

February 15, 2018

Senator Jerry Moran  
Senator Richard Blumenthal  
Subcommittee of Consumer Protection,  
Product Safety, Insurance, Data Security

RE: Response to letter dated February 2, 2018

Dear Senators Moran and Blumenthal,

I am the Executive Director for US Speedskating (USS). I am writing on behalf of USS in response to your letter dated February 2, 2018 to National Governing Bodies (NGBs) regarding the safety and welfare of athletes participating in amateur sports. Specifically, this letter will respond to the seven questions raised in your letter, as they relate to USS.

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?*

First, USS follows all state and federal laws in reporting allegations of physical or sexual abuse allegations. Indeed, if reporting to the proper legal authorities appears to be necessary to protect a person from harm or abuse, USS may make such report even if not required by law to do so. USS has also communicated in writing that it expects that its National/Regional Training Centers and partner facilities, training sites and sessions, competitive environments, member clubs and associations, teams, parents, athletes and the speed skating community as a whole to adopt similar response with respect to legal reporting of physical or sexual abuse.

Second, USS has adopted and operates under a formal USS SafeSport Policy (Policy). A link to the most recent version of the Policy is included with this response. The Policy applies to and is enforced for all members (first-year members, club competitors/recreational skaters, national-level competitors, USS coaches, USS officials, USS club officers, introductory two-month members and USS alumni members), staff including office staff, trainers, National Team coaches, Board members, volunteers and contractors, including medical personnel, massage therapists, event volunteers and committee members.

Under the terms of the Policy, any person who reasonably and in good faith believes a member of USS has abused another person per the USS SafeSport Policy, such person may notify appropriate local authorities, their respective club/association, the USS National Office pursuant to this SafeSport Policy and/or Article 14 of the USS Bylaws and/or the U.S. Center for SafeSport. All possible violations can be reported directly to the U.S. Center for SafeSport by phone or via the internet at <https://safesport.org/response-resolution/report>.

In addition to the reporting noted above, as set forth in the Policy, USS has two USS staff members, one of each gender, that are trained to receive telephone inquiries regarding abuse. USS lists one male and one female staff designee on the USS SafeSport webpage as reporting recipients for inquiries regarding abuse. USS also lists two athlete designees, one male and one female, as reporting recipients, to create the most accessible and non-intimidating environment for anyone reporting potential abuse. These staff members and athletes are required to:

- (i) Inform the caller that a written and signed complaint must be received by either USCS or USS to initiate any grievance and/or ethics procedures against a member of USS. They will also make the member aware of the USS SafeSport Policy, Article 14 of the USS By-laws, and relevant USS Code of Conduct and USS Code of Ethics policies;
- (ii) Offer the caller assistance in locating and obtaining a copy of the USS SafeSport Policy, the online reporting forms and procedures for the US Center for SafeSport and any associated grievance procedures to the caller;
- (iii) Advise the caller that, if they have not already done so, the USS representative is required to file a report with the US Center for SafeSport. Also inform the caller that if the abuse being reported is sexual in nature, the USCS will take over jurisdiction from USS;
- (iv) Advise the caller that USS may be legally obligated to report the allegations to the proper authorities even if no complaint is filed pursuant to the USS SafeSport Policy and USS By-laws Article 14;
- (v) Encourage that the victim(s) seek professional help, if appropriate;
- (vi) Prepare a written summary detailing the call and submit it to the Executive Director and the U.S. Center of SafeSport Office;
  - (a) The Executive Director will determine, with the assistance of legal counsel if necessary, whether USS has a legal reporting requirement based upon the inquiry and act accordingly;
  - (b) Written summaries will be filed and indexed by the alleged perpetrator and will become a part of any applicable misconduct / grievance / ethics breach file.

USS has also adopted a Code of Conduct, USS Code of Ethics and Bylaws that set forth procedures to address member misconduct, grievance and ethics reports and complaints. A link to these policies are also included with this letter. The Policy ensures the implementation of these additional policies and protocols, as follows:

- (i) At least two USS staff members, one of each gender, shall be trained in the proper implementation of the member misconduct, grievance and ethics procedures contained in the US Speedskating Bylaws, USS SafeSport

Policy, USS Code of Conduct, USS Code of Ethics and U.S Center of SafeSport Policy;

