



February 12, 2018

Senator Jerry Moran
Senator Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senators Moran and Blumenthal:

By letter dated February 2, 2018, you requested answers to seven specific questions related to efforts to protect athletes throughout NGB organizational structures. Below you will find our answers. USATF takes the issue seriously and we work proactively to prevent harm to our athletes. Should you need more information please don't hesitate to contact me directly.

For ease of reference, answer numbers correspond to questions posed:

(1) USATF, through its SafeSport policy, strictly prohibits and urges reporting of unlawful harassment or abuse of and/or by staff members, volunteers, athletes, coaches, officials, athlete representatives, and members of USATF Associations, including their affiliated entities, whether the alleged harassment or abuse occurs at any events controlled by USATF or a USATF Association, including its affiliated entities, or outside those events. USATF stresses that individuals should not attempt to evaluate the credibility or validity of any harassment or abuse allegations as a condition for reporting to appropriate law enforcement authorities. USATF employs a zero-tolerance policy regarding harassment and will immediately terminate employees found to have engaged in prohibited conduct. It is the responsibility of each staff member and volunteer to immediately report suspicions or allegations of harassment or abuse to the appropriate person, outlined in the USATF's Reporting Process, noting that it is especially important to report any case of harassment or abuse involving a minor. There are multiple options available for reporting (e.g. email, phone call, personal reporting, etc.) and opportunities for anonymity (where legally possible) while also maintaining confidentiality during the course of internal investigations. Any complaints received by USATF involving any type of potential unlawful misconduct or behavior are immediately reported to law enforcement through our



Chief Security Officer for further investigation. In addition to immediate reporting to local law enforcement, the matter is immediately reported either to the Center for SafeSport or to a third-party entity for further investigation. Our employees are required to take and pass the SafeSport training which provides training in the areas of sexual harassment and abuse. Investigations are conducted by independent personnel unrelated to either the complaining party or subject of investigation. In appropriate circumstances, USATF is prepared to engage external consultants to conduct investigations if the scope of complaints warrant. Reports are prepared and conclusions are communicated to persons on a need to know basis, including the complaining party or victim.

(2) In answering this question, I am making the assumption that the Subcommittee seeks information about vetting consultants or independent contractors to non-NGB institutions. To be clear, USATF is a NGB institution. We do, however, engage third parties in three categories – independent contractors- individuals; independent contractors-companies; volunteers. The independent contractors-individuals are required to participate in our SafeSport training, submit to background screening and abide by USATF SafeSport and general policies, including those concerning intolerance or harassing behavior. The independent contractors –companies are required to adhere to USATF SafeSport and general policies, including those concerning intolerance or harassing behavior and include a reporting requirement. The final category is that of the USATF volunteer- members of the organization that are non-staff members – they serve as team staff members, meet management members, nutritionists, massage therapists. They work closely with our athletes at domestic events and travel internationally with the athletes at competitions. They are required to have SafeSport training, pass a background screening and abide by USATF SafeSport and general policies, including those concerning intolerance or harassing behavior.

(3) USATF does utilize non-disclosure language in instances of separation of employment with employees, resolution of business conflicts with third party vendors, and in instances where confidential information is being exchanged between parties in contemplation of potential business deals, but has never done so under the circumstances contemplated herein. Inclusion of such a requirement is antithetical to USATF’s policies regarding protection of athletes.



(4) USATF does contractually engage athletes when asking them to appear at various public engagements (e.g. autograph signings, media appearances, potential sponsor engagements, etc.). In addition, USATF athletes do sign certain agreements when they qualify for and wish to compete at international events, or when receiving certain USATF benefits, etc., which we are happy to provide upon request. Note that it is not possible to detail “the justification and circumstances surrounding every individual agreement” USATF uses but that under no circumstances are there agreements with athletes that frustrate, limit or impair an athlete’s ability to pursue or report a complaint of wrongdoing.

(5) Since the lawsuits were filed USATF has made two changes to its Safe Sport policies. USATF extended the requirement to any USATF volunteer in a leadership position, not just the chair of the committee. Beginning in 2018, we extend the SafeSport requirements for Association (regional and local levels) events to any and all volunteers operating in an official capacity at the event and to any paid contractors who will have access to the field of play (event director, announcer, etc.). While our policies have been effective, they are reviewed yearly to maintain best practices standards.

(6) USATF is not currently aware of any circumstances where the USOC did not take any action following report of criminal behavior from USATF. USATF immediately reports any such allegations it receives to the Center for SafeSport, as well as local law enforcement. Except for communications back to USATF that a particular matter does not fall under the scope of the Center (e.g. physical or mental abuse, but not sexual abuse), USATF is not aware of any circumstances where the USOC did not take action following a report of potential criminal behavior by USATF.

(7) The report issued by the third-party consultant to USATF was very favorable. While USATF’s SafeSport policies were geared more toward youth athletes, the only change the consultant recommended was that USATF’s policy be modified to cover all USATF athletes (not just youth athletes), and as stated above, the recommendation was immediately incorporated by USATF. Below is the actual report from that audit. The review found the recommendation was implemented and is considered closed. It was noted that USATF was prompt to implement the recommendation made in the SafeSport audit.



Follow-up Status	Recommendation	Management Response	Follow-up Action
Implemented	USATF 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.	We agree with the condition and recommendation and have updated our policies accordingly to comply with the Athlete Safety Standards. The updated policy can be found on our website as of September 18, 2017.	USATF made updates to its policy to address the recommendation.

It is my intent to answer your questions accurately and thoroughly. USATF is committed to the safety and well-being of its athletes. If you need additional information, please do not hesitate to ask.

Regards,

Max Siegel
CEO, USA Track & Field