

**STRENGTHENING AND EMPOWERING  
U.S. AMATEUR ATHLETES: MOVING FORWARD  
WITH SOLUTIONS**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON CONSUMER PROTECTION,  
PRODUCT SAFETY, INSURANCE,  
AND DATA SECURITY

OF THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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JULY 24, 2018

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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# **STRENGTHENING AND EMPOWERING U.S. AMATEUR ATHLETES: MOVING FORWARD WITH SOLUTIONS**

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**TUESDAY, JULY 24, 2018**

U.S. SENATE,  
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT  
SAFETY, INSURANCE, AND DATA SECURITY,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 2:58 p.m. in room SR-253, Russell Senate Office Building, Hon. Jerry Moran, Chairman of the Subcommittee, presiding.

Present: Senators Moran [presiding], Blumenthal, Grassley, Feinstein, Peters, Cortez Masto, and Hassan.

## **OPENING STATEMENT OF HON. JERRY MORAN, U.S. SENATOR FROM KANSAS**

Senator MORAN. I call the Subcommittee meeting to order. We're going to recess in just a moment. I'm calling it to order so that Senator Young can go vote and return. That makes his presence here and puts him in order of questioning the witnesses. So I hope to have helped you.

Senator Blumenthal is on his way. We're also awaiting the arrival of Senator Feinstein and Senator Grassley.

So the Committee will stand in recess until the sound of the gavel. Thank you.

[Recess.]

Senator MORAN. Our Subcommittee will come to order. Again, the Ranking Member, Senator Blumenthal, is en route. We've been joined by a couple of our colleagues. I'm going to begin with my opening statement. I apologize to our witnesses and to our audience for our tardiness in the start time.

We had two votes on the Senate Floor. I don't think there are further votes this afternoon. So I doubt that we would be intruded any additional time from the Committee.

So good afternoon. Welcome to today's Subcommittee hearing.

In January, this Subcommittee launched an investigation to examine cultural and systemic issues regarding abuse in the Olympic movement following the horrific revelations that former USA Gymnastics Team doctor, Larry Nassar sexually abused and assaulted hundreds of athletes over a span of two decades, even well after numerous survivors alerted authorities about his actions.

This Subcommittee, which exercises jurisdiction over the U.S. Olympic Committee and Amateur Sports, is fully committed to ensuring the health and safety of all American athletes, and today marks the third hearing in our ongoing investigation.

I'd like to first acknowledge that the incredible statement made at last week's ESPY Awards watching over 100 survivors take the stage to accept the Arthur Ashe Courage Award. If any of you haven't had a chance to see that ceremony, I encourage you to do so.

The actions, these brave actions of our young athletes who shed light on their painful past have invigorated a national calling for change, and I'm glad to have so many of them with us this afternoon.

Since initiating our bipartisan investigation, this Subcommittee has held two critical hearings in which the members of the Committee and the American public heard from distinct witness panels on their experiences related to procedural missteps and cultural inaction experienced within these troubled organizations.

In the first hearing, we heard testimony from four survivors of abuse across different Olympic sports who shared personal experiences about the systemic practices that have safeguarded perpetrators, have both inhibited victims from coming forward and have prevented victims' reports from coming to light.

All the survivors we've met have highlighted the institutional failures that have allowed these heinous acts to continue, which we recommit ourselves to fixing by being here today.

Once again, I'd like to echo my appreciation for those survivors and the many others who've spoken to us and to our staff regarding their painful experiences.

Their insightful recommendations on what needs to be done to correct these failures are certainly appreciated and continue to be considered as this Committee works toward thoughtful and lasting change.

In the second hearing, we called on former USA Gymnastics CEO, Steve Penny, former Women's Program Director of USA Gymnastics, Rhonda Faehn, and former Michigan State University President, Dr. Louann Simon, to provide testimony and to answer questions on how rampant abuse that took place in the hands of Nassar was able to perpetuate for as long as it did.

I would also like to note that Scott Blackmun, the former President of U.S. Olympic Committee, and Martha Karolyi, the former National Team Coordinator for USA Gymnastics, were invited to attend but declined for medical reasons.

There were a number of significant details that came to light from the questions this Committee posed in that hearing, including USA Gymnastics mishandling of critical medical records, lack of communication to and within Michigan State University related to sexual abuse reports against their employees, and, most significantly, the complete lack, a complete lack of cooperation demonstrated by Mr. Penny in his refusal to answer questions.

From these findings, along with continued analysis of lengthy documentation produced by USA Gymnastics, U.S. Olympic Committee, and Michigan State University, we continue to pursue an-

swers to many serious questions that remain with the current executives of these organizations.

Most importantly, we expect to hear today which aspects of their systems and cultures have changed and how they plan to implement serious reforms moving forward.

Joining us today is Mr. John Engler, Interim President of Michigan State University; Ms. Susanne Lyons, the Acting CEO of the U.S. Olympic Committee; Ms. Kerry Perry, President and CEO of USA Gymnastics; and Mr. Xiao, Chair of the U.S. Olympic Committee, Athlete Advisory Council.

It is my expectation we will receive full cooperation of today's panel in answering the Subcommittee's questions to the best of their abilities.

We are also honored to welcome the Chairman and Ranking Member of the Senate Judiciary Committee, Senator Chuck Grassley of Iowa, and Senator Dianne Feinstein of California, to the Subcommittee to provide opening testimony.

Given their leadership and work with Chairman Thune of the Commerce Committee to enact the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, let me also add that the Ranking Member of the Commerce Committee, Senator Nelson, their testimony today will be invaluable in helping this subcommittee further raise awareness and identify solutions that will make a difference.

We have explored the U.S. Center for Safe Sports in our conversations and we appreciate the role that they do and may play.

Let me thank you, Senators, Senator Grassley and Senator Feinstein, for your efforts in this regard in the past and the time you've taken to prepare and present your testimony today.

I conclude my opening remarks by emphasizing the bipartisan approach that this Subcommittee has taken in its comprehensive investigation.

With the consultation of law enforcement, survivors and advocates, we have worked closely together to identify meaningful reforms in the best interests of athletes and their families.

During Aly Raisman's powerful speech last week at the ESPY Awards, she reminded survivors of abuse. She said, "You are not alone." We are here today to remind all survivors of this. We are listening. We're committed to change, and we'll make certain the next generation of athletes are free to compete and represent our nation without fear of abuse.

In regard to that bipartisanship, I want to recognize my Ranking Member, Senator Blumenthal, and his willingness to work closely with me and members of this committee to see that our work is well done.

With that, I recognize Senator Blumenthal for his opening statement.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Senator Moran, and thank you for your leadership on this Subcommittee and most particularly on this issue.

We had a remarkable event this morning. We heard voices and saw faces of young athletes of all different ages, all different parts of the country, who suffered at the hands of Larry Nassar but equally so at the hands of the United States Olympic Committee and USA Gymnastics and Michigan State University.

Not only was Nassar the immediate perpetrator of this unspeakably cruel and brutal criminal conduct, but also all of the organizations and individuals who were complicit by their silence or by their looking the other way, which was much easier to do.

Last week, similarly in a remarkable display of unity, resilience, strength, more than a 140 heroic survivors came to the ESPY Awards and they were honored with the Arthur Ashe Award for Courage. No one better deserves it than they.

These young women have come forth bravely, sacrificing their privacy, fighting through efforts to silence them directly and overtly to stop their voices, and then, in effect, revictimize them. That's a term of scientific art that has very apt application here.

They have been revictimized by this whole process and they have risked their athletic careers and reputations to shed light on the heinous crimes committed by Nassar but he is only one of numerous perpetrators here, and the main point is that USOC and USAG, in effect, prioritized medals and money over athlete safety. They concealed the shocking pervasiveness of abuse across many sports as well as their own woefully inadequate systems to address and prevent it and Michigan State University officials looked the other way while athletes reported abuse over two decades.

I am concerned that there has been continuing failure, loopholes, and lapses, and I am also concerned about the efficacy and independence of the U.S. Center for Safe Sports, the lack of transparency and responsibility on the part of USOC and USAG at the most basic level, the amount of empathy and support that officials at MSU have shown for survivors.

At the last press conference we had before this one, one of the survivors said to me when I asked her what she would ask if she were sitting here, and she said she would want to know why wasn't one enough? Why was it two or three or a hundred forty-one, or more hundreds around the country? Why wasn't one enough for these organizations to take action? The fact is that there were many, many more than one.

These institutions have to answer to themselves, their own constituencies. They have to answer to history for their glaring failure. The system continues to be badly broken and now we are at a turning point.

I said this morning when 80 of these wonderful, smart, accomplished athletes each said in introducing herself, "USOC and USAG and MSU failed me," that I don't want to be at an event in a year or three or 5 years from now and have the refrain be "and Congress failed me."

We have an obligation to do more and do better. So we're going to continue with these hearings and we're going to support action more than words. Action is necessary. As the saying goes, actions speak louder than words. In fact, in this instance, words are not enough. You are not alone, but we need to honor your pain with action.



And I want to thank all of you. I look out at this audience and I see many of you, the survivors, here again. You have not only been brave and passionate but you have been so patient and energetic in this cause.

I also want to mention again, as I did this morning, the role of the press in giving voice to the survivors. Organizations like the *Indy Star*, the *New York Times*, *USA Today*, deserve our thanks at a time when we need that free press more than ever.

And, finally, my thanks again to Senator Moran for his leadership, Chairman Thune, and Ranking Member Nelson, and, of course, to the two of our colleagues who will begin today because Senator Feinstein and Senator Grassley have helped to lead this effort.

Senator MORAN. Senator Blumenthal, thank you very much.

We do now turn to the two Senators from the Judiciary Committee, the Chairman, Senator Grassley, and the Ranking Member, Senator Feinstein.

Senator Grassley, you're recognized for your testimony.

**STATEMENT OF HON. CHUCK GRASSLEY,  
U.S. SENATOR FROM IOWA**

Senator GRASSLEY. Well, of course, good afternoon and thank you, Mr. Chairman, for convening this hearing and giving Senator Feinstein and me the opportunity to participate.

For my part, as a parent and as a grandparent, I can think of no issue of greater importance than keeping children safe from sexual predators. The abuse scandal that's the focus of today's hearing is a grim reminder of that fact.

Unfortunately, USA Gymnastics and Michigan State University aren't the only institutions that have made headlines over the years due to sexual abuse of young athletes. Other institutions also have struggled with this issue.

Sexual abuse in any form is an especially troubling crime because its victims suffer both physical and mental trauma that can last a lifetime. When the abuse is by a coach or a team doctor and the victim is a minor, the betrayal of the trust is even greater.

When, as here, there were adults who were in a position to intervene but they failed to act, it's a particularly tragic situation. The doctor you've referred to, Dr. Nassar, the former National Team doctor for USA Gymnastics, abused hundreds of victims over the period of years. The significant sentences he received ensure that he'll never again hurt a young gymnast or any other child, but we must do more to prevent these horrific crimes from happening again.

Congressional oversight of the FBI falls within the jurisdiction of Senator Feinstein and my committee and after hearing one gymnast complaint about the FBI's handling of the allegations against Nassar, I wrote the FBI Director to request a briefing on the Bureau's involvement in this case.

My committee staff spoke with the FBI yesterday and we were advised that the FBI's handling of this investigation has been referred to the Justice Department, Office of Inspector General, and where I have, particularly in this office, respect for the Inspector

General, sometimes I see this as a move maybe to protect the FBI from some embarrassment, at least the immediate embarrassment.

Our committee convened its own hearing on the importance of protecting amateur athletics last year. Also last year, I joined Senator Feinstein in introducing the bill entitled "Protecting Young Victims from Sexual Abuse in Safe Sports Authorization Act."

This new law requires amateur athletics governing bodies to immediately report suspected sexual abuse to the authorities. Our Judiciary Committee approved this measure and then worked closely with your committee and Chairman Thune on additional changes before the President signed the final version in February, and I thank this committee for that cooperation.

The new law also authorizes the U.S. Center for Safe Sports to respond to instances of sexual misconduct within the U.S. Olympics and Paralympics Community and since its inception, Safe Sports has fielded more than 1,200 misconduct allegations and issued sanctions against 300 individuals. Its website, safesports.org, has a searchable data base that enables the public to find out if someone's been banned from a sport or otherwise disciplined.

Just in the last month, I've convened two other Judiciary Committee hearings on the topic of sexual violence. I've learned that we still need to do more to educate adults who are in a position to protect children. We also must reduce opportunities for predators to exploit victims.

For example, in many or most instances, adult coaches, trainers, and doctors shouldn't be left alone while working with young athletes.

I'll conclude by thanking you again, Chairman Moran, for your leadership on the Consumer Affairs Subcommittee and holding several hearings on this issue. You've given a voice to people that until lately didn't have a voice, our sexual abuse victims.

Thank you.

Senator MORAN. Senator Grassley, thank you very much. Thank you for your appearance today and your words.

Senator Feinstein.

**STATEMENT OF HON. DIANNE FEINSTEIN,  
U.S. SENATOR FROM CALIFORNIA**

Senator FEINSTEIN. Thanks very much, Mr. Chairman. Members, thank you for being here.

It was well over a year ago that I had a meeting in my conference room with a group of women and I walked in and Senator Grassley. I looked at the faces with expressions that I had never seen before, and I realized that it was something really serious, and in the course of that discussion, events were related.

We did a bill. Others joined. That bill has passed, and we have taken a giant step forward. Last week, in an extraordinary moment, broadcast for the whole world to see, USA Olympic Gymnasts Aly Raisman, Jordyn Wieber, Jamie Dantzscher, along with a hundred athletes, took the stage at the ESPY Awards to accept the Arthur Ashe Courage Award.

It was an incredibly moving presentation, and I thought about that time in my office when these frightened faces were in front of

me and the survivors, many of whom are here today, radiate today remarkable grace, beauty, and strength.

I wonder if they would stand so that we might recognize them in this hearing room.

[Applause.]

Senator FEINSTEIN. These sister survivors took the stage after having endured hellish abuse over many years. This abuse was compounded by the toll it has taken on them to come forward to tell their story, tell their truth, despite certain institutions' repeated attempts to silence them. Their solidarity and courage in coming forward, I marvel at it.

I've worked with Chairman Grassley, Chairman Thune, Ranking Member Nelson to protect future victims through the Protecting Victims from Sexual Abuse Act, and I so appreciate the support of my colleagues.

But the fact is revelations regarding institutional failures continue to force these victims from having to relive their experience over and over again. There must be a full and transparent accounting of what Michigan State University, the U.S. Olympic Committee, USA Gymnastics, and the FBI all knew and did about Dr. Larry Nassar while he continued to abuse young girls.

Earlier this month, Judiciary Chairman Chuck Grassley, Senator Blumenthal, and I wrote a letter to the FBI Director Chris Wray requesting information about why, after the FBI received information about Dr. Nassar in July of 2015, the FBI failed to intervene while dozens of athletes continued to be treated and abused by Dr. Nassar.

