



July 26, 2018

The Honorable Gregg Harper, Chairman
Subcommittee on Oversight and Investigations

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

Attn: Ali Fulling, Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515
Ali.Fulling@mail.house.gov

RE: Supplemental Questions of Committee on Energy and Commerce dated July 13, 2018

Dear Chairman Harper and Ranking Member DeGette:

Please allow this correspondence to serve as USA Volleyball's response to the House of Representatives Committee on Energy and Commerce's communication dated July 13, 2018. USA Volleyball respectfully reserves the right to amend its responses should further information be discovered at a later date.

The Honorable Gregg Harper

1. According to various reports, some NGB members that have been accused of sexual abuse have been allowed to continue coaching or competing, and having contact with minor athletes, even while they are under investigation. The purpose of interim measures is to prevent an alleged abuser from continuing the pattern of abuse during the period of time in which that individual is under investigation. Is it your practice to take an interim measure, such as suspending the member, while that individual is under investigation?

USA Volleyball employs an interim measure suspension as a protective measure for all involved.

a. If so, what are the types of interim measures that might be used and what determines which type of interim measure is used?

Proud Member



USA Volleyball is committed to ensuring the safety of all its participants. Therefore, the interim measure of suspension is used for all individuals under investigation.

- b. If an allegation is turned over to the U.S. Center for SafeSport, what authority does USA Volleyball have to implement interim measures while the Center investigates?**

USA Volleyball has been instructed by the U.S. Center for SafeSport that once the U.S. Center for SafeSport assumes jurisdiction of a matter, USA Volleyball may implement interim measures short of suspension of participation, as such interim measure is reserved exclusively for the U.S. Center for SafeSport at that point. Any interim measures placed by USA Volleyball after the U.S. Center for SafeSport assumes jurisdiction are to be coordinated through and approved by the U.S. Center for SafeSport.

- i. Does the nature of the interim measure adopted differ based on whether the NGB or the Center is conducting the investigation?**

As discussed above, USA Volleyball always places the individual on an interim suspension, which occurs prior to the U.S. Center for SafeSport assuming jurisdiction. The U.S. Center for SafeSport may accept jurisdiction in a matter of a day, or it may take several weeks to make a jurisdiction determination.

Once the U.S. Center for SafeSport has assumed jurisdiction, it may enforce the interim measure suspension placed by USA Volleyball, or it may assume or enforce a different interim measure(s). Should the U.S. Center for SafeSport assume a different interim measure, it falls to the responsibility of USA Volleyball to enforce.

USA Volleyball reports all matters involving sexual misconduct to the U.S. Center for SafeSport since it has exclusive jurisdiction over such matters. USA Volleyball only investigates those matters not involving sexual misconduct.

- c. Is some measure taken in every case, or is this determined on a case by case basis? If a measure is not taken in some case, why not?**

USA Volleyball almost always takes an interim measure suspension. In those rare instances when USA Volleyball does not take an interim measure, one of two things occurred: (1) the U.S. Center for SafeSport was notified of the matter first and is preparing its own interim measure, or (2) the nature of the circumstances did not present a danger to our participants (for example, the nature of the complaint is against a foreign participant who has returned to his/her home country with no possibility of return).

- d. **If an interim measure is imposed, how quickly are such interim measures implemented?**

When USA Volleyball imposes an interim measure, the interim measure goes into effect immediately and the individual is sent a notification by electronic communication.

As discussed above, the U.S. Center for SafeSport may impose a sanction in one day or several weeks. Once imposed, notification is sent to the individual with a copy to USA Volleyball.

- e. **Whose responsibility is it to enforce the interim measures? What are the potential consequences if an interim measure is not adequately enforced?**

The responsibility to enforce any interim measure falls upon USA Volleyball. USA Volleyball has been diligent in enforcing interim measures and is, therefore, unaware of the consequences of not adequately enforcing an interim measure since this situation has not occurred.

