



Findings of Compliance Audit of USA Gymnastics

Regarding

**Report to USA Gymnastics on
Proposed Policy and Procedural Changes
for the Protection of Young Athletes (June 2017)**

SUBMITTED BY



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Introduction

In the fall of 2016, *The Indianapolis Star* published a series of articles entitled, “Out of Balance,” reporting on multiple incidents of sexual abuse of young female gymnasts throughout the country. The articles, which chronicled the stories of serial child predators such as Ray Adams, who worked in at least 12 clubs in four states and was hired by clubs to coach pre-teen and adolescent girls even after having been not only fired by other clubs but also prosecuted criminally four times for child sexual abuse. The *Star* also described various instances of physical and emotional abuse of these talented, but vulnerable, young athletes. During the course of these publications, former athletes began to come forward telling the now well-known stories of serial sexual abuse of hundreds of athletes by former team physician Larry Nassar. USA Gymnastics was accused by many victims of having been insensitive to their concerns and having failed to take appropriate action to protect them over a period of years.

As the gymnastics world was reeling from these revelations, USA Gymnastics retained former state and federal prosecutor Deborah J. Daniels of the law firm of Krieg DeVault LLP to analyze its policies and practices, with the intention of enhancing its protection of, and response to the abuse of, young gymnasts at all levels training in clubs all over the country – from those who train only recreationally, and may not even be members of USA Gymnastics, to the small percentage of member athletes who reach the elite level and compete nationally and internationally. Krieg DeVault partnered with Praesidium, a Texas-based consulting company specializing in the prevention of sexual abuse in organizations that serve youth and vulnerable adults.

In June 2017, Krieg DeVault and Praesidium issued a report based on their analysis and entitled “Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes”, which is sometimes referred to as “the Deborah Daniels Report” (the “Report”)¹. The Report analyzed the structure of the organization; member requirements; screening and selection of coaches, volunteers and other adults with access to athletes; the process for filing and responding to reports of misconduct by those charged with the care of athletes; the level of support and protection provided to athletes by the USA Gymnastics system; and related matters. The Report included 70 specific recommendations, with an overarching recommendation that USA Gymnastics must undergo a complete cultural shift from a focus primarily on winning medals to a paramount focus on athlete protection.²

In the Fall of 2020, USA Gymnastics again retained Krieg DeVault, this time to conduct a compliance audit of the organization’s progress since the 2017 Report in accomplishing the improvements included in the Report’s recommendations. We have conducted a review of various documents, including the Amended Bylaws, revised policies, documentation included on the USA Gymnastics web site, and the results of surveys conducted by USA Gymnastics of its

¹ https://www.usagym.org/PDFs/About%20USA%20Gymnastics/ddreport_062617.pdf

² *Ibid.* at 23



members as well as the parents of athlete members. In addition, we conducted interviews of USA Gymnastics board and staff, member clubs and athletes to enhance our understanding of how the policies are carried out in practice, the extent to which reporting requirements and other policies are understood and supported by those in clubs around the nation, as well as the perceptions in the field of the extent to which USA Gymnastics has made progress toward the cultural change we recommended. While it is impossible, given our time and resource constraints, the 3500 active clubs in the country, and the tens of thousands of athletes and parents of minor athletes who comprise the USA Gymnastics community, to obtain a scientifically representative sample of views from the field, we have been able to form general impressions with relation to these matters.

Overall, it appears that USA Gymnastics, particularly in the time period since the current CEO was installed in the Spring of 2019, has made significant forward progress toward not only improving its written policies but also improving its performance in terms of athlete abuse reporting and response to reports of abuse; training of various constituencies to enhance their understanding of what constitutes abuse and what action is expected if misconduct is detected; outreach to, protection and support of athletes; and communication from the top down of a culture that values and protects its athletes first and foremost. Some amount of credit for positive change goes to the U.S. Center for SafeSport, which officially launched in early 2017 with a SafeSport Code with which all Olympic National Governing Bodies must comply, and has in addition created what appears to be highly effective training. Beyond that, however, USA Gymnastics has made myriad, highly visible and potentially highly impactful changes that appear to be making a real difference on behalf of the young athletes for whose safety it is responsible.

While there is still progress to be made, which we document in the report that follows, our overall impression is that USA Gymnastics (to which this report will sometimes refer as “USAG”) has made significant positive strides and has, in fact, fully satisfied the proposals for change made in the vast majority of the original 70 recommendations from the 2017 Report.

Board Structure and Duties

Recommendation #1 – Amend Bylaws to Clarify Priority of Athlete Well-being

Background

Prior to the Report, USA Gymnastics' bylaws did not adequately prioritize the well-being of athletes. Specifically, the bylaws did not include “the safety and well-being of athletes” in its Governance Philosophy. Similarly, the previous bylaws did not include compliance with Safe Sport requirements as a function of the board of directors (the “Board”). Other portions of the bylaws also lacked meaningful references to the prioritization of athlete well-being and compliance with Safe Sport requirements.

Analysis

The Report recommended that USA Gymnastics amend its bylaws to clarify its priority of athlete well-being. USA Gymnastics published Amended and Restated Bylaws (the “Amended Bylaws”), effective November 11, implementing several key changes related to the prioritization of athlete well-being. For example, Section 2.4 of the Amended Bylaws makes clear that the Board’s governing philosophy is to “lead and support USAG’s efforts to promote a safe, healthy, and positive sport environment.”³ Additionally, Section 2.1 of the Amended Bylaws clarifies that the purpose of USAG is to “build a community and culture of health, safety, and excellence where athletes and other participants can thrive in sport and in life.”⁴

The Amended Bylaws also include a new Section 2.5 which provides that USA Gymnastics:

[w]ill adhere to athlete and participant safety requirements of the Ted Stevens Act, the USOPC, and the U.S. Center for Safe Sport, and any other applicable state or federal law. USAG will adopt and maintain athlete participant safety policies and procedures that meet or exceed the requirements of these authorities.⁵

Other important changes in the Amended Bylaws which clarify USA Gymnastics’ commitment to athlete well-being include, but are not limited to:

³ Amended Bylaws at 2. Available at: <https://usagym.org/PDFs/About%20USA%20Gymnastics/Governance/usag-bylaws.pdf>.

⁴ *Ibid.* at 2.

⁵ *Id.*

- Section 3.3: provides that members must comply with Safe Sport Rules and submit to the Center for Safe Sport’s jurisdiction.
- Section 4.2: adds language clarifying that it is a function of the Board to ensure “that USAG adopts and maintains athlete and participant safety rules, policies and procedures that comply with or exceed the requirements of the Ted Stevens Act, the USOPC, and the Center.”⁶
- Section 6.6: establishes the USA Gymnastics SafeSport Committee, which is designed to, among other things, “monitor compliance by USAG with the policies, procedures and requirements of the Center for Safe Sport and USAG, as well as other safe sport initiatives of the USOPC and the Olympic movement.”⁷

Conclusion

Taken together, these amendments constitute compliance with this recommendation. The Amended Bylaws clarify USA Gymnastics’ commitment to athlete well-being and the protection of children from harm, including sexual and emotional abuse.

Recommendation #2 – Revise Board Selection Process

Background

The Report recommended revisions to the Board selection process to “broaden the skillset of the Board, increase the number of independent Board members, and obtain to the greatest extent possible diverse perspectives and independent input into Board decision-making.”⁸ The selection process under the previous bylaws weighed heavily toward members active in the gymnastics environment and gave an appearance of insularity while failing to ensure the Board’s independent oversight.

Analysis

USA Gymnastics has taken steps to broaden the skill set of the Board, increased the number of independent Board members, and diversified perspective and independent Board decision-making. First, the Board has decreased its size from 20 directors to 15. Of those, 8 directors must be “unaffiliated directors,” as defined by the Amended Bylaws. Second, USA Gymnastics has increased the number of diverse perspectives within its unaffiliated directors. These perspectives include: 1) a former business lawyer with corporate experience along with board experience for

⁶ *Ibid.* at 5.

⁷ Amended Bylaws at 17.

⁸ Report at 31.



legal aid societies and the American Bar Association; 2) a current CEO of a NYSE listed company and former Olympic swimmer with engineering and business degrees; 3) a member of the board of directors for Child Abuse America; 4) a senior advisor for a professional baseball team; 5) an adjunct professor at Boston University's School of Social Work; 6) a former CEO for a NASDAQ company; and 7) the director of sports marketing and partnerships for PepsiCo.

The Report also recommended the Board retain greater control over the selection of potential directors. Section 4.5(c) of the Amended Bylaws allows the Board to select all eight unaffiliated directors based on a set of criteria set forth in Section 4.6 of the Amended Bylaws.⁹

The Board does not control the selection of the Affiliated Organizations Director, which is selected by an affirmative vote of a majority of the members of the Affiliated Organizations Committee.

Similarly, the Board does not retain control over the selection of Athlete Directors. Athlete directors are directly elected by athletes that meet the definition of a 10 Year Athlete Representative and are otherwise eligible to serve as a director.¹⁰

Although the Board does not retain control over the election of the Affiliated Organizations Director or the Athlete Directors, it has sufficient control over the selection of all other potential directors. Moreover, conversations with members of the Board revealed the Nominating and Governance Committee conducts a robust vetting process for each potential member.

The Report also recommended the Board limit the amount of influence the President has over the selection of Board members. Conversations with the Board satisfy us that the President of USA Gymnastics does not retain an inappropriate amount of influence over the selection of directors. Instead, the Board and the President maintain a productive working relationship that has included the selection of many qualified and effective directors.

⁹ A director is not unaffiliated if, in the preceding 5 years: 1) Employed by USAG or held governance position or a sport family entity connected to USAG; 2) Immediate family was employed by or held governance position within USAG, FIG, international sport entity, or any sport family entity connected to USAG; 3) Individual was affiliated with or employed by USAG's outside auditor or outside counsel; 4) Immediate family member of the individual was affiliated with or employed by USAG's outside auditor or outside counsel as a partner, principal or manager; 5) Individual was a member of USAG's Athletes' Council; 6) Individual was a member of any constituent group with representation on the Board; 7) Individual receives any compensation from USAG directly or indirectly; 8) Individual is an executive officer, controlling shareholder, or partner of a corporation or partnership or other business entity that does business with USAG; 9) Individual is the parent or close family member or coach of an athlete that has compete in a protected competition; 10) The individual is a member of USAG in a membership category that participates in competitions.

¹⁰ Amended Bylaws at 7.

Conclusion

The steps taken by USA Gymnastics have satisfied the terms of this recommendation.

Recommendation #3 – Ensure that Term Limitations are Consistently Enforced

Background

At the time the Report was issued, some directors had served on the Board for longer than eight years, at least in part due to a reorganization of the Board. This was perceived to lead to insularity and a lack of fresh thinking on the part of the board. It was recommended that there be a clear limit on the length of time an individual can serve, and that term limits be strictly enforced.

Analysis

Section 4.8 of the Amended Bylaws clarified that directors may only serve to serve two four-year terms, for a maximum of eight years.¹¹

Although no official mechanism for the enforcement of term limitations exists in the Amended Bylaws, the USA Gymnastics website¹² includes the term of each director, allowing for greater transparency regarding how long each director has served on the Board. Further, conversations with the Board indicate no director would realistically have the opportunity or attempt to serve beyond their term limit.

Conclusion

Given the clarity of the terms of Section 4.8 and the transparency provided on the USA Gymnastics website outlining each director's term of service, USA Gymnastics has satisfied the recommendation outlined in the Report, ensuring that director term limitations are consistently enforced.

¹¹ *Ibid.* at 9.

¹² Available at: https://usagym.org/pages/aboutus/pages/board_of_directors.html.



Recommendation #4 – Reduce or Eliminate Conflicts of Interest

Background

The Report recommended that USA Gymnastics prohibit compensation to members of the Board even for non-Board service to the organization, to help avoid conflicts of interest on the part of board members.

Analysis

Section 4.9 of the Amended Bylaws provides that:

[e]xcept as otherwise provided in the [Texas Business Organizations Code] (“BOC”), directors will not receive compensation for their services as directors, although the reasonable expenses of directors may be paid or reimbursed in accordance with USAG’s policies... except as otherwise provided in the BOC or USAG’s conflict of interest policy, directors may not receive compensation for services rendered to or for the benefit of USAG in any other capacity.¹³

Conclusion

Based on Section 4.6 of the Amended Bylaws, we agree that USA Gymnastics has satisfied this recommendation and reduced or eliminated conflicts of interest within the Board by eliminating compensation to directors for “services rendered to or for the benefit of USAG in any other capacity.”¹⁴

Recommendation #5 – Provide Abuse Training for the Board of Directors

Background

Prior to the Report, the Board did not receive formal Safe Sport abuse training focused on athlete well-being. It was felt that the Board could not successfully conduct its oversight function without being informed on such matters.

¹³ Amended Bylaws at 9.

¹⁴ *Ibid.*



Analysis

Under Section 4.3 of the Amended Bylaws, directors are required to complete Safe Sport training prior to serving. Based on conversations with USA Gymnastics' leadership, it is clear that directors are also required to become individual members of the organization. This triggers an annual requirement that directors complete Safe Sport training.

Conclusion

Based on these requirements, USA Gymnastics has satisfied the recommendation that members of the Board receive abuse training.

Recommendation #6 – Create, Maintain and Regularly Update Board Handbook

Background

The Report recommended the creation of a Board handbook that would include USA Gymnastics' bylaws and other policies to assist directors in their roles as members of the Board.

Analysis

In December of 2020, USA Gymnastics rolled out its "2021 Board of Directors Handbook" (the "Handbook"). The Handbook includes the following information:

- Description of USA Gymnastics' role in the Olympic Movement;
- Biographical information for USA Gymnastics' Executive Leadership Team and the Board of Directors;
- Statement on USA Gymnastics' Mission and Values and its 2021 Strategic Plan;
- USA Gymnastics' By-laws, Safe Sport Policy, Safe Sport Investigation and Resolution Procedures, Conflict of Interest Policy, Code of Ethical Conduct, and Whistleblower Policy

Conclusion

The Handbook is a comprehensive document that satisfies the recommendation by including all of USA Gymnastics' pertinent policies, especially those related to athlete well-being, and will likely be a useful tool for Board members in the future. USA Gymnastics should continue updating the Handbook annually to ensure that it remains effective for Board members in the years to come.



Recommendation #7 – Create Accountability for Protection of Children, Driven by Board

Background

The Report recommended additional accountability for the protection of children, driven by the Board. Prior to the Report, the Board’s involvement in the promotion of athlete wellness and accountability for the protection of children was insufficient. At the time of the Report’s publishing, the portfolio of the Ethics, Grievance and Safe Sport Committee purportedly included Safe Sport compliance for all of USA Gymnastics, but the Committee focused only minimally on Safe Sport matters. The Report proposed the creation of an alternative committee to the Ethics, Grievance, and Safe Sport Committee that would “take primary responsibility for engaging in a more detailed review into available information than the full Board has the time or opportunity to accomplish.”¹⁵ Such a committee, as the Report recommended, “would need to meet, at least by conference call, much more frequently.”¹⁶ Finally, the committee should “be required to monitor, and report regularly to the Board on, reports of abuse (physical, emotional, sexual) or other code of conduct violations that are made, time to resolution and the resolution of the reports.”¹⁷

Analysis

In response, the Board established a Safe Sport Committee separate from the previous Ethics, Grievance and Safe Sport Committee.

The Safe Sport Committee’s purpose is to:

- review and assist with the development and implementation of the athlete and participant safety policy and other policies or procedures related to Safe Sport;
- monitor compliance by USAG with the policies, procedures and requirements of the Center and USAG, as well as other safe sport initiatives of the USOPC and the Olympic movement;
- perform such other duties as assigned by the Board; and
- report to the Board of Directors as may be requested by the Board or the Chair from time to time¹⁸

¹⁵ Report at 32.

¹⁶ *Ibid.*

¹⁷ *Ibid.* at 33.

¹⁸ Amended Bylaws at 17.