Similarly, despite reports that officials within Michigan State University, the U.S. Olympic Committee, and USA Gymnastics knew that Dr. Nassar was alleged to have abused athletes he was allowed to continue to treat and molest young victims. Even after Dr. Nassar was finally arrested and prosecuted, hundreds of victims and their parents were never notified, contacted, or informed by these institutions about how they could obtain information about all that had happened to their children.

To this day, many families of these survivors have yet to be contacted by officials at these institutions. Indeed, it appears that these institutions undertook massive public relations campaigns to preserve themselves rather than rallying to the side of these survivors and their families and let me say that is unacceptable.

Last year, when we worked on the Protecting Victims from Sexual Abuse Act, the overarching principle for me was the question of how can we best support and empower survivors. I believe each of the bill's supporters had the same intention.

Tragically, it does not appear that Michigan State, the USOC, USA Gymnastics, or even the FBI adhered to the same guiding principle. Instead, there have been disturbing revelations of cover-up and trying to silence vulnerable victims.

Some victims were pressured to sign nondisclosure statements to silence them from coming forward. I and other Senators are looking closely at this issue.

Ultimately, these institutions must all continue to re-examine their mission and focus to truly serve as a beacon to lift up the

well-being of athletes rather than to profit off them and protect the bottom line.

Who can forget when Jessica Howard testified last year in our committee, Mr. Chairman, that USA Gymnastics officials stated its priority was “money and medals” and not the well-being of young athletes in their care.

As lawmakers, we must make sure, Mr. Chairman, that these institutions are held accountable. So, again, I would like to thank you, Mr. Chairman, Ranking Member Blumenthal, and particularly those members who have taken the time to be here today, and to the sister survivors here with us again, I want to say thank you to them.

Thank you, Mr. Chairman.

Senator MORAN. Senator Feinstein, thank you very much. I know you and Senator Grassley have a lot on your plate today and I appreciate the emphasis you’ve placed on the topic that this Subcommittee—

Senator FEINSTEIN. Thank you.

Senator MORAN.—is paying a lot of attention to.

Senator FEINSTEIN. Thanks very much.

Senator MORAN. You’re welcome.

We’ll call our other witnesses to the table, please. I call the Honorable John Engler, the Interim President of Michigan State University; Ms. Susanne Lyons, the Acting Chief Executive Officer of the United States Olympic Committee; and Ms. Kerry Perry, President and Chief Executive Officer of USA Gymnastics; Mr. Han Xiao, the Chairman of the Athletes Advisory Council.

Welcome. President Engler, Governor Engler, we’ll start with you. Welcome.

**STATEMENT OF HON. JOHN ENGLER, INTERIM PRESIDENT,  
MICHIGAN STATE UNIVERSITY**

Mr. ENGLER. Well, thank you, Mr. Chairman, and Ranking Member Blumenthal, and members of the Subcommittee. Thank you for your invitation to discuss the important matter of protecting athletes.

For me, next week will mark 6 months of service as Interim President of Michigan State. When I arrived on campus, Nassar was already behind bars. His crimes had shocked the MSU community and the Nation.

The statements and testimony of survivors before your subcommittee and the courts have saddened all of us. Our hearts go out to them and we are truly sorry for that. A former faculty member perpetrated these crimes through his associations with MSU, USA Gymnastics, the U.S. Olympic Committee, and others. We all failed the survivors.

At MSU, my commitment is to make sure this never happens again. We are seeking to simultaneously deliver what justice and healing we can for the survivors and put strong accountability measures in place to ensure that MSU is safe.

As Senator Blumenthal just stated, actions are critical. I made clear from day one that we would do everything we could to cooperate with the several investigations and to seek to resolve the numerous legal claims.

In May, I was pleased to announce that the MSU Board of Trustees and the many law firms representing more than 300 survivors had agreed to an historic \$500 million global settlement. The MSU parties have signed the agreement and it is now being finalized with the signatures of the survivors.

We are proud of the settlement, but we have always believed that the legal settlement is only one part of the necessary response. From the start, we've made organizational changes geared toward improving safety and accountability.

Our goal is to make Michigan State a campus that works aggressively to prevent sexual misconduct and assault and if prevention fails has appropriate procedures in place to respond.

My written testimony details many of the actions we have taken and the progress we are making. Today, I'll touch on some of the most salient points. Very early on, and as a direct response to the abuse Nassar perpetrated, we put strong emphasis on ensuring the protection of minors and, indeed, everyone that comes to our clinics.

We strengthened the standardized protocols for patient consent, for informing patients and parents of their rights, and for requiring chaperons in the examination room.

In my first week, I acted to revoke the tenure of William Strampel, the former Dean who failed to supervise Nassar and failed to ensure compliance. Earlier this month, we reached an agreement and severed all of the former dean's ties to our university.

We realigned our Medical Education and Clinical Operations to foster a healthy culture of safety and accountability. One important change, for example, the athletic trainers now report to the medical staff.

In the area of prevention, while MSU policies were found to be comprehensive and robust, we have followed through on a number of expert recommendations to improve the Title IX program as detailed in again my written testimony.

Early on, I appointed a Relationship Violence and Sexual Misconduct Expert Advisory Working Group consisting of nationally recognized faculty and staff, subject matter experts on our campus.

The work group has been soliciting inputs from across the university community, assessing ideas for improving services, and making very specific recommendations that we have already implemented, including strengthening our policy on mandatory reporting obligations.

Most recently, I created a new Office of Enterprise Risk Management, Ethics, and Compliance. It is charged with overseeing the development of a framework for identifying, prioritizing, and managing risk and ensuring that those who are in charge of compliance are doing their job.

For new students, we've improved our Summer Orientation Programs to focus on the prevention of sexual misconduct. Over 7,400 incoming students have already been trained. We also hope to reach into Michigan's high schools with prevention programs in the coming school year.

In terms of personnel, we've added or budgeted for more than 30 new staff positions at the Title IX Office, counseling and psy-

chiatric services, the MSU Sexual Assault Program, Campus Police, and our new Office of Enterprise Risk Management, among others.

Let me just close by saying I'm proud of the way Michigan State community, my alma mater, have come together in this unbelievably difficult time to respond not only in support of the survivors but also to address the urgent issue of sexual misconduct and assault that is a serious challenge not just on every campus but in so many work places across America.

MSU is a great global institution, more than 50,000 students, all 50 states, 133 countries. This fall, we will welcome our largest, most diverse freshman class in our university's history. While they're settling in, the Board of Trustees Search Committee will be moving forward to identify a new president.

In my remaining time, I pledge to continue to implement meaningful reforms, administrative changes that increase safety, accountability, and respect on the Michigan State campus.

I hope that our experiences, the lessons we have learned, and the solutions we have identified may help other institutions, a reckoning with the persistent problems of sexual assault and harassment is clearly at hand for many institutions.

We owe it to all survivors of abuse everywhere to dedicate ourselves to finding effective solutions.

Thank you, Mr. Chairman, Ranking Member, and Members for the opportunity to be with you today.

[The prepared statement of Mr. Engler follows:]

PREPARED STATEMENT OF JOHN ENGLER, INTERIM PRESIDENT,  
MICHIGAN STATE UNIVERSITY

Chairman Moran, Ranking Member Blumenthal, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of Michigan State University ("MSU") as we work together to identify solutions that will strengthen, empower, and protect our student athletes.

In January, the MSU Board of Trustees appointed me to serve as Interim President. As an alumnus of the school, I returned to MSU with a heavy heart, recognizing the gravity of the situation and the number of lives tragically affected by Larry Nassar's abuse. I accepted the position without salary because I owe the University for the positive role it played in my success and in order to address the crisis and lay a positive foundation for a new president.

Nassar's crimes shocked the MSU community and the Nation. The statements and testimony of the survivors, before your Subcommittee and the courts, have saddened all of us. I have apologized publicly to the survivors on behalf of the University for the harm Nassar caused. The survivors have our sympathy, our respect, and our sincere hope for recovery. Our hearts go out to them, and we are truly sorry that a former faculty member perpetrated these crimes through his associations with MSU, USA Gymnastics, the U.S. Olympic Committee, and others.

Next week, I will mark six months as Interim President. It has been a challenging six months, and there are things I could and should have done differently and better. I regret my errors and have publicly acknowledged them. I recognize that there have been frustrating periods during that time, but I am also confident that we have accomplished much.

Most importantly, we have entered into an historic \$500 million settlement with the survivors. From the outset, I felt my first priority was to achieve a legal settlement with the survivor plaintiffs. This just and equitable settlement will avoid years of litigation for the survivors, and we hope it will allow them to continue their recovery and healing.

We have always understood that the settlement is only part of the needed response. From the moment that I arrived at MSU, we moved decisively to make the organizational changes necessary to ensure that a monster like Nassar could never again hide on our campus. We are working to prevent sexual misconduct on and

off our campus and to create a safer and more respectful community for all who attend, work at, or visit the university.

To do that, we have to hold those responsible for ensuring the safety of our students accountable for their actions and results. Accountability is the most significant change that we are implementing in a culture of “shared governance” where there had been less emphasis on actual responsibility for achieving specific outcomes. We recognize that our reforms and our actions are our legacy, and we pledge to the survivors and to the community at large that we will do all we can to protect students, patients, athletes, and others.

Below, I detail some of the most significant steps we have taken. I have also attached a document we have developed—“Michigan State University: Taking Action to Foster a Safer Campus”—that describes in more detail these and many other actions MSU has taken since Nassar’s crimes were discovered. This document is updated regularly and is available, along with additional materials about our response to Nassar, on MSU’s “Our Commitment” website, <https://msu.edu/ourcommitment/>.

\* \* \*

*Providing Assistance to Survivors.* MSU recognized that before the healing process could begin in earnest, it would require more than policy changes. For the survivors and for the University to truly move forward, we would need to resolve the litigation and secure an equitable settlement for the survivors.

In May, I was pleased to announce jointly with the survivors that the MSU Board of Trustees and attorneys representing more than 330 survivors had agreed to a \$500 million global settlement. All of the MSU parties have now signed the agreement, which is in the process of being finalized with the signatures of the survivors.

We are confident this settlement was the right thing to do. The early and successful conclusion of mediation will be beneficial to those who have suffered at the hands of Nassar, and their families, by avoiding years of litigation and allowing them to begin the recovery and healing they seek. The settlement also allows MSU to turn our full attention to the institutional reforms and improvements already well underway.

*Removing Those Who Enabled Nassar.* Within days of taking office, I took action to revoke the tenure of William Strampel, the former dean of the College of Osteopathic Medicine who supervised Nassar and failed to ensure compliance with patient contact requirements. I felt his lack of oversight, combined with other issues that came to my attention, merited his immediate removal. Even before the formal tenure revocation process could be completed, we were able earlier this month to reach an agreement under which all of Strampel’s ties to the University were severed. While that was the most significant and public change, we have also taken other personnel actions related to the Nassar crisis, consistent with our expectation that faculty and staff be held accountable for their responsibilities.

*Protecting Patients and Improving Patient Care.* MSU has implemented improved patient safety, privacy protocols, and quality of care recommendations following an external review of all MSU clinics. We have also reorganized the health colleges, clinical practices, and student wellness programs and created two new leadership positions to ensure improved oversight of the health system.

*Enhancing Student-Athlete Medical Care.* Following a comprehensive external review, we have added new positions for athletic trainers, changed their reporting structure, and standardized chaperone and “consent to treat” policies. The manual for athletic trainers is being revised and will be reissued this summer.

*Improving Student Counseling and Psychiatric Services.* We have acted on recommendations from another external review to support the Counseling and Psychiatric Services office created last year. A new permanent director was hired in June, temporary counselors were retained, and licensed counseling providers have been embedded in certain campus neighborhoods to provide local counseling services. We have also adopted a single point-of-entry service and are this month launching integrated services for domestic and international students via a 24-hour phone and text hotline.

*Strengthening Protections for Youth Participants in Campus Programs.* The University hosts numerous youth visits and programs. MSU has updated policies to require that all individuals with unsupervised access to minors, including those associated with external organizations using our facilities, to undergo annual criminal background checks within the prior 12 months. We have also expanded our training for employees to recognize and report child abuse and added new requirements for training and transportation of minors.

*Enhancing Title IX Policies and Communications.* MSU commissioned an independent review of our Title IX policies and procedures from the respected law firm Husch Blackwell. That firm concluded that MSU's "policies and procedures are among the most comprehensive and robust we have seen" and included "a number of leading-edge practices that other schools would do well to consider as models for their own programs." Husch Blackwell determined that the University's ongoing work on its Title IX program "reflects a strong and genuine institutional commitment to combatting sexual misconduct, creating a safe campus environment, as well as compliance with Title IX and Violence Against Women Act requirements."

A report on the second phase of the firm's review, released in May, challenged MSU to improve internal communications to raise awareness of relationship violence and sexual misconduct prevention resources, policies, and procedures. We have taken that recommendation to heart, and a variety of education and training improvements have been adopted or are scheduled for the academic year ahead, including updates to the orientation for incoming students and a comprehensive Title IX campus climate survey.

*Convening the MSU Relationship Violence and Sexual Misconduct Expert Advisory Workgroup.* In February, I formed a new expert advisory workgroup to formalize recommendations drawn from the input of survivors, students, faculty, and staff from across campus. Chaired by a professor of psychology who is a nationally-recognized expert and who has conducted community-based research on violence against women and children for 25 years, the workgroup has collected feedback from more than 200 members of the community and has made numerous recommendations for improvements thus far, including many of those listed here.

*Creating an Office for Civil Rights and Title IX Education and Compliance.* In response to feedback from the community and the recommendations of the workgroup, this new office oversees the Office of Institutional Equity ("OIE"), which investigates complaints, as well as the Title IX Prevention, Outreach and Education Office, which is also a new office, focused on increased knowledge and awareness. We have created six new positions under this office, adding service coordinators, a case manager, and an additional investigator, among others.

*Strengthening Mandatory Reporting Obligations.* As part of an annual review of its Relationship Violence and Sexual Misconduct Policy, MSU enhanced the policy to address violations of mandatory reporting obligations. Employees who fail to report sexual assault allegations as required by the policy are subject to discipline, up to and including termination.

*Improving the Investigation of Sexual Assault Reports.* MSU has adopted a new protocol to ensure coordination between various MSU entities. For example, the MSU Police Department now notifies OIE when it is investigating relationship violence, stalking, and sexual misconduct complaints. The MSU police also works with area police departments, sharing its expertise on sexual assaults. In addition, we have hired Kroll, a leading independent, third-party investigative services firm, to assist with Title IX investigations and reduce the response time for complaints.

