p> <p>Additionally, the Task Force believes that the sample size of cases is exceptionally small to draw any meaningful conclusions regarding the effect of testifying before a National Board of Review. The Task Force does not feel that performing a study as outlined in the recommendation is warranted.</p>			
<b>Recommended Action</b>			
USA Swimming should use existing research regarding testifying in legal proceedings in categorically similar situations to create written materials and verbal briefing outlines that could be provided to victims and their families in preparation for a case – See RRR8.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
RRR10. Establish “reliable hearsay” standards that may allow the organization to ban coaches we believe have abused a child or violated the Code of Conduct (Report Page 64)	Implement	Phase 1 / 1 year	None
<b>Discussion</b>			
<p>The Task Force believes that this is more accurately called “admissibility of victim’s prior statements.”</p> <p>The Task Force believes that this matter deserves further research and discussion to determine feasibility and details of implementation and recommends that a subgroup be formed to determine the exact wording and limited application of this new admissibility standard for abuse victim statements. For illustration purposes only, an example of a possible standard of admissibility might be as follows:</p> <p><i>Unless the source of information or the method or circumstances by which the statement is reported indicates a lack of trustworthiness, an out-of-court statement made by a victim describing any act of sexual abuse, child abuse, or any act involving an unlawful sexual act, contact, intrusion, or penetration performed in the presence of, with, by, or on the declarant victim, not otherwise admissible, is admissible in evidence in any National Board of Review proceeding if the NBOR finds the content and circumstances of the statement provide sufficient safeguards of reliability. In making its determination, the NBOR may consider the mental and physical age and maturity of the victim, the nature and duration of the abuse or offense, the relationship of the victim to the offender, the reliability of the assertion, the reliability of the victim, and any other factor deemed appropriate.</i></p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. USA Swimming should define and implement limited appropriate evidentiary standards to admit statements of child abuse victims and other relevant evidence. Such standards would be added to the NBOR section of the Policy Manual.</li> <li>2. The Task Force requests that the President name a Task Force to consider and define criteria for appropriate evidentiary standards.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>RRR11. Develop standards for evaluating underlying law enforcement and child protection investigations</b>	Implement	Phase 2/3 months	\$ Annual
<b>Discussion</b>			
The Task Force agrees with the Vieth Report's suggestions that at times it is necessary to evaluate a law enforcement or child protection investigation for credibility. The Task Force supports this recommendation but believes it should work with its outside experts in law enforcement and child protection to evaluate such investigations.			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Where there is any question as to the quality of a law enforcement or child protection investigation, Safe Sport staff should invoke its outside experts to evaluate such investigations to assess whether or not to give weight to it.</li> <li>2. Outside experts should use the five measures outlined in the Vieth Report informed by the expert's own experience to determine credibility of the investigation.</li> <li>3. In the event that the outside expert determines that the investigation is flawed, Safe Sport staff and outside legal counsel should ask the same expert to testify to as much at the National Board of Review hearing.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>GF1. Set a goal of a safe sport coordinator in every club – and strive to meet this in 5 years (Report Page 70)</b>	Implement	Phase 3/5 years	\$\$ Annual
<b>Discussion</b>			
<p>The Task Force agrees that each member club should have a designated Safe Sport Club Coordinator within five years. The Task Force believes that the position should first be developed on a volunteer basis and incorporated in the Safe Sport Certified Club program. The Task Force believes that requiring clubs to have a designated Safe Sport Club Coordinator should be a legislated item in the 2018-2019 timeframe with a 2019 implementation goal.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. The Safe Sport staff and Safe Sport Committee will develop a job description and training materials for Safe Sport Coordinator at the club level.</li> <li>2. Incorporate into the Safe Sport Certified Program as an optional role in the interim between now and target date for proposed legislation.</li> <li>3. The Safe Sport Committee should sponsor legislation for the 2018 Convention.</li> <li>4. Develop a training and implementation plan to achieve the five year goal timeframe.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>GF2. Facilitate connections between local clubs and community child protection organizations that may assist in evaluating risks unique to a particular club.</b>	Continue current efforts and memorialize existing process in Internal Complaints Manual.	Phase 1/1-3 weeks	No cost
<b>Discussion</b>			
Safe Sport staff consistently encourages LSCs and clubs to identify the local agencies in their communities for assistance, advice, and educational opportunities. The Task Force encourages Safe Sport staff to continue to do so and find additional ways to facilitate such connections.			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. Safe Sport staff should continue to emphasize the local resources available to clubs and LSCs in its trainings, materials, and presentations.</li> <li>2. Safe Sport staff should memorialize its existing process in the Internal Complaints Manual.</li> <li>3. Safe Sport staff should encourage and assist LSC Safe Sport Chairs in identifying the resources available in their respective LSCs and making that information available on the LSC's website.</li> </ol>			



Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>GF3. Make a concerted effort to engage survivors in every major Safe Sport initiative.</b>	Continue current efforts and memorialize existing process in Internal Complaints Manual.	Phase 1/1-3 weeks	No cost
<b>Discussion</b>			
Safe Sport staff has made an effort to engage survivors during development and implementation of various Safe Sport Programs including its training programs and the review of the Vieth Report. The Task Force concurs with the Vieth Report that Safe Sport staff should continue to do so and memorialize this commitment in its program manual.			
<b>Recommended Action</b>			
Safe Sport staff should write a policy memorializing a commitment to engaging survivors in its major initiatives and memorialize that policy in its internal program manual.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>OT1. Conduct a baseline study to determine the extent of child abuse within swimming, the manner in which offenses may be carried out, and the effectiveness or lack of effectiveness of various responses. (Report Page 72)</b></p> <p><b>OT2. Evaluate the level of victimization of boys. (Report Page 74)</b></p>	Implement	Phase 2/Determined based on the researcher's proposed project scope	\$\$\$ - One time with consideration to repeat the study every 3-4 years
<b>Discussion</b>			
The Task Force agrees with the Vieth Report recommendation and believes that a broad based baseline study should be commissioned by USA Swimming to better understand the incidence of abuse in the sport.			
<b>Recommended Action</b>			
<p>USA Swimming should commission a baseline study of its membership to assess the extent of abuse within the sport. The study will:</p> <ol style="list-style-type: none"> <li>1. Survey the incidence of emotional, physical and sexual abuse of athletes (with a specific emphasis on the victimization of boys).</li> <li>2. Survey the incidence of bullying and hazing.</li> <li>3. Attempt to determine the effectiveness of Safe Sport programs including both prevention and response.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>OT3. Allow researchers access to USA Swimming's current data and files. (Report Page 74)</b>	Implement	Phase 3/Determined based on the researcher's proposed project scope	
<b>Discussion</b>			
The Task Force agrees that USA Swimming should allow researchers access to redacted case files and case statistics to better understand how offenders operate within youth serving organizations.			
<b>Recommended Action</b>			
USA Swimming will work with outside experts with whom it has relationships to develop an RFP or other approach to identify interested and qualified researchers to conduct such a file review.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>OT4. Establish and maintain a victims assistance fund (Report Page 75)</b>	Implement	Phase 1/9-12 months	\$\$\$\$ Annual
<b>Discussion</b>			
<p>The Task Force agrees with the Vieth Report that USA Swimming should establish a victim assistance fund to provide funds for counseling and other services to past, current, and future victims of abuse within USA Swimming. The Task Force has consulted with another youth serving organization that currently sponsors a victim's assistance fund to understand its model and disbursement criteria and process. The Task Force believes the same approach can be adapted to serve USA Swimming members.</p> <p>The Task Force believes that a victims assistance fund should be established as soon as feasibly possible with a goal of being operational by 1/1/15.</p>			
<b>Recommended Action</b>			
<ol style="list-style-type: none"> <li>1. The President should establish a victim's assistance fund task force of volunteers and staff to outline the structure of the Fund and its disbursement. This task force will:               <ol style="list-style-type: none"> <li>a. Establish the governance of the fund.</li> <li>b. Establish the method of initial and recurrent capitalization of the fund.</li> <li>c. Establish the criteria for disbursement from the fund.</li> </ol> </li> <li>2. Include a new budget item in the 2015 budget for the Executive Committee's review and consideration.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<p><b>OT5. Create a task force to consider granting greater access to files and NBOR decisions to various stake holders, as well as sharing information about banned, suspended or flagged members with other youth serving organizations (Report Page 76)</b></p> <p><b>OT5A. Victim should have the right to review audio tapes of NBOR hearings and automatically get a copy of the final NBOR decisions.</b></p> <p><b>OT5B. Publish a redacted summary of final decisions of NBOR</b></p> <p><b>OT5C – Develop a process where credentialed member of the media could petition the NBOR or another entity to review documents of importance to the public.</b></p> <p><b>OT5D. USA Swimming should explore with other YSO’s the sharing of information about banned or suspended memberships as well as those whose memberships may have been flagged.</b></p>	Implement	Phase 1 / 3-6 months (for Task Force to complete its work)	\$ One Time
<b>Discussion</b>			
<p>The Task Force agrees that the President should name a task force to consider granting greater access to files and NBOR decisions to various stakeholders, as well as sharing information about banned, suspended or flagged members with other youth serving organizations. The members of the task force should be diverse and include individuals with understanding of USA Swimming’s Rules and Regulations, with legal background, with expertise in child protection, one or more survivors, and some representation independent of USA Swimming.</p>			
<b>Recommended Action</b>			
<p>The President of USA Swimming should name a task force charged with:</p> <ol style="list-style-type: none"> <li>1. Considering under what conditions and to whom it would grant said access to USA Swimming’s files and NBOR decisions, specifically: <ol style="list-style-type: none"> <li>a. complaining parties or victims;</li> <li>b. members of the media; and</li> <li>c. the general public through publication of redacted NBOR decisions; and,</li> </ol> </li> <li>2. Exploring the possibility of and circumstances under which USA Swimming and other youth serving organizations could share information about banned, suspended, or flagged members.</li> </ol>			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>OT6. Create a task force to assess the limits of USA Swimming's jurisdiction over offenders. (Report Page 78)</b>	Implement	Phase 2/3-6 months	\$ One Time
<b>Discussion</b>			
The Task Force agrees that USA Swimming should seek to assess the limits of its jurisdiction over offenders, particularly banned members and former members.			
<b>Recommended Action</b>			
The President should create a task force to assess the limits of USA Swimming's jurisdiction over offenders, particularly banned members, former members and non-members.			