The Board approved a revised Safe Sport Committee Charter in August 2020 (the “Charter”). The Charter formalizes what is required in the Amended Bylaws and provides additional governance requirements, including committee specific duties and terms of service. The Safe Sport Committee consists of five voting members, including one Board member. The Committee must include one subject matter expert and all members are nominated by the USA Gymnastics Nominating and Governance Committee and approved by the Board. The Committee also includes the Chief of Athlete Wellness (or equivalent position) as a non-voting member along with an employee of the USA Gymnastics Safe Sport Department as an assistant to the Safe Sport Committee.¹⁹

Records provided by USA Gymnastics indicate the Safe Sport Committee has met monthly or every other month since July 2018. Although Safe Sport Committee minutes from early meetings indicate initial confusion amongst members regarding the committee’s purpose, a detailed review of more recent Safe Sport Committee minutes reveals that confusion has subsided and members now regularly discuss: 1) Safe Sport Department case management, including data on time-to-resolution and the resolution of other reports, 2) Safe Sport policy documents (and compliance with the same), and 3) new Safe Sport policies, as required. Reports are frequently provided by the Director of Safe Sport, who also answers questions during Safe Sport Committee meetings and assists in the development of USA Gymnastics Safe Sport policies during the meetings.

The Report also recommended the Board set stringent requirements for the protection of children. In addition to the creation of the Safe Sport Committee, the Board adopted the USA Gymnastics Safe Sport Policy in October 2019, which sets out Safe Sport obligations at both the individual and club level in relation to athlete wellness, with specific emphasis on abuse prevention. Additionally, the Board adopted updated Safe Sport Investigation and Resolution Procedures (the “Resolution Procedures”) in December 2020.

The Resolution Procedures are used to “assess the fitness and eligibility of an individual to participate in the events of USA Gymnastics....”²⁰ Similarly, the Board adopted an updated version of the Code of Ethical Conduct (the “Revised Code”). The Revised Code no longer includes provisions related to USA Gymnastics’ Safe Sport Policy and is instead meant to work in tandem with the Safe Sport Policy. Nevertheless, the Revised Code places an emphasis on the “[p]romotion of a Safe, Positive, and Healthy Environment” as an ongoing ethical obligation of all members of USA Gymnastics.²¹ The Board has also adopted a 2021 Strategic Plan, which includes “Athlete Centricity” as its first pillar of success moving forward.²²

¹⁹ Committee Charter at 1.

²⁰ Resolution Procedures at 90.

²¹ Revised Code at 1.

²² 2021 Strategic Plan, slide 2.

The Report also recommended that USA Gymnastics conduct random audits of member clubs to ensure member clubs are compliant with all Safe Sport requirements, to be conducted by the new Director of Safe Sport. USA Gymnastics is currently developing a process to audit club members to ensure individuals and member clubs are complying with requirements instituted by USA Gymnastics and hopes to have a process for club auditing in place by 2022. The audits will likely be referred to as “Safety Reviews” to be completed by a hired “Safety Reviewer” to perform supportive reviews and to assist clubs with meeting standards set by USA Gymnastics during the 2021-2022 membership season. The “Safety Reviews” will be closely associated with the appointment of a Club Safety Champion (as discussed elsewhere in this report) and the Safe Sport Certification process (also discussed elsewhere), which USA Gymnastics hopes to finalize by June 30, 2023.

Conclusion

Given the significant steps taken by USA Gymnastics, through its Board, to develop new policies and improve existing ones regarding athlete well-being, along with the establishment of a Safe Sport Committee, it is clear USA Gymnastics has created the framework for increased accountability for the protection of children. The next step for USA Gymnastics will be to implement a successful audit program (already in the planning stage) to ensure that individuals and member clubs comply with Safe Sport requirements issued by the Center and USA Gymnastics as well as other legal mandates imposed by state and federal law. Accordingly, we consider USA Gymnastics to be on the path to compliance with this recommendation.

Recommendation #8 – Increase the Number of In-Person Board Meetings

Background

Prior to the Report, USA Gymnastics’ bylaws called for four total Board meetings a year, two of which were to be held in person. Section 5.3 of the Amended Bylaws provides that the Board “shall meet at regularly scheduled meetings at least four (4) times a year.”²³

Analysis

Conversations with USA Gymnastics officials and members of the Board indicate the Board meets regularly in person a minimum of four times a year. A review of Board minutes shows that the Board met in person six (6) times in 2018, five (5) times in 2019, and one (1) time in 2020. COVID-19 protocols made in-person Board meetings impossible in 2020, but the Board now meets virtually using video-conferencing technology instead of teleconference technology, which was formerly the norm. This is a welcome development given that in-person meetings of any kind

²³ Amended Bylaws at 10.



(even virtually) may improve the Board's governance process. We also understand that future remote meetings of the Board will continue to be held using video-conferencing technology rather than telephonic conferencing.

Conclusion

Given the changes to the Amended Bylaws, and an increase in the use of video-conferencing technology to conduct meetings instead of teleconferencing, USA Gymnastics has satisfied the recommendation that it increase the number of in-person Board meetings.

Recommendation #9 – Ensure that Each Board Meeting Includes a Robust Discussion of Safe Sport Matters

Background

The Report recommended that the Board ensure each meeting includes a robust discussion of Safe Sport matters, to extend the Board's oversight of such matters and keep the issue front of mind for Board members.

Analysis

Since December 2017, the Board has included a Safe Sport discussion in a substantial majority of Board meetings. Circumstances in 2018 and early 2019 dictated that the Board oversaw the day-to-day operations of USA Gymnastics, resulting in frequent meetings to make decisions regarding the organization's direction. Since the advent of USA Gymnastics' new executive leadership team in 2019, the Board's role has been clarified and its meeting schedule is more regular. Subsequently, in 2020 the Board discussed Safe Sport matters in twelve of its eighteen meetings. In those instances where no Safe Sport discussion occurred, a majority of the meeting was held in executive session to discuss legal, financial, or personnel matters.

Conclusion

Although the Board has not held a Safe Sport discussion in each of its meetings since the Report recommended doing so, mitigating factors – including the Board's role in the organization in 2018 and early 2019 – made doing so impractical. The Board's role in the governance of USA Gymnastics has stabilized and Board meetings since 2019 have regularly included a robust discussion on Safe Sport matters. The Board should continue this practice and should continue including Safe Sport discussions during regularly scheduled meetings and on an as-needed basis. We therefore conclude that the Board has satisfied the recommendation to include a robust discussion of Safe Sport matters at Board meetings.

**Recommendation #10 – Hold an Executive Session at the Conclusion of Each Board Meeting*****Background***

The Report recommended that the Board continue its practice of conducting discussion in executive session at the conclusion of each Board meeting.²⁴ This practice allows the Board to participate in frank discussion and share openly any matters of concern facing the organization. The Report suggested that at least a portion of the executive session be conducted without the President or staff present.

Analysis

Since 2017, the Board has included an executive session as part of almost every board meeting. During 2018 the Board routinely conducted all of its business in executive session to discuss pressing legal, financial, and personnel matters. As the Board stabilized in 2019 and 2020, the practice of including an executive session as part of each meeting continued. The president normally participates in the entire executive session, other than approximately two times a year when she is excused to allow the board to discuss executive compensation. The minutes reflect that the current president participated fully in 15 of 16 executive sessions held at board meetings since she assumed the role.

Conclusion

The Board has partially satisfied this recommendation by continuing the practice of including an executive session as part of each Board meeting. We continue to recommend that at least a portion of each executive session be conducted in the absence of the president or any staff, to encourage frank discussion among the board members.

Recommendation #11 – Conduct an Annual Enterprise Risk Review That Routinely Includes Safe Sport Issues***Background***

The Report recommended that USA Gymnastics “conduct an annual enterprise risk review and analysis” in which “Safe Sport issues should always be included” to be completed by the organization’s general counsel and reported to the Board.²⁵

²⁴ Report at 33.

²⁵ *Ibid.*

Analysis

USA Gymnastics received its first annual enterprise risk review and analysis in February 2021. USA Gymnastics plans to require annual enterprise risk reviews moving forward.

Conclusion

Given the delivery of the first enterprise risk review and analysis, as well as stated plans for an annual risk review, this recommendation has been satisfied.

Administrative Management

Recommendation #12 – Develop Position Descriptions for All Positions; Include Child Protection Requirements

Background

Previously, individuals were grandfathered into roles or job descriptions were written to match the qualifications of the individual already holding the position. The Report recommended that position descriptions be developed for each role, reflecting current standards in the field for each position and including a role related to the protection of young athletes.

Analysis

A review of position descriptions for USA Gymnastics' staff revealed that each description contains the organization's mission statement, which includes the declaration that "[a]s part of making safety our highest value, it is part of everyone's role in the organization to prioritize the protection of members, particularly minor athletes, from harm." Additionally, position descriptions of those who work closely with athletes also contain safety and wellness related job functions.

Conclusion

USA Gymnastics has satisfied this recommendation by including the mission statement in its job descriptions. USA Gymnastics may wish to consider further elaborating on the safety-related expectations of each job description.

Recommendation #13 – Seek Individuals with Expertise in Child Protection for Leadership Team

Background

Previously, those leading USA Gymnastics did not have sufficient expertise to protect athletes from abuse, and little if any training was provided to staff in relation to child abuse prevention. Only one individual holding multiple responsibilities had any training related to protecting athletes from abuse.



Analysis

USA Gymnastics now requires Safe Sport training for all of its employees upon hire, including the leadership team. Additionally, Kim Kranz, the Chief of Athlete Wellness, has 25 years of experience with athlete care and safety.

Conclusion

USA Gymnastics has satisfied this recommendation by providing its employees with child protection training and adding a leader with experience in athlete safety in a critical position.

Recommendation #14 – Seek Administrators with Fresh Perspective

Background

At the time of the Report, many of the USA Gymnastics leadership team members had been with the organization for a long period of time and were valued for their familiarity with the organization regardless of whether they were qualified for their roles. This led to an atmosphere conducive to group-think and a hesitancy to deviate from the status quo.

Analysis

The new leadership team is composed of individuals with a wide variety of backgrounds, with most bringing relevant experience from other industries and some having no prior experience with USA Gymnastics. Only one member of the current leadership team was a USA Gymnastics employee prior to 2018.

Conclusion

USA Gymnastics has satisfied this recommendation by infusing the leadership team with fresh perspectives from both within and outside of the USA Gymnastics world.

Recommendation #15 – Exclude President from Safe Sport Disciplinary Control

Background

Previously, the process for Safe Sport discipline allowed for favoritism, personal biases, and subjective decisions based on concern for the reputation of the organization, often to the detriment of athlete safety. Additionally, the bylaws required that all complaints/reports of



athlete abuse be filed with the President, making it more likely that a focus on winning and organizational reputation would overcome concern for individual athletes.

Analysis

USA Gymnastics has effectively removed the President of USA Gymnastics from the Safe Sport process. Specifically, the Amended Bylaws do not provide for the President’s involvement in the Safe Sport investigation and resolution process. Additionally, the President of USA Gymnastics is not referenced anywhere in the USA Gymnastics Safe Sport Investigation and Resolution Procedures. Further, the President does not have access to the computerized Conduct Management System in which the Safe Sport complaints and investigation documents are housed. The President’s knowledge of or involvement with Safe Sport investigation is limited to those complaints that have business implications such as membership issues, a high profile complaint, or when the accused is in a position of leadership or employed by USA Gymnastics. In those instances where the President’s involvement is appropriate, the knowledge the President receives is limited to the information necessary for the specific business concerns. Additionally, the President is not permitted to provide input as to case resolution.

Conclusion

USA Gymnastics has satisfied this recommendation by removing the USA Gymnastics President from Safe Sport report resolution in both policy and practice.

Recommendation #16 – Ensure Greater Accountability of President to Board

Background

The Report noted that the governance structure of USA Gymnastics permitted the President to “wield a significant amount of control over the operation of the organization”²⁶, beyond the norm which would include engaged Board oversight. This authority was provided by USA Gymnastics’ bylaws in existence at the time of the Report’s publishing. Further, the Board failed to exert what authority it had by requiring accountability of the President and, more specifically, accountability for the management of reports of alleged or suspected abuse.

Analysis

As noted previously, USA Gymnastics has adopted Amended Bylaws and removed provisions that granted excessive power and control to the President. For example, the President is not involved in the Board selection or nomination process outside of the limited ability to offer names during

²⁶ *Ibid.* at 34.

the open call for nominations. Additionally, the Amended Bylaws no longer require Safe Sport complaints to go through the President for investigation and resolution, and the President no longer has the ability to dictate the outcomes of such investigations. The Amended Bylaws appropriately limit the scope of the President’s responsibilities and authority, including with respect to board member selection. In addition, the Board now exercises greater oversight of goals and objectives established by the President for the organization as well as oversight of the Safe Sport process.

Conclusion

The USA Gymnastics Board has satisfied this recommendation by changes implemented in the Amended Bylaws to reduce the President’s authority and exercising greater oversight of the operation of the organization.

Recommendation #17 – Change Culture of Entire Staff to Athlete Safety First

Background

Issues relating to the culture of USA Gymnastics were identified throughout the Report. USA Gymnastics was deemed to have a focus on medals to a far greater extent than athlete safety and well-being. Many individual staff members held positions for which they were not qualified and were not properly trained. Additionally, the lack of clear job descriptions and duties resulted in a lack of accountability on the part of USA Gymnastics staff for athlete wellness and safety.

Analysis

USA Gymnastics now requires all staff members to undergo Safe Sport training and includes training on mandatory reporting in its orientation for new employees. Employees must acknowledge and sign a Mandatory Reporting Agreement, which confirms receipt of the Mandatory Reporting Policy and requires the employee to acknowledge the following language:

I understand and agree that if I violate the Policy, USA Gymnastics may terminate my employment with the organization, take legal action against me, refer me to law enforcement authorities, and/or impose any other sanction that USA Gymnastics deems appropriate.

Additionally, USA Gymnastics has made Safe Sport a topic of its all-staff meetings.

Further, all employees are trained to understand their role as mandatory reporters and are held accountable to athlete safety and wellness expectations in their performance evaluations. USA Gymnastics created an evaluation template to anonymously survey USA Gymnastics’ staff

members regarding the performance of the executive leadership team. As part of this executive leadership team evaluation, USA Gymnastics staff members are asked to provide anonymous feedback on whether the executive team leader exhibits USA Gymnastics' core values, including athlete safety as USA Gymnastics' top priority. Once implemented, this "360 degree" executive leadership team evaluation will be an additional positive step by signaling USA Gymnastics' commitment and compliance with this recommendation.

As part of USA Gymnastics' efforts to change its culture to prioritize athlete safety, USA Gymnastics surveyed members in December of 2020 to determine their views on the extent to which USA Gymnastics has achieved the cultural shift recommended in the Report. A significant percentage of respondents were parents of athletes. USA Gymnastics sent the culture survey link in a newsletter to 118,000 members and over 1,500 members responded to the survey. Overall, the survey responses indicate that the majority of respondents welcome USA Gymnastics' new mission statement and report that USA Gymnastics supports members in their discipline and at all levels of the sport; and based on the athletes the member personally knows, the athletes feel physically, emotionally, and psychologically safe. As USA Gymnastics has noted, the survey results do, however, present opportunities for improving its cultural perception by operating more transparently and improving how USA Gymnastics listens to member feedback and concerns and gives members confidence that their concerns are welcomed and taken seriously.

Although we heard concerns that some athletes continue to view the organization with skepticism, the steps that USA Gymnastics has taken and is in the process of taking, demonstrating consistent enforcement of the Safe Sport Code and support for athletes, are clear and positive. We heard that echoed in the words of athletes as well.

Conclusion

USA Gymnastics is making headway in changing the culture of the entire staff from "medals first" to "athlete safety first" and is acting in compliance with the spirit of this recommendation.

However, there are opportunities for continued improvement with respect to the communication of this cultural shift. For example, while the USA Gymnastics' employee handbook addresses mandatory reporting, and the Mandatory Reporting Agreement requires that employees acknowledge the consequences of failing to report, including being subject to disciplinary action, the handbook should reflect the latter point clearly as well.

