



February 13, 2018

The Honorable Jerry Moran  
Chairman, US Senate Commerce, Science and Transportation Subcommittee on  
Consumer Protection, Product Safety, Insurance and Data Security  
Room 521, Dirksen Senate Office Building  
United States Senate  
Washington, DC 20510

The Honorable Richard Blumenthal  
Ranking Member, US Senate Commerce, Science and Transportation Subcommittee  
on Consumer Protection, Product Safety, Insurance and Data Security  
Room 706 Hart Senate Office Building  
United States Senate  
Washington DC 20501

Chairman Moran, Ranking Member Blumenthal and Distinguished Members of the  
Committee,

Thank you for the opportunity to discuss the issue of athlete welfare and  
protection and taking up this issue at the level of the US Senate. USA Rugby is the  
governing organization for rugby in the USA, and as such, take this issue as our  
primary and most important role in providing a safe and positive experience for  
participants in and around rugby.

USA Rugby and its board, staff, volunteers and members have been proactive in  
this space to ensure we are able to educate our participants around best practices for  
player safety, welfare and protection. We have provided an unobstructed ability for our  
members and participants to report issues to both, The US Olympic Committee's  
SafeSport program and USA Rugby's internal reporting and disciplinary structure. This,  
linked with mandatory reporting requirements and aggressive communication of these  
processes has allowed our participants to submit information, reports of misconduct or  
abuse without fear of inaction from the national organization.

Responding directly to the committee's questions:

1. Q: *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 Rugby was one of the first National Governing Body to fully adopt the SafeSport program and make it mandatory for our coaches. Prior to the SafeSport program and currently in place are additional certification requirements for coaches, administrators and officials including concussion training safe environments training. USA Rugby has expanded its reporting protocols to include the opportunity to report online, by phone or email, anonymously or named, to either/both, USA Rugby's Disciplinary committee or directly to the US Olympic Committee's SafeSport office. Additionally, USA Rugby has immediate action responses to notify law enforcement and other authorities as needed when criminal behavior is reported, both sexual and non-sexual.

USA Rugby's internal protocol for submitted reports is reaction within 24 hours of receipt. The issue will be first evaluated by the USA Rugby SafeSport Liaison Officer and the Chair of USA Rugby's National Disciplinary Committee, both receiving the report by automatic email when submitted. If report is sexual abuse or sexual misconduct, USA Rugby ascends the issue to the US Olympic Committee's SafeSport office for review. If the report includes criminal conduct, the report is forwarded to law enforcement and proper authorities with USA Rugby's full cooperation.

2. *Q: Are there special accommodations to account for volunteers that are separately employed by non-NOB institutions, like the case of Dr. Nassar who was employed by MSU, in these reporting practices?*

USA Rugby's reporting platform is open to members and non-members of our organization. We also offer our player protection education and certification to non-member volunteers and contractors, mandating their usage in certain cases. In the case of any volunteer working with USA Rugby athletes (players and referees), USA Rugby mandates SafeSport course certification and mandates a biennial full background check, with an annual 'light check' to ensure appropriate protections.

3. *Q: 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 Rugby has never used a Non-Disclosure Agreement with our athletes, coaches, referees or volunteers.

USA Rugby executive staff will infrequently utilize NDAs when negotiating or discussing business transactions with partner organizations or commercial entities.



4. Q: *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 Rugby utilizes contracts for our athletes to govern the relationship with the athlete to the national organization for purposes of payments, frequency of practice and play, public appearances and other such activities. None of these contracts include language about non-disclosure of any issues, misconduct, abuse or otherwise. USA Rugby has additionally mandated all of our national contracted athletes complete in person training around 'Respect in the Workplace', SafeSport online courses, and ongoing education surrounding utilizing our reporting system in the case of any issues.

USA Rugby also uses code of conduct and other agreements with our coaches, referees and administrators working with USA Rugby programs. These documents are utilized to set standards and offer a roadmap to participants on the values of rugby in the USA and around the world.

5. Q: *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 Rugby has recently updated our national policies around SafeSport program and chartered a membership driven committee that reviews our process annually. As the first to require a player protection package for our coaches, we are now entering our 7<sup>th</sup> year of utilizing this program and continue to see the benefits of this education, certification, reporting and follow up.

6. Q: *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 not to act.*

USA Rugby is not aware of any circumstances where the USOC did not take appropriate action when a report was submitted. USA Rugby's experience with the USOC and SafeSport office has been exemplary and we are thankful for its existence. The recent expansion of the SafeSport office and staff has been a great resource for USA Rugby and we deeply value this partnership and service that provides another layer of safety for our members.

As a relatively new NGB to the Olympic family (accepted in 2009), our affiliation



to the USOC has improved our governance structure, our financial operations, our player protection processes and our diversity and inclusion policies. Without their support in the athlete protection segment with SafeSport, USA Rugby would have an additional financial and personnel burden that would strain our organization greatly.

7. Q: *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 your 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?*

The US Olympic Committee partnered with USA Rugby and Baker Tilly to audit our current processes for their effect within our membership and participants, and overall protocols and policies. Through this process, the audit discovered two items for improvement that we immediately addressed.

**Item 1 from the Audit:**

*“The following exceptions to background checks were identified during our testing:*

- 1. Two individuals selected for testing (20% of the selected individuals) did not complete education and training requirements during the testing period (i.e., May 1, 2016 through April 30, 2017).*
- 2. The education and training requirements evidence provided for eight of the individuals selected for testing (80% of the selected individuals) did not include completion dates; thus, we could not verify the education and training requirements were completed during the testing period (i.e., May 1, 2016 through April 30, 2017).”*

**USA Rugby’s Action:**

USA Rugby has changed our policy from allowing coaches and referees to participate until fully compliant, to requiring full compliance before being allowed to participate.

USA Rugby rebuilt our website reporting system and have automated the system to prevent human error in reporting certification completions, dates and other information.

**Item 2 from the Audit:**

*‘USA Rugby’s policy states, “It is the policy of USA Rugby that before having contact with youth participants those participants who (1) have*



*direct contact with or supervision over minor participants; (2) are responsible for enforcing child abuse and misconduct policies; or (3) are in managerial or supervisory roles of a USA Rugby program, shall complete appropriate training about child physical and sexual abuse and other types of misconduct". USA Rugby's application of this policy is inconsistent with the requirements listed in the Athlete Safety Standards and may be focused too narrowly on minors. The Athlete Safety Standards do not limit these activities to include only minors.'*

**USA Rugby's Action:**

USA Rugby's SafeSport Liaison Officer and SafeSport oversight committee reviewed internal policies and updated to ensure all ages of participants are protected. All coaches, referees, administrators, volunteers, staff and contractors, dealing with any age of athletes are bound by the SafeSport policies and required to take the SafeSport training and certification. USA Rugby also instituted a communication campaign to our membership and greater participants around 'What SafeSport is' and 'How it protects me as an athlete or participant'. This is an ongoing campaign.

From this audit process, USA Rugby has also internally identified areas for improvement, including working with our Sub-Union organizations to ensure they have our links for reporting on their websites, with proper education on their usage.

USA Rugby's core values are entrenched in our game and our organization. We prioritize player welfare as our number one priority, both, on and off the field. **Integrity, Passion, Solidarity, Discipline** and **Respect** guide our game and our administration of the sport in everything we do. USA Rugby would value the opportunity to discuss this very difficult and challenging issue further with the committee. We believe more discussion, sharing and information provided about misconduct and abuse will help eradicate it from sport and beyond.

Sincerely,



Dan Payne  
Chief Executive Officer  
USA Rugby