Recommendation	Task Force Recommendation	Phase/Time to Complete	Resources
<b>OT7. An independent entity to oversee the investigation, adjudication, and imposition of sanctions in cases of abuse.</b>	Support and advocate for existing efforts	Phase 4	\$\$\$\$ TBD
<b>Discussion</b>			
USA Swimming has expressed public support for an independent agency to address investigation, adjudication, and imposition of sanctions in cases of abuse. The Task Force agrees with USA Swimming and the Vieth Report on this recommendation.			
<b>Recommended Action</b>			
USA Swimming should continue to support and advocate for the development of an independent third party entity to take over Safe Sport complaints management.			

R-	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 105 – 405.2.3, **Investigation of Complaints**

**Proposed by:** Board of Directors

**Purpose:** To comply with the recommendations of the Vieth Report Review Task Force to clarify the scope and charge of the coaches’ panel to whether the conduct is outside the customary and acceptable bounds of coaching.

**Recommendation:** *The Rules and Regulations Committee recommends \_\_\_\_\_.*

**Effective Date:** Immediately

**405.2.3** In those matters involving an alleged violation of 304.3.13 by a coach, a committee of three coaches appointed by the President of USA Swimming shall make ~~the investigation a~~ determination and report, with such investigation assistance by the Executive Director or his/her designee as the committee may request, as to whether the coach’s conduct is outside the customary and acceptable bounds of coaching.

**NOTE: FROM RECOMMENDATION RRR7**





## Vieth Report Progress Update

September 2017

### INTRODUCTION

In 2013, USA Swimming commissioned Victor Vieth, Executive Director of the National Child Protection Training Center, to conduct a comprehensive assessment of USA Swimming's Safe Sport Program. Vieth conducted his assessment from September 2013 to December 2013 and delivered his report ("Vieth Report") with 39 recommended actions to the USA Swimming Board of Directors in January 2014. Then-President Bruce Stratton formed the Safe Sport Program Review Task Force to evaluate and prioritize the recommendations and produce a plan for implementation.

The Task Force approached its evaluation of the Vieth Report based on the following considerations:

1. USA Swimming must develop and implement strategies, policies, procedures and programs that can operate and thrive with consideration for the requirements of and restrictions imposed by the Ted Stevens Olympic and Amateur Sports Act.
2. USA Swimming recognizes the burden it places on its members when it imposes requirements and the Task Force sought to identify implementation strategies that incentivize rather than mandate.
3. USA Swimming is a member organization and retains jurisdiction over its members. It has little jurisdiction or enforcement mechanism to implore non-members to complete membership requirements.
4. Development and implementation of the strategies, policies, procedures and programs will take a significant amount of time. USA Swimming has not made a one, two, or five year commitment to Safe Sport, but rather a long-term organizational commitment to build and nurture a culture of Safe Sport in the swimming community.

The Vieth Report outlined thirty-nine specific recommendations for action by USA Swimming. During the Task Force's initial review, additional recommendations and items categorized as "sub-recommendations" were identified adding to the recommendations. The Task Force identified a grand total of fifty-four items to be evaluated.

