



**Pat Kelleher**  
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February 16, 2018

Honorable Jerry Moran  
Chairman  
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security  
United States Senate  
Washington, DC 20510

Honorable Richard Blumenthal  
Ranking Member  
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security  
United States Senate  
Washington, DC 20510

*Re: USA Hockey Information Regarding Your Letter of February 2, 2018*

Dear Senator Moran and Senator Blumenthal,

Thank you for your letter of February 2, 2018. We appreciate your responsibility for oversight of the United States Olympic Committee and National Governing Bodies for Olympic sports. The safety of USA Hockey's participants is a critical priority to USA Hockey. USA Hockey established its SafeSport Program in 2012 in order to improve on our already existing policies that prohibited sexual and physical abuse, required background checks of all coaches and officials in our programs, and required mandatory locker room monitoring for our youth programs. USA Hockey created a comprehensive program including policies prohibiting misconduct and abuse, training and background check programs, and a reporting policy that requires reporting of any allegations of abuse. Significantly, USA Hockey's mandatory reporting policy applies to all members of USA Hockey, as well as all employees and volunteers of USA Hockey and its member programs.

Your letter requested that USA Hockey respond to seven questions. USA Hockey's responses to those questions are set forth below and in enclosures that provide further detail on USA Hockey's SafeSport Program. As part of our response to your questions, we also wanted to provide you additional background information on USA Hockey and its programs.

USA Hockey has approximately 375,000 youth hockey players and 180,000 adult hockey players, nearly 58,000 coaches and nearly 25,000 referees (approximately 9,500 of whom are



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under 18), totaling over 600,000 individual participant members (some individuals are registered in multiple categories, e.g., player and coach, player and referee, or all three categories).

USA Hockey's governance structure begins with USA Hockey as the USOC-recognized NGB for the sport of ice hockey in the United States, which among other functions, provides national organization, coordination and policymaking for the sport. USA Hockey's national organization is overseen and operated by its Board of Directors, Executive Committee and national office staff. USA Hockey has 34 regional affiliate organizations ("Affiliates") that govern and provide direct oversight over USA Hockey member programs (e.g., leagues and teams in which USA Hockey members play) in their geographic area (e.g., New York State Amateur Hockey Association provides local governance for the sport for the State of New York and Potomac Valley Amateur Hockey Association governs the District of Columbia, Maryland and Virginia). While USA Hockey and each Affiliate are separate entities, each Affiliate is obligated, as part of the grant of local authority by USA Hockey to the Affiliate, to govern its programs in compliance with USA Hockey Bylaws, Rules and Regulations and Policies, including USA Hockey's SafeSport Program. A copy of USA Hockey's SafeSport Program Handbook (as updated 6/2/17) is attached as [Exhibit A](#), and you may also find extensive information on the program at [www.usahockey.com/safesportprogram](http://www.usahockey.com/safesportprogram).

USA Hockey has oversight of its programs through our national office staff and hundreds of national volunteers, Affiliates that govern USA Hockey programs in their geographic area (each with their own volunteer networks), and approximately 3,000 local hockey programs that are within and governed by USA Hockey and their respective Affiliates. Through this oversight, USA Hockey is able to require that all programs in the United States comply with our national SafeSport Policies whether in a game, practice, tournament, travel or any team event. For example, through USA Hockey's database and its use throughout member programs, a coach will be automatically removed from a roster unless he has completed a background check and SafeSport Training, and a referee will not be permitted to become fully registered to officiate without having completed both requirements.

USA Hockey's SafeSport Program has detailed policies prohibiting all types of abuse, including sexual, physical and emotional abuse, bullying, threats, harassment and hazing, as well as policies designed to provide a safe environment in locker rooms, while travelling, and through electronic communications or social media. The SafeSport Program requires that all coaches, officials over 18, and all adults that have regular, routine or frequent access to or supervision over minor athletes must complete a background check prior to participation, and must also





complete SafeSport Training every two years. To date, nearly 200,000 coaches, officials and other USA Hockey members have completed SafeSport Training.

As discussed in further detail below, with respect to reporting, USA Hockey requires that all employees, volunteers and persons in a position of authority in USA Hockey programs must report violations of our SafeSport Program policies, and must promptly report any suspected sexual abuse or misconduct to the U.S. Center for SafeSport (“USCSS” or the “Center”) and any physical or sexual abuse to the proper law enforcement authorities. USA Hockey’s policies also specifically prohibit any evaluation of the credibility of or investigation into an allegation, and instead the allegations are required to be reported for the proper authorities to evaluate and investigate.