*Creating an Office of Enterprise Risk Management, Ethics and Compliance and Establishing the Position of Chief Compliance Officer.* The University is subject to numerous national, state and local regulations. In a shared governance environment where many units of the University operate independently, it is difficult to ensure enterprise compliance with all of them. In June, to address this issue, I established a new office to improve accountability for monitoring legal, ethical, and regulatory requirements. This office will oversee development of a consistent ethics and compliance program, improve recordkeeping, and develop campus-wide training and communications strategies. Earlier this month, I appointed an MSU law professor and authority on organizational compliance to launch and lead this office and to serve as our first Chief Compliance Officer. The position will report to me but will also work independently with the Board of Trustees' newly-established Committee on Audit, Risk, and Compliance.

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In conclusion, I never expected to serve as Interim President of MSU, and I deeply regret the circumstances that brought me back to campus. But despite the crimes of Nassar and the tremendous pain caused by him, MSU remains a great institution.

We are the Nation's pioneer land-grant university and one of the top research universities in the world—one of 62 members of the prestigious American Association of Universities. The University's 50,000 students come from all counties in Michigan, all 50 States, and 133 other countries. This fall, we will welcome our largest freshman class in the University's history. Teaching and supporting them will be



more than 5,600 faculty members and academic staff and more than 7,000 other employees. When those students complete their studies, they will join a vibrant and supportive group of more than 500,000 living alumni.

I am proud of the institution and particularly proud of the way the MSU community has come together in this difficult time to support the survivors and to improve our campus. Our efforts continue, and a search committee is moving forward to identify a new president. In my remaining time as Interim President, I pledge to continue to implement meaningful reforms that increase safety, accountability, and respect on our campus.

I also believe that our experiences, the lessons we have learned, and the solutions we have identified may be able to help other institutions in the future. A reckoning with the persistent problems of sexual assault and harassment is clearly at hand for many institutions that have fallen short of their obligations. We owe it to the survivors of abuse everywhere to dedicate ourselves to finding effective solutions.

Thank you again for the opportunity to testify.

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Attachment: Michigan State University: Taking Action to Foster a Safer Campus

#### MICHIGAN STATE UNIVERSITY: TAKING ACTION TO FOSTER A SAFER CAMPUS

MSU is committed to achieving the highest standards in assuring patient care and safety; preventing relationship violence and sexual misconduct; providing supportive services to students, staff, and faculty experiencing these issues; and responding in a trauma-informed manner to reports of such incidents. The university is working with internal and external experts to improve policies, procedures, programs, and operations.

As an indication of its resolve, the 2018–2019 budget includes funding for 13 new Title IX and related positions, including preventive and investigative staff; 10 positions in Counseling and Psychiatric Services; six new positions including advocacy, crisis intervention, and counseling staff in the Sexual Assault Program; four new MSU Police officers; two new Employee Assistance positions; two new Freedom of Information Act Office positions; and two positions in the new Office of Enterprise Risk Management, Ethics, and Compliance.

#### Protecting Patients and Improving Patient Care

*Michigan State holds the medical profession in high regard, but its trust must be backed by supporting policies, procedures, and verification.* Health care at MSU has been reorganized and new positions added to ensure accountability and policy adherence. Model patient safety and privacy protocols have been instituted, along with quality of care recommendations from an external review. More resources are being directed toward student mental health services. Third-party quality and safety assurance reviews are planned for July 30 to August 1, 2018 as we continue our commitment to achieving the highest quality of patient care and safety standards.

- Interim President John Engler in February, 2018 announced a reorganization of the university's health colleges, clinical practices, and student wellness programs to increase safety and quality of care across all MSU health care offerings. Two leadership positions were created to ensure proper oversight of the health system.
  - *Norman J. Beauchamp, Jr.*, dean of the College of Human Medicine, was appointed to the *newly created position* of associate provost and assistant vice president for health affairs. In this role, he works to increase safety and quality practices across all of MSU's health care services.
  - *Anthony M. Avellino* assumed the role of assistant provost and chief wellness officer and MSU HealthTeam chief medical officer. Avellino assists with strategic development of initiatives and programs, assuring compliance, best practices, and exemplary care. He oversees core sports medicine and health care providers, guiding the ongoing reorganization of student health and wellness.
- *David Weismantel* in July, 2018 was named executive director of Student Health and Wellness, a new position. Reporting to Avellino, he will be in charge of all health and wellness services for students provided in Olin Health Center, designated Neighborhood residence halls, and the Student Services Building.
- *Andrea Amalfitano*, director of MSU's Clinical and Translational Sciences Institute, provides new leadership to the College of Osteopathic Medicine as interim dean.

- A triage protocol to *review all reported allegations or concerns of inappropriate practitioner-patient and practitioner-student interactions* has been implemented. A multidisciplinary team reviews allegations within 24 hours of receiving a report to determine if there is a risk to patients, students, or staff. If there is any concern, the practitioner is immediately removed from the care setting pending further investigation.
  - The team consists of representatives from all three health colleges, the chief nursing officer, the chief medical officer, the Office of Institutional Equity, and individuals from legal and human resources.
  - This measure is in addition to the required review by the Office of Institutional Equity and the MSU Police Department. The combined processes ensure a timely, transparent review meant to be one of the Nation's most responsive.
- *Policies on sensitive examinations and chaperones* have undergone extensive reviews by the medical and nursing college deans and HealthTeam staff to ensure MSU's policies are stringent and uniform across MSU's clinical practices. They are now considered national exemplars and epitomize the commitment to protecting all involved with sensitive examinations necessary to promote optimal health.
  - Although initially developed over a year ago, the *MSU HealthTeam chaperone policy* was revised in February 2018 to ensure uniform patient workflow and documentation requirements.
  - Changes have been made to the electronic health record to document the presence of a chaperone for sensitive exams, and training for providers and staff was conducted. The system went live in March 2018.
  - A "consent to treat" form was adopted for patient registrations. It gives consent to the provider for treatment and also informs the patient of her or his right to a chaperone, making it clear minors can have a chaperone present.
  - MSU's health colleges' leadership reviewed policies and procedures governing simulated patients or models and faculty assisting with sensitive exams training. MSU's safety policies and procedures for sensitive exams that occur in the educational setting are now among the most stringent in the Nation.
- Other changes to *MSU HealthTeam policies and procedures* include:
  - Audits are to be conducted quarterly, or as needed.
  - A practice location policy identifies approved HealthTeam practice locations.
  - The patient satisfaction survey system is being reviewed to obtain better and more timely patient feedback.
  - Uniform clinic signage for wayfinding and to inform patients of their rights is in development.
- MSU is *enhancing student-athlete medical care* based on a *comprehensive review* by external sports medicine physicians.
  - Two athletic trainers will be added to the 13 currently employed, and all will report to medical supervisors instead of athletic department staff.
  - Chaperone and "consent to treat" policies now are aligned with those of MSU HealthTeam clinics, as is on-site signage raising awareness of such policies.
  - "360" peer evaluation will be applied for sports medicine and training staff.
  - Athletic trainers' manual is being revised.
- The university is following through with a number of recommendations for improvements to *student counseling and psychiatric services* outlined in the 2016 *report from Keeling & Associates*. Improvements to date include:
  - Counseling and Psychiatric Services (CAPS) provides a multi-disciplinary, inter-professional model of care and services for students. After a national search, Mark Patishnock was appointed director June 1, 2018.
  - Single point-of-entry service now is accessible for students by referral, phone, or in person. Counseling services are generally short-term without explicitly defined limits. Any student registered for one or more credits is eligible for an initial consultation. The first three psychiatry appointments are prepaid for enrolled MSU students, after which, charges are billed to students' insurance.
  - Temporary counselors were retained while several new positions were posted.

- Two licensed counseling providers were embedded within the South and East Neighborhoods as part of a pilot project funded through Residence Education and Housing Services. A total of three embedded staff in residential neighborhoods and another within the Graduate School are planned.
- A secondary CAPS location will open on the third floor of the MSU Student Union in September, housing eight to 10 counselors to expand counseling capacity.
- In total, CAPS will grow from 42.8 staff last year to a budgeted 59.8 positions in 2018–19.
- MSU is participating in the *JED Campus Program* for support in comprehensive systems, program, and policy development—building on existing student mental health, substance abuse, and suicide prevention efforts.
- All MSU students now have *24-hour access through a phone app* to talk or instant message a counselor for emotional or mental health services as part of an integrated student support program. Available in multiple languages, it also connects students to resources including articles about anxiety, stress, and relationships. Students with less severe conditions and lower risk can receive counseling without the typical 2–4 week waiting time for services.

#### **Prevention of Relationship Violence, Sexual Misconduct and Sexual Assault**

*MSU's Title IX policies are compliant with all applicable legal requirements.* The law firm of Husch Blackwell reviewed MSU's Title IX policies and procedures and in addition to finding them compliant with all applicable legal requirements, the review found MSU to be at the forefront of a number of practices. MSU is implementing a number of recommendations stemming from the review.

- A *second phase* of the Husch Blackwell review, *released in final form* in May 2018, assessed awareness and outreach, prevention and education programs, and crisis and advocacy support services. The report recommended *improving internal communications* to promote awareness, increasing mental health support services, improving alignment of training, awareness, and prevention programs and clarifying responsibilities and accountability within the Title IX office.
- MSU hired a *new communications manager* in December 2017 to support communication and outreach related to Title IX programs. Work is underway to further enhance and implement strategic communication plans for fall 2018.
- The Office for Civil Rights and Title IX Education and Compliance are collaborating with IT Services and with Communications and Brand Strategy to explore new avenues for communication and outreach to students and employees.
- MSU's Office of Institutional Equity held five *campus climate forums* prior to the release of the second phase final report to solicit feedback from students and employees. Suggestions for improving communications, education, and training, with consideration of special populations, were incorporated into the report.
- Other education and training improvements underway include:
  - developing and implementing stronger and more impactful education programs for students who live on campus and their residential hall resident assistants;
  - reviewing online and in-person prevention education programs to improve effectiveness while continuing to meet compliance obligations; and
  - planning for a comprehensive *Title IX campus climate survey* for students, staff and faculty during the 2018–19 academic year. The survey results will provide important insights to improve resources and responses and fuel creation of prevention, outreach, and education programs.
- Public input focused on prevention is being solicited and received by the interim president's *Relationship Violence and Sexual Misconduct Expert Advisory Workgroup* through its *online contact channel* and through consultation with diverse campus and community groups. The workgroup is using the feedback to develop recommendations for improving MSU's programs and practices.
- To institute clear institutional lines of accountability for monitoring legal, regulatory, and ethical requirements, Interim President Engler established a new *Office of Enterprise Risk Management, Ethics and Compliance* in June, 2018. The office is charged with overseeing development of a consistent ethics and

compliance program and a framework for identifying, prioritizing and managing risk.

- *Nicholas Wittner*, a national authority on compliance programs and professor in residence at the MSU College of Law, was named acting director and chief compliance officer.
- Other enhancements to education and training programs currently in planning include:
  - new education and outreach *programs for student-athletes* as well as Intercollegiate Athletics coaches and staff. In collaboration with Intercollegiate Athletics, these programs will include new MSU-developed educational programs and ongoing peer-facilitated dialogues;
  - new education and outreach programs to support the complex and unique needs of *graduate students* and graduate student employees;
  - a new *high school outreach program* to provide prevention education to high school students and their parents;
  - alignment of *Academic Orientation Program* with Title IX prevention education efforts, inclusion of resource and training materials in AOP materials, and addition of AOP sessions focused on connecting incoming students with real-life stories of students and the importance of living our Spartan values to foster a culture of safety and respect; and
  - collaborating with the Residence Hall Association and Residence Education and Housing Services to develop education programs for on-campus residents and enhance programs provided to resident assistants and other REHS employees.
- All students and employees are required to complete an *online training program*. Both the student and employee programs focus on:
  - information to identify sex discrimination and sexual harassment, relationship violence, stalking, and sexual misconduct;
  - awareness of the impact of these issues on the campus community and encouraging community members to end these types of violence;
  - advising members of the MSU community about their rights and reporting responsibilities under the Relationship Violence and Sexual Misconduct Policy;
  - communicating behavioral expectations for all members of the MSU community;
  - connecting community members with support and resources that are available when issues or assaults occur;
  - and training employees on their roles in administering the policy.
- The Office for Civil Rights and Title IX Education and Compliance, in partnership with Academic Human Resources and Human Resources, launched a *new leadership development training program* in March 2018 for MSU supervisors and administrators focused on prevention and response to harassment and discrimination. New protocols for information sharing between campus units were introduced as part of the session content.
- MSU is *training employees* how to recognize and report *child abuse*. The university introduced enhanced training in March 2017 for individuals managing youth programs that includes information about mandatory reporting requirements and recognizing signs of child abuse. This training was expanded to a full-day workshop in March 2018.
- MSU established a *Youth Programs Policy* in 2013, which has evolved over time with multiple revisions that are detailed online.
  - In May 2017, MSU *strengthened protections* for youth participating in campus programs. The university's youth program policy has been updated to mandate that all individuals who have unsupervised access to minors are required to undergo criminal background checks within the past 12 months. This extends to any external organization using MSU facilities. New requirements are in place regarding annual trainings, reporting protocols, and transportation of minors.
- MSU hired a Youth Program Director to help manage and oversee all youth programs. David Chupak joined MSU in November 2017 to oversee youth programs including any class, camp, program, or other learning activity held on and off campus that includes participation by minors.

- A *Youth Programs Advisory Board* was established in January 2018, from multiple campus units, to consult on youth program policies and procedures.
- Training was expanded for youth program coordinators and directors, including presentations from subject experts in policy compliance, identifying maltreatment, reporting requirements, gender equity, police response, and mental health.
- Youth program policy revisions are in process, covering topics that include one-on-one adult/youth exposure and electronic communications. New requirements will include application of industry guidelines for supervisor-to-youth ratios. Consequences for non-compliance with youth protection policies will be clarified.
- Handbook templates containing uniform program requirements also will be developed, including the topics of central policies, communication processes, and conduct rules for program participants.
- Program compliance audits commence in summer 2018.
- Director Chupak provides ongoing consultations with youth program directors.
- MSU's *Sexual Assault and Relationship Violence Prevention Program* is using a grant from the office of Gov. Rick Snyder to implement the "*Greeks Take the Lead*" program, which focuses on sexual assault awareness training for students affiliated with fraternities and sororities.
- The campus-wide "It's On Us" campaign held a Spring Week of Action April 2–6, 2018. MSU faculty, staff, and students participated in a series of awareness activities to lead off national Sexual Assault Awareness Month.
- Interim President Engler wrote to college deans, program directors, and department chairpersons in April 2018 to clarify the responsibilities of MSU leaders and managers with respect to *employee evaluations*. He urged diligence in documenting workplace behavior of concern among subordinates in personnel performance reviews.
- MSU coordinated a working group to ensure *consistent and connected messages* about relationship violence and sexual misconduct (RVSM) are sent as new students transition, beginning at Academic Orientation Program sessions and continuing throughout the academic year.
  - New RVSM resources were added to the *Spartan Resource Guide and Planner* distributed to students.

