



February 15, 2018

Sen. Jerry Moran
Chairman
Subcommittee on Consumer Protection,
Product Safety, Insurance, and Data Security
United States Senate
Washington, DC 20510

Sen. Richard Blumenthal
Ranking Member
Subcommittee on Consumer Protection,
Product Safety, Insurance, and Data Security
United States Senate
Washington, DC 20510

Dear Sens. Moran and Blumenthal:

U.S. Figure Skating strongly supports S. 534, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, and since 2000, U.S. Figure Skating has had in place a mandatory reporting rule and Harassment and Abuse policy. U.S. Figure Skating has zero tolerance for abuse and harassment, and has acted promptly on every reported incident of suspected sexual abuse or misconduct since implementing its mandatory reporting rule in 2000.

Please find below U.S. Figure Skating's response to the questions put forth on Feb. 2, 2018, by the U.S. Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security.

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?*

Response:

As a member National Governing Body of the United States Olympic Committee (USOC), U.S. Figure Skating is required to adhere to the SafeSport rules and

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Member:
International Skating Union



Member

regulations of the U.S. Olympic Committee, which include compliance with the policies and procedures of the U.S. Center for SafeSport.

Since the March 2017 opening of the U.S. Center for SafeSport, any person who contacts U.S. Figure Skating to report alleged child abuse and sexual abuse or misconduct is instructed to immediately and directly report the allegations to local law enforcement and to the U.S. Center for SafeSport. Contact information, including The Center's phone number and online reporting form, is then provided by U.S. Figure Skating to the reporter. U.S. Figure Skating's organizational website, usfigureskating.org, also provides links and contact information to The Center.

However, long before the USOC's creation of the U.S. Center for SafeSport, U.S. Figure Skating promulgated General Rule 1.03 and it applies to all of its members. GR 1.03 mandates the reporting of suspected child abuse and sexual abuse to local law enforcement by its members. In addition, any member who fails to appropriately report suspected or observed abuse pursuant to GR 1.03 will be subject to disciplinary action in accordance with Article XXV, Section 3, of the U.S. Figure Skating Bylaws.

To ensure the victim, reporter or other third party does not fail or refuses to make a report, U.S. Figure Skating's staff counsel for SafeSport confirms with The Center that a report has been filed. If a report is not made and an allegation of abuse exists, staff counsel will file a report on behalf of U.S. Figure Skating.

On an organizational level, once U.S. Figure Skating is made aware of any criminal charges against a member for alleged child abuse or sexual misconduct, U.S. Figure Skating acts as a grievant and initiates a disciplinary action against the member suspected of abuse. The U.S. Figure Skating Grievance Committee promptly convenes a Hearing Panel to provide standard complaint and hearing procedures for the prompt and equitable resolution of member grievances. Under the U.S. Figure Skating Bylaws, U.S. Figure Skating – independent of the U.S. Center for SafeSport – has the authority to suspend or ban a member.

U.S. Figure Skating's president, executive director and staff counsel for SafeSport are promptly made aware of all reported complaints of alleged child abuse and sexual abuse or misconduct involving a member.

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

Response:

Yes. U.S. Figure Skating requires criminal background checks and SafeSport training for all U.S. Figure Skating employees, all U.S. Figure Skating-hired independent contractors and/or vendors who come into frequent contact with athletes, all U.S. Figure Skating board members and committee chairs, all U.S. Figure Skating-appointed staff (such as Team doctors, physical therapists, massage therapist, sports psychologists, nutritionists and other members of the sports science and medical team) as well as all chaperones at U.S. Figure Skating organized camps.

With regard to medical and sports science professionals who travel to competitions or participate in camps to provide medical support and/or education to U.S. Figure Skating team members, U.S. Figure Skating requires they meet the following standards prior to being assigned to a specific event:

1) Must hold requisite license in good standing with the appropriate board certification for his/her specialty; 2) must submit documentation of licensing to U.S. Figure Skating; 3) must submit to a criminal background check; 4) must join the U.S. Figure Skating National Network and travel pool; and 4) must be a member in good standing with U.S. Figure Skating, which subjects them to the jurisdiction of U.S. Figure Skating and its bylaws, rules and policies. In addition, U.S. Figure Skating's Sports Sciences and Medicine Committee conducts an evaluation of all medical professionals after each event to which they are assigned. In addition, there is no single doctor or medical provider who is the U.S. Figure Skating "Team Doctor" or medical provider.

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.