As also noted in our answers below, following a report, or any time USA Hockey becomes aware of a violation of the SafeSport Policies, USA Hockey has disciplinary procedures in place to address the conduct, including immediate suspension of any person alleged to have committed child sexual or physical abuse.

Since establishing its SafeSport Program, USA Hockey has been a leader among NGBs in the establishment of a comprehensive safety program, the communication of that program and its requirements to its membership, the national implementation of the SafeSport Program throughout USA Hockey’s member programs, and the enforcement of the SafeSport Program’s policies. USA Hockey has been a strong advocate for the creation of the USCSS and has been an instrumental contributor in helping to create and design the Center’s structure and the policies and procedures that apply to processing reports, investigations, and hearing and resolution procedures. At the same time, from a practical and societal standpoint, we also understand that abuse can happen anywhere in any group and in any sport. Accordingly, USA Hockey has made a commitment to continue to improve and evolve our SafeSport Program to help provide the safest environment possible for all USA Hockey participants. As we hope you will see from the detailed responses below, we take this very seriously, and we appreciate that you also recognize a duty to oversee the programs of the USOC and NGBs in providing safe programs for amateur athletes.

In answering your questions, we are aware that Max Cobb, Chair of the National Governing Bodies Council, sent a letter requesting clarification of certain questions in a letter dated February 6, 2018, and Conor McGrath from Senator Moran’s office responded on February 7, 2018 confirming that the interpretations suggested in Mr. Cobb’s letter were correct. Our responses below are based on those clarifications, as well as the additional information sought in an email from Anna Yu of Senator Blumenthal’s office on February 7, 2018.



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**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?**

USA Hockey's reporting protocols are set forth in the USA Hockey SafeSport Program Handbook (See [Exhibit A](#), Section I, pgs. 7-9 and Section IV, pgs. 29-33). The reporting protocols are also on USA Hockey's SafeSport Program website at [www.usahockey.com/makingareport](http://www.usahockey.com/makingareport). The protocols require that:

- Any employee or volunteer of USA Hockey or any of its member programs must report to the appropriate USA Hockey representatives (1) actual or perceived violations of the USA Hockey SafeSport Program Handbook, (2) actual or perceived violations of the Sexual Abuse, Physical Abuse, Emotional Abuse, Bullying, Threats or Harassment, or Hazing Policies, and (3) all suspicions or allegations of child physical or sexual abuse.
- In all cases involving suspicions or allegations of child physical or sexual abuse, every employee or volunteer of a USA Hockey member program must also report to the appropriate law enforcement authorities. Thus, USA Hockey requires reporting to law enforcement regardless of whether the person is considered a mandatory reporter under applicable state law.
- If USA Hockey receives a report of physical or sexual misconduct involving a minor, USA Hockey will make a report to the proper authorities.
- In addition to any legal obligation to report sexual abuse or misconduct to law enforcement authorities, all Covered Individuals (as defined by the USCSS and on pg. 8 of the USA Hockey SafeSport Handbook under Sexual Abuse and Misconduct Policy) are required to promptly report any alleged violations of the Sexual Abuse and Misconduct Policy to either the USCSS or to USA Hockey. If reported to USA Hockey, USA Hockey will report the matter to the USCSS. A Covered Individual's failure to report to the USCSS may subject such person to disciplinary action by the USCSS.

USA Hockey's Policy further emphasizes:

**In some cases an employee or volunteer may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based, or are concerned about the potential consequences of a false report. It is critical that employees and/or volunteers**



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**should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.**

Moreover, other than the recent additional requirement of reporting to the USCSS, the reporting requirements are not new. USA Hockey first published its SafeSport Program Handbook in September 2012 (a copy of USA Hockey's initial SafeSport Program Handbook is attached as Exhibit B), and the reporting requirements have always required that every employee or volunteer of USA Hockey or any of its member programs must report suspicions or allegations of child physical or sexual abuse to the appropriate law enforcement authorities.

As for how to report, USA Hockey provides and publishes multiple means of reporting.