### **Responding to Relationship Violence, Sexual Misconduct and Sexual Assault**

*The University Policy on Relationship Violence and Sexual Misconduct is clear: MSU is committed to maintaining a learning and working environment for all students, faculty, and staff that is fair, humane, and responsible—an environment that supports career and educational advancement on the basis of job and academic performance. Relationship violence, stalking, and sexual misconduct are not tolerated at MSU.*

- The *MSU Sexual Assault Program (MSU SAP)* and *MSU Safe Place* have assisted thousands of people impacted by violence in accessing resources and support. The university has dedicated significant new resources to strengthen these programs and improve our efforts to combat sexual and relationship violence.
- Interim President Engler in February 2018 convened the *MSU Relationship Violence and Sexual Misconduct Expert Advisory Workgroup*, composed of campus leaders with deep expertise in the areas of sexual assault and relationship violence. The workgroup gathers input from students, faculty, staff, alumni and community members and works closely with other organizations, committees, and units on campus. The workgroup advises the president on best practices and makes recommendations about trauma-informed policies and programs to ensure that MSU is responsive to survivors. The *Workgroup was expanded* in June 2018 with the addition of two new members.
  - The workgroup quickly recommended increasing the number of therapists and victim advocates in the *MSU Sexual Assault Program*. *MSU SAP*, which last year served more than 650 clients and provided individual therapy to nearly 300 MSU students, is a primary resource on campus for student sexual assault survivors. The demand for services has risen sharply in recent years. The workgroup collaborated with the Michigan Department of Health and Human Services to *secure grant funding through the Victims of Crime Act*

(VOCA) to create four full-time positions for MSU SAP, including two therapists and two victim advocates. MSU is also funding an additional full-time crisis counselor and a new clinical supervisor.

- In April 2018, MSU SAP added a “*canine advocate*” named *Justice*, to lend emotional support to sexual assault survivors in police interviews and court proceedings.
- Increased resources directed to response in recent months include expansion of MSU’s Title IX office from 15 to 30 employees, and authorized growth of the MSU Sexual Assault Program from 11 to 17 employees.
- The *Office for Civil Rights and Title IX Education and Compliance* was created upon recommendation by the workgroup to align all Title IX-related functions in one organizational structure. The office oversees the Office of Institutional Equity (OIE) and the Title IX Prevention, Outreach, and Education office.
  - *Two service coordinators* are being hired as primary points of contact for claimants and respondents throughout the investigation and adjudication processes, ensuring that individuals are connected with the supports and resources needed.
  - *Four additional positions* have been created to support the work of the Office for Civil Rights and Title IX Office and OIE.
  - Additionally, an Americans with Disabilities Act (ADA) coordinator—previously combined with the Title IX coordinator role—will now be a dedicated, full-time position.
  - An additional OIE investigator will bring the total number of OIE investigators to 10.
- The new Title IX Prevention, Outreach, and Education office will be dedicated to prevention of sex and gender discrimination, relationship violence, stalking, and sexual misconduct. The office will also focus on outreach—in alignment with MSU’s land-grant mission—emphasizing our commitment to cultural change through increased knowledge and awareness.
  - The office will be staffed by a director, full-time clerical support, and five prevention specialists with the intention of addressing gaps in programming.
  - Specialist focus areas are based on feedback from the MSU community and recommendations from the *Husch Blackwell phase 2 report*. The specialists include:
    - a faculty/staff education and community outreach specialist;
    - a Sexual Assault and Relationship Violence (SARV) Prevention Program and specialized workshop specialist;
    - a bystander network specialist;
    - a graduate and professional student outreach and education specialist;
    - and a male engagement specialist.
- MSU strengthened its policy on mandatory reporting obligations as part of an annual review of its Relationship Violence and Sexual Misconduct Policy. Employees who fail to report sexual assault allegations as required by the policy are subject to discipline, up to, and including, termination.
- MSU has hired *Kroll*, a leading global independent, third-party investigative services firm, to assist with investigations and *reduce the response time for complaints* filed under MSU’s Title IX Relationship Violence and Sexual Misconduct Policy. Investigators are used, as needed, to handle complex complaints and to reduce the time between filing and finding.
- The *MSU Police Department and the Office of Institutional Equity* implemented new protocols to ensure that police notify OIE when investigating relationship violence, stalking, or sexual misconduct complaints.
  - The new reporting protocol will enable full communication and accountability between these two MSU units. The protocol will also ensure all victims receive information about campus resources and options from OIE.
  - Additionally, *interlocal agreements* bring local police agencies in East Lansing, Meridian, Bath, and Lansing townships and the Michigan State Police into MSU’s system so that MSU gains awareness of off-campus misconduct or assaults.
- MSU Police are taking over incident reporting at the Eyde MSU HealthTeam clinical buildings from the Meridian Township police department to *prevent*

*gaps in complaint reporting* and increasing patrols and training staff in other clinics.

- The MSU HealthTeam is obtaining proposals from independent peer review experts to assist with the review of sensitive cases.
- The MSU HealthTeam also is evaluating replacement systems for its incident reporting system to have the ability to follow up and “close the loop” for reporting purposes.
- MSU created a Healing Assistance Fund, which has disbursed more than a half million dollars in payment or reimbursement for counseling and mental health services to victims of Larry Nassar. The fund was set up by the Board of Trustees in December 2017. A 24-hour phone line is available to connect victims with qualified care providers close to where they live.

<https://msu.edu/ourcommitment/our-actions>

Senator MORAN. Thank you. Ms. Lyons.

**STATEMENT OF SUSANNE LYONS, ACTING CHIEF EXECUTIVE OFFICER, UNITED STATES OLYMPIC COMMITTEE**

Ms. LYONS. Good afternoon, Chairman Moran, Ranking Member Blumenthal, and the members of the Subcommittee.

Last February, I agreed to serve as the Acting CEO of the U.S. Olympic Committee because I felt an obligation to help the organization address the critically important issues of athlete safety and empowerment.

Two weeks ago, we announced that Sarah Hirshland will be the next CEO of the Olympic Committee. She’s joining us in the audience today because of the importance of this issue and she looks forward to working with Congress as she leads and implements the reforms and the initiatives that the Olympic Committee has currently begun.

Like all of you, I was deeply saddened and angered by Larry Nassar’s abuse. I heard the stories of victims and survivors in court, before this Committee, and last week in the moving ceremony at the ESPYs and as recently as the press conference today, and many of those same athletes, as you know, are joining us in this room.

Some survivors shared stories of seeking help from the Olympic community and finding it unresponsive, needlessly complex, and fraught with risks to their Olympic dreams. This is appalling and unacceptable.

The Olympic community failed the people it was supposed to protect and I apologize again to each and every one of them and their families. I want you to know your voices have been raised and we hear you. We have an obligation to do better and we will do better.

When I became the CEO, I announced a series of initiatives to address issues of abuse and other structural weaknesses and I’d like to update you on our efforts.

First, we accelerated our efforts with the Center for Safe Sport and our own Athlete Safety Programs. We doubled our grant to the center, enabling it to build on its investigative capabilities.

We also instituted new reporting requirements of our own, requiring national governing bodies to report to us on ongoing investigations, unresolved complaints, and banned and suspended members.

Second, we are working to increase the voice and the power of athletes. We engaged with the Athletes Advisory Council to under-

stand its priorities and recommendations. We are proposing changes to the role of the Athlete Ombudsman and we are creating a new Athlete Services Department to assist with athlete grievances.

Third, we announced a governance review and launched a commission to study and report on engagement with athletes and with the national governing bodies. This commission is headed by WNBA President Lisa Borders.

The commission will provide recommendations on potential changes to the Ted Stevens Act, the Bylaws of the Olympic organizations, as well as other policies.

Rebuilding USA Gymnastics is our fourth category of focus and after we insisted that the previous CEO and then the entire Board resign, we helped USA Gymnastics implement governance changes and elect a permanent Board with a majority of independent directors.

USA Gymnastics has now completed all of the immediate requirements that we set in January for it to maintain its certification as a national governing body. They know they still have a long way to go.

We will continue to support USA Gymnastics on its way to implementing a true change in culture.

A fifth category will develop when we receive the report of the independent investigation. The investigation focuses on both the Olympic Committee and USA Gymnastics and we will make the report public in its entirety and take whatever actions are appropriately based on whatever the findings may be.

As Congress considers additional solutions, I'd respectfully ask to offer some input.

First, Congress can support further funding of the Center for Safe Sport. The Center's independence is critical to its success and expanding its sources of funding will strengthen that independence.

Second, the Olympic Committee encourages the Congress to look closely at the recommendations that will come from the Athlete and NGB Engagement Commission.

Third, the Safe Sport Act provides the Center with liability protection for sharing information on bans and suspensions. We ask Congress to consider extending those protections to bans and suspensions imposed by national governing bodies.

We have begun to make significant progress in strengthening protections for athletes but our collective efforts must not cease. We must support the victims and survivors and honor those who have stood up against abuse. We promise to lead the Olympic community to bring real and lasting change.

I would be happy to answer your questions.

[The prepared statement of Ms. Lyons follows:]

PREPARED STATEMENT OF SUSANNE LYONS, ACTING CHIEF EXECUTIVE OFFICER,  
UNITED STATES OLYMPIC COMMITTEE

Good afternoon Chairman Moran, Ranking Member Blumenthal, and Senators of the Subcommittee. Last February, I agreed to serve as the acting CEO of the U.S. Olympic Committee because I felt an obligation to help the organization address the critically important issues of athlete safety and empowerment. Two weeks ago, we announced that the Olympic Committee had selected Sarah Hirshland to serve as the organization's next chief executive officer. We expect that Ms. Hirshland will as-



sume her role in late August, after she concludes her current obligations with the U.S. Golf Association. Ms. Hirshland is joining us in the audience today, and she asked that I convey to you that she looks forward to working with you as she continues to implement the reforms and initiatives that the Olympic Committee currently has underway. It has been an honor to serve as acting CEO during this important period in the Olympic Committee's history.

Like all of you, I was deeply saddened to hear the statements of the girls and women who were the victims of Larry Nassar, and I was devastated and angered to find that he was able to perpetuate his abuse for so long. I heard the powerful and compelling stories of victims and survivors in court, in testimony before this committee, and just last week in the moving ceremony at the ESPY Awards. Most concerning, some survivors shared stories of seeking help from people in the Olympic community and finding the system unresponsive, needlessly complex, or fraught with risks to their Olympic dreams. This is appalling and unacceptable. The Olympic community failed the people it was supposed to protect, and I apologize again to each and every one of them, and their families, for the Olympic community's failings. We have an obligation to do better, and we will do better.

When I became acting CEO, I announced a series of initiatives to strengthen our handling and response to issues of abuse and address other structural weaknesses within the Olympic community. We have made significant progress on those initiatives, and at the same time, we have continued to refine our plans for reform, adding new initiatives and efforts as we identified additional areas in need of attention.

Our reform efforts fall generally into four categories. I would like to update the Committee on our efforts in each area. In addition, attached to my written testimony are further details on the actions that we have taken in connection with this effort, which we call our Athlete Safety and Advocacy Action Plan.

#### *1. SafeSport and Athlete Safety Programs*

First, we are redoubling our efforts with the Center for SafeSport and athlete safety programs. The Center launched just last year as an independent entity, and it is already clear that it is serving an essential role. The Center has experienced a significant increase in the number of reports of abuse. Although any report is disheartening, this is precisely the reason that we need the Center: It provides a safe and independent path for athletes to report concerns so that the Olympic and Paralympic community can address them. We fulfilled our commitment to double the Olympic Committee's funding of the Center, adding \$1.55 million to our existing annual grant to enable the Center to hire more staff, conduct more investigations, and undertake additional educational activities. The NGBs have also committed to increasing their funding for the next Fiscal Year. At its launch, the Center focused on sexual abuse cases, as that was the most pressing need. Now we are supporting their work to find ways to investigate other abuses such as bullying and hazing in appropriate cases, and assisting them with the development of database systems. Additionally, after more than a year of experience, the Center is working hard on its policies and procedures to identify potential improvements, and we are working hard to support that effort as well.

We have also made reforms within the Olympic Committee, including updating our Athlete Safety Policy to reflect the SafeSport authorization legislation enacted this year, and hiring a new senior director of athlete safety. In our leadership role in the Olympic and Paralympic community, we have instituted new reporting requirements on national governing bodies, requiring them to report on ongoing investigations, unresolved grievances and ethics complaints, and banned and suspended members not submitted to the Center for SafeSport. We have an ongoing effort to improve the coordination and information sharing among the Center, the Olympic Committee, and the national governing bodies regarding individuals on banned or suspended lists. We need to make it easier for parents, athletes, and potential employers to access information about coaches and athletes on banned and suspended lists.

#### *2. Athlete Advocacy*

Second, we are listening to and enhancing the voices of athletes in Olympic Committee governance and the Olympic and Paralympic community. The Ted Stevens Act already requires all Olympic governing bodies to include a significant number of athletes in their governance, and we want to increase the involvement of the broader community of athletes in providing feedback and assistance in strengthening our policies and procedures. The cornerstones of this effort are a number of athlete surveys and a series of athlete working sessions that we have begun and will continue this year. Initial survey results have been shared with the Athletes' Advisory Council, national governing bodies, and the Center for SafeSport. We are

also launching leadership training for athletes who are part of the governance process at the Olympic and Paralympic Assembly. We have worked with the Athletes' Advisory Council to identify its priorities and recommendations, including seeking its input on athlete representation on the Olympic Committee's board. We also added a position within the office of the Athlete Ombudsman dedicated to increased communication with athletes about services and resources available to athletes, and we are creating a new athlete services department that will focus on assisting with individual athlete grievances. Finally, we are planning an athlete symposium to bring together a diverse set of athletes and provide a forum for raising concerns and identifying issues in need of attention by the Olympic Committee.

### *3. Olympic Committee Engagement with National Governing Bodies and Athletes*

Third, we announced a governance review to inform our engagement with national governing bodies and athletes, and our oversight of the Olympic and Paralympic movements in the United States. In recent years, the relationship between the Olympic Committee and the national governing bodies has evolved, particularly with respect to the Center, which removed the national governing bodies' authority to investigate and resolve issues of sexual abuse. More recently, the Olympic Committee took a very active role in the reform of USA Gymnastics. We need to make sure we are organized and empowered to take appropriate steps like this especially where needed to protect athletes.

Because of the critical importance of this issue and the need to seek input from independent sources, the Olympic Committee elected to create a formal commission to study and report on the manner in which the Olympic Committee engages with national governing bodies and athletes. The Olympic Committee created a charter for an Athlete and NGB Engagement Commission and selected Lisa Borders, the president of the Women's National Basketball Association, as the chair of the commission. The commission will include athletes, representatives from national governing bodies, and individuals with governance expertise in relevant organizations. The commission is tasked with reviewing the Olympic Committee's interaction with and oversight of national governing bodies and its engagement with athletes. The commission will also provide recommendations, including whether changes are needed to the Ted Stevens Olympic and Amateur Sports Act, the bylaws of the Olympic Committee or national governing bodies, and other policies and procedures. Even before getting input from the commission, the Olympic Committee is also creating a new committee of its board of directors dedicated to athlete and national governing body engagement, which will include the chairs of the Athlete Advisory Council and the National Governing Bodies Council.