Another opportunity for improvement is the USA Gymnastics website. The website provides a lot of information but is difficult to navigate and important Safe Sport documents are not easily accessible. Modifying the website to include a search function and to address safety issues by audience would help to improve the functionality of the website and further demonstrate USA Gymnastics' commitment to safety and athlete wellness. USA Gymnastics is also considering a mobile application for individuals to access and receive key information. Since USA Gymnastics

has identified effective communication with its members and athletes as a challenge, improving the distribution of information – on the website, through a mobile application, and/or through other methods – will improve its compliance with this recommendation by ensuring safety-related information is communicated effectively and efficiently.

The executive leadership team “360” evaluation is another method through which USA Gymnastics has demonstrated its cultural shift. To further the organization’s compliance with the spirit of this recommendation, USA Gymnastics should consider the process for addressing positive and negative feedback related to whether the executive team leader exhibits safety as a core value.

The cultural survey results demonstrate that members are positively perceiving USA Gymnastics’ efforts to shift the overall culture of the organization. The survey also provides invaluable feedback for USA Gymnastics to further the cultural shift by encouraging members to voice their feedback and concerns; listening to the feedback and concerns provided by members; and taking steps to increase the organization’s transparency. Through continued surveys of membership over time, USA Gymnastics can track its improvement and craft methods to resolve continuing issues.

Recommendation #18 – Require Greater Accountability of Child Protection Function to Board

Background

The Board did not previously assert enough authority over the child protection functions of USA Gymnastics. The Report recommended the Board take specific steps to oversee administrative functions, including the administration of the Safe Sport process.

Analysis

As discussed in further detail in Recommendation #7 of this report, the Board actively oversees the steps USA Gymnastics is taking to improve its athlete protection initiatives. The Board requires regular updates on its progress with respect to the execution of the Safe Sport Strategic Plan and other Safe Sport matters, referenced in Recommendations #9 and #28. The leadership team of USA Gymnastics is held accountable to the Board for athlete protection initiatives by having to report regularly to the Board on its progress in developing and executing those initiatives. As indicated under Recommendation #9 of this report, the Board now holds a robust discussion of Safe Sport matters at each meeting, at a board-appropriate level.

Conclusion

USA Gymnastics has satisfied this recommendation.

Recommendation #19 – Require Strategic Plan from Newly Appointed Director of Safe Sport and Provide for Direct Reporting to Board

Background

At the time of the Report, there was no staff member assigned full-time to Safe Sport matters. Another person then serving as Director of Administration and Olympic Relations, with no background in child protection, was assigned the Safe Sport function. The President was also directly involved in much of the Safe Sport response decision-making. The Report recommended that a full-time Director of Safe Sport be appointed and required to create a strategic plan to hold the organization accountable for athlete safety and wellness, and report to the President but with a direct reporting line to the Board.

Analysis

USA Gymnastics has appointed a full-time Chief of Athlete Wellness, reporting to the Board and responsible for athlete safety on multiple levels. Reporting to her is the Director of Policy and Education for Safe Sport. The leadership team has developed a Safe Sport Strategic Plan, which covers initiatives spanning from 2020 through 2024 and includes a re-branding to avoid confusion between Safe Sport under USA Gymnastics and the U.S. Center for SafeSport, along with improving community outreach and involvement, education and policy, implementing safety reviews and safe sport recognition, and improving its response and resolution of Safe Sport complaints. The Strategic Plan also provides goals for implementing safety reviews of member clubs, and Safe Sport certifications for coaches and clubs.

Although in practice the Director of Safe Sport and the Chief of Athlete Wellness have direct access to the Board, there is no written document memorializing this practice.



Conclusion

USA Gymnastics has complied with the spirit and goal of this recommendation by appointing these two individuals and developing a Safe Sport Strategic Plan with metrics to measure progress in its execution. As the President has effectively been excluded from the Safe Sport process, the memorializing of the direct line of reporting to the Board of Directors is less of a necessity than perceived when the report was written.

Recommendation #20 – Create General Counsel Role and Centralize Legal Functions

Background

Previously, the legal work for USA Gymnastics was diffused, with different attorneys responsible for different functions and no centralized oversight.

Analysis

CJ Schneider, of the law firm of Miller, Johnson, Snell & Cumiskey, P.L.C., began serving in a General Counsel (to which USA Gymnastics refers as Chief Legal Officer) role for USA Gymnastics in 2018 on a contractual basis, having performed other legal services for the organization through his firm for a period of time prior to that. All legal operations of the organization are now overseen by the Chief Legal Officer (CLO). Although other attorneys, primarily on a contractual basis, continue to be responsible for different aspects of USA Gymnastics' legal needs, the CLO coordinates all legal functions. Additionally, USA Gymnastics is actively seeking a permanent, in-house Chief Legal Officer to take on the role of CLO now that the restructuring of USA Gymnastics is nearly complete.

Conclusion

USA Gymnastics has satisfied this recommendation.

Member Requirements and Enforcement

Recommendation #21 – Require that Owners of Member Clubs Also be Members of USA Gymnastics

Background

As part of USA Gymnastics' increased enforcement efforts, the Report recommended that any "person with an ownership interest in a member club also be a member."²⁷

Analysis

Conversations with USA Gymnastics revealed that compliance with this recommendation was not possible based on certain legal issues. One such issue is related to the difficulty of identifying passive investors or other owners with interests in a member club.

Nevertheless, the USA Gymnastics Membership Agreement does require that "all employees, independent contractors, direct and indirect individual owners, and volunteers over the age 18 with regular access to and/or authority over minors must pass a background check and take the required Safe Sport training."²⁸

Conclusion

While no definitive conclusion can be reached regarding this recommendation or its propriety given the legal difficulties presented by requiring each individual with an ownership interest in a member club to be a member of USA Gymnastics, it is clear the steps the organization has taken through its membership agreements to expand its jurisdiction over individuals, club members, and volunteers (as described in additional detail below) have strengthened USA Gymnastics' oversight over its existing membership. We consider USA Gymnastics to have complied with the spirit of this recommendation.

²⁷ Report at 51.

²⁸ Membership Agreement at 3. Available at: https://usagym.org/PDFs/About%20USA%20Gymnastics/legal/termsconditions_club.pdf.



Recommendation #22 – Require That Every Person Working or Volunteering with Youth in Any Member Club Also Be a Member of USA Gymnastics

Background

The Report recommended that USA Gymnastics require every individual working or volunteering in any member club become a member of USA Gymnastics, in order to improve its ability to enforce its policies as to all those who have contact with young athletes.

Analysis

USA Gymnastics has not required that all individuals working or volunteering in any member club become members of USA Gymnastics.

Club membership agreements, however, do include terms requiring member clubs to certify that “[a]ll employees, independent contractors, direct and indirect individual owners, and volunteers over the age of 18 with regular access to and/or authority over minors must pass a background check and take the required Safe Sport training.”²⁹

Requiring any individual with authority over a minor to take Safe Sport training and pass a background check is a significant step in the right direction for the organization and creates an improved framework to ensure minors are adequately protected while training at a member club. However, this requirement cannot be considered fully satisfied until, at a minimum, USA Gymnastics has developed and implemented the “Safety Review” program discussed in this document. Currently, member clubs control training and background check compliance. It will be difficult for USA Gymnastics to track whether non-member volunteers over the age of eighteen have successfully passed a background check and completed the required Safe Sport training if those individuals are outside the membership process. Any “Safety Review” program should require member clubs to certify that non-members 18 or older with authority over a minor take the required Safe Sport training each year, just as members are required to do. However, we continue to recommend that all volunteers over age 18 who have access to and/or authority over minors be required to hold some level of membership so that USA Gymnastics can more easily track their compliance.

Conclusion

We deem this recommendation to be only partially satisfied at this time.

²⁹ *Ibid.*

Recommendation #23 – Strengthen Current Code of Ethical Conduct and Participant Welfare Policy (now called Safe Sport Policy) and Require Adoption In Full by Member Clubs

Background

The Report recommended that USA Gymnastics strengthen its then-existing Code of Ethical Conduct and Participant Welfare Policy, as well as require adoption in full of each by member clubs.

Analysis

USA Gymnastics has substantially revised its former Participant Welfare Policy, renamed the USA Gymnastics Safe Sport Policy (the “Safe Sport Policy”). The new Safe Sport Policy conforms with the policies issued by the Center for Safe Sport and, based on conversations with USA Gymnastics, exceeds those requirements in some instances. USA Gymnastics also revised its Code of Ethical Conduct to remove Safe Sport-related policies but work in tandem with the Safe Sport Policy.

The Report called specifically for the prohibition of the following conduct:

- Any adult non-parent/guardian being alone with any minor athlete under any circumstances;
- Any athlete living with a coach or other non-parent authority figure;
- Certain stretches that involve close contact between the body of the coach or other adult with the athlete;
- Any rubdown or massage by anyone other than a licensed massage therapist, unless there is at least one other person present;
- Any use of recording equipment in any restroom or locker room;
- Any still or video photography except in strictly controlled conditions, including no one-on-one photography (photographer alone with the athlete) and no suggestive poses;
- Any gift-giving to athletes from any adults who are not a parent or guardian;
- Any one-on-one usage of social media, including “friending”;
- Any one-on-one texting of athletes by coaches or other adults;
- Any icing or taping of an athlete in an intimate area of the body by a coach or other non-parent/guardian adult other than in carefully controlled situations³⁰

The Safe Sport Policy includes “Prevention Policies” that are authorized by the U.S. Center for SafeSport, and any violation of such policy is a violation of the U.S. Center for SafeSport Code. The Prevention Policies are meant to minimize and control any one-on-one interactions between

³⁰ Report at 52-53.



any unrelated Participating Adult and a minor athlete. The Safe Sport Policy also regulates the interaction of adults and minors in the following contexts: travel, social media and electronic communications, photography/videography, locker rooms/changing areas, gifting, massaging/icing/taping, stretching and other physical contact, alcohol and drug use, and access to training sessions.

All of the proposed “prohibited conduct” included in the Report (and listed above), except for a ban on any “any athlete living with a coach or other non-parent authority figure” is prohibited under the Safe Sport Policy. Nevertheless, any such living arrangement would constitute a breach of the Safe Sport Policy’s One-on-One Prevention Policy, which states that “one-on-one interactions between an adult and a minor athlete must be observable and interruptible” subject to certain limited exceptions (including emergencies and confidential meetings with health professionals, and only then with the consent of a parent or legal guardian).³¹

The Report also expressly recommended a prohibition on “grooming” behavior. Although the Safe Sport Policy does not specifically list “grooming” as “prohibited conduct”, the USA Gymnastics Safe Sport Policy Snapshot makes clear that its Safe Sport Policy is meant to prohibit certain grooming behavior that leads to sexual abuse.³² This includes a ban on gifting, massaging, traveling, and any other one-on-one interaction between an adult and a minor that is not observable or interruptible. The use of the term “grooming” as a prohibited conduct is unnecessary; it is more important that specific types of grooming conduct be described and prohibited.

The Report also recommended that USA Gymnastics be “very clear and prescriptive ... as to what must be a part of the club’s own policies.”³³ Club membership agreements now make clear that member clubs must maintain a Safe Sport policy that is consistent and fully compliant with the USA Gymnastics Safe Sport Policy.³⁴ The membership agreement includes the following language regarding what must be part of a club’s policies:

You must have a Safe Sport policy for your club that is consistent and fully compliant with the USA Gymnastics’ Safe Sport Policy. Your Safe Sport policy must affirm your commitment to the welfare of gymnastics participants and must include, at minimum: a description of conduct that will not be tolerated; standards of behavior for staff/volunteers that promote athlete safety, including elimination of privacy, boundaries, if physical contact is a necessary part of the activity and encouraging parental monitoring; proactive policies to eliminate the opportunity for grooming behaviors; and

³¹ Safe Sport Policy at 13. Available at: <https://usagym.org/PDFs/safesport/policy.pdf>.

³² Policy Snapshot at 12. Available at: https://usagym.org/PDFs/safesport/policy_snapshot.pdf.

³³ Report at 63.

³⁴ Membership Agreement at 3.



a process for receiving and handling complaints regarding conduct that violates club's policy.³⁵

The membership agreement makes clear what must be included in a club's own policies by calling out specific behaviors which must be addressed in any policy created by a club. The membership agreement also requires member clubs to agree to become familiar with and be bound by the "Safe Sport Policy, Safe Sport Investigation & Resolution Procedures, and Code of Ethical Conduct."³⁶ Additionally, the text of the Safe Sport Policy makes clear that it applies to all adult members and member clubs.

USA Gymnastics updated its Code of Ethical Conduct in January 2021. Although Safe Sport policies were removed from the Code of Ethical Conduct, athlete wellness remains a central theme throughout the document. USA Gymnastics' Athlete Bill of Rights is included in the updated Code of Ethical Conduct, allowing the organization to enforce its terms through the formal and informal resolution processes included in the Code of Ethical Conduct. Notably, violations of the Code of Ethical Conduct are reported through the same hotlines used for Safe Sport violations. Thus, any ethics violation that is also a Safe Sport violation will be identified and processed according to the Safe Sport Resolution Procedures (discussed in Recommendation #24 below).

Conclusion

Given that clubs must agree to be bound by the Safe Sport Policy and the Code of Ethical Conduct, as well as develop their own policy (or adopt USA Gymnastics Safe Sport Policy), it is clear that the organization has required adoption in full by member clubs of both the Safe Sport Policy (or an equivalent thereto) and the Code of Ethical Conduct. Notably, the terms of the club membership agreement authorize USA Gymnastics to audit any club "to determine whether you are in compliance with this Agreement and all other governing policies, including the Safe Sport Policy." We consider this recommendation satisfied. As noted elsewhere, we strongly recommend that USA Gymnastics finalize and implement its "Safety Review" program to ensure clubs are complying with the terms of their membership agreement.

³⁵ *Ibid.*

³⁶ *Ibid.*

Recommendation #24 – Develop a Disciplinary Process for Violations of the Revised Code of Ethical Conduct and Other Member Club Requirements

Background

The Report recommended that USA Gymnastics develop a disciplinary process for violations under the revised Code of Ethical Conduct and other member club requirements.

Analysis

Policies and procedures related to Safe Sport violations have been removed from the Code of Ethical Conduct and now exist in a standalone Safe Sport Policy called the “Safe Sport Investigation & Resolution Procedures” (the “Resolution Procedures”), which were updated in December 2020 to account for changes made in the Amended Bylaws.

The Procedures “apply to any reported Safe Sport Violation provided to USA Gymnastics Safe Sport.”³⁷ A Safe Sport violation constitutes any of the following:

- Prohibited Conduct, as outlined in the SafeSport Code for the U.S. Olympic and Paralympic Movement;
- Prohibited Conduct, Misconduct, or Prevention Policy violations within the USA Gymnastics Safe Sport Policy;
- Any analogous conduct violating current or previous standards promulgated by the U.S. Center for SafeSport, or USA Gymnastics at the time of the conduct; or
- Any conduct that would violate analogous community standards existing at the time of the alleged conduct, including then applicable criminal and/or civil laws³⁸

The Procedures apply to all club members and individual members, along with all of the following:

- Non-member employees of a member club;
- Members of a USA Gymnastics committee or task force;
- USA Gymnastics employees and directors; and
- All adults, including volunteers and judges, authorized by USA Gymnastics or any member of USA Gymnastics authorized to interact with athletes³⁹

³⁷ Resolution Procedures at 2.

³⁸ *Ibid.*

³⁹ Safe Sport Policy at 2. Since the Safe Sport Policy applies to these individuals, a Safe Sport violation triggers the Procedures.



Generally, the disciplinary process outlined in the Procedures includes 1) an investigation, 2) interim measures, and 3) a resolution of the matter. Interim measures may be imposed on a respondent to ensure the safety of the gymnastics community and prevent escalation of a Safe Sport violation.⁴⁰ Resolution of a matter by USA Gymnastics may be pursued through a dismissal, administrative closure, admonishment, or a hearing panel. Pursuant to the terms of the original Ted Stevens Olympic and Amateur Sports Act of 1978, individuals subject to a hearing panel have the right to arbitration in any controversy involving alleged negative impact on the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official in an amateur to participate in an amateur athletic competition.