- For reports to USCSS, USA Hockey's website and SafeSport Handbook provides the USCSS reporting link as well as the USCSS's reporting hotline number.
- For reporting to USA Hockey directly, a person can report through an online reporting system, by emailing USA Hockey's dedicated SafeSport email address, or by calling USA Hockey's SafeSport hotline. Reports to USA Hockey are handled either by a dedicated SafeSport Administrator or the General Counsel.
- USA Hockey also recognizes that some people might be more comfortable reporting to someone locally, so each USA Hockey Affiliate has an Affiliate SafeSport Coordinator that can take reports. The list of the coordinators is located on USA Hockey's website at <http://www.usahockey.com/safesportcoordinators>. Reports made to a local administrator or Affiliate SafeSport Coordinator are required to be submitted to USA Hockey, and USA Hockey in turn submits reports of any sexual or physical misconduct to the proper authorities.

USA Hockey's protocols for reports allow persons to submit reports anonymously. While an anonymous report can make a case more difficult to investigate, USA Hockey recognizes that some persons may be afraid of reporting or of making a report about a coach, teammate or other person involved in the program where they play hockey. Accordingly, USA Hockey accepts anonymous reports and investigates them to the extent reasonably possible, and any anonymous report of sexual or physical abuse is immediately reported to the USCSS and law enforcement.

USA Hockey's reporting protocols also include "whistleblower" protection that prohibits any individual, group or organization from retaliating, punishing or in any way harming an individual that who reports a concern in good faith or who otherwise participates in an





investigation. USA Hockey has in the past taken action against parties that sought to interfere with reporting.

In order to make the reporting protocols effective, it is important that that they be publicized so that people know how to report and deterrents to reporting are minimized or removed, and so that potential abusers avoid involvement in the program because they fear that suspected abuse will be reported. USA Hockey publicizes its reporting protocols in several ways, including at numerous locations on USA Hockey's website (<http://www.usahockey.com/makingareport>); in USA Hockey's SafeSport Program Handbook; on SafeSport and Anti-Bullying posters sent to rinks and hockey programs throughout the country (and which are available on USA Hockey's website); in a SafeSport brochure distributed to programs (and which is available on USA Hockey's website); in a SafeSport "Quick Reference" guide for coaches; on webpages specifically providing information about how to make reports to the USCSS (<http://www.usahockey.com/reportingtouscenterforsafesport>); through a link on USA Hockey's website to a state by state guide on mandatory reporters provided by childwelfare.gov (<https://www.childwelfare.gov/pubPDFs/manda.pdf>); and in emails sent by USA Hockey to coaches, officials, volunteers, members and parents in USA Hockey programs. Samples of these materials are attached as Exhibit C. Further, all coaches, all officials over 18, and all adults with regular, routine or frequent access to or supervision over minor participants are educated about reporting during their required SafeSport Training.

Upon USA Hockey's receipt of a report, any report that contains allegations or suspicions of sexual abuse is reported to the USCSS, and any allegations of sexual or physical abuse of a child are reported to law enforcement. In those cases, USA Hockey directs its Affiliates to promptly issue a "summary suspension" prohibiting that person from participating in any USA Hockey programs until the allegation has been investigated by the appropriate agency. Summary suspensions are issued so that USA Hockey and its Affiliates can take swift action in the event that the USCSS is delayed in issuing its own interim suspension. A person receiving a summary suspension may request a hearing to contest the suspension.

For reports that do not involve sexual or physical abuse or threat of physical abuse, and thus where a summary suspension is not issued (e.g., a bullying or harassment complaint, or a violation of locker room or electronic media policies), the report is referred to the Affiliate SafeSport Coordinator for the region where the program operates. The Affiliate SafeSport Coordinator conducts or supervises the investigation of the allegation and makes a report to the Affiliate for that region, which would then make a determination and hold a hearing to determine whether any persons should be suspended or otherwise disciplined as a result of the findings. Disciplinary proceedings in USA Hockey or its member programs are required to





follow USA Hockey Bylaw 10 (a copy of USA Hockey's Bylaws may be found in the USA Hockey Annual Guide at [www.usahockey.com/annualguide](http://www.usahockey.com/annualguide), and an excerpt of Bylaw 10 is attached as Exhibit D).

**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?**

USA Hockey has no separate practices that apply to or accommodations for persons that might be separately employed by a third party. Irrespective of who employs or is responsible for a person that might have access to USA Hockey participants, any person that has "regular, routine or frequent access to or supervision over minor participants" must complete a background check every two years, and must also complete SafeSport Training every two years. This policy applies whether the person is employed by, or an independent contractor or volunteer for, a USA Hockey member organization. A program is prohibited from allowing a person to have regular, routine or frequent access to or supervision over minor participants unless they have a valid background check and SafeSport Training.