### IMPLEMENTATION PLAN PROGRESS

The Task Force returned a report to the Board of Directors in May 2014 with a four-phased implementation plan for the 54 Vieth Report recommendations. Of the 54 items, the Task Force recommended implementation for 52 items, agreed with the Vieth Report not to implement one item (SS4), and did not recommend implementation for one item (RRR2).

In November 2015, Safe Sport Program personnel issued the first Vieth Report Progress Update. At that time, 21 of the 52 recommendations had been implemented in full and the Safe Sport Committee and headquarters staff were at work on an additional 16 items.

Since that time, the Committee and staff have been working diligently on continued efforts to implement the plan. This document is a progress update on the Vieth Report recommendations in the two years since the 2015 update.

- ✓ An additional five out of the fifty-two items recommended for implementation have been successfully integrated in to the Safe Sport Program.
- ✓ The Committee and staff are currently working on the implementation of sixteen out of the remaining twenty-six items recommended for adoption by USA Swimming.
- ✓ The US Center for Safe Sport opened in March 2017. It is an independent entity serving the USOC and the NGB community and is responsible for adjudicating all allegations of sexual misconduct and providing education and

training materials for comprehensive abuse prevention in sport. Seven items (PG2, PG2B, RRR9, RRR10, RRR11, OT1, and OT2) have been identified as tasks best suited for the Center.

✓ In Sum:

- Total Items Recommended for Implementation: 52
- Items Complete: 26 (50% of total items)
- Items Currently in Progress: 16 (31%)
- Items Marked for Completion by US Center for Safe Sport: 7 (14%)
- Items for Future: 3 (6%)

This report does not describe those recommendations completed between May 2014 and November 2015. For full detail on those items, please review the 2015 Vieth Report Progress Update attachment to this report.

### Implementation: Complete November 2015 - September 2017

The Safe Sport Committee and staff have implemented the Vieth Report recommendations through a series of strategies. Our progress report is organized by strategy with the relevant Vieth recommendation accomplished through that strategy noted therein:

#### Implementation Strategy: How to Do Safe Sport

Description:	In the Fall of 2016, Safe Sport staff began work on a new educational strategy intended to provide simple, doable steps for member clubs to create a Safe Sport culture at their club. "How to Do Safe Sport" is the name of this effort and will be the basis for training modules and incentive programs in development in the 2017-2018 Safe Sport strategic plan.  "How to Do Safe Sport" breaks down three steps for engagement: "Set, Direct, Protect," encouraging coaches, parents, athletes, and other members to Set the intention to create a Safe Sport culture, Direct other club members through effective communication and consensus building, and Protect the culture created at the club through ongoing monitoring supervision.
Implementation Date	September 2017
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• MS1 - Continually reinforce the rationale behind the importance of the monitoring and supervision rules.</li> <li>• PG1 - Provide equal layers of protection for all abused children within the sport.</li> </ul>

#### Implementation Strategy: Safe Sport Club Toolkit

Description:	The Safe Sport Club Toolkit is an online repository for tools and resources clubs can use to create a Safe Sport culture. The Committee and staff frequently create new materials to add to this resource library.  In July 2017, the Safe Sport Activity Book was released. This 12 page Activity Book is designed for 6-11 year olds and includes games, puzzles, and other activities with a Safe Sport theme aimed at bringing awareness of Safe Sport to this age group and their parents.
Implementation Date	July 2017
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET2 - Develop personal safety materials for younger children – and require parents to review them with all younger athletes.</li> </ul>

#### Implementation Strategy: Survivor Resources Implementation Strategy: Survivor Resources

Description:	Safe Sport staff created the "Reporting to Safe Sport: A Resource Guide," a two page pamphlet with information for individuals who are participating in the National Board of Review process as a survivor or witness. The guide outlines the NBOR process, details what to expect, and answers the questions that come up frequently during case management. The brochure was
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	informed by the past experience of survivors and witnesses who have been through the NBOR process as well as existing research regarding the effects of participating in a hearing or other disciplinary process. It will be updated in 2017-2018 to add information relate to the Center for Safe Sport.
Implementation Date	October 2016
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• RRR8 - Develop materials that may assist an abused athlete and his or her family in cooperating with an investigator or NBOR hearing.</li> </ul>