Response:

U.S. Figure Skating has never used an NDA to enforce confidentiality against any athlete, member or volunteer. It is standard practice for U.S. Figure Skating to include a confidentiality/nondisclosure clause in employee separation 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 circumstances surrounding every individual agreement used by your organization.

Response:

No. U.S. Figure Skating has never utilized any binding agreements with athletes that obligates them to refrain from disclosing any information. In addition, there are no situations in which U.S. Figure Skating has required an 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?

Response:

In May 2000, U.S. Figure Skating adopted and began implementing a mandatory reporting rule and “zero tolerance” rule and policy regarding abuse and harassment. Of utmost importance, U.S. Figure Skating promulgated General Rule 1.03, which mandates members to report suspected child abuse (physical and sexual) and sexual misconduct to local law enforcement. Anyone under the jurisdiction of U.S. Figure Skating who fails to report is subject to disciplinary action. U.S. Figure Skating has acted promptly on

every incident of suspected sexual misconduct reported to U.S. Figure Skating since adopting this rule.

U.S. Figure Skating strives to provide a safe environment in which all members can fully participate in the sport of figure skating, free from any form of misconduct, abuse or harassment. Below, is a timeline of U.S. Figure Skating's proactive and evolving rules and policies in support of this mission:

TIMELINE

May 2000: Mandatory reporting of sexual misconduct added to the Rulebook under Member Code of Conduct, which includes GR 1.03: If any form of child abuse is observed or suspected by a member, the member must immediately contact either local law enforcement or a public child welfare agency and make a report.

Sept. 2001: Grievance Publication Pursuant to GCR 9.03, requires publication in SKATING magazine of disciplinary actions taken by hearing panels, in short making public the identify of members who are suspended or banned from U.S. Figure Skating.

Oct. 2001: Athletes competing in international competitions receive hard-copy post-event surveys asking them to anonymously evaluate Team Leaders, medical providers and officials. Comment section offered for elaboration.

2005: The publishing/posting of suspended or banned members is expanded to include U.S. Figure Skating's organizational website: www.usfigureskating.org

May 2005: U.S. Figure Skating communication to clubs and rink management recommends criminal background screening of coaches.

July 2008: U.S. Figure Skating institutes mandatory criminal background screening of all coaches through the National Center for Safety Initiatives (NCSI) as a condition to be a member coach of U.S. Figure Skating. The NCSI criteria are consistent with the principles of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 passed by the 108th Congress.

Oct. 2008: Post-event surveys to athletes competing in international events now delivered through secure, online site. This has resulted in an increase in the number of anonymous athlete responses evaluating Team Leaders, medical providers and officials. Comment section offered on the survey for elaboration.

July 2011: Mandatory annual Continuing Education Requirements (CERs) for all U.S. Figure Skating member coaches are adopted and made mandatory for all coaches before they can participate in U.S. Figure Skating sanctioned events and activities. The 2018 CER topics include: U.S. Figure Skating SafeSport Handbook for Figure Skating Coaches; SafeSport Has Changed our Coaching Practices; Healthy Body Image.

May 2013: U.S. Figure Skating's SafeSport Program, supported by the Professional Skaters Association, formally launched at U.S. Figure Skating's annual Governing Council meeting. All previous rules, policies and procedures are placed under one program to align with the new USOC SafeSport Program.

"We must have zero tolerance when it comes to abuse and harassment. It is essential that all of our members are provided a safe environment that is free of abuse and harassment. The SafeSport Program provides tangible resources to help identify what constitutes abuse and harassment and the procedures for how to report it. U.S. Figure Skating is committed to providing a safe and positive environment for all of our members." -- Patricia St. Peter, U.S. Figure Skating President, 2009-2014

- U.S. Figure Skating publishes a new email address (safesport@usfigureskating.com) specifically for the reporting of suspected sexual abuse or misconduct and a call-in number (719-635-5200) to allow reports to be made anonymously.
- Coaches' Education Requirement includes U.S. Figure Skating's "SafeSport for Figure Skating Coaches."
- All U.S. Figure Skating member clubs are mandated to have a SafeSport Compliance chair, who is responsible for the implementation and coordination of the U.S. Figure Skating SafeSport Program within their local club. The officer, who must be a member of the club's Board of Directors, also serves as a liaison between the club and the U.S. Figure Skating SafeSport Program.

