



February 15, 2018

Dear Senators Moran and Blumenthal,

Please find attached USA Cycling's responses to the questions posed to us by your office on February 2, 2018. We share your objective to protect the well-being of athletes on and off the field of play and welcome the opportunity to respond to your important questions. I hope that we have answered your questions in full, but please let us know if you would like further information or clarification of any of our answers.

I believe that you will find that USA Cycling is among the best NGBs in terms of athlete protection policies and practices. We were in fact among the first to employ a full-time, highly qualified individual to implement the SafeSport Program at USA Cycling. That individual has now been with us for over 5 years and continues to lead our efforts to prevent or detect misconduct or abuse of any form within our community. Additionally, we were one of only a handful of NGBs who had no issues to address as part of the USOC's 2017 SafeSport Compliance audit.

Again, we appreciate this opportunity to help you address the challenge of ending abuse and misconduct within the Olympic Movement. We remain at your disposal if further information is required.

Regards,

A handwritten signature in black ink, appearing to read "Derek Bouchard-Hall".

Derek Bouchard-Hall
President & CEO, USA Cycling

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 Cycling's SafeSport Program includes a Reporting Policy. USA Cycling's Code of Conduct also contains a mandatory reporting requirement. All participants held accountable by USA Cycling's Code of Conduct are required to report conduct of which they become aware that could constitute a violation of the Code, including child and sexual abuse allegations. Child and sexual abuse are violations of USA Cycling's Sexual Misconduct Policy and USA Cycling's Code of Conduct. Therefore, allegations of such misconduct must be reported to (1) USA Cycling's Risk Protection Manager, (2) the U.S. Center for SafeSport, and (3) law enforcement. If USA Cycling receives a report of child or sexual abuse, USA Cycling reports the violation to the U.S. Center for SafeSport and to law enforcement even if the reporting party fails to do so. USA Cycling does not attempt to evaluate the credibility or validity of child or sexual abuse allegation prior to reporting to the U.S. Center for SafeSport or law enforcement. In addition, USA Cycling may notify staff, members, volunteers, parents, Local Associations, Clubs or others with whom the accused individual may have had contact of any allegation of child or sexual abuse.

USA Cycling's Safe Sport Reporting Policy includes information on how to report child and sexual abuse to the appropriate parties. The Reporting Policy also includes information on how to submit such reports confidentially and anonymously. The Reporting Policy also includes a whistleblower policy to prevent retaliation against a reporting party.

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 Cycling's Code of Conduct is mandatory and applies very broadly to the following categories of individuals: all licensed athletes (including one-day licensees), coaches, mechanics, officials and race directors; UCI Support license holders in the following categories: soigneur, trainer, team doctor, team manager and team director; collegiate conference directors; committee members; board of directors; staff; independent contractors USAC formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with any athlete; and local association staff, board of director members and volunteers. Any individual in the above listed categories, including a volunteer employed by a non-NGB institution, is held accountable by the Code of Conduct and is subject to the policies of USA Cycling's SafeSport Program, including the Reporting Policy.

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 Cycling has not utilized nondisclosure agreements or confidentiality provisions in relation to any matter brought forward in a SafeSport complaint whether related to child or sexual abuse or USA Cycling's other prohibited conduct under USA Cycling's SafeSport program. USA Cycling has entered into nondisclosure agreements with athletes, vendors, and others concerning commercial terms of agreements. USA Cycling also regularly utilizes confidentiality provisions in agreements with employees such as severance agreements.

Finally, USA Cycling has been a party to settlements of personal injury claims arising from cycling accidents and other and other litigation claims, many of which settlements included nondisclosure agreements.

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 Cycling regularly enters into contracts with athletes. For example USA Cycling recently named a National Team and entered into contracts with each athlete on the team to outline what services, benefits, and payments each athlete would receive from USA Cycling and what services from the athlete USA Cycling would receive in exchange. USA Cycling has also entered into agreements with athletes in the past to provide additional services such as media appearances, appearances for the USA Cycling Foundation, to wear a USA Cycling sponsor's clothing or use a sponsor's equipment, etc.

Furthermore, under the Ted Stevens Olympic and Amateur 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. Apart from such arbitrations that USA Cycling is required to participate in at the *athlete's* election; USA Cycling has not required any athlete to participate in forced 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 Cycling has a transparent, efficient and effective criminal misconduct reporting mechanism currently in place. However, we are always seeking ways to improve our SafeSport program. We recently launched a new website that makes it easier to locate and access our SafeSport resources including our reporting portals and we are in the process of publishing a new SafeSport handbook that consolidates the various policies that make up our SafeSport Program and are currently housed on our SafeSport website, into a single document. We have also increased the training our elite athletics staff receive on SafeSport issues, and are planning to increase our efforts to ensure athletes are aware of their rights and responsibilities with regard to the SafeSport Program. Our objective is to ensure our community is fully aware of their obligations to report misconduct and the mechanisms available to do so, thereby creating an environment in which misconduct is quickly identified, reported, and investigated.

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.

USA Cycling has no circumstances to report in which the USOC did not take any action following a report of criminal behavior from USA Cycling.

- 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 (HPM0)⁵. 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 Cycling's SafeSport Policies and Procedures met the requirements of the Athlete Safety Standards – no observations were noted and no recommendations were issued.