USA Gymnastics may take a range of disciplinary actions as a result of the Procedures, including admonishments, suspensions, interim measures, the publishing of a list of ineligible and restricted members, and the termination of membership. The Procedures state that in decisions involving the declaration of an ineligibility due to a Safe Sport violation or similar prohibited conduct, USA Gymnastics Safe Sport shall publish: 1) the name of the individual, 2) the state where the behavior occurred or where the individual resides, 3) the underlying conduct of which the person has been found in violation, and 4) the arbitration/appeal status of any matter currently under appeal. The same requirements apply to any decision rendered resulting in a restriction on a member.

We note that USA Gymnastics leadership not only has improved on its policies but also has taken strong enforcement action in individual cases, including the suspension of a coach in 2020 for emotional abuse of athletes. This denotes something of a sea change from prior practice and sends an important message that the national organization is very serious about protecting athletes from all types of abuse.

Conclusion

The Procedures developed for violations of the Safe Sport Policy, including the wide range of disciplinary measures available to USA Gymnastics in the event of a violation, satisfy the recommendation that USA Gymnastics develop a disciplinary process for a violation for the Code of Ethical Conduct and other member club requirements. The actions taken by USA Gymnastics to discipline those who violate its ethical and Safe Sport policies suggests that the organization takes this new approach seriously.

⁴⁰ Resolution Procedures at 6.

Recommendation #25 – Ensure that Members Suspended or Deemed Permanently Ineligible are Banned from All Clubs

Background

The Report recommended that USA Gymnastics improve language in membership agreements to clarify that an individual on the Permanently Ineligible list is not allowed access to a member club at any time.⁴¹

Analysis

The membership agreement, as currently drafted, includes language clarifying that a member club will not hire, or allow in a member club, an individual on the Permanently Ineligible list or the Suspended Members list. The language reads:

[y]ou will not hire, be associated in any way with, allow in your club, or permit access to any athletes in your club by persons who are permanently ineligible for membership in USA Gymnastics... any persons whose membership in USA Gymnastics is suspended... or any person who is listed on a federal or state sex offender registry.⁴²

Conclusion

USA Gymnastics has satisfied this requirement. Language in club membership agreements clarifies that permanently ineligible or suspended members are not in any way permitted to have access to athletes at a member club, thus providing an enforcement mechanism for a policy that previously existed but was not always honored.

Recommendation #26 – Develop and Require Training for All Member Clubs on Membership Requirements

Background

The Report recommended that USA Gymnastics develop, maintain, and require training for all member clubs on its membership requirements.⁴³ The Report suggested that owners and other club leadership should be required to go through training, in an environment permitting a

⁴¹ Report at 53.

⁴² Membership Agreement at 3.

⁴³ Report at 54.



dialogue between athletes and coaches, regarding membership requirements. The Report also recommended that training should include the fact that member clubs are subject to random audits each year to determine levels of compliance.

Analysis

Based on conversations with USA Gymnastics officials, the organization has not developed training regarding membership requirements. However, members and member clubs have annual Safe Sport training requirements that must be met annually, including the U110 safety training course created and mandated by the U.S. Center for SafeSport. If individual or club-level trainings are not complete, membership status is marked “pending” and members are not allowed to compete in any USA Gymnastics sanctioned event.

Conclusion

We deem the terms of this recommendation not yet satisfied. We recommend, in conjunction with USA Gymnastics’ internal tracking software, a training be developed on what requirements each member must meet every year and the consequences for failing to do so. USA Gymnastics officials indicated they intend to do so in conjunction with the roll-out of the Club Safety Champion initiative in 2021.

Screening and Selection of Coaches, Volunteers and Other Adults with Access to Athletes

Recommendation #27 – Expand the Universe of Those Subjected to Background Checks

Background

At the time the Report was written, a significant number of adults involved in competitive gymnastics, as well as those involved in recreational gymnastics, were not subject to criminal background checks. Only members of USA Gymnastics were required to be checked, and not everyone involved in working with young athletes was required to be a member of USA Gymnastics. The Report recommended that all adults working in a member club with access to minors, including volunteers, be required to be members to ensure that they would receive background checks and be subject to the jurisdiction of USA Gymnastics.

Analysis

While it does not require volunteers to be full members, USA Gymnastics now requires background checks for “all employees, independent contractors, direct and indirect individual owners, and volunteers over the age of 18 who have regular access to and/or authority over minors.” This includes medical staff volunteers assisting at competitions, who must receive a background check and take the required Safe Sport training in order to provide services to the athletes. If medical personnel are providing services under a contract between USA Gymnastics and an institutional health care provider, the health care provider with whom the medical personnel are associated is responsible for ensuring that the background check satisfies the requirements of USA Gymnastics.

As noted in Recommendation #22, USA Gymnastics includes this requirement in its membership agreement for clubs and in the member club application form. Specifically, the membership agreement for clubs provides:

All employees, independent contractors, direct and indirect individual owners, and volunteers over the age of 18 with regular access to and/or authority over minors must pass a background check and take the required Safe Sport training.⁴⁴

⁴⁴ Membership Agreement at 3.

Interviews with club owners indicate that there appears to be a disconnect between the USA Gymnastics requirements and some club owners' understanding of such requirements. An example evidencing this misunderstanding arose when one club owner stated that medical volunteers assisting at competitions are not appropriate candidates for background checks, nor are they required to undergo Safe Sport training. With additional training for club owners, USA Gymnastics will likely bridge this communications gap; however, the presence of the misunderstanding is concerning.

As previously indicated, USA Gymnastics does not currently have a mechanism with which to track volunteer compliance with background check and Safe Sport training requirements. This enforcement responsibility currently lies with the member clubs, which is a concern given the apparent gap in understanding identified above. As part of its membership restructuring, USA Gymnastics is considering implementing a volunteer membership category to facilitate the tracking of background check and Safe Sport training requirements, as it currently does with individual members and member clubs.

Conclusion

While USA Gymnastics has made significant strides in satisfying this recommendation, additional training is recommended for club owners, which USA Gymnastics plans to implement, in part through its Safety Champion initiative effective in the summer of 2021. Also, safety reviews may help to identify where other gaps in understanding may arise, providing USA Gymnastics with the opportunity to address them.

Further, there is a gap in the enforcement of background check and Safe Sport training requirements for volunteers. We continue to recommend a volunteer category of membership. This would provide USA Gymnastics with a mechanism to monitor and enforce compliance, rather than leaving compliance up to the member clubs, which is currently the case. Thus, we consider this recommendation significantly but not fully satisfied.

Recommendation #28 – Consider Requiring Certification for Coaches Prior to Hiring

Background

As we conducted research for the original Report, we were surprised to learn that there were no pre-requisites for becoming a gymnastics coach, other than the member requirement of, at that time, a once-every-four-years online course about Safe Sport issues. It was recommended that appropriate coaching instruction for coaches of minors, including basic education in child psychology and physiology, be required and that coaches be certified and permitted to coach only after receiving such training.



Analysis

USA Gymnastics requires Safe Sport certification (confirmation of having undergone the U110 course) for membership and monitors compliance through its Membership Management System. The U110 Safe Sport course required for members to be considered in good standing touches on emotional and physical misconduct; however, the training applies broadly across numerous sports and does not address the specific psychological or physiological demands of gymnastics or the unique attributes of its athletes.

In 2021, USA Gymnastics plans to restructure its current membership groupings for gymnastics professionals and tailor requirements to specific categories of professionals such as judges, coaches, club owners, parents, athletes, etc. As part of the membership restructuring, USA Gymnastics will require more robust training for coaches including mandatory courses on emotional abuse versus tough coaching; concussion training; and youth development. Additionally, USA Gymnastics plans, with input from its membership, to develop the courses underlying Safe Sport certification for coaches and by the end of 2024 plans to have at least three levels of Coach Safety recognition, with all USA Gymnastics professionals having at least a level 1 (lowest level) Coach Certification.

Conclusion

Based on the plans for implementing this coach certification process, including appropriate training that is currently not required, USA Gymnastics appears to be on track to satisfy this recommendation.

Recommendation #29 – Provide Member Clubs with A Detailed Hiring Toolkit

Background

At the time of the Report, there was no information provided by USA Gymnastics to assist clubs in making good hiring decisions, despite the need to screen applicants very carefully based on the attraction gymnastics clubs pose for child predators. It was recommended that a detailed screening and selection “best practices” toolkit be provided to all member clubs.

Analysis

Although a comprehensive toolkit is not currently in place, USA Gymnastics is in the process of developing a detailed hiring toolkit for member clubs to use when making staffing and personnel decisions. A draft toolkit being considered by USA Gymnastics contains substantive information on how to evaluate hiring needs, provides forms for member clubs to use, such as employment applications, and outlines specific questions to ask and procedures to follow when vetting individuals for prospective employment. USA Gymnastics anticipates rolling out a comprehensive hiring toolkit to member clubs in 2021.

Conclusion

Although USA Gymnastics has not fully implemented this Recommendation, the draft hiring toolkit under consideration would comply with its goals. We deem USA Gymnastics to be on track to satisfy the Recommendation, but urge the organization to finalize a hiring toolkit and share it with the field with all deliberate speed.

Recommendation #30 – Provide Club Owners and Hiring Personnel with Training on How to Use the Screening and Selection Toolkit

Background

The Report also recommended that, once the toolkit was developed, training be provided to club owners and their hiring personnel in the use of the toolkit.

Analysis

Since USA Gymnastics has not fully implemented the hiring toolkit referenced in Recommendation #29, it has not had the opportunity to provide training to member clubs and hiring personnel on how to use the hiring toolkit. USA Gymnastics plans to distribute training materials to member clubs and hiring personnel in 2021 through membership agreements, webinars, newsletters, social media, and national and regional congresses.

Conclusion

Based on the plans for implementing such training following the distribution of the toolkit, USA Gymnastics appears to be on track to satisfy this recommendation.



Recommendation #31 – Review and Reconsider Method of Overriding Red Light Finding

Background

While the Report found that the actual background check required by USA Gymnastics was satisfactory, it was recommended that USA Gymnastics review the methodology followed in practice allowing certain individuals in leadership at USA Gymnastics to make a unilateral decision to override a “red light” determination (a finding that a candidate has a disqualifying criminal history; see *infra*) and permit the hiring or retention of a person whose background check culminated in a “red light” finding. While it is appropriate to provide for a review process, the prior process was too subjective and possessed the potential for abuse.

Analysis

USA Gymnastics has changed the red light finding and override process since the Report was published. The changes, as described herein, limit opportunities for subjectivity and unilateral decision making. They provide USA Gymnastics with a more uniform and consistent approach to handling red light findings and determining whether an override is objectively appropriate.

Currently, the red light override process is handled by a panel of three individuals, the Chief of Staff, the Chief of Athlete Wellness, and the Chief Membership Officer, who may seek the assistance of USA Gymnastics’ Safe Sport legal counsel and/or the Chief Legal Officer in certain instances. This is a significant change from the previous process wherein a single individual would review red light findings with the decision to override being left to the President. Importantly, the President is no longer involved in the red light override process.

When an applicant for membership receives a background check, a red light finding will result if the individual’s record reflects certain convictions or dismissed charges. When this occurs, the individual is deemed ineligible for membership unless an appeal is taken and is successful.

Whether an individual is eligible to pursue an appeal depends on the recency of the conviction or dismissed charge and the nature of the conviction/charge. Certain convictions such as those for sexual crimes or criminal offenses of a sexual nature, whether felony or misdemeanor, render an individual permanently ineligible for membership. Other convictions, such as a misdemeanor for animal cruelty, are eligible for appeal but those individuals are rendered ineligible for two years after the conviction and are subject to a five-year probationary period following eligibility.

When an individual with a red light finding is eligible for appeal, USA Gymnastics will issue the individual a letter describing the information needed for an appeal. The information requested differs depending on the severity of the criminal offense, whether felony or misdemeanor, but

generally includes a certified copy of the Probable Cause Affidavit, Charging Instrument, and judgment of conviction, a statement of why the applicant believes it should receive the privilege of USA Gymnastics' membership, and at least three letters of recommendation. After the information is received, the panel convenes to review the information provided and determine whether the individual has adequately demonstrated that the criminal offense (the reason for the red light finding) does not make the individual a threat to the safety and/or wellness of athletes. If the panel determines the appeal to be successful, the individual is deemed eligible for membership. If the panel determines the appeal to be unsuccessful, the individual remains ineligible for membership.

Once an individual receives a red light finding, that person will continue to receive a red light finding each time a new background check is conducted. This means that the individual must successfully complete the appeal process each time in order to remain eligible for membership. This is also true for individuals who are deemed ineligible and then choose to apply at a later date.

USA Gymnastics maintains documents related to an individual's membership (or ineligibility) and red light finding indefinitely.

Conclusion

Based on the revised red light policy which no longer permits inconsistent or subjective override decisions, we deem that USA Gymnastics has satisfied this recommendation.

Recommendation #32 – Create Database of Persons Dismissed from Member Clubs

Background

Prior to the release of the Report, there were multiple reports of coaches having engaged in sexual misconduct or grooming preparatory to sexual conduct at multiple gyms, being terminated or permitted to resign from one only to be hired by another gym without access to that information. Understanding that there are legal obstacles to sharing specific information about former employees, we encouraged USA Gymnastics to investigate ways of creating a database of such information in such a way as to avoid subjecting itself or member clubs to legal liability.

Analysis

Creating a database of individuals dismissed from or permitted to resign under pressure from member clubs based on Safe Sport related misconduct is still not a fully attainable goal due to varying employment related laws among the states. Although USA Gymnastics cannot create a

database of individuals dismissed from member clubs without subjecting itself and its members to potential liability, it has developed other methods of remedying the deficiencies mentioned above. Section 2 of USA Gymnastics' Terms and Conditions for Individual Membership now states, in relevant part:

You authorize USA Gymnastics and its members to disclose, in good faith, any information or honestly held opinions about you, including without limitation any membership records, SafeSport or Safe Sport information, or other disciplinary information, with any current or potential employer of yours.⁴⁵

Individuals are required to agree to these terms as a condition of membership. Consequently, USA Gymnastics is now able to maintain an organizational database allowing current or prospective employers (clubs) to contact USA Gymnastics and request a limited scope of information regarding a current or prospective employee. To do so, a club owner must complete a request for information form provided by USA Gymnastics. This form requires the club owner to provide the club owner's name, the name of the club, and the name of the member about whom they are requesting information. The information that they may request includes "USA Gymnastics' membership, club affiliation, [and] educational history." The club owner and prospective employer agrees to use the information in accordance with the law in their jurisdiction, as evidenced on the request for information form in addition to the club Membership Agreement. The prospective employer can use the historical club affiliation information on the current or prospective employee to reach out to prior employers for references.

The information that USA Gymnastics collects about each individual member is collected from the individual member's membership profile. Thus, USA Gymnastics is reliant upon the information members elect to provide as it relates to certain items such as prior employment history and/or club affiliation. Additionally, the ability to provide this information about individual members to club owners is only provided for in the most recent membership agreement. If the prospective employee is not an active member or has not yet renewed using the current membership agreement, USA Gymnastics will be unable to provide that information. This issue will resolve over time as members renew and more are subject to the current version of the membership agreement.

The draft hiring toolkit discussed in Recommendation #29 will help member clubs understand these obligations and this process. Based on our interviews with club owners, this process is understood and followed by some; however, others never access information on the USA Gymnastics website to assist in hiring decisions. Additional training and information will increase uniformity and consistency across member clubs. Additionally, auditing members' compliance with these requirements, which USA Gymnastics has stated will be included with the forthcoming

⁴⁵ Individual Membership Agreement at 1. Available at: https://usagym.org/PDFs/About%20USA%20Gymnastics/legal/termsconditions_ind.pdf.

safety reviews, will help ensure that the spirit of this recommendation is followed not only in policy but also in practice.

Conclusion

USA Gymnastics has implemented methods to satisfy this recommendation to the best of its ability within legal constraints. With the planned additional training for member clubs and the safety reviews, USA Gymnastics will generally comply with this recommendation both in spirit and in practice. We recommend continued attention to this very important preventive measure.