Further, the USA Hockey reporting policy also makes no exceptions by broadly classifying the "Covered Individuals" that are required to report allegations of sexual abuse to include:

- (i) Those persons registered with USA Hockey as Registered Participant Members (players and coaches), referees, and in the "Ice Manager/Volunteer" category.
- (ii) 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.
- (iii) All coaches, officials or staff (e.g., trainers, physicians, equipment managers) for any USA Hockey team, camp or national level program.
- (iv) All USA Hockey national staff.
- (v) 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 (even if not registered with USA Hockey).

These broad categories encompass every person that USA Hockey could assert jurisdiction over.





**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.**

USA Hockey regularly utilizes NDAs to preserve and enforce confidentiality of various business issues, agreements (including national team player agreements, employment agreements, etc.), protection of its membership lists, private data, and confidential business information or financial information, etc. However, pursuant to Max Cobb's letter of February 6, 2018, we have not responded to this question with information on those broad types of NDAs, and instead understand that you are seeking responses as to whether USA Hockey "has ever used an NDA to require an athlete, volunteer or employee to keep confidential and/or not to disclose information about any wrongdoing, bad act, or omission, or any violation of [USA Hockey] rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual of which [USA Hockey] or its representatives may be aware."

USA Hockey is aware of only three instances since 2000 where a confidentiality provision was part of a resolution of a complaint that might be of the type of which you are inquiring. Each matter arose from USA Hockey's termination of an employee. When USA Hockey terminates an employee, it may seek to enter into a release and separation agreement under which the employee receives a severance, the employee and USA Hockey mutually waive any claims against each other, and typical confidentiality and non-disparagement clauses are included.

In 2001, after her termination of employment by USA Hockey, a former office staff employee made financial demands and threatened to sue USA Hockey if her terms were not met. Thereafter, the former employee filed charges with the Equal Employment Opportunity Commission, and then in 2002 filed a lawsuit alleging sexual harassment, gender discrimination, hostile work environment and associated violations of law against USA Hockey and the USA Hockey Foundation. USA Hockey and the USA Hockey Foundation denied those claims, and the claims were resolved in a mutually agreed upon settlement agreement that included a confidentiality clause. The plaintiff in that matter was at all times represented by counsel.

In 2013, an office staff employee that had been terminated for poor performance after only 12 months made financial demands based on her allegations that she was subject to a hostile work environment and was wrongfully terminated. That former employee and USA Hockey entered into a mutually agreed upon separation agreement that included a confidentiality clause. The former employee was at all times represented by counsel. Importantly for the purposes of this





letter, in the separation agreement the former employee agreed that nothing in the agreement “is intended to prevent or interfere with [the former employee’s] ability to provide any required or reasonable communications to, or provide truthful information to, any governmental or law enforcement agency or representative, or in connection with any governmental investigation, court, administrative or other legal proceeding.”

Also in 2013, USA Hockey terminated an employee for poor performance. However, other than disputing that his performance was poor, the employee did not submit any complaints to USA Hockey. Then, after USA Hockey and the employee entered into a separation agreement and his separation from USA Hockey became known, other employees or contractors of USA Hockey notified USA Hockey of sexual harassment type claims against the former employee. The separation agreement included confidentiality provisions that were not based on those claims, as USA Hockey became aware of the alleged misconduct after the separation agreement had been entered. Importantly for the purposes of this letter, in the separation agreement the former employee agreed that nothing in the agreement “is intended to prevent or interfere with Employee’s or the Company’s ability to provide any required or reasonable communications to, or provide truthful information to, any governmental or law enforcement agency or representative, any person asserting claims against the Company, or in connection with any governmental investigation, court, administrative or other legal proceeding.” USA Hockey investigated the complaints against the terminated employee resulting in an agreement with one adult contractor who asked that USA Hockey provide him with funding for counseling services.

Other than the above three described instances, USA Hockey is not aware of any use of an NDA to require an athlete, volunteer or employee to keep confidential and/or not to disclose information about any wrongdoing, bad act, or omission, or any violation of NGB rules, the rules of the U.S. Center for SafeSport, or any applicable law.

