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February 12, 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: Letter of February 2, 2018

Dear Senator Moran and Senator Blumenthal:

Protecting athlete's health and safety is of highest priority to USA Archery. As such, please see below USA Archery's responses to your inquiries posed in your February 2, 2018 letter to me. These responses are based upon the interpretations of Questions 2, 3 and 4 provided in the letter to you dated February 6, 2018 from Max Cobb, Chair of the USOC NGB Council, on behalf of all NGBs, and the clarification to Question 4 provided by Anna Yu, Legislative Assistant to Senator Blumenthal via an email to Mr. Cobb dated February 7, 2018.

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?
 - a. **USA Archery has a SafeSport Policy (the "Policy") posted in its website. This Policy states that every Covered Individual (USA Archery, its employees, contractors, volunteers, officials, board and committee members and other designees, its members and organization members) must report violations of the Policy and suspicions or allegations of misconduct.**

The Policy allows for anonymous reporting and there isn't any filing fee associated with such a report.



Member U.S. Olympic Committee

The Policy includes links for someone to report to the U.S. Center for SafeSport and to USA Archery.

It is USA Archery's procedure to report to the appropriate law authorities any reports it receives containing allegations that require mandatory reporting to such authorities as soon as possible after receiving such a report.

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?
 - a. **No, USA Archery does not have any such special accommodations. USA Archery volunteers and numerous other individuals involved in USA Archery are required to undergo background checks and the training and education requirements detailed in the Policy, and they must comply with the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movement (the "Code"), and various other related procedures. Reported violations of the Code by volunteers would be treated no differently than any other reported violations.**
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 NDA used by your organization.
 - a. **USA Archery has not utilized a non-disclosure agreement 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 by any individual of which the NGB or its representatives may be aware.**
4. Has your organization ever utilized additional binding agreements other than NDAs with athletes under your purview including all the cases in which your organization may have required an athlete to participate in forced binding arbitration? To the extent possible please provide all details regarding the justification and circumstances surrounding every individual agreement used by your organization.

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- a. **USA Archery does have certain agreements with athletes such as requiring an athlete to abide by the USA Archery Code of Conduct and some athletes sign agreements provided by the USOC for direct athlete support (stipends) and elite athlete health insurance. Disciplinary proceedings commenced against athletes may result in a negotiated, binding settlement that contains requirements relating to the athlete's future conduct. Under the Ted Steven's Olympic and Amateur Sports Act, NGB's are required to participate in binding arbitration where an athlete alleges that the NGB has denied him or her the opportunity to participate in certain competitions, and where a member alleges that the NGB has violated certain provisions of the Sport 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. With that as background, in response to the request that each NGB describe the cases in which an NGB might have required an athlete to participate in forced binding arbitration, USA Archery reports that it has not required binding arbitration.**
5. Since the recent lawsuit filed against the 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 transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanism?
- a. **As discussed in question 7 below, in December 2017, USA Archery updated its website, including various policies and Bylaws to ensure it (a) addressed an October 2017 Baker Tilly Virchow Krause ("Baker Tilly") SafeSport Audit (Audit) and (b) complied with the then current USOC NGB Athlete Safety Policy. USA Archery communicated this information to its membership and other Covered Individuals. As the USOC revised the NGB Athlete Safety Policy on January 1, 2018, USA Archery is currently making slight modifications to the policies and procedures to ensure full compliance with this new USOC Policy.**
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 the USOC's decision not to act.

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a. USA Archery has not reported any criminal activity to the USOC.

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 (HMOS). 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?

a. USA Archery fully participated in the Baker Tilly Audit dated October 2017. The Audit advised that USA Archery's application of the Policy may be focused too narrowly on individuals having routine access to minors, as opposed to athletes of any age. As follow up, USA Archery received the following recommendation:

USA Archery must require that all individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes [i.e., not just minors] 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 Archery amended its policy on December, 7, 2017 to address the recommendation. On December, 21, 2017 the USOC formally approved the same.

Please feel free to contact me with any addition questions you may have.



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