### *4. Reform of USA Gymnastics*

Rebuilding USA Gymnastics is the fourth category of our ongoing focus. We committed to a \$1.3 million grant to the National Gymnastics Foundation, for athlete assistance programs, medical support, and counseling, matching USA Gymnastics' commitment to that effort. The Olympic Committee's leadership is in nearly constant contact with CEO Kerry Perry, the USA Gymnastics board, and others at USA Gymnastics. After we insisted that the previous CEO and then the entire board resign, we worked closely to advise USA Gymnastics on seating the interim board composed of new voices with more independence. We supported the interim board as they implemented governance reforms consistent with best practices. We provided financial assistance for USA Gymnastics to engage outside assistance in the seating of a new board and training in board best practices. On June 20, 2018, ahead of the deadline the Olympic Committee had set, USA Gymnastics seated a permanent board with a majority of independent directors. I am pleased to report to the Subcommittee that USA Gymnastics has now completed all of the requirements contained in the Olympic Committee's January 25 letter to the organization.

### *Independent Investigation*

Even as we push forward on these four categories, there is an important fifth category that will develop in the coming months when we receive the report of the independent investigation being conducted by Ropes & Gray. The Olympic Committee's board of directors retained Ropes & Gray to conduct a fully independent investigation into Nassar's abuse. We instructed the investigators to identify who knew about the abuse, what they knew and when, and what they did or did not do with this information. Importantly, Ropes & Gray will also investigate the circumstances that allowed the abuse to continue for so long. They are authorized to report on any other findings on abuse in other sports or related information that they deem important. The investigation covers both the Olympic Committee and USA Gymnastics. We have been resolute in ensuring that Ropes & Gray has independence in the conduct of the investigation and the resources needed to carry it out fully and effec-

tively. We will make the report public in its complete and unabridged form. The Olympic Committee's board has committed to taking whatever actions are appropriate based on the facts that emerge from the investigation and the report.

#### *Role of Congress*

As the Committee and others in Congress consider moving forward with additional solutions, as the title of this hearing indicates, I respectfully want to offer some brief input.

First, Congress can support further funding for the Center for SafeSport, as it has done historically for the U.S. Anti-Doping Agency by contributing approximately \$10 million per year. As the Committee knows, funding for the Center was a significant challenge in its launch. Additionally, the Olympic Committee believes that the Center's independence from the Olympic Committee is critical to its success. Although the Olympic Committee elected to provide the bulk of the Center's funding in an effort to get the Center launched as soon as possible, it would be preferable for the Center's independence if it had additional sources of funding. In the 2018 omnibus spending bill, Congress established a grant program directed at athlete safety, and we expect the Center will compete for this grant. This is an important development and we support consistent and dedicated Federal funding for the Center. To be clear, the Olympic Committee is committed to ensuring that the Center has the resources necessary for its important mission, and we will continue to provide significant funding for the Center. We believe that expanding its sources of funding with strengthen its independence.

Second, the Olympic Committee encourages Congress to look closely at the recommendations that may come from the Athlete and NGB Engagement Commission. Although the Olympic Committee believes that the Ted Stevens Act provides it with the authority to take the actions we are taking today, the commission may identify areas for potential clarification or expansion of the Olympic Committee's authority, or other needed reforms, including outside of the Act.

Third, in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, Congress provided the Center with liability protection for the exercise of certain of its official functions, including protection against lawsuits for defamation, libel, or slander. This liability protection has proven to be important for the Center's ability to provide information on people banned or suspended from Olympic sports. Neither the Olympic Committee nor the national governing bodies are covered by these provisions. Congress should consider whether these protections should be extended to other Olympic and Paralympic organizations or whether the language should be clarified to encompass information published by the Center that relates to a national governing body adjudication, to help enable broader and more comprehensive information for athletes, parents, and others.

The Olympic Committee and the broader Olympic and Paralympic community have made significant progress in strengthening protections for athletes, but our collective efforts must never cease. We must support the victims and survivors, and honor those who have stood up against abuse. We promise to lead the Olympic community to bring real and lasting change.

#### **U.S. Olympic Committee and National Governing Bodies**

The Olympic Committee was founded in 1894. It serves as both the National Olympic Committee and National Paralympic Committee for the United States. The Olympic Committee is responsible for the training and funding of the United States' teams for the Olympic, Paralympic, Youth Olympic, Pan American, and Parapan American Games, and serving as a steward of the Olympic movement throughout the country.

In 1978, the Amateur Sports Act (now called the Ted Stevens Olympic and Amateur Sports Act) appointed the Olympic Committee as the coordinating body for all Olympic athletic activity in the United States. Pursuant to the statute, the Olympic Committee supports athletes through funding, health insurance, tuition grants, marketing opportunities, and career services. The Olympic Committee supports the Olympic Training Centers and Olympic Training Sites for athletic training, conditioning, sports medicine, and nutrition assistance. The Olympic Committee also oversees the process by which U.S. cities bid to host the Olympic and Paralympic Games, the Youth Olympic Games, and the Pan/Parapan American Games.

The Ted Stevens Act also authorizes the Olympic Committee to recognize a national governing body for any sport that is included in the various Olympic Games. The Olympic Committee may recognize only one such governing body for each sport (except as it may relate to the Paralympics). Once selected, that organization takes on a number of obligations related to amateur athletic activity in that sport in the United States, including sanctioning and conducting competitions, and recom-

mending teams to represent the United States in the Olympic Games. The national governing bodies also oversee the training and development of athletes in their respective sports.

Today, there are 50 organizations that have been recognized by the Olympic Committee as a national governing body. There is a large degree of variation among these organizations. For example, U.S. Soccer manages national soccer activities that range from local recreational soccer programs for children to the U.S. National Men's and Women's soccer teams. These diverse soccer programs include thousands of coaches and officials and hundreds of thousands of athletes. Olympic activity, therefore, is a small part of U.S. Soccer's focus and activities. Conversely, USA Pentathlon is a smaller organization and Olympic activities are a primary focus of the organization.

Because each national governing body is the primary organization that manages and oversees the activities of coaches and athletes, each organization has its own rules and procedures related to athletes and coaches. On key areas of governance, however, the Olympic Committee uses its designation authority under the Ted Stevens Act to require each national governing body to adopt certain standards. And in challenging areas that affect the entire Olympic and Paralympic community, we have gone even further to establish entities that are independent of any individual national governing body and dedicated to addressing specific challenging topics. This is the approach that we took in response to doping issues in the late 1990s, and it is the approach we have taken with the Center for SafeSport.

#### **U.S. Center for SafeSport**

The Olympic Committee has long worked with the national governing bodies on efforts to protect athletes from sexual and other abuses. In 2010, the Olympic Committee determined that the issue warranted renewed attention following public reports of sexual abuse cases concerning swimmers. The Olympic Committee convened a working group to study the problem and make specific recommendations for improvements to the Olympic Committee board. Nina Kemppel, a four-time Olympic skier and current board member of the Olympic Committee, chaired the working group. The working group produced six comprehensive recommendations for action by the Olympic Committee: Increase its leadership role; lead by example; develop training materials; develop resources for use by local clubs and organizations; standardize services that promote safe training environments; and encourage national governing bodies to adopt policies to address sexual and physical misconduct.

Since then, the Olympic Committee has implemented each of the working group's recommendations. As it was implementing the working group's recommendations, the Olympic Committee concluded that the Olympic sports program would benefit from an independent entity dedicated to protecting youth athletes' safety. In June 2014, the Olympic Committee's board approved the creation of an independent SafeSport entity and began the process of establishing the Center for SafeSport. In September 2015, the Olympic Committee established the Center's nominating and governance committee. In January 2016, the first board of the Center was seated and held its first meeting. In June 2016, the Olympic Committee's board approved the launch of the Center. In November 2016, the Center selected its first chief executive officer, Shellie Pfohl, who previously served as the executive director of the President's Council on Fitness, Sports, and Nutrition. In March 2017, the Center officially opened.

The Center's activities are guided by a SafeSport Code that covers everything from harassment and hazing to physical and sexual misconduct. In addition to the Code, the Center for SafeSport has adopted practices and procedures and procedural rules for arbitration that govern its investigation and resolution of alleged violations. These important procedural improvements centralize and clarify the process by which allegations of abuse are investigated and resolved. By adopting clear procedures that apply to all investigations by the Center, we seek to ensure a fair process that permits swift actions to protect children.

The Olympic Committee requires each national governing body to participate in the Center for SafeSport as a condition of being recognized by the Olympic Committee. Specifically, under section 8.7(l) of the Olympic Committee's bylaws, each national governing body must comply with the Olympic Committee's policies related to SafeSport and, additionally, the policies and procedures of the Center for SafeSport. These provisions require all national governing bodies and their personnel to report suspected sexual abuse to the Center and to law enforcement. The Center has exclusive authority within the Olympic and Paralympic community to investigate and resolve violations involving sexual misconduct. Additionally, the Center has discretionary authority to assume responsibility for the investigation and

resolution of other violations of the Code; if not exercised, the applicable governing body retains the authority and obligation to investigate and resolve the allegation.

The Olympic Committee's regular and periodic audits of the independent national governing bodies include auditing of the organizations' compliance with the requirements of SafeSport. In 2017, the Olympic Committee engaged a third-party auditor, Baker Tilly Virchow Krause, to audit the compliance of the Olympic Committee and all the national governing bodies with SafeSport policies and procedures. The audit focused on compliance with the Athlete Safety Policy and the policies associated with the then-new Center for SafeSport. After the initial audit, each organization (including the Olympic Committee) was required to address deficiencies, and the Olympic Committee is monitoring and reviewing follow up. The audit results are available on our website. The Olympic Committee is now undertaking rolling audits of national governing bodies throughout the year, using its internal audit division supplemented by outside assistance.

The Center for SafeSport seeks to address the barriers and disincentives that victims may face when seeking to report abuse. The Center creates an independent path for reporting and an independent system for investigating and resolving cases of sexual abuse. With the Center, we have created a system that removes the investigation and resolution of allegations of sexual abuse from the control of any national governing body, including USA Gymnastics, and a resource dedicated to education and awareness of the importance of reporting abuse. We believe that these changes will significantly improve the protection of youth athletes from sexual and other abuses.

The approach that we have taken with the Center for SafeSport is similar to the approach that we previously adopted in establishing the U.S. Anti-Doping Agency in 1999. The U.S. Anti-Doping Agency has been very successful at concentrating expertise and ensuring independence in investigations of doping issues. By following this model in the creation of the Center for SafeSport, we will also bring expertise and independence to our efforts to prevent abuse of youth athletes.

Recently, Congress and the President enacted the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, which complements and further strengthens the reporting requirements of the Olympic Committee and the Center. The law imposes a mandatory reporting requirement on any adult authorized by a national governing body or member to interact with a minor or amateur athlete at an amateur sports organization facility or at an event sanctioned by a national governing body or member. The legislation also provides Federal authorization for the Center. The Olympic Committee supported this legislation and worked with Congress on its passage. The legislation helpfully brings the force of Federal law behind the mandatory reporting requirements of the Center's rules.

### **USA Gymnastics**

Over the months since the launch of the Center in March 2017, we have unfortunately continued to see new and concerning revelations about the Olympic community's failure to protect athletes, particularly with respect to USA Gymnastics, and in other sports as well. In June 2017, Deborah Daniels issued a report that examined USA Gymnastics' bylaws, policies, procedures, and practices related to handling sexual misconduct matters. After conducting more than 160 interviews, Ms. Daniels recommended a number of structural and policy changes within USA Gymnastics. The USA Gymnastics board voted unanimously to accept her recommendations.

Most significantly, in January 2018, the entire Olympic community was shocked and horrified to hear the powerful statements from the victims of Larry Nassar. On January 24, 2018, the Olympic Committee issued an open letter to all Olympic athletes announcing that it would launch an independent investigation into the detection and reporting of Nassar within both USA Gymnastics and the Olympic Committee. On January 25, 2018, the Olympic Committee issued a letter to the board of USA Gymnastics outlining six specific steps that the Olympic Committee is requiring of USA Gymnastics. In the letter to USA Gymnastics, the Olympic Committee specifically indicated that completion of these actions was necessary for USA Gymnastics to retain its recognition as the national governing body for Olympic gymnastics.

First, the Olympic Committee required all members of the USA Gymnastics board to resign. That process was completed on January 30, 2018. Second, the Olympic Committee required USA Gymnastics to seat an interim board, consistent with its current bylaws, with all new membership (except that the athletes may reelect their representatives) by February 28, 2018. That process was completed on February 27, 2018. Third, USA Gymnastics was required to create a new permanent board within one year, which it completed on June 20, 2018. Fourth, for the next year, an Olym-

pic Committee representative must participate in each board meeting of USA Gymnastics, the USA Gymnastics board must discuss and report on progress instituting reforms, and USA Gymnastics must cooperate with the independent investigation, among other requirements. Fifth, all USA Gymnastics staff and board members were required to complete SafeSport training within three months, which they have now completed. And, sixth, all USA Gymnastics staff and board members must complete ethics training within six months, which they have now completed.

The Olympic Committee took these unprecedented actions because it concluded that an entirely new leadership structure was needed to rebuild USA Gymnastics. The Olympic Committee offered to assist USA Gymnastics with its rebuilding effort. Indeed, officials of the Olympic Committee have been working closely with USA Gymnastics' new CEO, Kerry Perry, on supporting the selection and seating of new board members, the other reforms required by the Olympic Committee, and revisions to USA Gymnastics' bylaws to provide a more independent board. Again, the Olympic Committee explicitly stated that if USA Gymnastics fails to implement these reforms, the Olympic Committee will pursue termination of USA Gymnastics' designation as a national governing body.

On February 2, 2018, a special committee of the board of the Olympic Committee announced that it had hired the law firm Ropes & Gray to conduct the independent investigation announced on January 24. The investigation is now examining the decades-long abuse by Nassar to determine when individuals affiliated with USA Gymnastics or the Olympic Committee first became aware of any evidence of Nassar's abuse of athletes, what that evidence was, and what they did with it. Joan McPhee and James Dowden, both former Federal prosecutors, are leading the investigation. The investigators have full discretion to carry out the investigation and make findings as they deem appropriate. The Olympic Committee directed Ropes & Gray to prepare and issue a public written report at the conclusion of the investigation. The Olympic Committee pledged its full support to the investigation, including access to relevant documents and witnesses. USA Gymnastics has also confirmed its cooperation.

Most recently, the Olympic Committee has assisted USA Gymnastics with governance reforms, including the selection of a new permanent board containing a majority of independent directors. USA Gymnastics seated that new permanent board on June 20, 2018. USA Gymnastics has now completed all of the requirements contained in the Olympic Committee's January 25 letter.