Process for Filing Reports of Misconduct

Recommendation #33 – Err on the Side of Protecting the Athlete in All Situations

Background

The Report recommended that USA Gymnastics send a message “loudly and clearly” through its policies and practices that reports of alleged or suspected abuse will be immediately made to law enforcement as well as the U.S. Center for SafeSport; and that it will treat seriously all reports by a minor of a code violation on the part of any adult member.⁴⁶

Analysis

USA Gymnastics’ policies and practices now send a clear message that athlete protection is the organization’s number one priority. The message of athlete safety is driven from the top on down. For example, USA Gymnastics’ mission statement now equally emphasizes health, safety, and excellence. Additionally, USA Gymnastics’ new organizational values (safety, integrity, accountability, transparency, and listening) promote an environment where athlete safety is prioritized, and abuse will not be tolerated.

Specifically, USA Gymnastics’ new policies require that all reports of suspected or alleged abuse be taken seriously. For example, the policies require that any reports of alleged or suspected physical or sexual abuse be immediately reported to law enforcement and the U.S. Center for SafeSport. To ensure the message of athlete safety permeates throughout the entire organization, USA Gymnastics requires all employees and members to agree to be bound by all Safe Sport rules, policies, and procedures published by both the U.S. Center for SafeSport and USA Gymnastics (including mandatory reporting) as a condition of their employment or membership. (See *Recommendation #54*). Additionally, all members and staff are required to complete the mandatory Safe Sport training course (U110) as a condition of their employment or membership. (See *Recommendation #58*).

In practice, USA Gymnastics’ Safe Sport team regularly monitors all incoming reports of misconduct from all sources and almost always reports any allegations related to child physical or sexual misconduct both to law enforcement and the Center for Safe Sport within twenty-four hours of receiving the report. Any delays by USA Gymnastics in making such reports to law enforcement are typically attributable to determining the appropriate jurisdiction in which to make the report, rather than an intentional delay by USA Gymnastics. In the event the U.S. Center

⁴⁶ Report at 68.



for SafeSport fails to act on USA Gymnastics' report of child physical or sexual misconduct within seventy-two hours, USA Gymnastics will act instead.

Once a report has been made to USA Gymnastics, an email is sent to the reporter outlining the investigation process and informing the reporter that he/she may contact USA Gymnastics at any time for a status update on the investigation. While receiving such an email likely provides some clarity to the reporter, a statement from USA Gymnastics in this email that the report will remain confidential would provide additional reassurance to the reporter and could encourage future reporting. If the alleged perpetrator's continued involvement poses a risk of ongoing physical or emotional harm to one or more athletes, USA Gymnastics has instituted a policy of imposing interim measures while the investigation is ongoing.

Conclusion

USA Gymnastics has made significant progress in sending a loud and clear message from the top on down that athletes will be protected in all situations. The organization's emphasis on immediately reporting allegations of child physical or sexual misconduct both to law enforcement and the U.S. Center for SafeSport show that athlete safety is now the organization's number one priority. We consider this recommendation satisfied.

Recommendation #34 – Create a Clear Protocol for Response to Allegations Made Outside the Formal Grievance Process

Background

The Report recommended that USA Gymnastics adopt and broadly share throughout the gymnastics community a clear protocol describing various methods of making reports; welcoming reports from any person about suspected abuse; and outlining the process that will be followed when a report is received. Previously, a potential reporter was required to submit a written report signed by the athlete or his/her parent describing the alleged misconduct; and USA Gymnastics had no clear, uniform protocol for handling such reports.

Analysis

USA Gymnastics has greatly expanded the number of methods by which a report of misconduct can be made outside of the formal grievance process. For example, allegations may be reported to USA Gymnastics in person, via email, social media, phone, on the USA Gymnastics web site, or any other manner, including anonymously. USA Gymnastics has even begun proactively monitoring social media for any indications of misconduct which have not been reported to USA Gymnastics.



A large part of USA Gymnastics' progress in this area can be attributed to its newly developed "Safe Sport Intake and Resolution Flow Chart." The Flow Chart defines a clear, uniform, and unbiased procedure for USA Gymnastics employees to follow when receiving, investigating, and ultimately resolving all reports of misconduct, regardless of whether the reports are physical or sexual in nature. The process laid out in the Flow Chart emphasizes USA Gymnastics' immediate duty to report any allegation of child physical or sexual misconduct both to law enforcement and the U.S. Center for SafeSport. The intake, investigation, and resolution process remains the same regardless of the report's source.

USA Gymnastics has improved its internal process for tracking all reports made, the report's disposition time, and the report's ultimate resolution through its use of the Maxient software system. While USA Gymnastics has improved its disposition time for reports that rise to the level of physical or sexual misconduct, an area of improvement remains for USA Gymnastics to resolve reports that do not rise to this level in a more timely manner. USA Gymnastics is currently transitioning to a new software system, iSight, which should further improve its internal tracking processes. USA Gymnastics should prioritize the implementation of the iSight system to best optimize its internal processes and ultimately resolve reports in a more prompt and efficient manner.

Despite USA Gymnastics' progress, some barriers remain for an ordinary reporter making a report of alleged misconduct. For example, it could be difficult for the average reporter to navigate the process for making a report on USA Gymnastics' website. To access the reporting form on the website, the reporter must first click the "Safe Sport" icon. For the average reporter, it may not be clear what "Safe Sport" means, or that the reporting form will be found by clicking this icon. Additionally, because USA Gymnastics' website does not have a search bar, a potential reporter is unable to locate the reporting form via a simple search.

Further, it could be difficult for potential reporters to locate descriptions of misconduct and determine the confidentiality of their reports via USA Gymnastics' website. On the reporting page of the website, to access documents which contain descriptions of misconduct, a reporter must first click the link titled "Safe Sport Policy, Snapshot, and Frequently Asked Questions." This link directs the reporter to a long list of links with titles such as "Policy Snapshot," "Policy FAQ's," and "Tiering of Safe Sport Incident Reports." If the reporter makes it this far, after scrolling past the long list of links, the reporter will find descriptions of types of misconduct. There is no mention on this page of the confidentiality of a report.



Conclusion

While USA Gymnastics has made progress in expanding the number of methods to make a report of misconduct outside the formal grievance process, areas of improvement for USA Gymnastics remain surrounding the accessibility and user-friendliness of the process for making an informal report and communication surrounding the confidential nature of such reports. A thorough revamping of the USA Gymnastics web site to make it more user friendly would be advisable.

Recommendation #35 – Remove President from Controlling Role in Determining Disposition of Allegations *(See also Recommendation #15)*

Background

The Report recommended that the President have no responsibility for determining the disposition of allegations. At the time of the Report, the President possessed significant discretion in determining the disposition of an allegation which created a risk of favoritism or overlooking violations to protect the reputation of the organization.

Analysis

USA Gymnastics has successfully removed the President from a controlling role in determining the disposition of allegations. Under USA Gymnastics' new policy, neither the President nor the Board of Directors is involved in decisions regarding individual reports or resolutions and neither has access to USA Gymnastics' case management system. In the case of an alleged perpetrator who is an employee of USA Gymnastics, while the President may provide input as to whether the alleged perpetrator should remain employed during the investigation, the President has no role in the investigation or resolution itself.

Conclusion

We consider this recommendation satisfied.

Recommendation #36 – Provide for Board Oversight of the Process *(See also Recommendation #9)*

Background

The Report recommended that those responsible for reviewing and determining the outcome of allegations be held accountable by the Board. At the time of the Report, there was no oversight of the investigative process within the organization.



Analysis

USA Gymnastics has significantly increased the Board's oversight over the process of receiving and resolving reports of misconduct. For example, each USA Gymnastics Board meeting now includes a high-level discussion led by the Director of the Safe Sport team or Chief of Athlete Wellness about the number of new reports received, the disposition time for such reports, and the ultimate resolutions. In addition, prior to each Board meeting, Board members receive a report from USA Gymnastics' Safe Sport team containing an update on the team's progress in investigating and resolving reports of misconduct. Through the Safe Sport presentations at each Board meeting, the Safe Sport team's access to the Board, and vice versa, has increased significantly.

Conclusion

We consider the recommendation satisfied based on the Board's current approach. However, an opportunity remains for the Safe Sport team to increase communication with the Board outside of the structure of Board meetings. For instance, providing the Board with a detailed Safe Sport report on a more frequent basis, such as monthly, would ensure the Board is apprised of important Safe Sport enforcement activity on a more regular basis.

Recommendation #37 – Relax Due Process Requirements in Cases of Alleged Grooming or Abuse of a Minor

Background

The Report found that USA Gymnastics provided more extensive due process rights than required by law.

Analysis

USA Gymnastics has sufficiently relaxed due process requirements in cases of alleged grooming or abuse of a minor. For example, while USA Gymnastics still provides an opportunity to cross-examine witnesses, such cross-examination is subject to restrictions and limitations imposed for the protection of minors and survivors of a Safe Sport violation or other abuse.

Additionally, in conducting hearings, USA Gymnastics now requires hearing panels to balance the welfare of the minor with the probative value of the evidence. This includes determining whether the minor's testimony would create a more complete record than the testimony of a parent/guardian and excluding children under the age of sixteen in preference for submission of hearsay provided by the child's parent or guardian. A child under the age of eighteen will be



permitted to testify only when the hearing panel has ascertained that the witness has an appropriate support network.

Conclusion

We deem the recommendation satisfied.

Recommendation #38 – Clarify in Bylaws the Use of Preponderance of the Evidence Standard

Background

The Report found that the burden of proof required by USA Gymnastics for a reporter to prevail in a hearing regarding a report of misconduct was not clear.

Analysis

As stated in USA Gymnastics' Safe Sport Investigation and Resolution Procedures, in determining the resolution of a pending Safe Sport violation, USA Gymnastics resolution panels assess whether the alleged perpetrator committed the violation by a preponderance of the evidence.

Conclusion

USA Gymnastics has sufficiently clarified its use of the preponderance of the evidence standard, thus satisfying this recommendation.

Recommendation #39 – Ensure that All Persons Involved in Response to Reports are Properly Trained

Background

The Report found that those who were assigned to receive and review reports of abuse or suspected abuse within USA Gymnastics had not received any formal training in the areas of child abuse, child victimization, child protection, or the investigation of suspected abuse. The Report also found that members of USA Gymnastics' hearing panels had not received proper training in the dynamics of child abuse or the conduct of an administrative hearing.

Analysis

Responses to all reports of misconduct are handled by USA Gymnastics' Safe Sport team and a team of independent investigators. The Safe Sport team is composed of individuals with extensive experience in the areas of child physical and sexual abuse, sports psychology, and



positive coaching prior to joining USA Gymnastics. Additionally, the members of the Safe Sport team and the independent investigators have completed several continuing education trainings addressing topics such as responding to sexual abuse, child abuse sexual assault awareness, and social media and sexual abuse. Several of these trainings were provided by the U.S. Center for SafeSport, including a sixteen-hour workshop attended by USA Gymnastics' lead investigator related to all aspects of a Safe Sport investigation including the handling of incident reports, basic interview techniques, evidence collection, hearings, and sanctions.

At this time, members of USA Gymnastics hearing panels are not required to complete any training before serving on a panel. Implementing a well-trained hearing panel which is used on a regular basis remains an area of improvement for USA Gymnastics in the future.

Conclusion

While significant progress has been made, this recommendation has not yet been fully satisfied by USA Gymnastics.

Recommendation #40 – Remove or Extend Time Bar for Allegations Relating to Abuse and Other Violations of the Code of Ethical Conduct

Background

The Report found that a strict time bar existed for types of misconduct that may constitute grooming unless the complaint was filed by USA Gymnastics itself. Previously, if an athlete, parent, or member of USA Gymnastics wished to file a complaint about potential grooming activity, the complaint was required to be filed within one year of the alleged incident; or, if the complainant was a minor, then within one year following his or her 18th birthday.

Analysis

According to the Safe Sport Code of the U.S. Olympic and Paralympic Movement (the "Code"), created by the U.S. Center for SafeSport and adopted in full by USA Gymnastics, no time bar exists for investigating, assessing, considering, and adjudicating any relevant conduct, regardless of when it occurred. While USA Gymnastics has stated in its Safe Sport Procedures document that it follows the Code, USA Gymnastics has not explicitly stated in any other policy or procedure document that there is no time bar for allegations relating to abuse.

Conclusion

While USA Gymnastics, based on the terms of the Code, does not implement a time bar in practice, USA Gymnastics has an opportunity to further encourage reporting by explicitly stating in their policy documents and on their website that a time bar does not exist. However, given the organization's adoption of the Code in full, we consider this recommendation satisfied.

Education, Training, and Athlete Support Recommendations

Recommendation #41 – Implement a Strategic, Comprehensive Abuse Prevention Training Plan for Members, Parents and Athletes

Background

USA Gymnastics previously distributed voluntary training materials to members through its website and mailings, but the material was not adequately reaching its intended audience. In the interest of expanding the knowledge of athletes, their parents and other members about the typical actions of child predators and what constitutes impermissible behavior by coaches and other adults toward minors, and thus encouraging them to recognize and report inappropriate behavior, the Report recommended that a comprehensive and age-appropriate training plan be developed for members, all athletes at member clubs, and the parents of athletes.

Analysis

At this time, Safe Sport training (the U110 course) is required for all members and adult athletes. However, as discussed further below, the U110 course does not provide gymnastics-specific information and does not cover the reporting requirements for emotional and physical misconduct, other key aspects of athlete safety and wellbeing. Although USA Gymnastics has provided voluntary materials to clubs, coaches, parents, and athletes through newsletters, its website, social media, and other methods, the information does not appear to be reaching its intended audiences as effectively as hoped. Based on club owner interviews, there may be a disconnect between club owners' understanding of reporting obligations set forth by the U.S. Center for SafeSport, focusing primarily on sexual misconduct, and reporting of emotional and physical misconduct pursuant to USA Gymnastics' policy (as evidenced in the Athlete Bill of Rights and the Code of Ethical Conduct). The absence of required training for reporting physical and emotional misconduct within the organization appears to have led to member clubs handling potential emotional and physical misconduct on their own without involving USA Gymnastics, something universally understood to be forbidden in the context of suspected sexual misconduct but not in these other areas. .

USA Gymnastics understands, based on the requirements of the Amateur Sports Act of 1978 (the "Ted Stevens Act") that it cannot mandate Safe Sport training for minor athletes, and must leave the decision up to the athletes' parents. In 2021, USA Gymnastics plans to provide Safe Sport Training to parents during the registration process, which will provide parents information on, and strongly encourage parents to have their child watch, age appropriate Safe Sport training videos developed and distributed by the U.S. Center for SafeSport. The required Safe Sport



training videos are administered and monitored through USA Gymnastics' membership management system.

Currently, USA Gymnastics provides the following optional training curriculum through these means:

1. U105: Double-Goal Coach: Coaching for Winning and Life Lessons <https://usagym.org/pages/education/courses/U105/>
2. U111: Setting Healthy Boundaries <https://usagym.org/pages/education/courses/U111/>
3. U112: Tough Coaching or Emotional Abuse: Knowing when the line has been crossed <https://usagym.org/pages/education/courses/U112/>
4. U205: Double-Goal Coach: Culture, Practices, and Games <https://usagym.org/pages/education/courses/U205/>
5. U305: Double-Goal Coach: Developing Triple-Impact Competitors <https://usagym.org/pages/education/courses/U305/>
6. J205: Honoring the Game: The Official's Role in Creating a Positive Youth Sports Culture <https://usagym.org/pages/education/courses/J205/>
7. U301: Stewards of Children <https://usagym.org/pages/education/courses/U301/>
8. U302: Recognizing and Responding <https://usagym.org/pages/education/courses/U302/>

Conclusion

USA Gymnastics has made great strides in the area of sexual misconduct reporting, including grooming, but has not done the same in the emotional and physical misconduct arenas. It continues to provide mandatory and voluntary training for club owners, coaches, parents, and athletes, and progress has been made with respect to training regarding the identification of emotional and physical misconduct, but a potential disconnect in terms of the reporting obligations of members persists. USA Gymnastics is not yet fully in compliance with this recommendation due to the absence of required training on the requirements, and related issues (responding to disclosures and identifying signs), for reporting emotional and physical misconduct.

