



Honorable Jerry Moran
Honorable Richard Blumenthal
U.S Senate

February 13, 2018

Sirs:

USA Pentathlon has placed the highest priority in protecting its athletes. Safe Sport is something we do, every day. The key to prevention is to create an environment where all members know the rules, are comfortable talking about it, and are empowered to recognize and report red flag behavior, boundary violations, and misconduct. The following is USA Pentathlon's responses and documentation in regards to the requested questions.

1. Senate Question number 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 Pentathlon has a series of protocols in place designed to ensure that the reporting process is fair, timely, and thorough throughout our organization. USA Pentathlon has a zero tolerance policy regarding this important issue. These protocols, safeguards and corresponding governance are in place and include:

- A. All complaints involving a minor and an adult are immediately referred to local law enforcement.
- B. Our overarching Safe Sport policy is published online and the link distributed on every public communication made by our organization. www.teamusa.org/usa-modern-pentathlon/athletes/safe-sport.

The pertinent reporting section within our Safe Sport Policy is as follows:

1. Reporting

Individuals reporting child physical or sexual abuse or other misconduct may call, mail, fax or email USA Pentathlon's Managing Director or athlete representative or board member, whose names and contact information can be found at <http://www.usapentathlon.org/>. These individuals may request that the reporting person submit a Reporting Form, described below.

2. Reporting Form

Individuals reporting child physical or sexual abuse or other misconduct may complete an Incident Report Form, which can be found at <http://www.usapentathlon.org/>. Information on this form includes: 1) The name(s) of the complainant(s) 2) The type of misconduct alleged 3) The name(s) of the individual(s) alleged to have committed the misconduct

4) *The approximate dates the misconduct was committed* 5) *The names of other individuals who might have information regarding the alleged misconduct* 6) *A summary statement of the reasons to believe that misconduct has occurred*

USA Pentathlon will withhold the complainant's name on request, to the extent permitted by law.

- C. We have two athlete representatives and one staff advocacy officer trained and certified in SafeSport policy and subsequent follow-up if necessary.
- D. As a matter of policy any SafeSport complaint receives timely review as soon as possible, but in any event not more than 2 weeks from receipt of complaint. In addition, all complaints will receive full board review at the first board meeting following receipt of any complaint.
- E. All open complaints are independently reviewed, audited and kept on file upon closure.

2. *Senate Question 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 Pentathlon is the smallest NGB in the USOC. Our SafeSport policy and the various protocols in place are specifically to protect our members. Our background checks are thorough in terms of bringing to light any criminal history that a volunteer may have in their past. If a non-NGB institution fails to report activity by one of our members, then we would have no way of knowing beyond the normal background checks and policies in place.

3. *Senate Question number 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 Pentathlon does not now nor has ever utilized an NDA to enforce confidentiality or for any other purpose.

4. *Senate Question number 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.*

USA Pentathlon requires each athlete selected to a national team to sign an "Athlete Code of Conduct". This agreement specifically outlines the conduct expected of all athletes participating as a member of the United States team and is posted on our website. This is a "routine" agreement and has existed for decades in our sport and is also required by the USOC upon earning a place on the Olympic or Pan American Games Teams. Attached as Appendix A

5. *Senate Question number 5 – Since the recent lawsuits 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 the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms.*

USA Pentathlon has adopted a “zero-tolerance” policy whereby any complaints involving a minor and adult are immediately referred to law enforcement without exception.

6. Senate Question number 6 – Please identify any circumstance in which the 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 to not act.

For USA Pentathlon, there has never been a circumstance which meets the description of Senate question number 6.

7. Senate Question number 7 - In 2017, USOC engaged with a third party consultant to assess compliance with SafeSport policies and procedures within the 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. Are there any remaining recommendations that your organization has yet to fully implement?

Attached as Appendix B and incorporated by this reference is the Follow-Up Audit Report detailing USA Pentathlon’s full compliance with USOC’s SafeSport policies and procedures. In brief, USA Pentathlon received two recommendations which are:

1. To expand language in our Safe Sport policy to include “all athletes” as opposed to only “minor aged athletes.”
2. To ensure all staff and volunteers who have contact with athletes are Safe Sport certified. (This recommendation was the result of a coach who completed his certification outside of the audit period).

I am pleased to report that both recommendations were accepted and remedied immediately. USA Pentathlon is now in full compliance and committed to a Safe Sport environment.

Respectfully,



Rob Stull
Managing Director and CEO
USA Pentathlon

ATTACHMENT A

USA Pentathlon Code of Conduct

ATHLETE PLEDGE

I pledge to uphold the spirit of the USA Pentathlon Code of Conduct (the "Code"), which offers a guide to my conduct as a member of the USA National Team (the "Team"). I acknowledge that I have a right to a hearing if my opportunity to compete is denied or if I am charged with a violation of this Code.

I have familiarized myself with the Code and understand that acceptance of its provisions is a condition of my selection to the Team.