- Athlete Development Department adds SafeSport training to camp's curriculum.
- SafeSport Program training provided free to members via online platform.
- U.S. Figure Skating Membership department debuts SafeSport Webinar Series, held live and then posted online for future reference.
- SafeSport posters available to clubs and ice rinks.
- In a joint effort between U.S. Figure Skating and USA Hockey, STAR Rink magazine communicates SafeSport message to North American ice rinks. Features continue to appear periodically in magazine, now called U.S. Ice Rink magazine.

July 2013: Professional Skaters Association's PS Magazine debuts its SafeSport feature, which has appeared in every edition since July 2013. Topics have included Child Sexual Abuse: Awareness, Recognition, and Action; Grooming Behaviors; Sexual Misconduct; U.S. Figure Skating Locker Room Policy; The Center for SafeSport Revised Reporting Procedures.

2014: U.S. Figure Skating's Membership Committee creates a club "Checklist for Success," which includes SafeSport.

May 2015: U.S. Figure Skating adopted a new bylaw which provides that the U.S. Center for SafeSport, once it is operational, will have exclusive jurisdiction regarding the handling and adjudication of all complaints for alleged sexual misconduct. All other U.S. Figure Skating rules and policies referenced above remain in effect.

August 2017: Board approves policy requiring criminal background checks and SafeSport training to be expanded to include all U.S. Figure Skating employees, U.S. Figure Skating-hired independent contractors and/or vendors who come into frequent contact with athletes, Board of directors and committee chairs, and all U.S. Figure Skating appointed staff and chaperones at U.S. Figure Skating organized camps.

October 2017: U.S. Figure Skating hires in-house staff counsel whose primary role is the intake of suspected abuse complaints as well as assistance to and the education of members on identifying and reporting suspected abuse, misconduct and harassment.

February 2018: Board of directors approves \$100,000 budget for development and implementation of additional SafeSport initiatives and education.

July 1, 2018: Coinciding with the beginning of the new membership year, criminal background checks and SafeSport training will become mandatory for all U.S. Figure Skating volunteer officials at all levels. U.S. Figure Skating will be responsible for the costs of these required 1,000-plus criminal background checks for all volunteer officials.

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.

Response:

None

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. 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?

Response:

The third-party audit issued to U.S. Figure Skating assessing compliance with SafeSport policies and procedures initially made the following two recommendations:

1) *U.S. Figure Skating 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. U.S. Figure Skating must consistently track and verify criminal background checks and education and training requirements are met for all Required Individuals. U.S. Figure Skating 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).*

2) *U.S. Figure Skating's SafeSport policy 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.*

In response to Recommendation 1

U.S. Figure Skating implemented a process to ensure all required individuals complete criminal background checks and SafeSport education before they have contact with athletes. U.S. Figure Skating modified its SafeSport Handbook to expand the categories of individuals who are required to obtain criminal background checks and complete the SafeSport training to include individuals it formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.

In response to Recommendation 2

U.S. Figure Skating modified its SafeSport Handbook as set forth above and provided a detailed plan to ensure compliance. The process is as follows:

1. U.S. Figure Skating identifies all individuals who are required to take criminal background checks and SafeSport training due to their position and/or assignment (e.g. doctors who are assigned to serve as Team Doctors at the international competitions for the coming season). Then, an assigned staff member verifies that the individuals have received a "green light" on the background check and that the individuals have successfully completed the SafeSport training.

2. For criminal background checks, U.S. Figure Skating updates and posts a daily list to the official U.S. Figure Skating website. If a person does not receive a "green light", they are not compliant and cannot participate in sanctioned events or have access to athletes. The published list can be found at:

<http://www.usfigureskating.org/content/CoachCompliance1718.pdf>

3. For SafeSport training, the assigned staff member verifies that the individual appointed to a role requiring SafeSport training has completed the required training by cross-checking the SafeSport training list. If an individual has not completed the

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SafeSport training, then they are not compliant and cannot participate in sanctioned events or have access to athletes. U.S. Figure Skating has developed an automated process to allow compliance with the required criminal background check and SafeSport training to be verified in real time. The automated process will be fully operational by July 1, 2018.

The SafeSport Follow-Up Report issued by the USOC found that U.S. Figure Skating implemented both recommendations.

We trust this letter is responsive to your request for information. If you have any further questions or need clarification on any response, please don't hesitate to contact me.

On behalf of U.S. Figure Skating, we reiterate our strong support for the passage of S. 534, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017.

Sincerely,

A handwritten signature in black ink that reads "David C. Raith". The signature is written in a cursive, slightly slanted style.

David Raith
Executive Director
U.S. Figure Skating

cc: Sam Auxier, President, U.S. Figure Skating
Board of Directors, U.S. Figure Skating