With the anticipated training for parents during registration, USA Gymnastics will be in compliance with that aspect of this recommendation. However, unless the training is actually received, it can have no impact on the knowledge base of the intended recipients. We would suggest that, after further analysis, the organization consider the idea of requiring age-appropriate training relating to abuse and the line between appropriate and inappropriate conduct as a condition of membership, including minor athlete membership, in order to ensure that at least those minor athletes who are members of USA Gymnastics are better informed. We



understand that parents have ultimate authority over their minor children in regard to the training they receive, and posit this only as a suggestion for USA Gymnastics to consider and analyze.

We consider this recommendation not fully satisfied at this time.

Recommendation #42 – Create Standalone Course in “Preventing Child Abuse in Gymnastics”

Background

As the Report was being written, there was a single, lengthy online required “safety certification” course for coaches, with only minor coverage of child abuse issues. The Report recommended that the abuse prevention material be removed from this lengthy course, which primarily covered many other topics, and deliver information on prevention of child abuse as a standalone course in order to give it enhanced significance and impact. Additionally, it was noted that implementing such training would send the message that at USA Gymnastics, “[w]e will not tolerate any form of abuse in this organization.”⁴⁷

Analysis

In 2018, the U.S. Center for SafeSport created the U110 course, which is now required for all adult members of USA Gymnastics as part of their membership registration process. See the description under Recommendation #44 regarding the frequency of required training. The U110 course provides information related to three main aspects of abuse prevention: sexual misconduct, reporting requirements, and emotional and physical misconduct. The U110 course provides helpful information for identifying, handling the disclosure of, and reporting sexual misconduct; however, its broad application across sports warrants more specific training for age-related issues that are unique to USA Gymnastics.

Additionally, the U.S. Center for SafeSport exercises exclusive jurisdiction over the investigation and resolution of complaints of sexual misconduct but does not generally handle complaints of emotional and physical misconduct, which is left to the individual national governing bodies; nor does it generally respond to concerns regarding suspected grooming. USA Gymnastics, as provided in its Athlete Bill of Rights and pending enforcement through the Code of Ethical Conduct, requires the prevention and the reporting of allegations of emotional and physical misconduct. Currently, there is no required training related to these topics for member clubs, coaches, parents, or athletes beyond that included in the U110 course.

⁴⁷ Report at 79.

Conclusion

USA Gymnastics has partially satisfied this recommendation by requiring member clubs, coaches, and adult athletes to complete the U110 course as a condition of membership. We continue to recommend specialized training specific to the gymnastics environment in relation to training on emotional and physical misconduct as well as grooming.

Recommendation #43 – Revise and Expand the Current “Preventing Child Abuse in Gymnastics” Course to Include the Following, at a Minimum: Content and Examples Specific to Gymnastics, Updated Section on Reporting, Information About Other Types of Sexual Abuse

Background

The prior “Preventing Child Abuse in Gymnastics” course offered by USA Gymnastics was more or less an off-the-shelf, generic online instruction about aspects of child abuse and how to prevent it, some of which had little relationship to the environment of competitive gymnastics. As a result, it offered viewers very little of relevance in the world in which they operated and was likely to be only minimally effective. It was recommended that the course be revised to be more relevant to the reality of the gym.

Analysis

Based on our conversations with club owners, there is a much-improved understanding in the gymnastics community of how to prevent child abuse and the signs of child abuse in grooming behaviors. One club owner even told us that prior to 2018, she was unaware of the term “grooming” or the behaviors that constitute grooming, but that she now has a vastly improved understanding of that term and the behaviors to watch for.

The U110 course includes topics such as grooming and other important issues like managing high-risk situations where sexual misconduct is more likely (overnight travel, social media and electronic communications, photography). Many of these issues are relevant to USA Gymnastics and its athletes. However, the U110 course, a course intended to apply broadly to numerous sports, does not cover certain issues that are highly unique to USA Gymnastics, such as the age of USA Gymnastics’ athletes and the special considerations that implies. Coaches, club owners and parents would benefit from understanding how to recognize signs and symptoms of abuse in younger children. Currently, no such training is required though some training is available on a voluntary basis such as the Emotional Abuse v. Tough Coaching Training USA Gymnastics made available to members in 2020. This provides an opportunity for USA Gymnastics to develop required training to supplement the foundational content provided in the U110 course as to sexual, physical and emotional abuse, and the voluntary trainings currently provided.



Conclusion

USA Gymnastics has made strides to meet this recommendation but has not yet fully satisfied it. USA Gymnastics has plans to eventually make additional training required for its members and parents beyond what is required in the U110 course, as referenced in other recommendations. However, until that training is implemented and required, USA Gymnastics will not be in full compliance with this recommendation.

Recommendation #44 – Ensure that USA Gymnastics Consistently Reinforces the Revised Training Content Through Annual Training Requirements

Background

The Report recommended that training be required on an annual basis, in order to refresh and update the knowledge of the members and keep the focus on athlete abuse prevention in the forefront of members' thinking.

Analysis

USA Gymnastics distributes and monitors required training through its Membership Management System. For the required Safe Sport Training, provided in the U110 course, the following requirements apply:

In the first year, the full 90-minute course is required. In each year of the following three years, a 30-minute refresher course is required. In the fifth year, the cycle repeats beginning with the 90-minute course.

These courses are interactive online education courses that require a participant to remain engaged by clicking to open boxes, watch brief videos, read short vignettes, take quizzes, etc. If members do not complete the required training, their membership is not approved and they may not take part in any USA Gymnastics event or meets.

Conclusion

USA Gymnastics has satisfied this recommendation.

Recommendation #45 – Create a Required, Annual Safe Sport Training for All Members Regarding USA Gymnastics’ Revised Abuse Prevention Policies, Procedures and Reporting Mechanisms

Background

The Report recommended that mandatory annual training in USA Gymnastics’ athlete abuse prevention policies, as well as specific procedures and mechanisms for reporting, be provided to all members, so that the policies would not only exist on paper but also be understood by the field.

Analysis

Training on specific policies and reporting mechanisms is not currently required for members. However, USA Gymnastics anticipates making such training mandatory for members in the coming years as identified in the Safe Sport Strategic Plan addressed in Recommendation #28.

In addition to the required U110 course, USA Gymnastics has disseminated optional safety-related training and informative publications to members. This includes quarterly newsletters and social media posts every Wednesday that touch on various safety topics. While these are not required, USA Gymnastics has produced and is working to produce the following webinars, which are based on existing policy:

Webinars already produced:

- Prevention Policies: Breaking It Down;
- Creating Healthy Boundaries with Athletes (updated);
- Tough Coaching or Emotional Abuse: Knowing When the Line has Been Crossed (updated);
- Managing Bullying Between Athletes;
- Safe Sport for Parents;
- Access to Practice;
- Virtual Waiting Rooms: Connection When It Counts;
- Recognizing the Symptoms of Sexual Trauma in Youth and How to Appropriately Respond to these Disclosures;
- Understanding and Coaching Generation Z

Webinars in production:

- Coaching Athletes with Hidden Disabilities;
- Body Positivity;
- Safe Sport Mindset series



- Club Management considerations;
- Coaching considerations;
- Parent considerations (this is being created with help from the U.S. Center for SafeSport)

Additional Training Planned for 2021

- Stages of Child Development
- Positive Youth Development Principles
- Brain Structure
- Coaching to the Individual Child
- Coaches and Parents Working Together to Create a Healthy Sport Environment

Based on our interviews with club owners, we perceived that they clearly understand their reporting obligations relating to sexual misconduct. In speaking with the Safe Sport team which investigates these complaints, we determined that more member clubs appear to be reporting potential sexual misconduct regardless of whether they think it actually rises to the level of required reporting. We agree that it is better to err on the side of reporting and applaud this diligence. However, based on those we interviewed, there is a distinct gap in the club owners' understanding of what to report when it comes to emotional abuse. Some club owners appear to be handling issues short of suspected sexual abuse internally and are not questioning whether such actions need to be reported. While we recognize that the practice of identifying emotional abuse is necessarily somewhat subjective, it would benefit the overall culture of USA Gymnastics to improve club owners' understanding to the point where they routinely report emotional abuse to USA Gymnastics.

To address this, USA Gymnastics may wish to consider providing and/or requiring the Positive Coaching Alliance training for all member clubs and coaches, not just those associated with the National Teams. Currently, it is our understanding that the Positive Coaching Alliance training is primarily reserved for National Team coaches until a later date when it will be available for all coaches and clubs.

Conclusion

Based on our discussions with the USA Gymnastics leadership team, it appears they are on track to satisfy the terms of this recommendation. We applaud the trainings they have developed and are developing but encourage them to address the issues raised above.



Recommendation #46 – Include Mandatory Plenary Sessions for All National Congress Attendees on Safe Sport Requirements and Abuse Prevention Information

Background

In the interest of taking advantage of every opportunity to underscore the Safe Sport requirements and the overriding message of athlete safety, it was recommended in the Report that a mandatory plenary session on these matters be included in the annual National Congress.

Analysis

USA Gymnastics, as of this writing, has not yet held a mandatory plenary session for all national congress attendees on Safe Sport requirements and abuse prevention information. USA Gymnastics leadership has explained that the National Congress has a limited reach because less than 10% of the membership attends. Thus, to date it has focused on other ways to reach a broader group in the membership community by disseminating the information referenced above under Recommendation #45 to members in addition to the required U110 Safe Sport training.

Although a plenary session on Safe Sport requirements and abuse prevention information has not been mandatory for attendees at the National Congress, USA Gymnastics has provided Safe Sport training and education at all National and Regional Congresses for several years, including the following:

- 2019: At the National Congress held in 2019, USA Gymnastics had a booth with materials and the ability to ask questions in person. Safe Sport information was also presented at all club owner luncheons at regional congresses in 2019. Additionally, signage was present throughout 2019 National Congress facilities about how to make reports and USA Gymnastics accepted reports at National Congress.
- 2020: Four distinct Safe Sport courses were offered at the USA Gymnastics 2020 Virtual Congress.

USA Gymnastics plans to host an in-person National Congress in 2021, if possible. Although it has not identified the exact method of ensuring and/or tracking attendance, it currently anticipates the mandatory plenary session being held at a time/date when the most members will be in attendance. Nothing else will be scheduled at the same time, and members in attendance will be instructed that they are expected to attend this plenary session. If COVID-19 prevents an in-person event, USA Gymnastics has plans to ensure and track attendance at a virtual event. If the event takes place in person, the organization is considering ways to track attendance (admittedly difficult at such a large event), which might include a sign-up requirement for the session.



In addition, Safe Sport will have a presence at all Regional Congresses to ensure that information on Safe Sport is visible, accessible, and available.

Conclusion

While USA Gymnastics has not yet achieved full compliance with this recommendation, the plans for 2021 are encouraging and demonstrate that the organization is on track toward full compliance.

Recommendation #47 – Require All Member Clubs to Host Annual Training for Coaches, Athletes and Parents (All Together) Regarding the Revised Code of Ethical Conduct and Revised Safe Sport Policy

Background

In the interest of fostering transparency and accountability for athlete protection at the club level, the Report recommended that member clubs be required to host annual training at which coaches, parents and athletes would all hear the same message about the expectations athletes and their parents should have of coaches and the club, and what types of behavior are outside the boundaries of what is appropriate in the gymnastics setting.

Analysis

While some club owners indicate that they already provide some training to athletes, parents, and coaches, USA Gymnastics has not required member clubs to host annual training for coaches, athletes, and parents out of concern that member clubs might not adequately relay the content desired. To address this issue, USA Gymnastics has established a Club Safety Champion initiative, which will require each member club to appoint an individual to serve as the club's Safety Champion. The Safety Champion will provide a direct line from USA Gymnastics to the member clubs and will provide USA Gymnastics with a direct method to relay information, something that is currently missing – negatively impacting the uniform dissemination of accurate information. Member clubs will be required to appoint a Safety Champion by August 1, 2021.

The Safety Champion will be tasked with providing training to athletes, parents, and coaches at member clubs. The Safety Champion must be a USA Gymnastics member and, therefore, must have completed a background check and the Safe Sport U110 course. USA Gymnastics has provided a “job description” of the Safety Champion role to member clubs. USA Gymnastics plans to provide training to Safety Champions on USA Gymnastics’ policy and provide the Safety Champions with access to members of the Safe Sport team to utilize as resources.

In addition to providing the required annual training, USA Gymnastics also plans to task the Safety Champion with monitoring and tracking attendance at the required annual training. USA Gymnastics will review attendance records when conducting safety reviews of member clubs, which are slated to formally begin in 2022.

We note that, based on our interviews of club owners, the message about the Safety Champion initiative has not permeated the field, despite the fact that USA Gymnastics indicated that it has communicated this information in a “soft rollout” of the program. Club owners with whom we spoke were generally unaware of the initiative, though they uniformly saw it as a good idea when the initiative was described to them. One owner of a large recreational gymnastics club felt strongly that USA Gymnastics does a poor job of communicating with the clubs overall, and that, for example, its newsletters are not helpful. This suggests a need to seek additional means of communication with the clubs beyond the current methodologies; and the Safety Champion initiative should help with that.

Conclusion

To date, USA Gymnastics has not complied with this recommendation for mandatory training within the clubs. However, the forthcoming Safety Champion plans are encouraging and indicate that USA Gymnastics is on track toward full compliance. Although not previously mentioned in this recommendation, USA Gymnastics may wish to consider encouraging member clubs to appoint or potentially hire an individual for the Safety Champion role with prior experience in athlete safety and wellness.

Recommendation #48 – Consider Creating a Safe Sport Certification for Clubs

Background

Our research demonstrated that some other National Governing Bodies (NGB) provide an avenue for affiliated member organizations to demonstrate their commitment to the protection of athletes and in return receive certification as a Safe Sport environment. The certification can be used in a certified club’s branding to signal that commitment to the protection of a parent’s child.

Analysis

As described in its Safe Sport Strategic Plan, USA Gymnastics plans to develop club standards and perform club safety reviews for compliance with the standards. The current language of the Strategic Plan is as follows:

Goal 9: Develop club standards and perform club safety reviews for compliance with standards



Desired measurable outcomes:

- Hire a Safety Reviewer to perform supportive reviews and assist clubs with meeting standards within 2021-2022 membership season.
- Develop and finalize club standards with significant input from the community by Dec. 31, 2021.
- Develop communications strategy and timelines for implementation for club standards by Dec. 31, 2021.
- Create a Safe Sport certification program that recognizes clubs who meet the club standards by June 30, 2023.
 - By December 31, 2024, at least 100 clubs will be Safe Sport certified.
- Create a Safe Sport recognition award to reward clubs who develop initiatives that exceed the standards or who are innovative in their methods toward ensuring athlete safety by June 30, 2023.
 - Goal is to recognize at least 1 club per month; ongoing.
- Begin random safety reviews of member clubs by July 1, 2022 or within 3 months of hire of Safety Reviewer.

In our interviews with club owners, some expressed concern about the potential for a punitive type of certification burdening the clubs with significant additional requirements and creating a negative, rather than positive, experience for the clubs. Based on the information relayed by club owners, most clubs seem to recognize that a safe environment for children is a prerequisite for garnering athlete participation at gyms, based on the significant positive growth in awareness and caution on the part of parents over the past few years relating to child safety. Additionally, USA Gymnastics – as well as club owners – expressed the need to balance strict requirements with a supportive approach, based at least in part on the reality that the majority of its club owners, who do not coach elite athletes, do not need to be USA Gymnastics member clubs and could go elsewhere. USA Gymnastics’ current plan to make certification recognition-based and serve as a marketing tool for clubs to garner more athlete participation meets club owner concerns while also serving as a mechanism to meet safety expectations.

Conclusion

Based on the information provided, USA Gymnastics has specific plans in place to satisfy this Recommendation by 2023, including specific steps leading up to actual certification.