The Honorable Chris Collins

1. **Non-disclosure agreements are widely used in business resolutions, and serve as useful tools in not only creating confidential relationships between parties, but also protecting certain confidential and proprietary information. Whether it be unilateral or multilateral, they vary in nature - protecting trade secrets and intellectual property, formalizing a relationship between collaborating organizations, or serving as an added layer when resolving disputes between individuals and entities. Within the Olympic community, various news sources revealed some sexual assault victims are bound by NDAs as part of their settlement agreement. One of the most widely publicized instance is the case of Olympic gold medalist, McKayla Maroney, who signed an NDA with USA Gymnastics in late 2016. However, USA Gymnastics chose not to seek action against Maroney when she breached her NDA earlier this year by speaking at the sentencing hearing of serial child molester, Larry Nassar. I would like to better understand the driving factors in NDA utilization within the Olympic community, as it may be indicative of protecting the brand and management more so than treating the problem at its source - stopping sexual abuse.**

- a. **How many NDAs has your organization entered into since 2005 and when was the most recent NDA or settlement entered into? Of those NDAs, how many were minors at the time of the dispute?**

USA Volleyball does not currently utilize NDAs, and to the best of our knowledge, has never utilized NDAs for purposes of settlement agreements. To that end, no minor has ever executed an NDA with USA Volleyball.

Within the past few years, members of the USA Volleyball Board of Directors have executed NDAs for purposes of reviewing financial records and other tax documents. None of the NDAs executed in those instances related to settlement agreements.

- b. **As to the nature of these NDAs or settlements, do the agreements prohibit the victim from speaking about the details of the settlement - such as the amount of any financial award - or do they prohibit the victim from speaking about the details of the case - such as the fact that they were abused, where and when the abuse occurred, who their abuser was, etc.? Are any of these NDAs entered into in lieu of the responding party being given appropriate sanctions, such as being suspended or banned from the NGB?**

As discussed above, USA Volleyball does not utilize NDAs for purposes of settlement agreements.

The Honorable Frank Pallone, Jr.

1. **In USA Volleyball 's March 20th letter to the Committee, USA Volleyball reported receiving 14 complaints in 2017, and 30 in 2018. There are also allegations that your organization banned a coach in 1995 after receiving reports that he abused athletes. USA Volleyball then reportedly reinstated him in 2000, after which he had contact with nearly 20,000 athletes before USA Volleyball banned him again earlier this year. Has USA Volleyball conducted a thorough examination of the reports of abuse made to your organization? If not, why not? If so, have you learned anything that has changed the way USA Volleyball will handle similar cases in the future?**

USA Volleyball has long championed a culture of protection for all its participants. We were one of the first NGB's to implement a robust background screening policy. Beginning in the 2004/2005 volleyball season, USA Volleyball started working with the nationally respected background screening company SSCI and implemented a policy requiring individuals who participate with junior volleyball clubs to submit to a background screen.

Recognizing a need to do more to protect athletes of all ages, USA Volleyball formed a commission in 2010 to address participant safety, named the Special Commission on Athlete Safeguards. This commission set out to review the current trends and best practices in athlete safety and produced recommendations for USA Volleyball to implement.

The recommendations of the commission were extensive, but included:

- 1) developing a procedure for reporting sexual harassment or abuse allegations,
- 2) formulating written policies that define inappropriate behavior, and
- 3) providing continual education on these kinds of topics to USA Volleyball participants and parents.

This commission's work paved the way for USA Volleyball to establish early SafeSport policies and procedures before it was ever called "SafeSport." We are proud to have been a very early endorser of a SafeSport program and the U.S. Center for SafeSport and we take seriously examining all reports of alleged abuse made to our organization.

In addition, USA Volleyball continues to look for ways to further protect our members. Starting in 2014, USA Volleyball added the position of SafeSport Coordinator. The primary job duties of that position include, but are not limited to: relaying reports of abuse made to USA Volleyball to the U.S. Center for SafeSport, acting as a liaison of information between USA Volleyball and the U.S. Center for SafeSport, tracking matters and following-up with the U.S. Center for SafeSport on the status of those matters, communicating with victims about their rights and our reporting obligations, reporting alleged misconduct to law enforcement, and tracking data on the matters that are filed with the U.S. Center for SafeSport.

Additionally, USA Volleyball has simplified its reporting system, and made it easier for victims to report allegations to the U.S. Center for SafeSport. On USA Volleyball's website, we have included an easily identifiable graphic regarding SafeSport and reporting. Also, we began using a centralized reporting form that links to the U.S. Center for SafeSport and includes all necessary, pertinent information.