**4. Has your organization ever used 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.**

USA Hockey regularly enters into agreements with its national team players and coaches addressing their duties and responsibilities as a member of the team, as well as the financial support or compensation to be provided to the athlete or coach. USA Hockey has recently also entered into Commercial Terms Agreements with national team players addressing circumstances where a player may receive compensation in return for performing or agreeing to





participate in additional sponsorship or marketing responsibilities for USA Hockey. As players in USA Hockey's National Team Development Program sign a two year agreement to participate in the program, if a player elects to leave before completing the two year commitment, USA Hockey and the player and his family have entered into agreements whereby USA Hockey agrees to transfer the players rights, the player must reimburse USA Hockey for the services provided to the player, and the parties agree to keep the terms of their agreement confidential and not to disparage one another.

Similar to Question 3, your response to Max Cobb's February 6, 2018 letter clarified that those types of agreements are not subject to your inquiry ("whether, and under what circumstances (including all relevant information pertaining thereto), [USA Hockey] might have entered into some sort of agreement that required an athlete to keep confidential and/or not to disclose information about any wrongdoing, bad act, or omission, or any violation of [USA Hockey] rules, the rules of the U.S. Center for SafeSport, or any applicable law by any individual of which [USA Hockey] or its representatives may be aware"). USA Hockey has not entered into (or requested) any such agreements with any athletes.

**Related to Question 4, Senator Blumenthal's office also indicated that we should also address "(in addition to the kinds of agreements you listed), all the cases in which an NGB might have required an athlete to participate in forced binding arbitration.**

Among the requirements for eligibility to be an NGB, the Ted Stevens Olympic and Amateur Sports Act requires that an NGB "provides procedures for the prompt and equitable resolution of grievances of its members." See 36 USC §220522(13). Accordingly, USA Hockey's Bylaws provide required procedures to address disputes over disciplinary matters and other eligibility questions for participants in USA Hockey programs. (See USA Hockey Bylaw 10). Bylaw 10 requires that a person receive notice of a hearing and what must be included in the notice, the requirements for the hearing and how a hearing is conducted, the contents of a decision and when it must be issued, the right to appeal to the applicable Affiliate, and for any person suspended or otherwise disciplined by an Affiliate, the right to appeal to the USA Hockey Executive Committee. For certain enumerated matters that are not subject to an appeal to the USA Hockey Executive Committee (including eligibility questions not arising from discipline), a party may seek a final administrative decision through an internal arbitration proceeding. See Bylaw 10.G.

There are certain enumerated exclusions from the hearing requirements of Bylaw 10, including importantly for the purposes of this letter, any "[d]isputes concerning liability or damages arising from personal injury claims" (see Bylaw 10.D.3(h)), which may therefore be resolved in a





legal forum, and the resolution of any allegations that a Covered Individual is alleged to have violated the USA Hockey SafeSport Policy prohibiting sexual abuse or misconduct (see Bylaw 10.D.3(k)), which allegations are subject to resolution through the USCSS.

It should also be noted that under the Sports Act, USA Hockey is required to participate in binding arbitration where an athlete alleges that it has denied the athlete an opportunity to participate in amateur athletic competitions and where an athlete alleges that USA Hockey has violated provisions of the Sports Act or USOC Bylaws. See 36 USC §220522(4). 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.

Except for the disciplinary proceedings and eligibility determinations that are subject to USA Hockey Bylaw 10, USA Hockey has never required an athlete to participate in any binding arbitration.

**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?**

USA Hockey monitors its own programs and responses to incidents or reports that it receives in order to review and improve on future handling of SafeSport matters. USA Hockey also follows incidents and reports in other organizations in order to learn from those situations about what it can do to better protect USA Hockey's participants. USA Hockey recognizes that its programs and policies must regularly evolve as we learn more about how to educate our members about the SafeSport Program, how to ensure that Affiliates and local programs enforce USA Hockey's policies and requirements, how to encourage reports of improper behavior, and how to ensure that allegations of any reports involving sexual or physical abuse are also made to the proper authorities.

USA Hockey presents on its SafeSport Program to its Board of Directors and national volunteers at its semi-annual meetings (in January and June each year). These sessions provide information regarding the program, including updates and improvements to the program; information learned from previous cases; responses from our membership; and current best practices for monitoring our SafeSport Program. USA Hockey meets with its Affiliate SafeSport Coordinators at each semi-annual meeting to discuss best practices and to provide them with training on taking reports, how to respond to reports, how to conduct hearings, and how to monitor local programs' compliance with the program. Within the Affiliates, the SafeSport Coordinators often conduct their own training sessions with local programs and their membership.