Recommendation #49 – Provide Parents Annually with Information about USA Gymnastics Abuse Prevention Policies and Procedures and How to Protect their Children from Abuse on an Annual Basis

Background

Based on the critical importance of parental vigilance to the ability of USA Gymnastics, or any NGB, to enforce its athlete safety policies in the field, it was recommended that parents be armed with sufficient information to assist them in monitoring the safety precautions taken by member clubs to protect their children.

Analysis

Annual training for parents is currently provided throughout the year via newsletters, email blasts, and social media. Members of the USA Gymnastics’ leadership team mentioned to us that balancing required parent training with ease of access to membership can be difficult. USA Gymnastics is aware that parents may view time associated with significant training requirements as an obstacle and deterrent to registering their child for participation. For now, USA Gymnastics plans to encourage Safe Sport parent training as part of the athlete registration process each year. USA Gymnastics plans to make this Safe Sport parent training mandatory by 2022.

Substantively, the existing parent training is helpful. However, it is not necessarily easy to access through the USA Gymnastics website. As suggested elsewhere in this report, tailoring the website to provide a search function and a more organized page for parents to access would greatly improve the ease of access of information. USA Gymnastics tells us that it intends to restructure its website. In the event this occurs, which we highly recommend, we further recommend that the restructuring include these items.

Conclusion

With the plans to tie Safe Sport parent training to registration in 2021 and then make it mandatory in 2022, USA Gymnastics is on track to satisfy this recommendation.

Recommendation #50 – Provide Athletes with Age-Appropriate Abuse Prevention Education on an Annual Basis

Background

It was recommended as important to athletes’ ability to protect themselves from abuse that they receive age-appropriate education in abuse detection and prevention on an annual basis; and

that, at a minimum, such training be adopted as a best practice and potentially lead to special positive recognition for clubs that employ it.

Analysis

As previously noted, USA Gymnastics requires all adult athletes to take the Safe Sport U110 course and the U.S. Center for SafeSport provides age-appropriate training to athletes at www.athletesafety.org. Compliance with USA Gymnastics' required training for adult athletes is monitored through its Membership Management System. At this time, age-appropriate training for minor athletes is not provided upon athlete registration. Additionally, though parental permission is required for the participation of minor athletes in any training, once the Safe Sport training is linked with the athlete registration process, USA Gymnastics will encourage parents to permit and encourage minor athletes to take the Safe Sport Course upon registration.

As indicated under Recommendation #41, we suggest that USA Gymnastics analyze the possibility and likely consequences of requiring Safe Sport training as a condition of membership, even for minor athletes. Parents would then understand that in order to register their minor child for membership, they would need to agree to the child's participation in the age-appropriate course. We understand that the Ted Stevens Act appears to be clear on this point, and an amendment to the Act might be necessary in order to permit such a requirement – something USA Gymnastics cannot accomplish on its own.

Conclusion

Without providing age-appropriate training to all athletes annually, USA Gymnastics has not yet fully complied with this recommendation. Currently, only the U110 course is required, and that only of adult athletes. USA Gymnastics takes the position that it cannot require minor athletes to receive age-appropriate training without parental consent, and we understand that this constitutes a potential legal barrier to full compliance. We reiterate our suggestion, made in the Conclusion section of our analysis regarding Recommendation #41 (above), that USA Gymnastics consider and analyze whether it would be permissible and appropriate to make age-appropriate training a condition of membership, even for minor athletes.

Recommendation #51 – Provide a Stronger Support System to Athletes

Background

The Report identified as a significant contributor to athlete abuse the environment surrounding competitive gymnastics: that the athletes are conditioned not to complain, not to report injuries, not to report questionable behavior on the part of their coaches, and so on. It was recommended



that a stronger support system for athletes is necessary to break down barriers to their reporting of mistreatment.

Analysis

Since the Report was issued in 2017, USA Gymnastics has created an Athlete Health and Wellness Department and Council, which are specifically designed to provide holistic support for the athletes. The holistic approach focuses on sports medicine, health, nutrition, life skills, and other key aspects of athlete wellness. The Athlete Health and Wellness Council develops tools for coaches and athletes and works closely with USA Gymnastics staff to be a resource for athletes. In addition, the Council has taken the following actions: 1) surveying athletes after major competitions and camps to gather feedback; and 2) taking results from surveys of the National Team athletes and incorporating their feedback on their health and wellness experiences into the 2021 High Performance Plan.

The Athletes Council includes two athlete representatives for each USA Gymnastics discipline (one involved in team selection and one to provide athlete support). It is clear from our interviews with members of the USA Gymnastics leadership team that they rely on the athlete representatives for feedback and input on various initiatives. Additionally, the athlete representatives are regularly engaged by USA Gymnastics' executive leadership and program staff. This was confirmed in athlete interviews.

Additionally, USA Gymnastics is providing greater support to athletes by providing training to Program Staff, National Coaching Staff and National Team Coaches on positive coaching methods and techniques through its partnership with the Positive Coaching Alliance. After speaking with some coaches involved with the National Team, we perceive that the positive coaching training is immensely helpful as it goes beyond stating what is prohibited and provides exemplars of behaviors to avoid. One club owner specifically stated that the training would have been key to improving the club owner's own coaching abilities earlier on in the club owner's career.

Further, USA Gymnastics is pursuing unique ways to provide greater support to athletes. One such method is iNSPIRE Sport. iNSPIRE Sport is a mobile application to provide athletes with more education and support to avoid athlete burnout. The iNSPIRE Sport mobile app allows athletes to track their mood, sleep, sickness, cycle, nutrition, training, pain, travel, etc. It also provides a calendar and communication method that USA Gymnastics can use to disseminate information to specific groups of athletes.

Conclusion

These actions support athlete wellness, particularly the wellness of athletes associated with National Teams. While USA Gymnastics is in compliance with the spirit of this recommendation as to those National Team athletes, having taken various steps to make the environment more



welcoming to and protective of athletes, satisfying this recommendation in full requires even greater support for all athletes. We recognize that winning the athletes' trust and instilling in them a belief that they should report mistreatment is difficult and will take time. One suggestion: USA Gymnastics may wish to consider having the future Safety Champions (see Recommendation #47) at member clubs work to establish a similar athlete representative at larger gyms or serve in such a role on behalf of athletes themselves.

We consider the terms of this recommendation partially satisfied and applaud USA Gymnastics for the initiatives put in place to date. However, more will be necessary in order to reassure athletes that they will be supported if they report abuse.

Recommendation #52 – Consider Creating an “Athlete Bill of Rights”

Background

To contribute to the supportive system described under Recommendation #51, it was recommended that USA Gymnastics develop an Athlete Bill of Rights so that the athletes would have a better understanding of the types of behavior they should not be expected to tolerate, as well as the actions they could take to protect themselves and obtain the protection of adults responsible for their well-being.

Analysis

USA Gymnastics developed an Athlete Bill of Rights in conjunction with the Athletes Council in the summer of 2020 which was published on December 10, 2020. The Athlete Bill of Rights meets and exceeds the original expectations of this recommendation. The Athlete Bill of Rights was posted to USA Gymnastics' website and distributed through social media. As of this writing, we do not believe it is widely recognized in the field, but it should prove to be a powerful demonstration of the commitment of USA Gymnastics to the safety of athletes.

Under the Athlete Bill of Rights, athletes have the right to:

- Participate in Gymnastics.
- Train and Compete Safely.
- Have their Personal Health and Wellness Prioritized.
- Receive Proper Instruction.
- Be Treated with Dignity and Respect.
- Provide Input on Matters that Directly Affect Them.
- Voice Opinions on Issues that Affect the Gymnastics Community.
- Integrity and Transparency.



Although it has disseminated the information publicly, USA Gymnastics is not currently providing the Athlete Bill of Rights to athletes upon registration. USA Gymnastics is in the process of determining how best to disseminate the Athlete Bill of Rights to athletes. USA Gymnastics revised the Code of Ethical Conduct to provide a mechanism through which it can enforce compliance with the conditions of the Athlete Bill of Rights.

Pursuant to the Code of Ethical Conduct, members are directed to report ethical violations to the Safe Sport team for review. Depending on the nature of the reported ethical violation and whether it relates to matters handled by the USA Gymnastics' Safe Sport team, the Safe Sport team may conduct an investigation into the complaint; dismiss the complaint if it does not rise to the level of an ethical violation; or refer the complaint to another committee or whatever forum is most appropriate for the referral.

Conclusion

USA Gymnastics has satisfied this recommendation by creating the Athlete Bill of Rights, but will further comply with the spirit of the recommendation by solidifying an effective method of distributing the Athlete Bill of Rights, facilitating complaints, and enforcing violations.

Encouraging Reporting of Suspected Violations

Recommendation #53 – Permit Third-Party Reporting of Policy Violations and Abuse to USA Gymnastics by Third Parties

Background

Previously, to make a report of misconduct, an athlete or his/her parent was required to submit a written, signed report describing the alleged misconduct to the President of USA Gymnastics. Third-party reporting was not permitted. The Report recommended that USA Gymnastics clearly permit third-party reporting of policy violations and abuse.

Analysis

USA Gymnastics currently permits third-party reporting of policy violations and abuse. As discussed elsewhere in this report, USA Gymnastics receives reports of alleged misconduct in person, via email, social media, phone, on the USA Gymnastics web site, or any other manner, including anonymously. Reports are accepted from any person with knowledge of the alleged abuse, direct or otherwise. All reports of alleged misconduct are investigated and resolved according to the process outlined in the Safe Sport Intake and Resolution Flow Chart, regardless of the source of the report.

Conclusion

We consider this recommendation satisfied.

Recommendation #54 – Require Reporting of Abuse and Reporting of Policy Violations

Background

Previously, members of USA Gymnastics were not clearly required to report all instances of suspected child abuse. Rather than mandating reporting in all instances, instructions to the field focused on whether a person was required to report suspected abuse to law enforcement under the laws of the state in which the abuse allegedly occurred, and required prospective reporters to make that determination on their own. Based on the change in federal law and the SafeSport Code of the U.S. Olympic and Paralympic Movement adopted by the U.S. Center for SafeSport, imposed on all Olympic disciplines, clear instructions mandating reporting in all instances of suspected physical or sexual abuse, at a minimum, are necessary.

Analysis

All “adult participants” of USA Gymnastics are now required to report any suspected physical or sexual abuse to law enforcement, as well as to the U.S. Center for SafeSport. The term “adult participant” encompasses all USA Gymnastics staff, all adult members, all USA Gymnastics board members, anyone within the “governance and jurisdiction” of USA Gymnastics, and anyone “authorized, approved or appointed” by USA Gymnastics “to have regular contact with or authority over Minor Athletes.”⁴⁸ In enforcing this requirement, USA Gymnastics requires all employees to sign an employee acknowledgement form stating that they understand and agree to abide by USA Gymnastics’ mandatory reporting policy. Similarly, all USA Gymnastics members, whether club members or individual members (including board members), must agree to be bound by all Safe Sport rules, policies, and procedures published by both the U.S. Center for Safe Sport and USA Gymnastics as part of their membership agreement. Both of these Safe Sport policies include the requirement to report any suspected physical or sexual abuse to law enforcement in addition to the U.S. Center for SafeSport.

While USA Gymnastics has implemented formalized policies for both its employees and members requiring reporting suspected physical or sexual abuse to law enforcement, the organization has an opportunity to improve education for its members surrounding a member’s obligation to make reports of misconduct that fall short of physical or sexual abuse. It is acknowledged that in a competitive sport such as gymnastics, it can be difficult to clearly define misconduct that does not rise to the level of physical or sexual abuse but that should still be reported to USA Gymnastics. However, additional communication and resources from USA Gymnastics relating to what constitutes reportable misconduct outside of the physical and sexual abuse context would better help members determine which incidents occurring in their clubs should be reported to USA Gymnastics and which need not be. We gather from our interviews of club owners that there may still be some confusion about what conduct short of actual abuse should be reported to USA Gymnastics.

Additionally, those in the field may find the section of the USA Gymnastics Safe Sport Code relating to reporting to be unclear. Specifically, in addition to requiring a report of physical or sexual abuse to the U.S. Center for Safe Sport, a section related to the reporting of prohibited conduct other than child abuse includes this provision: “Participating Adults must also report sexual misconduct to the authorities if it is required by relevant state or federal law.”⁴⁹ Any type of sexual misconduct involving a minor will qualify as child abuse. While the leadership team of USA Gymnastics is well aware that both federal legislation and the SafeSport Code of the U.S. Olympic and Paralympic Movement clearly require reporting of any suspected sexual or physical

⁴⁸ SafeSport Code of the U.S. Olympic and Paralympic Movement, VIII. J found at: [Microsoft Word - 2020-02-21 - 2020 SafeSport Code - FINAL AMENDED \(uscenterforsafesport.org\)](#)

⁴⁹ Safe Sport Policy at 10.



abuse of a minor regardless of the laws of any particular state, this language in the policy is misleading and should be clarified.

Conclusion

We consider the recommendation satisfied, for the most part, in terms of policy pronouncements. However, we recommend clarifying the section of the USA Gymnastics Safe Sport Code referenced above and expanding communication to the field clarifying beyond question the reporting requirements.

Recommendation #55 – Enforce Serious Consequences for Failure to Report Abuse

Background

At the time of the Report, USA Gymnastics did not impose any consequences for failure to report abuse. As noted elsewhere in this report, USA Gymnastics members were not even required to report suspected child abuse.

Analysis

USA Gymnastics has put in place serious consequences for failure to report suspected physical or sexual abuse to law enforcement by a USA Gymnastics employee or member. According to the required USA Gymnastics employee acknowledgement form, if an employee violates USA Gymnastics' Mandatory Reporting Policy, USA Gymnastics may terminate employment, take legal action against the employee, refer the employee to law enforcement, and/or impose any other sanction USA Gymnastics deems appropriate. Under the terms of the membership agreement between USA Gymnastics and both member clubs and individual members, USA Gymnastics may deny, withhold, refuse to renew, suspend, or terminate any member's membership at any time for any violation of the Safe Sport Policy or if USA Gymnastics has reason to believe the member poses a threat to the safety of athletes or other members. Additionally, retaliation by any party against an alleged victim for making a report is considered misconduct under the Safe Sport Code. USA Gymnastics will investigate any reports of retaliation and will follow the same intake, investigation, and resolution process that USA Gymnastics follows for any other report of misconduct.

While USA Gymnastics has implemented severe sanctions for the failure to report and retaliation, USA Gymnastics has also imposed severe sanctions for any individual who knowingly makes a false report. Any individual making such a false report will be subject to disciplinary action by USA Gymnastics.

Conclusion

We consider this recommendation satisfied.

Recommendation #56 – Expand Reporting Methods to Encourage and Facilitate Reporting

Background

As noted elsewhere in this report, to be accepted for investigation/reporting, a report of misconduct was previously required to be submitted in writing to USA Gymnastics and signed by the allegedly abused athlete or his/her parent.

Analysis

USA Gymnastics has significantly expanded the methods by which an individual may make a report of misconduct. USA Gymnastics no longer requires a written complaint by the alleged victim or victim's parent. In contrast, a report of misconduct may be made to USA Gymnastics in person, via email, social media, phone, through the USA Gymnastics web site, or any other manner, including anonymously. Additionally, USA Gymnastics has set up a "help line" which a potential reporter may call to file a report or to ask questions about filing a report. The "help line" is not manned on a 24-hour basis, but any call to the help line outside of working hours is retrieved the first thing the next business day.

Another method of anonymous reporting will soon be available for all members of the National Team and athletes within the elite development program across all disciplines through the new RealResponse tool. After making an anonymous report on RealResponse, the reporter will receive a real-time response from a National Team coach or other USA Gymnastics Program Director or Safe Sport representative. While the RealResponse platform provides an additional avenue for National Team athletes to make an anonymous report, this additional avenue will not be available for athletes outside the National Team at this time.