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Thank you for the opportunity to address these critically important issues. We owe it to the victims and survivors of abuse in sports to ensure that our efforts to improve the safety and security of Olympic athletes never cease. I would be happy to answer your questions.

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#### COMMITMENT TO A SAFER U.S. OLYMPIC & PARALYMPIC COMMUNITY

The United States Olympic Committee is deeply focused on critical initiatives and collaboration across the entire U.S. Olympic and Paralympic community to protect, support and empower America's athletes.

Across the world, girls and women in particular are bravely sharing the egregious sexual abuse, harassment and discrimination they have faced for too long. This behavior has no place in the U.S. Olympic and Paralympic community, and now is the time for organizations, institutions and individuals alike to reignite a culture of athlete empowerment and competitive excellence—one that is a safe, respectful and supportive environment. The USOC has made significant progress to strengthen protections for athletes, and the collective efforts to improve athlete safety must never cease.

#### **Athlete Safety & Advocacy Action Plan**

Building upon actions taken starting in 2010, the USOC created and implemented the overarching, multi-disciplinary Athlete Safety & Advocacy Action Plan in 2018 to provide a safer environment for athletes and enable the organization to more effectively achieve its mission. Through the Action Plan, the USOC is both examining the past, and taking short-and long-term action to create a safer and more empowering environment now and in the future.

##### *1. Important Lessons Learned*

The USOC is at a critical point in its history. The U.S. Olympic and Paralympic community has an obligation to find out how the Nassar tragedy

and other instances of sexual abuse happened, and take the necessary steps to help prevent such atrocities from ever recurring.

2. *Commitment to Change*

While awaiting the findings of an independent investigation, the USOC is taking important actions now based on what is already known.

3. *The Path Forward*

Moving forward, the USOC is reviewing the culture of elite sports in the U.S. to determine what safeguards must be strengthened and modernized to ensure the safety of the athletes it serves.

The Action Plan involves four major workstreams, which each involve several projects aimed at addressing shortcomings. Project lifespans range from six months to one or more years and beyond.

**Action To Date (as of July 20, 2018)**

1. *SafeSport & Athlete Safety Programs*

*This pillar is intended to improve the USOC's athlete safety policies and procedures, while also increasing the capabilities of the U.S. Center for SafeSport via additional funding and support.*

- Originally enacted in December 2012, the *USOC Athlete Safety Policy* was updated in April 2018 to comply with the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*. Per the Act, any knowledge of possible sexual misconduct must be reported to both law enforcement and the U.S. Center for SafeSport within 24 hours. Following the formation of an Athlete Safety Advisory Group, the policy will be further reviewed and modified as necessary.
- The USOC hired a senior director of athlete safety in May 2018 to ensure that best practices are regularly reviewed, and athletes and survivors are fully supported. A director of ethics and safe sport was originally hired in April 2011, with the role transitioning to the U.S. Center for SafeSport in 2017.
- The USOC doubled its annual funding of the U.S. Center for SafeSport to enable it to hire more investigators and staff, improve the speedy resolution of cases, enhance ongoing communication for survivors and their families, provide age-appropriate training to recognize and prevent abuse, and offer better and more accessible resources via SafeSport.org.
- In exercising increased NGB compliance engagement, the USOC has required NGBs to disclose all designated committee members related to funding and team selection, ongoing investigations, unresolved grievances and ethics complaints, permanently banned members, and suspended members not submitted to the U.S. Center for SafeSport.
- All USOC employees and board members have completed *safe sport and ethics trainings*, and an independent partner is being identified to provide broader cultural training for all NGBs.
- With the aim of educating a broader audience, *safe sport training resources* are being expanded to include agents and representatives. Safe sport training became mandatory for the USOC and NGBs on January 1, 2014.
- Planning has begun for an *athlete assistance fund* that will extend to all sports within the U.S. Olympic and Paralympic movements to provide support and assistance to victims of all types of abuse.
- The USOC is supporting efforts to *strengthen the U.S. Center for SafeSport's website*, and produced and launched a pair of *public service announcements* that resulted in a 30 percent increase in traffic to SafeSport.org.
- The USOC is working with the U.S. Center for SafeSport to investigate a *case management system to track grievances* (including non-sexualized cases of bullying and harassment) that will be accessible and integrated with NGB, USOC and center data. We are also working on ways to use the data in that system to create a *comprehensive information resource* on banned and suspended individuals, across the USOC, NGBs, and the Center.
- The USOC and the U.S. Center for SafeSport have established *bi-monthly meetings* with leadership from both organizations to ensure alignment on key issues.
- The USOC has created a *charter for an Athlete Safety Advisory Group* to provide strategic direction on the actions the USOC is taking to create a safe environment across all sport. The process is underway to identify a chairperson to lead the group.

## 2. Athlete Advocacy

*This pillar is aimed at empowering athletes to shape key USOC and NGB policies and programs, and improving education and communication to set athletes up to be successful leaders.*

- The USOC sought input from its Athletes' Advisory Council to identify top issues requiring action by both the USOC and NGBs.
- A total of 939 athletes provided feedback via a survey, allowing the USOC to gather insights into improving policies, programs and services, and to better understand athletes' priorities and issues. The survey results are being shared with the Athletes' Advisory Council, NGBs, the U.S. Center for SafeSport and athlete respondents, along with immediate actions that the USOC is taking to address feedback.
- The USOC is evaluating and reconstructing portions of its website—including the ombudsman and athlete safety sections—to enhance and highlight the resources available to athletes.
- A position was added within the athlete ombudsman office with the specific responsibility to increase communication with athletes regarding services, resources and issues.
- The USOC is working with its Athletes' Advisory Council to review athlete representation on the USOC board.
- Plans are being developed to host an athlete symposium with the aim of engaging a diverse set of athletes in a dialogue around key issues and actionable response to areas of concern.

## 3. Evaluate and Reform USOC Engagement with NGBs and Athletes

*This pillar addresses how the USOC interacts with and oversees the 49 NGBs, and how the organization can better engage with the athletes it serves.*

- The USOC drafted a charter for the Athlete & NGB Engagement Commission and selected WNBA President Lisa Borders as chairperson. The commission, which is currently being populated, will be comprised of at least seven members, including athlete, NGB and independent board representation, plus one or more individuals with governance expertise in relevant organizations. The commission will specifically review how the USOC interacts with and oversees the 50 diverse NGBs, and how the organization can better engage with the athletes it serves. The commission is expected to make a series of recommendations that will be implemented over the coming months, including examining whether changes are needed to the Amateur Sports Act, the USOC or NGB bylaws, or other policies and procedures.
- A board review of the USOC's mission statement was initiated to ensure it is aligned with the responsibilities of the organization.
- An Athlete & NGB Engagement Committee is being formed by the USOC board with the aim of providing leadership to address issues of greatest importance and concern to key athletes and NGBs. The committee will provide input on the governance, policies and procedures that may impact stakeholder groups, and will review or suggest the implementation of best practices, bylaws changes, communications or other actions deemed appropriate. The committee will act as the board-level method for discussing and addressing athlete issues raised to the USOC.
- The USOC is developing a plan to better align activities within the organization related to support for athletes and NGBs.

## 4. Reform USA Gymnastics

*This pillar focuses on the stabilization of USA Gymnastics by way of structural and cultural changes aimed at creating a safe and supportive training environment for its athletes.*

- The USOC performed a forensic evaluation of USA Gymnastics to determine the NGB's ability to support its athletes, and identify the resources required to undergo the necessary changes. Recommendations were offered for options to supplement the executive leadership team in supporting management transition and focusing on organizational transformation.
- The USOC is requiring that USA Gymnastics complete 70 specific actions related to the recommendations made in the Daniels Report, and is regularly auditing the organization for compliance. To date, USAG has completed 31 of the 70 actions. Of the remaining 39 actions, 24 are in process, and plans are being



developed for an additional 12. The final three are culture-related, with current and ongoing efforts.

- Among the *leadership changes* at USA Gymnastics, Chris Tebo was hired as general counsel, Tom Forster was hired as women's national team coordinator, and searches for a chief financial officer and chief marketing officer are in progress. Prior to the action plan, the USOC forced the resignation of both the CEO and full board of directors.
- The USOC has had *representation at all of USA Gymnastics' interim board meetings* and supported the scheduling of the first meeting of the new permanent board in July 2018.
- Following a mandate by the USOC to reseal its board of directors by July 1, 2018, the USA Gymnastics interim board of directors *confirmed the election of the organization's new board* at its meeting on June 20. Additionally, each of USAG's five competitive disciplines selected two representatives to serve on the *newly created Programs Council*, which will provide a forum for its representatives to provide input, perspective and guidance on a variety of relevant topics, including operations, strategic planning, and developing best practices and uniform criteria and guidelines for program administration.
- The independent investigation was *promoted on the USA Gymnastics website* to encourage individuals with relevant information to speak with the independent investigators.
- USA Gymnastics *expanded its safe sport department* to include five new positions—four of which will be regionally based—to better support, train, educate and serve its members.
- The USOC made a *\$1.3 million grant to the Athlete Assistance Fund* established by the National Gymnastics Foundation to provide resources to survivors of sexual abuse.
- *USA Gymnastics issued broad communication* to its current adult athletes, parents/guardians of minor athletes, professional members, member clubs and survivors' legal counsel regarding medical risks from sexual assault and resources available.
- USA Gymnastics is being required to review and *update its ethics and conflict of interest policies*, and has conducted *ethics training* with its board and staff.
- USOC and other NGB policies are being provided to USA Gymnastics to assist in *identifying best practices*.
- The USOC is working with USA Gymnastics to *identify alternative training sites* following the removal of Karolyi Ranch as the USA Gymnastics National Team Training Center. While a permanent solution is identified, the USOC has offered the U.S. Olympic Training Center in Colorado Springs, Colorado, as an interim solution.

Senator MORAN. Thank you.

Ms. Perry.

#### **STATEMENT OF KERRY PERRY, PRESIDENT AND CHIEF EXECUTIVE OFFICER, USA GYMNASTICS**

Ms. PERRY. Chairman Moran, Ranking Member Blumenthal, and members of the Subcommittee, thank you for inviting me to testify today.

I want to commend the Subcommittee for their excellent work aimed at preventing amateur athletes from abuse.

This is your third hearing in the series and it is incredibly important because today, we focus on what we are doing to provide a safe and empowered environment for our athletes.

As I have said before the House, I will say again today. On behalf of USA Gymnastics, I apologize to our athletes, many of whom are here today. What Larry Nassar did to these incredibly brave women is unconscionable.

I joined USA Gymnastics in December 2017 from outside the sport and the Olympic movement. My primary focus is to transform

USA Gymnastics into an athlete-centered organization with a supportive and empowering culture that helps our athletes achieve their gymnastics dreams in a safe environment.

I have heard the heart-wrenching stories of these courageous athletes who have been harmed by those that they should have been able to trust. I commit to you that I will keep their words and experiences at the core of every decision I make every day as the leader of this organization. Their stories have broken my heart but also strengthened my resolve.

USA Gymnastics is on a new path with new leadership and a commitment to creating a culture that puts athletes first. Here are just a few of our decisive actions to put USA Gymnastics on a new course in the past months.

We closed the National Training Center at the Karolyi Ranch and we are seeking proposals on a new high-performance training and wellness facility.

We hired a new high-performance team coordinator for the Women's Program through a selection process that involved both athletes and coaches.

We created an Athlete Task Force where our former athletes are helping to shape our organization's future. Just last week, we announced the five core members, one of whom is a survivor of sexual abuse.

We expanded our Safe Sport Department to include new regional positions to better support, train, educate, and serve our members.

We are extensively revising our Safe Sport policy. We are educating and training our staff, Board, and members on the new Safe Sport policy and a new Ethical Code of Conduct.

I am pleased to report that our staff and Board are 100 percent compliant with both and beginning this season, all professional members must be Safe Sport-certified as a condition of membership.

We continue to implement the Deborah Daniels recommendations. 86 percent of the recommendations are either implemented or in progress. Today, I'm announcing that we are making publicly available on our website exactly what we have done to implement these recommendations.

We've made reporting of abuse easier with a dedicated toll-free number and online reporting. We are participating in mediation in order to resolve the athletes' claims fairly and expeditiously.

We created an Athlete Assistance Fund in cooperation with the National Gymnastics Foundation that provides the survivors of abuse with the needed financial resources for counseling and medical services.

These changes and others we have made are part of a cultural shift that reflects our commitment to prioritize the safety of all of our athletes and members and to become the standard bearer of change.

At the same time, I have ideas that I would be happy to share with the Subcommittee regarding what changes Congress might consider to help USOC and all national governing bodies do more to further protect athletes.

I have traveled the country listening to athletes, listening to survivors, listening to parents and listening to coaches. My mission is

to ensure that USA Gymnastics emerges as a stronger, more empowered organization that is focused on our athletes so that generations to come will be able to share their stories of how gymnastics positively impacted their lives.

I am testifying today on behalf of the new USA Gymnastics. Our incredible athletes have always been and will continue to be a great source of national pride.

We will be there for them to help them realize their potential in a safe and supportive environment. Athlete safety must be at the forefront of everything we do every day.

Thank you, and I'm happy to answer your questions.

[The prepared statement of Ms. Perry follows:]

PREPARED STATEMENT OF KERRY PERRY, PRESIDENT AND CHIEF EXECUTIVE OFFICER,  
USA GYMNASTICS

Chairman Moran, Ranking Member Blumenthal, members of the Subcommittee on Consumer Protection, Product Safety, Insurance and Data Security, thank you for inviting me to testify today.

I want to commend the Subcommittee for its excellent work aimed at protecting amateur athletes from abuse. This is your third hearing in the series, and it is incredibly important, because today we focus on what we are doing to provide a safe and empowered environment for our athletes. As I have said before the House, I will say again today; on behalf of USA Gymnastics, I apologize to our athletes and everyone who was hurt by Larry Nassar. What he did to these incredibly brave women is unconscionable. As the new leader of this organization, I refuse to let any of our survivors, our athletes from the past, our athletes today, or our athletes tomorrow to be defined by the actions of one despicable human being. We have a responsibility to all of our athletes and an opportunity to demonstrate that we are committed to transforming to a highly empowered organization, one where all of our athletes have a voice and are part of a future that all can be very proud of. To that end, USA Gymnastics is moving forward with a strong commitment to safety with a smarter, more focused governance and organizational structure; new policies and procedures that are designed to help prevent, spot, and punish misconduct; creating a culture that encourages speaking up; and providing our athletes with a new place to train.

I joined USA Gymnastics in December 2017 from outside the sport and the Olympic movement. My primary focus is to transform USA Gymnastics into an athlete-centric organization with a supportive and empowering culture that helps our athletes achieve their gymnastics dreams in a safe environment. I have heard the heart-wrenching stories of the courageous athletes who have been harmed by coaches, doctors, and adults they should have been able to trust. I commit to you that I will keep their words and experiences at the core of every decision I make, every day, as the leader of this organization. Their stories have broken my heart, but also strengthened my resolve.