With respect to additional steps to improve the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms following the revelations of the abuse by Dr. Nassar, USA Hockey has taken the following actions:

- In anticipation of the opening of the USCSS, USA Hockey modified its Bylaws in January 2017 to incorporate provisions necessary to delegate the investigation and resolution of any allegations of sexual abuse or misconduct to the USCSS, and to require that USA Hockey, its Affiliates and local programs immediately report any allegation of sexual abuse or misconduct to the USCSS.
  - At the beginning of its membership season in April 2017, USA Hockey sent a letter to its entire membership to inform them about the opening of the USCSS and USA Hockey's adherence to the Center's policies and procedures with respect to sexual abuse and misconduct, and that all Covered Individuals over 18 are required to report suspected violations of sexual misconduct to the USCSS. A copy of that letter is attached hereto as Exhibit E.
  - At the same time, USA Hockey modified its website to notify its membership about the availability of the Center for SafeSport, and about the duty and how to report allegations of sexual abuse or misconduct to the USCSS.
  - At its annual meeting in June 2017, USA Hockey adopted revisions to its SafeSport Handbook to incorporate policy definitions and procedures required by USA Hockey's delegation of authority over sexual abuse reports to the USCSS.
  - USA Hockey has reinforced to its Board of Directors, Affiliates and local programs, coaches, officials, employees and volunteers about their duty to report any suspicions or allegations of sexual abuse to the USCSS and to law enforcement.
- 6. Please identify any circumstance to 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 not to act.**

USA Hockey does not typically report criminal behavior to the USOC and instead, as explained above, when we receive a report of criminal behavior in our programs USA Hockey makes reports directly to law enforcement (and now also to the USCSS). To the extent USA Hockey has reported criminal behavior to the USOC, it would only be in the nature of an informal notice that USA Hockey had or would be reporting a matter to law enforcement. USA Hockey





is not aware of any instance where it has advised the USOC of any allegation of criminal behavior that was not independently reported by USA Hockey, and accordingly, we are not aware of any instance where the USOC has failed to take action following such a report.

- 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). 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?**

USA Hockey received the results of the United States Olympic Committee Audit of USA Hockey, conducted by Baker Tilly on September 27, 2017. The audit included an entrance meeting with those performing the Baker Tilly audit; sampling individuals from USA Hockey's membership to ensure background checks were performed and SafeSport Training was completed; a review of USA Hockey SafeSport Program Handbook to confirm that required misconduct is prohibited, reporting procedures are documented, and a grievance process is documented and complies with USOC requirements; and an exit meeting following delivery of the draft audit report. The Baker Tilly Audit Report found USA Hockey to be in full compliance with the USOC's Athlete Safety Standards. Specifically, the report concluded:

Based on this review of USA Hockey's (USAH) SafeSport-related documentation and administrative materials, USA Hockey's policies and procedures met the requirements of the Athlete Safety Standards. Therefore, there were no observations noted during this audit.

A copy of the Baker Tilly Audit Report for USA Hockey is attached hereto as Exhibit F.

As noted above, USA Hockey takes very seriously its responsibility to provide a safe environment for the participants in our programs, both on and off the ice, as evidenced by our efforts detailed above. Our SafeSport Program has evolved since its inception, and we will continue to expand these efforts as we learn from other programs and experts in the area.

One area where USA Hockey would like to see national level improvements across sports is through a federal system of background checks that could be available for NGBs and other youth serving organizations. Background checks are a necessary and required part of any organization's child-safety program. NGBs require their adult coaches, officials and other adults with access to minors to be screened, and must use private vendors to conduct the screens, and





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rely upon those vendors to have error-free databases. The cost of the screen is typically either paid by the organization or is passed on to the person being screened, and ultimately is passed on to the families participating in sports as a cost of that participation. Several NGBs have suggested seeking the assistance of the federal government or federal law enforcement to provide reliable background screens at a lower cost and which could then be used across all sports. We believe that such a system would be more efficient and more effective at causing previous offenders to not even consider involvement in youth sports programs.

If you have any questions about any of the above responses or information, please do not hesitate to contact me, and we would be happy provide more information in writing, or would also be happy to meet and discuss any of this information by telephone or in person.

Sincerely,

A handwritten signature in black ink that reads "Pat Kelleher".

Pat Kelleher

Enclosures

cc: Jim Smith, USA Hockey President



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