As an athlete Member of the Team, I hereby promise and agree that:

I will abide by all published rules related to the Team selection procedures as approved by USA Pentathlon;

I have acted and will act in a sportsmanlike manner consistent with the spirit of fair play and responsible conduct;

I will maintain a level of fitness and competitive readiness that will permit my performance to be at the maximum of my abilities;

I will submit to a physical examination by USA Pentathlon medical personnel if my ability to compete is compromised due to physical injury and I understand that such injury may be cause for my not being selected to the Team, being removed from the Team, or not being allowed to participate if I remain on the Team. I will not commit a doping violation as defined by the International Olympic Committee (IOC), World

Anti-Doping Agency (WADA), the United States Anti-Doping Agency (USADA), the United States Olympic Committee (USOC) or the Union International de Pentathlon Moderne (UIPM) rules;

I am not currently serving a doping violation and/or do not have a pending or unresolved doping charge;

I will not engage in any conduct that is criminal under any laws applicable to me, including, but not limited to laws governing the possession and use of drugs and alcohol and providing of drugs to any person and of alcohol to minors.

I will not participate or assist in any gambling or betting activities associated with any event related to my sport or my participation;

I am eligible to compete under the rules of Union International de Pentathlon Moderne and I am in possession of a valid passport, that will not expire prior to six months following the conclusion of the international competition, should I be chosen for an international team that requires a passport;

I will refrain from conduct detracting from my ability or that of my teammates to attain peak performance and I will respect the property of others whether personal or public.

I will respect all members of my Team delegation, other teams, spectators and officials, and I will engage in no form of discriminatory behavior or verbal, physical or sexual harassment or abuse to include bullying either verbal, written or via social media.

I will support all members of my team. I will not criticize or in any way disparage a team member, their ability or performance or in any way engage in any conversation or action not in the interest of promoting harmony and team spirit.

I will follow my Team's written rules, including by way of example, rules regarding curfew, required attendance at team meetings, consumption of alcoholic beverages and prohibitions on the release of confidential team information;

I am aware that USA Pentathlon sponsors, suppliers and licensees provide critical support for the Team and, in recognition of this fact, I will wear designated USA Pentathlon apparel at all official Team functions and events when requested.

USAP Team Apparel is typically designed to be used for one season. Therefore, I will not trade or sell my USA Team apparel until authorized to do so. If I lose my team apparel I will pay to replace it if requested. I will not conceal or cover-up any USA Pentathlon sponsor, supplier or licensee brand or other identification appearing on my USA Pentathlon apparel and I will abide by the rules of the Union International de Pentathlon Moderne concerning allowable trademark identification on clothing and equipment worn or used in competition or on visible body tattoos.

I agree to be filmed and photographed by the official photographer(s) and network(s) of USA Pentathlon under conditions authorized by USA Pentathlon and give event organizers and USA Pentathlon the right to use my name, picture, likeness, and biographical information before, during and after the period of my participation in these activities to promote the activity in which I participate or to promote the success of the team on which I compete; in no event may USA Pentathlon or the event organizers use or authorize the use of my name, picture, likeness, voice and biographical information for the purpose of trade, including any use in a manner that would imply an endorsement of any company, product, or service, without my written permission.

I will not use or authorize the use of photographs, films or videos of myself in my USA Pentathlon apparel or equipment or the use of the USA Pentathlon logo for the purpose of trade, without the prior written consent of USA Pentathlon;

I will attempt to participate in media activities if compatible with my training and competitive schedule, when requested by USA Pentathlon;

I will compete to the best of my ability if selected to a USAP relay team; and If I must withdraw due to injury or illness I will notify the NGB or its representative at the earliest possible moment.

I understand that if I require legal representation because of I am accused of a doping violation or am accused of criminal misconduct, or if for any other reasons I require the services of an attorney, I will be personally responsible for payment of such legal fees and expenses;

I will act in a way that will bring respect and honor to myself, my teammates, USA Pentathlon and the United States; and I will remember that at all times I am an ambassador for my sport, my country and the Olympic Movement.

ATHLETE OMBUDSMAN

I may contact Kacie Wallace or Sara Clark in the USOC Athlete Ombudsman Office,
toll free at 888.ATHLETE (1.888.284.5383)
or via email at athlete.ombudsman@usoc.org
for further information regarding my rights under this Code.

PARTICIPANT'S AFFIRMATION

I have read and accept this Code of Conduct. I agree to the rules, guidelines, jurisdiction and procedures stated in this document as a condition of being selected to participate as a member of the Team.

Signature

Date

Print Name

PARENT/GUARDIAN CERTIFICATION – for underage athletes

Signature

Date



Appendix B *-SafeSport Audit Follow-up Report*

USA Modern Pentathlon

Follow-up Status	Recommendation	Management Response	Follow-up Action
Implemented	<p>USAP 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. The USAP must consistently track and verify criminal background checks and education and training requirements are met for all Required Individuals.</p> <p>USAP 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>	<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.</p> <p>One individual tested finished his Safe Sport education outside the testing period but prior to the audit report. Thank you for bringing this to our attention. No action required.</p>	<p>USAP has implemented a process to ensure all required individuals complete SafeSport education before they have contact with athletes.</p>
Implemented	<p>USAP 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.</p>	<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.</p> <p>The language contained in our Safe Sport Policy references minors and children. The new Athlete Safety Guidelines stipulates all "athletes" regardless of age. USAP will update our Safe Sport Guidelines to reflect all athletes and therefore be in compliance with the current Athlete Safety Standards.</p>	<p>USAP revised its policy on October 5, 2017 to address the recommendation.</p>