USA Gymnastics is on a new path, with new leadership, and a commitment to implement a culture that puts athletes first. To that end, we are working hard to regain the trust and confidence of our athletes, their families, and all who are a part of the gymnastics community. Here are just a few of our decisive actions to put USA Gymnastics on a new course:

- *We closed the National Team Training Center* at the Karolyi Ranch, and we have sought and received information on a new training facility. We will soon issue requests for proposals as part of our aggressive effort to find a new permanent training and wellness facility.
- *We hired a new High Performance Training Coordinator for the Women's Program* through a selection process that involved both athletes and coaches. Tom Forster, the new coordinator, believes in coaching through inspiration.
- *We created an Athlete Task Force* where our former athletes are helping to shape our organization's future in its strategic and operating decisions, including participating in the process to identify the new permanent training and wellness center. Just last week, we announced the five core members, one of whom is a survivor of sexual abuse.

- *We expanded our Safe Sport department* to include seven new positions; five of which will live in the regions they cover throughout the United States to better support, train, educate and serve members.
- *We are extensively revising our Safe Sport Policy* with input from representatives throughout our gymnastics community. You will see results from this effort by late summer.
- *We are incorporating expert ideas and strategies* to enhance our Safe Sport education and create a best-in-class, customized curriculum.
- *We are educating and training our staff, Board, and members on the new Safe Sport Policy and a new Ethical Code of Conduct.* I am pleased to report that our staff and Board are 100 percent compliant with both. Beginning this season, all professional and club members must be Safe Sport certified as a condition of membership.
- *We fully support both the U.S. Olympic Committee and Congressional independent investigations* that we hope will shed light on how Larry Nassar was able to commit these horrific crimes so that we can ensure this never happens again.
- *We fully support Federal legislation*—now a law—that will help safeguard amateur athletes.
- *We continue to implement the Deborah Daniels recommendations* stemming from an independent evaluation of USA Gymnastics' policies. As of today, eighty-six percent of the recommendations are either implemented or in progress—and we intend to implement all of them.
- *We made reporting of abuse easier* with a dedicated toll-free number (833-844-SAFE), e-mail address ([safesport@usagym.org](mailto:safesport@usagym.org)), and online reporting.
- *We have and will continue to amend our bylaws* to support the cultural commitment to athlete safety and provide a basis for further developing our safe sport programs and governance, including by:
  - Mandating compliance with the policies and procedures of the U.S. Center for SafeSport;
  - Acknowledging that the U.S. Center for Safe Sport has exclusive jurisdiction over all complaints of sexual misconduct;
  - Instituting interim measures to protect the community during ongoing investigations; and
  - The establishment of a standing Safe Sport Committee.
- *We are continuing our Listening Forums and outreach* to as many of our survivors, athletes and member clubs as possible to help guide USA Gymnastics policies and procedures.
- *We made important structural and staff changes and reorganized the Board of Directors* in order to have a streamlined and more focused group of leaders aligned with USA Gymnastics' cultural transformation.
- *We are participating in mediation* in order to resolve the athletes' claims fairly and expeditiously.
- *We created an Athlete Assistance Fund*, in cooperation with the National Gymnastics Foundation, that provides the survivors of abuse with the needed financial resources for counseling and medical services.

These necessary changes are part of a cultural shift that reflects our commitment to prioritize the safety of all our athletes and members. They also reflect our commitment to becoming the standard-bearer for change.

As I have traveled the country, listening to athletes, parents, and coaches, one thing has stood out to me. I am inspired every day by the stories of how gymnastics has changed their lives in such a positive way. There are a lot of really great people volunteering their time each and every day to make lasting memories for our athletes. My mission is to ensure that USA Gymnastics emerges as a stronger, more empowered organization that is focused on our athletes, so that generations to come will be able to share their stories of how gymnastics positively impacted their lives.

I am testifying today on behalf of the new USA Gymnastics. We have taken decisive action to grow into a more athlete-centered organization, committed to helping our athletes fulfill their dreams. Our incredible athletes have always been, and will continue to be, a great source of national pride. We will be there for them to help them realize their potential in a safe and supportive environment. Athlete safety must be at the forefront of everything we do, every day.

Thank you, and I am happy to answer your questions.

Senator MORAN. Thank you.  
Mr. Han Xiao.

**STATEMENT OF HAN XIAO, CHAIRMAN, U.S. OLYMPIC  
COMMITTEE ATHLETES' ADVISORY COUNCIL**

Mr. XIAO. Chairman Moran, Ranking Member Blumenthal, and members of the Committee, good afternoon, and thank you for inviting me to testify here today.

My name is Han Xiao, and I'm the elected Chair of the U.S. Olympic Committee Athletes' Advisory Council, also known as the AAC.

In 1978, the U.S. Congress enshrined the AAC into U.S. law and designated it as the voice of the athletes of the United States.

I'm here before you today as the official spokesperson for elite athletes under the USOC umbrella, including U.S. Olympians and Paralympians.

My testimony will reflect what I believe is the most accurate opinion of the athletes who comprise Team USA. On behalf of these athletes, I want to thank you for exercising oversight of the Olympic and Paralympic system during this critical juncture.

America's gymnasts and their courageous testimony at the Nassar hearings have brought the national media and all of you in the Senate here today. While establishing the U.S. Center for Safe Sport is an important step in the right direction, it should not be the only outcome of their suffering.

First, we cannot allow the U.S. Center for Safe Sport to fail in its mission. The athlete abuse problem is far bigger than the USOC or any of us anticipated. The center received its 1,000th complaint of sexual abuse after just 15 months of opening its doors.

The center needs increased funding so that it has the capacity to handle this caseload as well as embark on critical education efforts.

To be successful, Safe Sport must have the technical expertise to conduct investigations and hearings and it must be able to preserve its full independence to retain the trust of athletes and the public.

The adjudication process for complaints must improve with input from subject matter experts. Right now, I fear that none of those criteria are being fully met.

The sexual abuse of athletes is just one symptom of broader systemic issues that must be addressed to substantially empower and protect U.S. athletes moving forward.

Individual athletes have almost no power in our system. Instead, the USOC and national governing bodies hold the dreams of our athletes in their hands and athletes fear these coaches and administrators armed with congressionally granted monopoly power will retaliate if they protest or dissent.

One failure to be compliant or obedient could mean the end of that athletic future. There is no other Olympic committee or Paralympic committee to appeal to to get a chance to compete for America.

Our athletes aren't just powerless to remedy sexual abuse. They're also powerless to address financial injustices and many serious governance issues. To combat this problem, I have made two major recommendations.

First, I recommend establishing an autonomous inspector general's office reporting to Congress and the AAC. The role of this office would be to hear athlete concerns confidentially without fear of retaliation about the governance and operation of the USOC and NGBs, to independently investigate issues in the Olympic and Para-Olympic movement, and to determine necessary corrective actions.

Establishing this office and providing additional oversight would contribute greatly to a necessary cultural shift within our movement toward a focus on serving our country's athletes.

I also recommend the establishment of an athlete advocate. In 1998, Congress amended the Sports Act to require a new position, the Athlete Ombudsman. The position was meant to solve the recurring problem of athlete conflicts with their NGB or the USOC.

However, the Ombudsman's Office currently only advises athletes of their rights, directs them to available resources, and provides mediation services in most individual athletes' cases. These are essential and valuable functions for the athlete body. However, individual athletes and the AAC need independent legal advice and sophisticated professional athlete advocacy.

The athlete advocate's role would be to provide confidential legal advice to athletes and actively advocate for their rights and interests on a full-time basis.

In addition to directly representing athletes when necessary with an attorney-client relationship, the athlete advocate would work with other athlete representatives in the movement to raise repetitive issues with the USOC, NGBs, and other organizations.

I presented several other governance problems in my written statement, along with more detailed information supporting my remarks today.

I'd like to note, however, that we've been down this road many times before. In 1978, the Amateur Sports Act was established in part to provide athletes with rights. However, it also set up an unregulated monopoly.

In the 40 years since the 1978 Act, we have seen a cycle of scandals followed by internal USOC reforms. Now is the time to implement significant structural reforms to increase transparency and accountability, limit unnecessary bureaucratic expansion, and shift power to athletes.

The USOC must reorient its primary missions for its supporting the Nation's Olympic and Paralympic athletes in service to this Nation. Today's problems are not merely bad PR for the Olympic and Paralympic movement. Instead, it is time for Congress to enact structural changes that can bring about a cultural change.

If, in another decade, with the Olympic and Paralympic Games coming back to the U.S., we find ourselves here again asking the same questions and searching for the same answers, we will have failed Team USA athletes again, including the heroic gymnasts who will have brought these issues to our attention for naught.

Thank you for your time.

[The prepared statement of Mr. Xiao follows:]

## PREPARED STATEMENT OF HAN XIAO, CHAIR, ATHLETE ADVISORY COUNCIL

Mr. Chairman and Members of the Committee:

My name is Han Xiao, and I am the elected Chair of the U.S. Olympic Committee Athletes' Advisory Council, also known as the AAC. I have served in this position since January 2017. Prior to that, I served as a representative for the sport of table tennis in the AAC from 2013–2016, and served on the board of directors of USA Table Tennis from 2008–2016.

In 1978, the U.S. Congress enshrined the AAC into law and designated it as the voice of the athletes of the United States.<sup>1</sup> As the Chair of the AAC, I am providing this testimony as the official spokesperson for elite athletes under the USOC umbrella, including U.S. Olympians and Paralympians. My testimony will reflect what I believe is the most accurate opinions of the athletes who comprise Team USA. On behalf of these athletes, I want to thank you for exercising oversight of the Olympic and Paralympic system during this critical juncture.

To be clear, we believe athlete sexual abuse is a symptom of broader systemic issues that must be addressed to empower and protect U.S. athletes moving forward. Sexual abuse is the canary in the coal mine. I will highlight some of the key concerns of athletes in this testimony and provide some possible solutions.

### 1. The U.S. Center for SafeSport must succeed

National media and Congress have rightly focused on the sexual abuse of athletes throughout the past year. It is vitally important that we continue to make substantive improvements to the SafeSport system. The problem is far bigger than the USOC anticipated; the U.S. Center for SafeSport received its 1000th complaint of sexual abuse after just 15 months of opening its doors.

But even after the heroic testimony of our gymnasts, the Center could still fail in its mission to protect athletes. For example, SafeSport efforts could be derailed by the stories we're hearing suggesting that the rights of the accused are not being appropriately protected. In other cases, we hear that SafeSport complaints are being used by staff against athletes, as yet another way to exercise power over them. If the Center does not have buy-in from the stakeholders, including athletes, coaches, club owners and officials, it will not be able to protect athletes.

The prevention arm of the U.S. Center for SafeSport, its education and training, varies in thoroughness and effectiveness greatly from sport to sport. Athletes have informed me that in some sports, receiving a SafeSport "certification" for completion of training is a mere formality that can be granted upon viewing a video or having someone pick up their certificate for them.

To be successful, SafeSport must have the technical expertise to conduct investigations and hearings, and it must have independence from the USOC. Congress must increase funding for the U.S. Center for SafeSport so that it has the resources to adequately fulfill its mission and reduce the Center's reliance on funding from the USOC and national governing bodies (NGBs). The firewall between the U.S. Center for SafeSport and NGBs' legal counsel must be ironclad. Subject matter experts, including prosecutors, academics, abuse survivors, victims' advocates, and parties interested in protecting the due process rights of all the parties involved should all be engaged to improve the adjudication process.

### 2. Insufficient Reporting Channels for Athlete-Whistleblowers

Retaliation against athlete-whistleblowers has been a concern within our movement for many years. This problem is exacerbated when the whistleblower is a currently-competing athlete, who has issues that they need to report, yet are still dependent on their NGB for future Team USA membership, funding and support. The set-up is unfair; it is unrealistic to expect athletes to require their NGB comply with the Sports Act or to enforce good corporate governance. Below is a summary of what an athlete must do to resolve a dispute with their NGB.

Under current procedures, athletes must file a formal grievance under their NGB's prescribed procedures. If the issue still has not been resolved after exhausting their remedies within the NGB, the athlete can file what's known as a "Section 10 Complaint" with the USOC, alleging NGB noncompliance with the Sports Act.<sup>2</sup> The complaint is then heard and adjudicated by a three-person hearing panel. I have sat personally on one of these hearing panels. The ultimate sanction in a Section 10 complaint process is decertification of the NGB. In other words, the athlete's

<sup>1</sup>36 U.S.C. Sec. 220501 et seq., available at: <https://www.teamusa.org/Footer/Legal/Governance-Documents>

<sup>2</sup>*Id.* 36 U.S.C. Sec. 220501 et seq., available at: <https://www.teamusa.org/Footer/Legal/Governance-Documents>

remedy is to remove recognition from the NGB entirely, with a new governance group and organization potentially taking over as the new NGB. Understandably, the NGB staff sees the athlete as a problem. This is a precarious and impossible position for any Olympic or Paralympic hopeful.

To make matters worse, the Section 10 process has no anonymity; even if the athlete prevails through the process and corrective changes or sanctions against the NGB are prescribed, their conflict often leads to tensions between the athletes initiating the complaint and staff or even other athletes within their sport.

Additionally, the process does not allow whistleblowers to raise issues that are not explicitly addressed by the Sports Act. For example, if an athlete is concerned that his/her NGB is prioritizing staff compensation above supporting elite athletes, this is not a complaint that the athlete can have adjudicated through a Section 10 complaint, because staff compensation, consistent with other similar-sized non-profits, or fair distribution of NGB resources between staff and athletes, is not part of the Sports Act. Similarly, if an athlete is concerned that athletes are being intimidated by coaches and staff members to remain quiet about staff incompetence, that too is not explicitly listed in the Sports Act, and cannot be resolved with the remedy provided in the Sports Act. However, given a trend of similar complaints regarding an NGB or the USOC itself, it would be prudent to have an improved method to investigate such concerns in a timely fashion.

Finally, under the Sports Act, an athlete cannot recover their attorney's fees in bringing a Section 10 complaint. Some of these Section 10 complaints take a year's work or more, and can result in hundreds of thousands of dollars in legal fees and costs. Even an athlete who prevails 100 percent on the merits of their case is still responsible for these legal fees. Meanwhile, the NGBs generally have far more resources to combat these complaints. NGBs and the USOC are not reliant on pro-bono legal care, as many athletes are. For these reasons, the athlete should not be responsible for guaranteeing that the USOC and NGBs comply with the Sports Act.

