

Responses of Rick Adams, Chief of Paralympic Sport and National Governing Body
Organizational Development, United States Olympic Committee, to questions for the record, in
the Committee on the Judiciary, United States Senate, hearing on Protecting Young Athletes
from Sexual Abuse, March 28, 2017

Chairman Grassley

How many complaints has the Center for SafeSport received since opening its doors this year?

The most current statistics would be available only from the U.S. Center for SafeSport. According to information shared with me recently by the Center, I understand that the Center has received approximately 30 complaints since it opened in early March 2017, of which 22 have led to active matters, and that these matters relate to various time frames going back a number of years.

We've all seen headlines about abuse allegations from Olympic athletes in sports other than gymnastics over the years. Why, then, was the launch of the Center for SafeSport delayed until 2017?

Launching the Center was a significant effort. There were three primary reasons that we did not meet the original launch target. First, the Center required changes in our relationships with NGBs, and not all of the NGBs agreed initially to the Center's current full authority and jurisdiction. Second, funding for the Center was challenging. Finally, securing insurance for the Center was difficult given the issues that it will address. Although we wish we had been able to launch the Center sooner, seeing the effort to fruition was a significant milestone.

At what time did the Olympic Committee become aware that USA Gymnastics' policy was not to take action against a coach or doctor unless a gymnast or a parent had submitted an allegation in writing?

Our understanding is that, rather than a policy, there appears to have been a practice at USA Gymnastics along the lines you describe. We became aware of this general practice as details of the Dr. Nassar case became public.

At what time was the U.S. Olympic Committee notified that USA Gymnastics had reported abuse allegations to the FBI or other law enforcement authorities?

To my knowledge, when USA Gymnastics first informed the U.S. Olympic Committee about the allegations of abuse related to Dr. Nassar, during the summer of 2015, officials of USA Gymnastics indicated that the matter had already been reported to law enforcement.

In what respects, if any, might S. 534, the "Protecting Young Victims from Sexual Abuse Act of 2017" be amended to better accomplish its sponsors' objectives?

We strongly support the legislation and the key provisions that require NGBs and their personnel to report suspected incidents of child abuse and sexual abuse to law enforcement. This requirement complements the rules that the U.S. Olympic Committee established in the SafeSport program. Our comments regarding the legislation, which we have earlier conveyed to

your staff, center on ensuring that the legislation complements our efforts and permits us to continue to implement the structural reforms we have adopted. For example, we want to ensure that the requirement to report to law enforcement is not misconstrued as preempting our requirement that allegations also be reported to the Center. As we have also discussed with your staff, the U.S. Center for SafeSport is the best subject matter expert on some of the operational elements of the legislation and we are glad your office has been in contact with the Center on those points.

Is there anything you wish to add to, or correct for, the record? If so, please take this opportunity to provide any additional remarks or commentary.

No.

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Ranking Member Feinstein

What kind of oversight has the USOC conducted to ensure that USA Gymnastics properly handles sexual abuse complaints that are raised to USA Gymnastics?

We have undertaken a number of activities to improve USA Gymnastics in this area. Among those activities, we used our leadership role to support Steve Penny's decision to resign. We hope that his resignation will offer an opportunity for the organization to implement significant change. The policies and procedures that we have created in the U.S. Center for SafeSport will also significantly improve USA Gymnastics' handling of sexual abuse complaints.

Were you aware that over the past 20 years, at least 368 gymnasts have raised sexual abuse allegations against adults working in gymnastics?

We have become aware of the significant number of abuse allegations, and we share your deep concerns about these issues. We believe that the Center will significantly improve the handling of sexual abuse complaints within the Olympic community, including by creating a safe and independent means for athletes and others to report abuse.

Why didn't the USOC step in to fix this? Can you please explain the steps the USOC has taken to address this issue?

Since concluding, in 2010, that this issue warranted renewed attention, we have undertaken a number of steps to lead the Olympic community to improve its handling of allegations of abuse. In 2010, we convened a working group to study the problem and make recommendations for improvements, chaired by Nina Kemppel (a four-time Olympic skier and board member). The group included independent subject matter experts. In 2011, we hired a director for SafeSport and implemented a training center access protocol. By 2012, we had implemented the six working group recommendations. In December 2012, we began requiring the NGBs to have minimum standards for protection of athletes. As we implemented that requirement in 2013, we sought additional ways to assist NGBs. In August 2013, we convened a group to look at that issue specifically. In September 2013, that group recommended that we create an independent entity dedicated to protecting youth athletes' safety. In June 2014, our board approved the creation of an independent SafeSport entity. In January 2015, we began auditing the NGBs' compliance with the minimum standards requirement. In September 2015, we established the

Center's nominating and governance committee. In January 2016, the first board of the Center was seated and held its first meeting. In June 2016, the board approved the launch of the Center. In November 2016, the Center selected its first chief executive officer, Shellie Pfohl (former executive director of the President's Council on Fitness, Sports, and Nutrition). In March 2017, the Center officially opened.

How many times over the past ten years has the U.S. Olympic Committee been notified about a coach's sexual misconduct for any sport?

There isn't a set list of such notifications but to the best of our knowledge the U.S. Olympic Committee been notified about a coach's sexual misconduct fewer than 10 times. With the launch of the Center, we have a safe and independent place for athletes and others to report abuse.