#### Implementation Strategy: The Center for Safe Sport

Description:	From 2013-2017, USA Swimming staff and athletes participated in various capacities – working group, advisory committee, and Board of Directors – in partnership with the US Olympic Committee on efforts to plan, design and launch the US Center for Safe Sport (The Center). The Center is a first of its kind independent entity charged with the investigation and adjudication of all allegations of sexual misconduct by members in Olympic sport. The Center officially launched in March 2017 and USA Swimming gave jurisdiction to the Center in July 2017.
Implementation Date	March 2017
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• OT7 - An independent entity to oversee the investigation, adjudication and imposition of sanctions in cases of abuse.</li> </ul>

#### Implementation: In Progress

The following strategies are currently in progress by the Safe Sport Committee and staff:

#### Implementation Strategy: Subcommittee Work

Description:	In September 2017, Safe Sport Committee Chair George Geanon will name a subcommittee to review the model policies (travel, electronic communication, bullying, locker room monitoring, and photography) provided by USA Swimming for relevance and any necessary updates. Included in that group's charge will be the direction to update the model travel policies with options for "two deep leadership" on all team travel. Implementation of proposed standards is pending feedback and approval from the Safe Sport Committee.
Relevant Vieth Report Recommendation	<ul style="list-style-type: none"> <li>• MS2 - Continue to develop options for the "two deep leadership" on all team travel</li> </ul>

#### Implementation Strategy: Safe Sport Certified Club Program

Description:	The Safe Sport Program Review Task Force recommended that USA Swimming create a "Safe Sport Certified Club" program to motivate and incentivize coaches, teams, athletes and parents to embrace and participate in the Safe Sport Training and enhance the awareness of the Safe Sport Program. A subcommittee of the Safe Sport Committee has been working on the development of required criteria for clubs to achieve Safe Sport Certified status. Program launch is planned for end of year 2018 and LSC Safe Sport Chairs will be trained to assist the clubs in their respective LSC with certification.
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET1 - Require children who are athlete members 12-18 to take the Safe Sport training.</li> <li>• ET3 - Require parents to take Safe Sport training.</li> <li>• GF1 - Set a goal of a safe sport coordinator in every club – and strive to meet this in 5 years.</li> </ul>

#### Implementation Strategy: USA Swimming LEARN

Description:	<p>In 2010, USA Swimming passed the Athlete Protection Training membership requirement, mandating online abuse prevention training for all non-athlete members renewed every two years. The Safe Sport Program recognizes the need to provide more education across a broader number of topics in the future. In August 2017, USA Swimming launched USA Swimming LEARN, an online learning platform that will host courses for all USA Swimming programs, including Safe Sport. LEARN launched with three updated Safe Sport courses and Safe Sport staff are currently developing a “Safe Sport Training Library” which will be an online collection of courses on Safe Sport related topics.</p> <p>Starting with the 2017-2019 APT renewal cycle, non-athlete members will be able to choose the online courses that would best serve their needs as a coach, official, or other volunteer to complete their APT certification requirement.</p> <p>Existing courses, such as “Children with Challenges,” which includes instruction for Safe Sport best practices for children with disabilities, will be ported over to the new LEARN platform in 1Q 2017.</p>
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• SS3 - Safe Sport training for parents should include info on asking questions about pre-employment screening.</li> <li>• ET4 - Develop a version of Safe Sport education accessible to children or parents with a disability</li> <li>• ET5 - Strengthen the physical abuse section of the Safe Sport training.</li> <li>• ET6 (ET6A-ET6D) - Incorporate ACE Research into Safe Sport training.</li> <li>• ET7 - Develop training and written materials pertaining to juvenile sexual behaviors and offenses (peer to peer).</li> <li>• ET8 - Incorporate resilience research into Safe Sport training.</li> </ul>

#### Implementation Strategy: Safe Sport Internal Program Manual

Description:	<p>In 2013, Safe Sport Staff created an Internal Complaints Manual to memorialize its established case management practices. The Safe Sport Program Review Task Force recognized that this document could be expanded into a Safe Sport Program Manual where policies and practices across the Safe Sport Program could be memorialized to increase transparency and program integrity. The following Vieth Report recommendations will be incorporated in to Safe Sport staff practices and the Program Manual will be updated to reflect the same.</p>
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET3A - Make Safe Sport materials available in Spanish</li> <li>• RRR6 - Develop a pool of medical, mental health, and sex offender treatment experts that can be consulted in cases of physical abuse, psychological abuse, and juvenile sex offenses</li> </ul>

**Attachments:** 2015 Vieth Report Progress



## Vieth Report Progress Update

November 2015

### INTRODUCTION

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3. USA Swimming is a member organization and retains jurisdiction over its members. It has little jurisdiction or enforcement mechanism to implore non-members to complete membership requirements.
4. Development and implementation of the strategies, policies, procedures and programs will take a significant amount of time. USA Swimming has not made a one, two, or five year commitment to Safe Sport, but rather a long-term organizational commitment to build and nurture a culture of Safe Sport in the swimming community.