In regard to your question concerning the coach banned in 1995, Mr. Rick Butler is a well-known private volleyball club owner and coach in the Chicagoland suburb of Aurora, IL. His club, Sports Performance Volleyball, is not owned or operated by USA Volleyball however it's athletes and coaches are required to be members of USA Volleyball if they wish to participate in USA Volleyball sanctioned events. In 1995, allegations of sexual misconduct were brought forth by three women that took place while they were members and players at his privately-owned club. The women claimed that Mr. Butler had a sexual relationship with them in the 1980's while he was their coach and while they were under the age of 18. As a result of those allegations, USA Volleyball found that Mr. Butler had violated our rules and voted to ban him for life.

After five years passed, and upon Mr. Butler's request for reinstatement, USA Volleyball voted to conditionally reinstate Mr. Butler's membership in the year 2000 under the limitation of Mr. Butler's inability to ever coach junior girls in USA Volleyball sanctioned events. To be clear, regardless of all the headlines surrounding this matter, since the year 1995, Mr. Butler has been banned from coaching junior girls under USA Volleyball, a condition of his lifetime ban that has

never changed. Furthermore, these allegations are a result of Mr. Butler's activities as a club director and coach for his privately-owned club and not a part of the USA Volleyball national team programs.

In late 2016, several brave women came forward to USA Volleyball to provide new allegations against Mr. Butler for sexual misconduct dating back to the 1980's. Based on these women's claims, USA Volleyball filed new charges against Mr. Butler and in January 2018, USA Volleyball's Ethics and Eligibility Committee held a hearing regarding these allegations and Mr. Butler was once again found to have violated our rules and as a result, Mr. Butler was banned from total participation in USA Volleyball for life without the possibility of reinstatement. The current ban against Mr. Butler prohibits him from ever being reinstated as member of USA Volleyball, insuring the protection of our members in perpetuity.

2. The U.S. Olympic Committee's current NGB Athlete Safety Policy requires sports governing bodies to conduct criminal background checks at least once every two years on anyone who is in a position of authority over an athlete or who has frequent contact with an athlete. However, the policy does not provide specific direction on how to design background check programs. For example, it does not specify whether all sports governing bodies should use a common background check provider. It similarly does not specify whether governing bodies should require background or reference checks of all staff and volunteers. What does USA Volleyball do beyond the minimum requirements of the Athlete Safety Policy when conducting criminal background checks and reference checks?

In the 2004/2005 volleyball season, USA Volleyball started working with the nationally respected background screening company Southeastern Security Consultants, Inc. or SSCI to conduct background screens. We have maintained that relationship to this day.

While there are no specified standards for what information should be reviewed, USA Volleyball has worked with SSCI to determine parameters set by state and federal laws (for example, the Fair Credit Reporting Act) as to how far back we, as a vendor, may review information in an individual's background screen.

In accordance with the Athlete Safety Policy, USA Volleyball's background screens are extended to anyone having frequent contact or authority over athletes. For USA Volleyball, this includes, but is not limited to: coaches, officials, chaperones, applicable volunteers, medical professionals, independent contractors, all USA Volleyball Board of Directors, and all USA Volleyball staff.

Up through this last season, USA Volleyball employed automatic disqualifiers to prohibit membership to an individual whose background screen revealed such a disqualifier. Per USA Volleyball's background screen policy, those disqualifiers are:

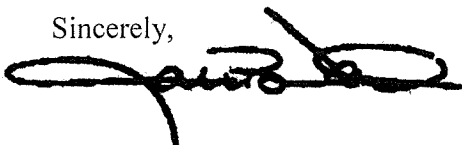
Anyone found guilty, entering a plea of guilty, or a plea of nolo contendere (no contest) regardless of adjudication or received court directed programs and/or other sentencing directives in lieu of a finding of guilt, for the following criminal offenses; All Sex offenses, Murder, and Homicide regardless 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.

For the start of the 2018/2019 season, USA Volleyball has been directed by the United States Olympic Committee that we can no longer utilize a system of “automatic” disqualifiers, but instead, must offer a hearing to individuals found to have met one of the disqualifiers above. To be clear, these hearings are to be extended to individuals that would have otherwise been disqualified from membership with USA Volleyball.

While USA Volleyball’s background screening is robust, and has been for some time, we view the background screen as an initial filtering process for USA Volleyball membership eligibility. After the background screen, USA Volleyball maintains additional safety measures.

We believe this communication has effectively and transparently responded to the supplemental questions. 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