



February 16, 2018

VIA ELECTRONIC MAIL

Honorable Jerry Moran, Chairman
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510
c/o Conor McGrath (Conor_McGrath@moran.senate.gov);
Tom Bush (Tom_Bush@moran.senate.gov)

Honorable Richard Blumenthal, Ranking Member
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510
c/o Anna Yu (Anna_Yu@blumenthal.senate.gov)

Re: Your Letter of February 2, 2018

Dear Senators Moran and Blumenthal:

Thank you for your letter of February 2, 2018. On behalf of USA Climbing, we share your concern regarding the health and safety of amateur athletes, and particularly those participating through our organization.

Below, I answer the questions that you have addressed to our organization. I do so in light of the Subcommittee's clarification of several of those questions, as provided by electronic mail on February 7 from Conor McGrath and Anna Yu, and in response to the letter of the same date from Max Cobb, Chair of the National Governing Body Council. Thank you for those clarifications, which allow us to focus on the issues we understand appropriately to be at the heart of the Subcommittee's inquiry.

- 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?*

The relevant USA Climbing protocols are provided in our Amended and Restated Bylaws (July 17, 2017) and our SafeSport Athlete Protection Policy and its related policies. I am attaching to this letter a copy of the bylaws and the SafeSport Athlete Protection Policy.

In the bylaws, please see particularly Section 15.7 (“U.S. Center for Safe Sport”). Please also note that, as referenced in response to question number 5, below, USA Climbing is in the process of updating its SafeSport policies.

- 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? [Subsequently clarified, as referenced above]*

The USA Climbing SafeSport Athlete Protection Policy applies to each USA Climbing Certified Coach, National Team Coach, National Team medical officer, and official National Team chaperone; it further applies to all other USA Climbing staff members, contractors, and/or volunteers who are retained by USA Climbing and are expected to have sustained interactions with USA Climbing-registered athletes, other than as a parent or guardian.

- 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. [Subsequently clarified, as referenced above]*

After investigation, we are not aware of an instance in which USA Climbing has used a non-disclosure agreement to require an athlete, volunteer, or employee to keep confidential and/or not to disclose information about any wrongdoing, bad act, or omission (or any violation of USA Climbing’s rules, the rules of the U.S. Center for SafeSport, or any applicable law). Please understand that our ability to answer this question regarding events of more than a decade ago is limited. For that earlier time period, we are not aware of any such instances, but we have particularly limited ability to verify whether in fact there were any such instances.

- 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. [Subsequently clarified, as referenced above]*

I understand that, under the Ted Stevens Olympic and Amateur Sports Act, National Governing Bodies are required to participate in binding arbitration where an athlete alleges that the National Governing Body has denied him or her an opportunity to participate in certain competitions, and where a member alleges that the National Governing Body has violated certain provisions of the Ted Stevens Olympic and Amateur Sports Act or the bylaws of the United States Olympic Committee. In these cases, I understand that it is the athlete who chooses whether or not to require a National Governing Body to participate in binding arbitration, and the athlete is in no way obliged to participate. With that as background, in response to the request that each National Governing Body describe the cases in which that National Governing Body



might have required an athlete to participate in forced binding arbitration, USA Climbing reports that, after investigation, it is not aware of any such instances. Please understand that our ability to answer this question regarding events of more than a decade ago is limited. For that earlier time period, we are not aware of any such instances, but we have particularly limited ability to verify whether in fact there were any such instances.

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 you[r] organization taken any additional steps to improve the transparency, efficiency, and effectiveness of its criminal misconduct reporting mechanisms?*

USA Climbing is in the process of updating its SafeSport policies, following certain July 2017 updates to its bylaws. In updating the SafeSport policies, USA Climbing intends, among other things, to give particular attention to lessons that may be learned from the controversy regarding Dr. Nassar, and the failure earlier to identify and stop the misconduct for which he has been convicted.

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.*

After investigation, we are not aware of an instance in which USOC did not take any action following a report of criminal behavior from USA Climbing.

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 (HPMO). 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? [Footnote omitted]*

Because USA Climbing only recently was recognized as an Olympic Sports Organization (October 16, 2017), we understand that the United States Olympic Committee has not yet commissioned a SafeSport audit with respect to USA Climbing. We look forward to working with the United States Olympic Committee on any future SafeSport audit(s).

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Again, USA Climbing appreciates the Subcommittee's attention to the important issues referenced in your letter, and we hope that the above responses are useful.



Senators Moran and Blumenthal
February 16, 2018
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Sincerely,



Kynan Waggoner
Chief Executive Officer
USA Climbing

Enclosures: As stated.



Adaptive | Bouldering | Collegiate | Speed | Sport
4665 Nautilus Court Suite 502A | Boulder, CO 80301
303-499-0715 | www.usaclimbing.org