USA Gymnastics has made significant progress in expanding reporting methods. However, an opportunity remains for USA Gymnastics to improve communications with its member clubs about the various methods of making reports. USA Gymnastics currently communicates with member clubs primarily through e-newsletters and social media posts. Some members, including club owners, tell us they do not recall seeing some of these communications, so we suggest that USA Gymnastics seek to determine what means of communication is/are most likely to reach the intended audiences. It has been suggested to us by a current elite athlete that a mobile phone application ("app") might be the best way to reach young athletes, for example. We are aware

that USA Gymnastics is already planning the roll-out of certain mobile phone applications that may be helpful in this regard.

As noted elsewhere, USA Gymnastics plans to install a “Safety Champion” at each member club in the coming months whose primary responsibilities include supporting a culture of safety within the club and communicating USA Gymnastics’ safety policies and enforcement procedures to staff, parents, and athletes at the club. This should assist with communications to club owners, coaches, parents, and athletes. However, as an example of the current difficulties in communicating, despite information sent to the field describing the Safety Champion program and indicating that each club will be required to appoint a staff member as Safety Champion by July 2021, multiple club owners, while they liked the idea when we described it to them, told us they recalled having heard nothing from USA Gymnastics about this initiative.

Conclusion

We consider USA Gymnastics to have accomplished the goal of expanding the methods of reporting, though more work is needed to ensure that these expanded reporting methods are understood by athletes and others in order to encourage and facilitate reporting. We agree with USA Gymnastics that the club Safety Champion initiative will assist considerably in this effort. We consider this recommendation partially satisfied at this time.

Recommendation #57 – Accept and Investigate Reports Relating to Misconduct by a Member in Which the Victim is a Non-Member

Background

As noted elsewhere in this report, to make a report of misconduct, an athlete or his/her parent were previously required to submit a written, signed report describing the alleged misconduct to the President of USA Gymnastics. Reports of alleged misconduct by a member in which the victim was a non-member were not previously accepted for investigation and resolution by USA Gymnastics.

Analysis

USA Gymnastics no longer discriminates between members and non-members when receiving, investigating, and resolving reports of misconduct. USA Gymnastics follows the same intake, investigation, and resolution process, including mandatory reporting to law enforcement, for all reports of misconduct regardless of whether the alleged perpetrator or alleged victim is a USA Gymnastics member. An audit of misconduct reports received by USA Gymnastics showed that



the organization has received and investigated multiple misconduct reports where the victim was not a member of USA Gymnastics.

Conclusion

We consider this recommendation satisfied.

Recommendation #58 – Provide Training to All Members and Staff Regarding Reporting Requirements

Background

Previously, USA Gymnastics staff and members did not receive any training regarding their reporting requirements.

Analysis

USA Gymnastics trains all members and staff on their reporting obligations by requiring each adult member and employee to complete the mandatory SafeSport training course (U110). All USA Gymnastics employees must complete the mandatory SafeSport training course during their first week of employment. To ensure that USA Gymnastics' policy of mandatory reporting remains top of mind for their employees, USA Gymnastics provides additional Safe Sport trainings at staff meetings on a recurring basis.

As for members, each USA Gymnastics member is also required to complete the mandatory Safe Sport training as a condition of membership. Additionally, each member agrees as a condition of membership, in the membership agreement, to obtain additional training, take additional educational courses, submit to additional background check requirements, or provide other information as required by USA Gymnastics from time to time.

We remain concerned that, while well aware of the requirement to report any suspicion of physical or sexual abuse to law enforcement and the U.S. Center for Safe Sport, some in the field may not fully understand the need to report other potential misconduct to USA Gymnastics rather than trying to resolve it on their own (*see discussion under Recommendation #41*). We suspect that over time, as the messages are repeatedly communicated by USA Gymnastics through various means, the field will gain an improved understanding of the requirements.

Conclusion

We consider that USA Gymnastics has satisfied the recommendation that they provide training regarding reporting requirements. We recommend continued efforts to communicate regarding reporting of matters short of actual physical or sexual abuse.

National Team Training Center

Many of the recommendations from the Report relating to the National Team Training Center (“NTTC”) were focused on improving the conditions of the former NTTC located at the Karolyi Ranch in Texas. Given that USA Gymnastics has relocated the NTTC to an interim location in Indianapolis, Indiana, many of the original recommendations are no longer fully applicable. Additionally, given the onset of the COVID-19 pandemic, USA Gymnastics has held very few training camps thus far at the interim NTTC in Indianapolis. Recognizing these considerations, an assessment of USA Gymnastics’ compliance with the applicable NTTC recommendations is included below to the extent it is possible to analyze it.

Input received from members of the Women’s National Team, in both a survey conducted by USA Gymnastics following a training camp held in Indianapolis, and athlete interviews by our team, suggest that the current arrangements constitute a significant and meaningful change from the conditions at the former NTTC. See below concerning security arrangements, transportation requirements, the prevention of one-on-one contact, and the like.

Please note that we have deliberately not addressed Recommendations 63, 67 and 68 as they were exclusively applicable to the limitations of the former National Team Training Center in relation to communications and the physical structure of the former NTTC.

Recommendation #59 – Create a Policy Handbook and Code of Conduct for All Coaches Bringing Athletes to the Training Center

Background

Based on interviews conducted for the original Report, it appeared that athletes and coaches received minimal information about the policies and procedures associated with the former NTTC. Upon arriving at the former NTTC, athletes and coaches were provided with only a brief, informal overview of reminders related to the NTTC gathered from previous camps. While a list of rules was distributed, it did not contain much information relating to athlete privacy and safety.

Analysis

USA Gymnastics has created a National Team Handbook for each gymnastics discipline. Each Handbook emphasizes important parts of the Safe Sport policy such as mandatory reporting requirements and provides a link to a page where the Safe Sport policy itself can be found. The

Handbook urges recipients to take the time to read and digest the policy. The Handbook states that all athletes, coaches, and staff at the NTTC are required to know and understand the Safe Sport policy.

In a non-COVID year, the National Team Handbooks are to be distributed to athletes and coaches at the National Team meeting the morning after the National Championships where the new National Team is named. In this meeting, the program directors will review the Handbook with the athletes. After the meeting, athletes will take the Handbook home to review. A few weeks later, after athletes have had time to digest the contents of the Handbook and ask any questions, the athlete will be required to return the signed National Team Agreement.

Conclusion

We consider this recommendation satisfied.

Recommendation #60 – Develop a Transportation Policy for National Team Training Center and Include this Information in the New Handbook

Background

At the time of the Report, there was no prohibition on an individual coach and an individual athlete driving in a car together or otherwise traveling alone together to the NTTC. In fact, because it was a common occurrence for only one athlete from a particular club to be invited to train at the NTTC and for that athlete’s coach to be invited as well, one-on-one travel between an athlete and a coach occurred frequently. Allowing this type of one-on-one travel between an athlete and a coach, often by car, created a situation ripe for abuse and in some documented cases facilitated the sexual abuse of athletes.

Analysis

USA Gymnastics has developed an appropriate transportation policy for the National Team Training Center. The National Team Handbooks state that Safe Sport’s policy prohibiting one-on-one situations applies to travel. Additionally, USA Gymnastics arranges all transportation for National Team Camps to ensure there is no one-on-one travel in rental cars or other means of transportation. While USA Gymnastics does not arrange travel for women’s developmental programs, USA Gymnastics does require coaches to submit their transportation plan to USA Gymnastics staff prior to arrival. To prevent one-on-one travel while at camp, shuttles are used.

Conclusion

We consider this recommendation satisfied.

Recommendation #61 – Formalize the Athlete and Coach Orientation Meetings at Each Specific Camp

Background

As noted elsewhere in this report, upon arriving at the former NTTC, athletes and coaches were provided with only a brief, informal overview of reminders related to the NTTC gathered from previous camps.

Analysis

USA Gymnastics has formalized the orientation meetings at each camp and created a Camp Orientation Checklist for use during each orientation meeting, which will be implemented when in-person camps resume. According to the Checklist, each orientation meeting includes a review of the Safe Sport Policy including mandatory reporting, how and where to make a report, a reminder that reporting can be done anonymously, types of misconduct, a review of the Athlete Bill of Rights, housing rules and expectations, medical team instructions, and USA Gymnastics' policies related to gifting, social media, changing areas, stretching, massaging, icing, and taping. Both athletes and coaches will attend this meeting.

Conclusion

We consider this recommendation satisfied.

Recommendation #62 – Create a Formal Monitoring Plan for Athlete Lodging

Background

Based on interviews conducted for the original Report, there was very little supervision of athletes at the former NTTC outside of the regularly scheduled training sessions. Although policies of the former NTTC prohibited both male and female coaches and staff from visiting athlete rooms for any reason, these policies were not enforced as evidenced by the allegations related to former team physician Larry Nassar.

Analysis

USA Gymnastics has created a formal monitoring plan for athlete lodging. While training at the interim NTTC in Indianapolis, all athletes will stay in a hotel. The athletes will be paired with other athletes of similar age and are housed on the same floor of the hotel; only relevant USA Gymnastics staff and female personal coaches will be permitted to stay on a floor housing female

athletes. USA Gymnastics has hired an outside security firm to provide 24-hour security to the hotel floors where athletes are staying in order to monitor who is coming and going from the athletes' floors. Additionally, a female staff member will check up on the athletes periodically in the evenings, to ensure that they are in their rooms and that no adults are with them. Athletes may not receive medical treatment in their rooms. All medical treatment must be done on the training floor or in a designated hotel ballroom which is to be open to all athletes even when not being treated themselves, and always under circumstances in which any treatment is observable by third parties.

Conclusion

We consider this recommendation satisfied.

Recommendation #64 – Formalize the Role of Athlete Representative and Ensure This Individual Does Not Continue to Sit on the Selection Committee

(See also Recommendation #69)

Background

Previously, while the Athlete Representative at the former NTTC was responsible for checking in with athletes, determining whether they had any problems or concerns, and advocating for their needs, she was also responsible for assisting in the selection of athletes to participate in competitions. As a result, almost all parties interviewed for the original Report stated that athletes did not report concerns or issues to the Athlete Representative for fear that the report would negatively impact their chances of competing.

Analysis

To resolve this clear conflict, USA Gymnastics has created two Athlete Representatives: the "Selection Representative" and the "Support Representative." Each USA Gymnastics discipline has both a Selection Representative and a Support Representative, and the representatives' names and contact information can be found in the respective National Team Handbooks. Because the United States Olympic and Paralympic Committee requires that selection committees include an athlete representative, the Selection Representatives fill this role. In contrast, the Support Representatives have no role in team selection. Instead, the Support Representatives are meant to be a supportive resource for members of the National Team. The Support Representatives are copied on most email communication to the National Team and attend National Team meetings. Additionally, the Support Representatives are in regular communication with athletes and parents.

Conclusion

We consider this recommendation satisfied.

Recommendation #65 – Formalize Safety Procedures for the TOPs Camp

Background

At the time of the Report, the high-school age counselors for Talent Opportunity Program (“TOPs”) Camps were chosen based on their relationship with the staff members at the former NTTC. The individuals chosen as counselors were not screened, interviewed, or provided with any training related to abuse prevention.

Analysis

Due to the effects of COVID-19, USA Gymnastics has not yet held a TOPs camp at the interim NTTC. When the TOPs camps resume, USA Gymnastics plans to require TOPs counselors to complete a mandatory, in-person training on positive coaching techniques and emotional abuse. Additionally, TOPs counselors will be required to complete USA Gymnastics’ mandatory Safe Sport training (U110).

Conclusion

We consider this recommendation satisfied.

Recommendation #66 – Require all National Team Coaches and Staff to Complete an Intensive In-Person Training on Abuse Prevention and Athlete Safety

Background

Previously, National Team Coaches and Staff received no instruction about the dynamics of child abuse or protecting athletes from abuse. In order better to arm them with the necessary knowledge, it was recommended that they be required to complete an intensive in-person training on abuse prevention and athlete safety.

Analysis

Prior to the COVID-19 pandemic, USA Gymnastics conducted a Safe Sport training session with all National Team personal coaches and National Team staff. After the onset of the pandemic, USA Gymnastics held two webinar trainings for National Team personal coaches and staff



conducted by the Positive Coaching Alliance, a national nonprofit organization aimed at creating a positive, character-building youth sports environment. USA Gymnastics is planning to hold quarterly trainings from the Positive Coaching Alliance for all National Team personal coaches and staff in 2021. National Team personal coaches and staff are also required to complete USA Gymnastics' mandatory Safe Sport training (U110).

While the current restrictions related to the COVID-19 pandemic are acknowledged, USA Gymnastics is encouraged to conduct an in-person, intensive training for all National Team personal coaches and National Team staff on abuse prevention and athlete safety before camps resume at the interim NTTC.

Conclusion

We consider this recommendation satisfied to the extent it can be in the current environment but encourage the suggested in-person training be instituted as soon as conditions allow.

National Team Selection Process

Recommendation #69 – Remove Athlete Representative from Role in Selection Process
(See also Recommendation #64)

Background

Prior to the Report, Athlete Representatives appointed to serve the interests of athletes also served on the official Olympic team selection committee. The Report recommended that the Athlete Representatives “should under no circumstances be included in the team selection process”⁵⁰ because this situation created a disincentive to athletes to confide their concerns about abuse to the Athlete Representative.

Analysis

Based on conversations with USA Gymnastics officials, the responsibilities of the Athlete Representative have been bifurcated into a “selection” Athlete Representative and a “support” Athlete Representative. The “support” Athlete Representative—meant to offer advice and other emotional support to athletes—is no longer part of the team selection process. The “selection” Athlete Representative’s duties are focused solely on the team selection process.

Conclusion

Given the split in the Athlete Representatives’ role, USA Gymnastics has satisfied the recommendation that the Athlete Representative in a “support” role be removed from the team selection process.

⁵⁰ Report at 99.



Conclusion

In the nearly four-year period since the Report was submitted to USA Gymnastics in June 2017, the organization has made significant progress toward compliance with the recommendations made in the Report. This progress has been far more pronounced and strategic in the nearly two year period since the Board of Directors selected Li Li Leung to serve as president of USA Gymnastics.

We have chronicled in the foregoing sections such improvements, either concluded or in process with a target completion date, as:

1. Amendment of the bylaws to clarify its commitment to athlete safety;
2. Restructuring and professionalizing of the board;
3. Greater oversight by the board and the reduction of inappropriate influence by the president;
4. Revision of the mission of the organization to underscore its commitment to the safety of athletes;
5. Professionalization and diversification of the national staff;
6. A strong wellness and Safe Sport effort, with a clear strategic plan focused on a new culture of athlete safety and wellness first and which permeates the organization at the national level;
7. Clearer reporting requirements both at the national level and in the field;
8. Clear sanctions for failure to report;
9. An improved and more objective methodology of responding to reports that are made, including stronger enforcement of policies intended to protect athletes from abusive adults;
10. Improved training, required of all members, relating to sexual, physical and emotional abuse issues;
11. Additional planned training more specific to coaching gymnasts, including positive coaching techniques, and coach certification;
12. Vastly improved policies regarding forbidden activities, focused on reducing opportunities for abuse by would-be predators;
13. Improved outreach to athletes and heightened focus on their rights and well-being;
14. Improved tools to professionalize the hiring process in the interest of athlete safety;
15. Closer supervision of clubs through an audit function; and
16. Encouragement of athlete safety excellence at the club level through a certification process.



Some work remains to be done, including:

1. Continued and expanded improvement in communication (while we agree that progress has been made, more is necessary);
2. Developing and providing additional training, including training of hearing panel members in the dynamics of child abuse;
3. More effective oversight of all adults with access to children, including volunteers;
4. Improved ability throughout the organization and its members to track abusive coaches and prevent them from continuing to victimize young athletes at new locations;
5. Continued improvement in the organization's support of athletes ultimately evidenced by a more universal perception by athletes that they are in fact supported and protected by the organization.

Overall, we conclude that USA Gymnastics has made tremendous strides, in particular over the past two years, in achieving the goals of the original Report – including in particular the overarching goal of a complete cultural shift to a focus on athlete safety first. While some additional work remains to be done, primarily but not solely in the area of communication, what has been accomplished to date constitutes an impressive re-focusing of the entire organization on the well-being of athletes.

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