

February 14, 2018

Senator Moran
Senator Blumenthal
Senate Commerce Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security

Dear Senators Moran and Blumenthal,
Please find responses to the questions posed in your letter dated 2/2/2018. If you have any follow-up questions, please feel free to contact me.

1. What reporting protocols for child and sexual abuse allegations are currently in place to ensure that all reports receive fair, timely, and thorough review by all appropriate parties, including law enforcement?

USABS Staff members, volunteers, athletes in the USADA required testing pool and Individuals USABS formally authorizes, approved or appoints to: (a) position of authority over, or (b) have frequent contact with athletes are required to report suspicions or allegations of (1) violations of the USABS SafeSport Policy and (2) child physical or sexual abuse to either the Center or USABS as set forth in How to Report, as detailed in the USABS SafeSport Policy.

USABS has a SafeSport Policy posted on its website. This Policy details USABS' commitment to eliminating SafeSport issues. This Policy includes, among other things:

- a. **Definitions of Covered Individuals (those subject to the Policy);**
 - b. **Definitions of misconduct;**
 - c. **Requirements for background screening and training for certain individuals;**
 - d. **Mandatory reporting requirements;**
 - e. **Disciplinary Rules; and**
 - f. **Hearing procedures and appeal process.**
2. Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like the case of Dr. Nassar who was employed by MSU, in these reporting practices?

The vast majority of our volunteers are employed separately by non-NGB institutions. In the event that we receive allegations about a volunteer, we would consult with SafeSport on appropriate accommodations specific to the individual.

USABS' SafeSport Policy requires that all Covered individuals (e.g., those individuals who (1) have routine contact with or supervision over athletes and participants, (2) are responsible for enforcing child abuse and misconduct policies, (3) are in managerial or supervisory roles, and (4) are new and current staff members, coaches and/or volunteers, will complete appropriate training about child physical/sexual abuse and other types of misconduct before having contact with athletes, and will also be background checked. USABS does not have any agreements or other arrangements with its volunteers that modify in any way a volunteer's duty and obligation to report to USABS, or its representative, the U.S. Center for SafeSport, or law enforcement officials if a volunteer becomes aware of any wrongdoing, bad act, or omission, or



any violation of USABS rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual.

3. Has your organization ever utilized an NDA to enforce confidentiality against any athlete, volunteer, or employee in the past? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual NDA used by your organization.

USABS frequently uses NDAs to enforce confidentiality with athletes, employees and volunteers to protect intellectual property and trade secrets related to our various technology programs. We have also used NDAs to protect the terms of select marketing agreements with sponsors on a case by case basis.

In the 10 years I have been CEO, we have not utilized NDAs for sanctions related to athlete violations of the Code of Conduct or settlements of lawsuits or arbitrations. I am unaware of any such NDAs prior to my time in position. USABS has not utilized a non-disclosure agreement to enforce confidentiality against an athlete, volunteer, or employee with regard to keeping confidential and/or not disclosing information about any wrongdoing, bad act, or omission, or any violation of USABS rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual.

4. Has your organization ever utilized additional binding agreements other than NDAs with athletes under your purview? To the extent possible, please provide all details regarding the justification and circumstances surrounding every individual agreement used by your organization.

USABS does have certain agreements with athletes such as: requiring an athlete to abide by the USABS Code of Conduct, facility use, ambassador appearances and certain athletes sign agreements provided by the USOC for direct athlete support (stipends) and elite athlete health insurance. Under the Ted Stevens Olympic and Amateur Sports Act (Sports Act), NGBs are required to participate in binding arbitration where an athlete alleges that the NGB has denied him or her an opportunity to participate in certain competitions, and where a member alleges that the NGB has violated certain provisions of the Sports Act or USOC Bylaws. In these cases, it is the athlete who chooses whether or not to require an NGB to participate in binding arbitration, and the athlete is in no way obligated to participate. Other than as set forth above, USABS has not utilized or required binding agreements, or participation in forced binding arbitration with athletes for any reason.

5. Since the recent lawsuits filed against USOC, USAG, and MSU for organizational failures to investigate, discipline, or remove Dr. Nassar after complaints of sexual abuse, has your organization taken any additional steps to improve the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms?

USABS continues to improve its policies and procedures to keep pace with USOC and the U.S. Center for Safe Sport requirements. As more fully discussed in question 7 below, USABS has recently updated its procedures to ensure it addressed an October, 2017 Baker Tilly Virchow Krause (Baker Tilly) SafeSport Audit (Audit) report (Report).



6. Please identify any circumstance in which USOC did not take any action following a report of criminal behavior from your organization. To the extent possible, please provide all details regarding the justification and circumstances involved in USOC's decision to not act.

In the past 10 years, USABS has not reported any criminal behavior to the USOC, so we have no examples of their failure to take action.

7. In 2017, USOC engaged with a third-party consultant to assess compliance with SafeSport policies and procedures within USOC and all of its NGBs and High-Performance Management Organizations (HPMO)s. Please describe the report issued for your organization, including any recommendations necessary for full compliance. If additional recommendations were issued, what actions were taken by your organization? Are there any remaining recommendations that your organization has yet to fully implement?

On or about September 27, 2017, Baker Tilly reported the findings of an Audit of USABS with regard to its compliance with USOC issued Athlete Safety Standards. Baker Tilly's Report noted opportunities for USABS to enhance compliance with certain elements of the USOC Athlete Safety Standards. The Report indicated that requiring criminal background checks and education and training was not consistently enforced by USABS; however, USABS provided evidence that the education and training requirements were completed prior to Baker Tilly issuing the Report. The Report also indicated that USABS should expand its policy for criminal background checks and should ensure that issue of SafeSport be expanded to all athletes, not just minors

Throughout 2017, USABS revised its policies and procedures to address the issues noted in the Report. On February 15, 2018, USOC Audit confirmed that USABS implemented the necessary changes in order to fulfill the Report recommendations.

Sincerely,



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cc: Tom Bush
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