The Vieth Report outlined thirty-nine specific recommendations for action by USA Swimming. During the Task Force's initial review, additional recommendations and items categorized as "sub-recommendations" were identified adding to the recommendations. The Task Force identified a grand total of fifty-four items to be evaluated.

### IMPLEMENTATION PLAN PROGRESS

The Task Force returned a report to the Board of Directors in May 2014 with a four-phased implementation plan for the 54 Vieth Report recommendations. Of the 54 items, the Task Force recommended implementation for 52 items, agreed with the Vieth Report not to implement one item (SS4), and did not recommend implementation for one item (RRR2).

Since that time, the Safe Sport Committee and headquarters staff have been working diligently to follow the plan set forth for them. This document is a progress update on the implementation of the Vieth Report recommendations over the last eighteen months.

- ✓ Twenty-one items out of the fifty-two recommended for implementation have been successfully integrated in to the Safe Sport Program and Phase One has been completed in full.
- ✓ The Committee and staff are currently working on the implementation of sixteen out of the remaining twenty-six items recommended for adoption by USA Swimming.
- ✓ Since the Task Force's report was submitted, three items (OT1, OT6, OT7) have been identified as tasks best suited for the USOC's Center for Safe Sport when it opens (expected mid-2016).

### Implementation: Complete

The Safe Sport Committee and staff have implemented the Vieth Report recommendations through a series of strategies. Our progress report is organized by strategy with the relevant Vieth recommendation accomplished through that strategy noted therein:



### Implementation Strategy: Legislation

Description:	The USA Swimming Board of Directors submitted three legislative proposals to the 2014 House of Delegates to implement Vieth Report recommendations RRR1, RRR3, and RRR7. All three proposals passed and the 2015 Rulebook reflects the new legislation (Articles 307.1, 307.2, and 405.2.3).
Implementation Date	September 2014
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"><li>• RRR1 - Extend whistleblower protection to coaches or others who make a good faith report of physical abuse or psychological abuse/bullying.</li><li>• RRR3 - Create a rebuttal presumption clause that further protects coaches or other reports from retaliation.</li><li>• RRR7 - Disband or limit the coaches' panel to evaluating whether or not a coaches' conduct is acceptable within the sport.</li></ul>

### Implementation Strategy: SwimAssist

Description:	USA Swimming's SwimAssist program offers financial assistance to any current or former member of USA Swimming who has suffered harm perpetrated by an individual who at the time of the harm was (1) a member of USA Swimming and (2) participating in the activities of USA Swimming. SwimAssist has served five current or former members since its inception.
Implementation Date	January 2015
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"><li>• OT4 - Establish and maintain a victim's assistance fund.</li></ul>

### Implementation Strategy: SwimStaffSelect

Description:	SwimStaffSelect is a free online hiring tool for USA Swimming's member coaches and clubs developed in partnership with the Nonprofit Risk Management Center. Users can create job descriptions, applications and postings, manage submitted resumes and develop scripts for interviews and reference checks using free templates and education on responsible hiring practices.
Implementation Date	July 2015
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"><li>• SS1 - Recommend to clubs additional pre-employment screening tools of a written application, personal interview and written acknowledgement of the code of conduct pertaining to child protection.</li><li>• SS2 - Develop materials to assist clubs in the hiring process.</li></ul>

### Implementation Strategy: Task Force Work

Description:	In September 2014, then-President Stratton appointed a Task Force to create guidelines for what information should be released to whom for cases that are heard by the National Board of Review. The Task Force completed its work from October 2014 to January 2015 including a nine-month trial period for its recommended guidelines. It delivered its final report to the BOD at the September 2015 meeting. Safe Sport staff has since incorporated the guidelines for document distribution into its case management efforts.
Implementation Date	September 2015
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"><li>• OT5 (OT5A-OT5D) - Task force regarding greater access to files and NBOR decisions, as well as sharing information about banned, suspended or flagged members with other youth serving organizations.</li></ul>