Why doesn't the USOC or National Governing Bodies track this important information – particularly so that parents can be notified of allegations raised against those supervising their children? What steps are being taken to remedy this?

We agree that tracking information about allegations of abuse must be improved. With the launch of the Center, we will now be able to track this information.

Do you agree that National Governing Bodies should develop and enforce policies, mechanisms, and procedures to prevent the abuse of minors in their facilities?

Yes, and the USOC requires each National Governing Body to participate in the Center for SafeSport as a condition of being recognized by the U.S. Olympic Committee. Now that the Center is open, the U.S. Olympic Committee's policies and procedures related to the Center are effective. This comes over and above preexisting USOC requirements that NGBs have comprehensive SafeSport policies and procedures of their own.

Specifically, do you agree that National Governing Bodies should have the additional duty of ensuring that a non-legal guardian adult never has an opportunity to be alone with a minor without being in an observable and interruptible distance from another adult?

Now that the Center is open, it will be able to address this issue with its own experts. I am not an expert in this area, and it is my understanding that there is not uniform opinion among experts. We have heard differing views on this approach. The Center is the best subject matter expert on operational questions like this and we commend them to you as a resource for more detailed information and input.

Additionally, because predators can escape accountability by simply moving from one gym to another, do you agree that a National Governing Body should provide notice to all member gyms once a sexual abuse allegation has been made against a particular individual?

Yes.

Of the complaints that the USOC was made aware of over the past 10 years, were each of those complaints handled in the same manner?

No. Because the NGBs were responsible for handling allegations of sexual abuse, each NGB handled the allegation pursuant to its own procedures. With the launch of the Center, it has exclusive authority to investigate such allegations, and it will apply consistent procedures.

What was the manner in which they were handled? If they were not handled in the same manner, why were there differences in how they were handled?

Because the NGBs were responsible for handling allegations of sexual abuse, each NGB handled the allegation pursuant to its own procedures. With the launch of the Center, it has exclusive authority to investigate such allegations, and it will apply consistent procedures.

Do you believe that the Ted Stevens Act prohibits intervention by a National Governing Body or the USOC to institute interim measures to prevent an accused individual from interacting with children while an investigation is pending?

No.

Do you agree that when the USOC Center for SafeSport receives a report of child abuse, it must comply with federal and state mandatory reporting requirements and immediately notify the appropriate law enforcement authorities?

Yes, it must comply with any mandatory reporting requirements.

How will the Center for SafeSport, in investigating allegations of child abuse, avoid interfering with pending criminal or civil investigations, and prevent causing any additional trauma to victims? Would you support legislative language that seeks to avoid causing additional trauma to victims by minimizing the impact of having multiple administrative, criminal, and private entities conduct simultaneous investigations?

We support efforts to prevent additional trauma to victims, including legislation. We would not support restrictions on simultaneous investigations because it is important that the Center be able to resolve allegations of abuse, including barring abusers from Olympic facilities, even as a law enforcement investigation may be ongoing. Additionally, the Center may be able to act in cases where law enforcement cannot, for example, because of differing burdens of proof.

Do all National Governing Bodies have the same definition of a “covered adult”?

Yes, covered individuals are those who must abide by the SafeSport Code and be subject to the Center’s jurisdiction. They are any person within the governance or disciplinary jurisdiction of a National Governing Body, including anyone applying for membership, and anyone a National Governing Body identifies as being within the Center’s jurisdiction. This includes any athlete or non-athlete participant that a National Governing Body or the USOC formally authorizes, approves, or appoints to a position of authority over athletes or who has frequent contact with athletes.

Does the USOC have any power to bring National Governing Bodies into uniformity regarding their definition of a “covered adult” for purposes of mandatory reporting of child abuse?

The U.S. Olympic Committee requires NGBs to adhere to the policies of the U.S. Center for SafeSport, which includes a uniform definition of a covered individual.

Do you agree that USOC's SafeSport should broadly define a "covered adult" or "covered individual" to include volunteers, contractors, and other who may not have written, formal agreements or employment contracts with USOC or any of the National Governing Bodies?

Covered individuals are anyone who an NGB authorizes, approves, or appoints to a position of authority over athletes or who has frequent contact with athletes. It does not depend on a formal agreement or employment contract.

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Senator Franken

Can you describe those findings [from working groups]? And in practice, how were allegations of abuse being handled prior to the 2014 implementation of the SafeSport preventive measures like background checks?

There have been two principal working groups related to SafeSport. First, a working group convened in 2010 produced six recommendations for action by the U.S. Olympic Committee: Increase its leadership role; lead by example; develop training materials; develop resources for use by local clubs and organizations; standardize services that promote safe training environments; and encourage National Governing Bodies to adopt policies to address sexual and physical misconduct. The U.S. Olympic Committee implemented each of these recommendations. In 2013, following the implementation of a required minimum standards obligation for NGBs, a second working group addressed strategies for supporting the NGBs' efforts. That working group recommended that we create an independent entity dedicated to protecting youth athletes' safety, which caused us to create the Center. Before the creation of the Center, the resolution of allegations of abuse was handled by the NGBs.