- (ii). One of the trained staff members will be designated to implement the procedures for each complaint;
  - (iii) The designated staff member will determine whether the accused is a member of USS;
  - (iv) If the accused is a member of USS, the matter should proceed in accordance with the existing applicable policy;
  - (v) If the accused is not a member of USS, the staff member should notify the complaining party of the inability of USS to pursue the matter internally, as a courtesy to the complaining party, and will recommend a course of action;
  - (vi) If not already completed, the Executive Director will determine, with the assistance of legal counsel if necessary, whether USS has a legal reporting requirement based upon the complaint and act accordingly or whom shall properly handle the complaint (e.g. USS Staff, USS Ethics Committee, etc.);
  - (vii) The designated staff member will “shepherd” the complaint through the process set forth in the USS Bylaw Article 14, USS SafeSport Policy, and/or U.S. Center of SafeSport Policy.
2. *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 Policy and the reporting practices, as described in the response to Request No. 1, applies to volunteers and contractors, including medical personnel, massage therapists, event volunteers and committee members. Any USS contractor that has frequent or regular contact with athletes is required to complete a criminal background check and the US Center for SafeSport Training.

In addition, as a condition to being granted a USS sanction for an event, the applicant must certify that no persons current ineligible for membership, no persons listed on a federal or state sex-offender registry, will be associated with the event in any capacity, including, but not limited to, volunteers and meet support personnel.

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.*

USS is not aware of nor is it able to find any records relating to use of an NDA to impose or enforce a confidentiality obligation against any athlete, volunteer, or employee in the past.

- 4. Has your organization ever utilized additional binding agreements other than NDA's 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.*

USS is not aware of nor is it able to find any records relating to the use of any agreement similar to an NDA against any athlete in the past.

To the extent that this Request is seeking an identification of all agreements that USS utilizes, USS has adopted a Code of Conduct and a Code of Ethics that applies to athletes, coaches, directors of the Board, officers, committee members, employees and volunteers. Copies of these agreements are enclosed with this letter. These agreements do not contain any NDA obligations.

To the extent this question is seeking information about the use of arbitration agreements, under the Ted Stevens Olympic and Amateur Sports Act, USS is required to participate in binding arbitration where an athlete alleges that the USS has denied him or her an opportunity to participate in certain competitions, and where a member alleges that the USS 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 USS to participate in binding arbitration, and the athlete is in no way obligated to participate.

In connection with the above requirements, USS has adopted Amended and Restated Bylaws that set forth a formal complaint procedure regarding the adjudication of grievances and disciplinary matters by USS. The Bylaws do not limit or impede the ability of an athlete, or any other person, to pursue a criminal action or complaint for physical or sexual abuse and they do not contain any NDA restrictions or requirements.

- 5. Since the 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 transparency, efficiency and effectiveness of its criminal misconduct reporting mechanisms?*

In addition to the policies, procedures and protocols described generally in this letter, USS has not taken any additional steps regarding its reporting mechanisms.

- 6. Identify any circumstances 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.*

USS is not aware of any such circumstance.

- 7. Describe Safe sport report by 3<sup>rd</sup> party including recommendations necessary for full compliance. If additional recommendations were issued, what actions were taken by your organization? Are there remaining recommendations that USS has yet to fully implement?*

A Safesport Audit of USS was completed in September 2017. A copy of the report is enclosed with this letter. The report noted that two individuals selected for testing did

not have criminal background checks and recommended that USS ensure compliance with the background check policy. USS immediately responded, and the audit report confirms that evidence was provided demonstrating that all background checks were completed prior to the issuance of the report.

In connection with the audit, and to ensure that full compliance is maintained going forward, USS has implemented a policy that all coaches, staff and level 3, 4 & 5 officials assigned to USS competitions have a green lit back-ground check on file and have completed SafeSport education and training. USS will conduct an annual review of these individuals in September of each year to ensure compliance with USS requirements. The SafeSport Audit does not set forth any recommendations that have not been fully implemented by USS.

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USS would like to take this opportunity to provide assurance that USS is committed to ensuring a safe environment for its members, participants, athletes, coaches, officials, volunteers and staff within our sport. We understand the importance of oversight, accountability and enforcement in order to ensure that all participants in our sport are protected from situations that could endanger health or welfare, including sexual abuse or other physical and emotional harm. We are mindful of the need to be vigilant in these matters and are always looking for ways to improve our policies and protocols to address these important issues. We welcome the dialogue initiated by your letter and will do all we can to provide information to you and to participate in your inquiry into these important matters.

Very truly yours,



**Ted Morris**  
**Executive Director**