### Implementation Strategy: Safe Sport Internal Program Manual

Description:	In 2013, Safe Sport Staff created an Internal Complaints Manual to memorialize its established case management practices. The Safe Sport Program Review Task Force recognized that this document could be expanded into a Safe Sport Program Manual where policies and practices across the Safe Sport Program could be memorialized to increase transparency and program integrity. The following Vieth Report recommendations have been incorporated in to Safe Sport staff practices and are now included in the expanded Program Manual.
Implementation Date	November 2015
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET9 - Constantly re-evaluate training as research expands.</li> <li>• ET9A – Monitor literature, attend national child abuse conferences and regularly have training and other aspects of the program reviewed by those well versed in the literature.</li> <li>• ET9B – Require ongoing training for the investigators, attorneys, and others within USA Swimming who respond to any aspect of child maltreatment.</li> <li>• MS3 - Develop checks and balances of quality control measure for the informal resolution process.</li> <li>• MS3A - Develop written criteria for screening a case into the informal resolution process.</li> <li>• MS3B - Randomly selected number of cases resolved through informal resolution should be reviewed by an external expert on child maltreatment.</li> <li>• RRR4 - If a report concerns recent abuse such that most witnesses are in one location, consider the possibility of the investigator traveling to the community and conducting in-person interviews.</li> <li>• RRR5 - If the crime scene is available and accessible to the investigator, have it photographed.</li> <li>• GF2 - Facilitate connections between local clubs and community child protection organizations that may assist in evaluating risks unique to a particular club.</li> <li>• GF3 - Make a concerted effort to engage survivors in every major safe sport initiative.</li> </ul>

### Implementation: In Progress

The following strategies are currently in progress by the Safe Sport Committee and staff:

### Implementation Strategy: Task Force Work

Description:	In February 2015, President Sheehan appointed a Task Force to create guidelines for evidentiary standards in National Board of Review cases. The Task Force completed its work from February to November 2015 and submitted its final report to the BOD at the November 2015 meeting. Implementation of proposed standards is pending feedback and approval from the BOD.
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• RRR10 - Establish “reliable hearsay” standards that may allow the organization to ban coaches we believe has abused a child or violated the code of conduct.</li> </ul>

### Implementation Strategy: Survivor Resources

Description:	Safe Sport staff is currently developing print and online resources for individuals who are participating in the National Board of Review process as a survivor or witness. These materials will outline the NBOR process, detail what to expect, and answer any questions that come up frequently during case management. Materials will be informed by the past experience of survivors and witnesses who have been through the NBOR process as well as existing research regarding the effects of participating in a hearing or other disciplinary process.
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• RRR8 - Develop materials that may assist an abused athlete and his or her family in cooperating with an investigator or NBOR hearing.</li> <li>• RRR9 - Research the effects of testifying before the NBOR and utilize this research in responding to cases in which a victim or family is uncooperative.</li> </ul>

### Implementation Strategy: Safe Sport Certified Club Program

Description:	The Safe Sport Program Review Task Force recommended that USA Swimming create a “Safe Sport Certified Club” program to motivate and incentivize coaches, teams, athletes and parents to embrace and participate in the Safe Sport Training and enhance the awareness of the Safe Sport Program. A subcommittee of the Safe Sport Committee has been working on the development of required criteria for clubs to achieve Safe Sport Certified status for the last twelve months. Program launch is planned for August 2016 and LSC Safe Sport Chairs will be trained to assist the clubs in their respective LSC with certification.
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET1 - Require children who are athlete members 12-18 to take the Safe Sport training.</li> <li>• ET3 - Require parents to take Safe Sport training.</li> <li>• GF1 - Set a goal of a safe sport coordinator in every club – and strive to meet this in 5 years.</li> </ul>

### Implementation Strategy: Safe Sport Training Library

Description:	In 2010, USA Swimming passed the Athlete Protection Training membership requirement, mandating online abuse prevention training for all non-athlete members renewed every two years. The Safe Sport Program recognizes the need to provide more education across a broader number of topics in the future. Staff is currently in development of a “Safe Sport Training Library” which will be an online collection of courses on Safe Sport related topics (eg. bullying, travel, electronic communication). Starting with the 2017-2019 APT renewal cycle, non-athlete members will be able to choose the online courses that would best serve their needs as a coach, official, or other volunteer to complete their APT certification requirement. Program launch is planned for August 2017.
Relevant Vieth Report Recommendations	<ul style="list-style-type: none"> <li>• ET2 - Develop personal safety materials for younger children – and require parents to review them with all younger athletes.</li> <li>• ET5 - Strengthen the physical abuse section of the Safe Sport training.</li> <li>• ET6 (ET6A-ET6D) - Incorporate ACE Research into Safe Sport training.</li> <li>• ET7 - Develop training and written materials pertaining to juvenile sexual behaviors and offenses (peer to peer).</li> <li>• ET8 - Incorporate resilience research into Safe Sport training.</li> <li>• MS1 - Continually reinforce the rationale behind the importance of the monitoring and supervision rules.</li> </ul>

**Attachments:** 2015-2016 Safe Sport Program Goals  
 Vieth Report Executive Summary  
 Safe Sport Program Review Task Force Report



# 2015-2016 Safe Sport Program Goals

USA Swimming Safe Sport enters its sixth year in 2015-2016. Since our inception in 2010, we have operated from the foundation that effective Safe Sport programming must be leadership driven and locally rooted. Through our first five years, much of the effort has been centralized to support the development of a program at the national level that could be successfully replicated and broadly distributed and the personnel infrastructure by which to do that.

2015 marks an exciting shift in our focus from program development to local level engagement. It is our belief that the best child protection efforts happen every day, at the club level, and are embedded in the culture of those clubs. USA Swimming strives to increase the number of clubs who organically engage in Safe Sport efforts through education and awareness raising.

## Where We Are Going

Our 2015-2016 Safe Sport efforts will be wholly focused on the goal to **INCREASE LOCAL LEVEL ENGAGEMENT**.

We believe we can raise awareness for Safe Sport and increase local level engagement through three strategies:

1. **To increase in number and empower the existing Safe Sport Champions:** Empower our volunteer leadership – Safe Sport’s Champions - at all levels of the organization. Forthcoming initiatives include:
  - a. Solidify the volunteer leadership infrastructure of Safe Sport. Activate committee to provide leadership and support to Zone and LSC Chairs. Identify, plan, and execute regular communication points during the year with volunteer community.
  - b. Create an LSC Chairs Support Subcommittee to identify, plan, and execute regular training opportunities and communication points with volunteer community.
  - c. Name and activate Safe Sport Zone Chairs.
  - d. Develop onboarding process for new LSC Safe Sport Chairs.
  - e. Publish job description for Club Safe Sport Coordinator.
  - f. Launch Safe Sport Athlete Fellowship Program to identify, engage, and train athlete leaders.
  
2. **To encourage and support club leadership:** Create and promote tools for clubs to create a positive sport culture and support their implementation and continued use. Forthcoming initiatives include:
  - a. Encourage, support, and promote LSC Safe Sport Chair initiatives to encourage engagement with Safe Sport at the club level. Examples of LSC initiatives available at [www.usaswimming.org/protect](http://www.usaswimming.org/protect).
  - b. Launch Safe Sport Self-Assessment for a club to gauge its existing efforts with Safe Sport and provide support and guidance to increase engagement.
  - c. Incentivize clubs to engage with Safe Sport through Safe Sport Certified Club Program.
  - d. Use 2016 LSC Chairs Workshop to train LSC Chairs to help clubs to achieve Safe Sport Certified Club status.
  - e. Rewrite existing Safe Sport Handbook as a guide to help clubs to achieve Safe Sport Certified Club status.
  - f. Design new Safe Sport Continuing Education Library to replace the current Athlete Protection Training requirement during 2015-2016 for launch in the summer of 2017.
  
3. **To activate swim meets as parent engagement opportunities:** Capitalize on swim meets that bring together all swimming community constituents and spread the word of Safe Sport. Forthcoming initiatives include:
  - a. Activate a Safe Sport booth at the US Olympic Trials Aquazone with the goal of raising awareness for Safe Sport through brand recognition.
  - b. Develop and distribute promotional materials for use at swim meets: (1) meet announcer scripts; (2) branded posters; (3) heat sheet ads; (4) parent tip cards.
  - c. Develop Swim Meet Tabling Kit for duplication or purchase by LSCs or clubs.

All resources described above and additional Safe Sport resources are/will be available at  
[www.usaswimming.org/toolkit](http://www.usaswimming.org/toolkit).

Message

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**From:** Alicia McConnell [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ABFB63A16AD4EE9B5F6E4EF64E583E3-ALICIA MCCO]  
**Sent:** 1/6/2017 6:06:29 PM  
**To:** Rick Adams [Rick.Adams@usoc.org]  
**Subject:** 2 questions

First of all Happy New Year!

1-Chula Vista event Feb 25<sup>th</sup>. Will you be attending as well as others from the USOC? Did you want us to have a representative from my Dept.?

2-Karolyi Ranch renewal-their renewal is up in April and is a partnership with USA Gymnastics. With the abuse scandal, are we considering renewing or not? Of course it is a critical facility, but wanted to get your feedback before we start having conversations with Steve and his staff.

Thanks, Alicia