### **3. Instituting an Office of the Inspector General**

To address these problems, Congress should establish an autonomous authority to receive complaints confidentially, investigate facts, and report on necessary corrective action for the USOC, NGBs, and other actors within the Olympic and Paralympic movement, such as the U.S. Anti-Doping Agency (USADA) and the U.S. Center for SafeSport. The role of this authority would be like that of an Office of Inspector General that would oversee a Federal or state agency. While the Inspector General would communicate with the USOC, ideally the position would report to the Senate Commerce Committee and the AAC, rather than directly to the USOC. Most of the same qualifications, authorities, and responsibilities outlined in the Inspector General Act of 1978 and subsequent amendments in 2008 should also apply to this new office. Congress may wish to further examine some of the key questions regarding who appoints the Inspector General, what authorities are given to this position, and the reporting mechanisms for the position. One potential model, for example, would have the Inspector General appointed and removed by the Chair of a separate Senate committee, most likely the Senate Judiciary Committee, and require the Inspector General to report on its operations to the Senate Commerce Committee on an annual basis. I would be happy to have follow-up conversations with appropriate members and staff to discuss these specifics.

The benefits of the establishment of an Inspector General's Office would include, but not be limited to:

- Preserving the anonymity of athletes raising legitimate concerns about their NGBs and the USOC; thereby providing protection for whistleblowers;
- Allowing for the investigation of other issues that arise outside the protections afforded by the Sports Act;
- Assisting in proactively identifying issues within NGBs and the USOC, including possible corrective actions;
- Contributing to more routine and proactive oversight of the USOC and the entire Olympic and Paralympic system;
- Improving the athletes' and the American public's trust in USOC and NGB governance;
- Reducing legal costs for all parties due to the reduction in necessary Section 10 hearings and their binding arbitrations when the Inspector General intervenes.

I will reiterate some of these same themes in other observations and recommendations below, which further highlights the potential advantages of establishing this office.



#### 4. Instituting Professional Athlete Advocacy; The Athlete Advocate

The growth and professionalization of Olympic and Paralympic sports has caused a shortage of athlete advocacy services. These services are needed for many reasons.

First, in many types of grievances, such as the right to compete<sup>3</sup> or suspected doping violations, the athlete may need legal advice before deciding upon a course of action. Currently the Athlete Ombudsman's Office only advises athletes of their rights, informs athletes of available resources, and provides mediation services; the Athlete Ombudsman is not able to represent an athlete, or advocate for the athlete in a dispute. In addition, resolving these disputes are expensive; as stated earlier, there is no attorney's fee provision in the Sports Act. Considering the time, effort and expense of pursuing the rights granted to them by Congress, athletes may decide against pursuing their case altogether. To truly protect athletes' rights, Congress should fill the current void of competent and affordable athlete advocacy.

Currently, the AAC is the primary body actively advocating for athletes' rights. The AAC is structurally limited; it can only effectively address policy and governance issues and has no authorities beyond its ability to nominate representatives to various boards and serving as a communication channel. In addition, the AAC is comprised solely of volunteers, whereas USOC and NGB staff members are full-time employees. In general, the AAC is better suited to providing feedback for policy proposals and procedures and advocating for athlete interests' at a high level; it is not the resource to advocate for the rights of individual athletes or to provide legal advice to athletes.

To address many of these concerns, Congress should establish a new position, an Athlete Advocate. The Athlete Advocate's role would be to provide confidential legal advice to athletes and actively advocate for their rights and interests on a full-time basis. In certain cases, especially those that impact many athletes or those that have the potential to set important precedent in the Olympic movement, the Athlete Advocate's office could choose to directly represent the athletes involved, or to assist the athletes in hiring competent representation. For cases that exceed the capacity of the office, the Athlete Advocate could provide preliminary legal advice, recommend competent representation, have a budget for outside legal counsel, and follow up after the case is adjudicated. In addition to directly representing athletes, the Athlete Advocate would work with other athlete representatives in the movement to raise observed issues with the USOC, NGBs, and other organizations and advocate for athletes' rights; to give the 20,000 foot view of athlete-issues.

There are several funding and reporting models that could potentially work for the Athlete Advocate's office. However, for the office to be effective, it must be able to maintain attorney-client privilege when working with athletes. In addition, the Athlete Advocate position must come with enough autonomy from the USOC and the NGBs so that athletes can trust that the Athlete Advocate will always put their best interests first in any situation. The Athlete Advocate cannot be beholden to the USOC CEO or an NGB. As with the Inspector General's office, Congress may wish to further examine questions regarding who appoints the Athlete Advocate, what authorities are granted to this position, and the reporting mechanisms for the position. A potential structure here would be authorizing the AAC to appoint and/or remove the Athlete Advocate directly with the approval of the Senate Commerce Committee.

#### 5. Improving NGB Oversight for Sports Act Compliance

Congress has given the USOC the power to investigate and adjudicate noncompliance complaints and influence NGBs to comply with the requirements of the Sports Act.<sup>4</sup> Historically, USOC staff took the approach that the NGBs were independent organizations and that the USOC had limited leverage to affect their behavior, the main levers being reduction in funding, probationary status, and decertification. Their argument in support of their "hands off" approach was that any of these behaviors had the potential to hurt athletes and impact athlete support.

In fact, the USOC can and must hold NGBs accountable while continuing to directly support elite athletes in cases of noncompliance. We have seen this in practice; recently the USOC flexed its muscle as the parent organization, when the USOC demanded the resignation of the CEO of USA Gymnastics, as well as its

<sup>3</sup>In "right to compete" grievances, the athlete is typically arguing that the NGB did not properly comply with their own Team USA selection criteria, or that the NGB unfairly imposed a discipline on them.

<sup>4</sup>See attached memo from The Committee to Restore Integrity to the USOC, on the Sports Act and USOC Bylaws that provide the USOC with the authority to audit and oversee NGBs, submitted March 12, 2018.

Board of Directors, as the depth of Dr. Larry Nassar's sexual abuse became known, including the NGB's failures to protect some of the country's best gymnasts.

Congress should leave no doubt that the USOC must proactively provide NGB oversight and serve as the main point of adjudication for NGB compliance with the Sports Act. This can be done by giving the USOC the tools and authority to provide NGB oversight as the Sports Act currently does, and probably more importantly, also holding the USOC responsible within the Sports Act for continuing to recognize NGBs that are not appropriately fulfilling their requirements under the law or are failing to protect and support athletes.

USOC oversight of NGBs should be focused on organizational governance as well as functions critical to athletes' interests, such as more objective team selection criteria, ethical codes of conduct for coaches and staff, and conflict of interest policies. In addition to responding to Section 9 and Section 10 complaints, the USOC should periodically audit each NGB and follow up on recommendations from institutions such as the Athlete Ombudsman's Office as well as the Inspector General and Athlete Advocate, as they are established. Providing effective NGB oversight and enforcing best practices in many of these key areas will contribute to better support for athletes, more fairness in team selection, fair athlete funding, and fewer situations where athletes are placed in vulnerable situations without recourse. In turn, this will cultivate trust between the athlete body and the entire USOC family.

It is also important to note the special importance of the Inspector General in this initiative if Congress were to establish that office. As mentioned previously, the Inspector General would contribute substantially to improving the oversight of NGB operations, especially in areas where systemic issues arise. The ability for the Inspector General to identify threats and weaknesses in the system would allow the USOC to hear what the problems are and where additional audits and corrective actions should be focused. The Inspector General would also be able to ensure that the USOC is fulfilling its mandate to provide NGB oversight and allow Congress to hold the USOC accountable if it is not performing this function in a satisfactory manner through its routine reporting on USOC and NGB issues.

## **6. Consistently Defining Paralympic Governance and Management**

Paralympic athletes currently are governed and managed in a variety of different ways; there is very little consistency in approach. Some Para sports and disciplines are fully integrated into an NGB structure. Other Para sports are only managed by an NGB but do not have defined Para governance. Still other Para sports are managed completely by non-NGB entities. Yet another group of Para sports are operated and governed by the U.S. Paralympics. Depending on the sport, Para athletes may or may not have defined representation within the governance of the sport. This inconsistency makes it particularly difficult for Para athletes to know how or if they are being represented and heard within their respective sports.

In addition, it can be extremely difficult for the same representatives who represent able-bodied athletes to represent the interests of Para athletes, not only because of differences between sporting disciplines, but also because the Paralympics are a maturing brand with unique characteristics compared to the Olympic Games. In short, Para athletes have a very different set of challenges and often have significantly different priorities than their Olympian counterparts. In boardrooms where Paralympic interests are integrated with those of the rest of the organization, there is often little to no voice advocating for the interests of Para athletes on a routine basis. In others, where there happen to be one or more board members who are aware of Para athlete priorities, the question "But what about Para athletes?" can often be heard after discussion of key topics affecting athletes.

It is my opinion that Congress should begin working with stakeholders and Para athletes to determine the course of action that is in the best interest of Para athletes moving forward. A possible approach would be to more clearly define the responsibilities and governance requirements of the existing Paralympic sport organizations (PSO) as defined in the Sports Act. There is currently no requirement for these organizations to provide any sort of board or oversight committee to govern the management operations of each of these programs, which should be a requirement of each PSO. NGBs that have integrated Para athletes under their governance should work collaboratively to determine how best to ensure that Para athletes can be adequately represented within those sport governance structures.

In general, we must have a clear and consistent approach to the governance and management of Para athletes moving forward so that the system serves their needs, especially as the Paralympics continue to grow in profile.

## 7. Routine Oversight of the Olympic and Paralympic System

Since the last amendment to the Sports Act in 1998, we have seen increasing professionalization of Olympic and Paralympic sports, as significantly more funds move into the system. In the past decade, we have also seen several obstacles, including the sexual abuse scandals, and bloated executive compensation and bureaucracy. Several systemic concerns must be addressed.<sup>5</sup> As these concerns grow, adjusting the governance system to correct systemic flaws becomes more complex and difficult. The USOC suffers from organizational inertia, primarily due to its size, and its monopoly-status, as granted by Congress. The Olympic and Paralympic system are uniquely immune from market pressures. While this inertia may have provided stability at one time, it has also proven to slow the organization's response to both current and potential threats and weaknesses within the movement.

The Olympic and Paralympic movement need more routine oversight, as well as consistent evaluations of systemic and governance flaws that must be corrected. The Inspector General's office would provide to more independent oversight, but routine USOC Board oversight would also allow the USOC to react more swiftly to situations and more readily question policies, procedures, and behaviors that seem problematic or suboptimal. I recommend one of two potential solutions: the first would be for Congress to establish an oversight committee in the same model as the U.S. Service Academies. An independent USOC Oversight Committee should consist of well-respected non-profit or civic leaders with the requisite expertise to evaluate the business practices of the USOC, provide recommendations to the USOC Board of Directors, and report directly back to Congress periodically. Alternatively, Congress could appoint several members of the USOC Board of Directors in a bi-partisan manner. Both models would provide more outside perspective to the USOC's governance structure without significantly impacting the stability of the organization.

Ideally, the reports from Congressional appointees overseeing the USOC would be combined with reports from the Inspector General's office, reports from the USOC CEO, and information from other stakeholders to provide a balanced view of the current health of the Olympic and Paralympic ecosystem in the U.S. as well as the crucial issues facing the movement. Congress would be able to use this information to more iteratively and accurately amend the Sports Act when necessary.

## 8. Establishing a truly Athlete-First culture within the USOC

To fully protect and empower athletes within the Olympic and Paralympic system, there must be a shift to a truly "athlete-first" culture throughout the movement. Although many staff members are inspired by Team USA athletes and provide excellent service and support, there are examples of employees, policies, procedures, and behaviors that would suggest the USOC does not have a culture of doing whatever it takes to maximize athlete support and protection. These examples include:

- *The USOC's lack of urgency protecting athletes' safety and well-being:* the USOC response to athlete sexual abuse has been delayed. Only under hell-hot temperatures from the public, media and you, the Congress, has the USOC sped up its response. As mentioned previously, SafeSport training within each sport is too often ineffective, inconsistent and seen as a formality and a box to check. Fewer than half of the NGBs have easily accessible online disciplinary records listing any suspended and banned members. In another well-documented issue involving athlete well-being, post-Games depression, the Athlete Career and Education Program provides some resources to some athletes, but the issue does not seem to be a demonstrable priority for the USOC and the NGBs.
- *The movement's excessive and wasteful spending:* I was elected to serve as one of two athlete services coordinators providing services to Team USA for the 2016 Rio Olympics. Several months before the Games, we participated in an exercise called the "high-performance strategy meeting." Around 70 staff members from the USOC and various NGBs flew to Rio de Janeiro to participate in this multi-day meeting, which included venue visits, high performance training site visits, and several strategy sessions to plan for both success and adversity at the Games. The trip was fun and it added some value, but I am skeptical that so many people needed to travel to Brazil to participate. Most athletes who hear the story agree, and some athletes have recounted similar excessive travel by their NGB staff, especially around international competitions and preparation for major international competitions. This leads the athletes to question the fiscal decisions and expense policies of the USOC and NGBs, asking whether the USOC assets are truly being managed and controlled appropriately. As de-

<sup>5</sup>See section 2 and 3 for a more thorough discussion of structural changes to the Sports Act.

scribed earlier, there is no remedy in the Sports Act for athletes to challenge wasteful spending.

- *The USOC underutilizes many resources:* By my understanding, the Olympic Training Center in Colorado Springs has seen a substantial reduction in residency programs over the past few decades. I have been told that there are currently just over 100 resident athletes and coaches, even though the training center has a capacity of 500. With the facilities, staff, and infrastructure already in place, the marginal cost of adding additional resident athletes is minimal compared to the cost the same athletes would bear on the open market to secure food, shelter, and appropriate training conditions. There are elite, Olympic and Paralympic level athletes that would greatly benefit from these training facilities and support services. Although some of the unused capacity of the Colorado Springs training center is rented out to campers and foreign teams to generate additional revenue, by all accounts the training center is nowhere near capacity in terms of its operation, even with these other users. Unless the USOC plans to hand off ownership and management of the Colorado Springs training center as it did with its Chula Vista, California training center, increasing the center's utilization with high-performance athletes in the development pipelines of various sports would certainly indicate a greater commitment to athlete support.
- *The USOC rewards staff with medal bonuses:* In 2016, several athletes discovered that staff members were delighted to be receiving high medal bonuses due to the excellent performances of our athletes at the Rio Olympics and Paralympics. I was told by a staff member that part of their compensation included bonuses based on whether Team USA reached certain medal counts during the Games. Naturally, the athletes found this extremely troublesome and some of us questioned this practice. The explanation we were given was that staff were more responsive to athletes' needs if they had at-risk compensation based on athlete performance. This is problematic on several levels, not least because one would think that supporting athletes should already be the primary motivation of USOC employees.
- *Imbalance of power between USOC/NGB staff and athletes:* Athletes report to me they are put into inherently vulnerable situations and feel that they have little or no recourse. This is especially true for those in sports with subjective team selection criteria, where the coaches and administrators hold even more power over an athlete's future. In some sports, coaches and other staff members have absolute power over athletes by completely controlling both team selection and funding decisions, with minimal checks over this unconditional authority. This has led to situations where athletes feel they must sacrifice their own physical and mental well-being to comply with the wishes of NGB staff. The athlete must be hyper-obedient and compliant to have the opportunity to succeed athletically. This can even be an issue if the athletes are successful and winning medals, since the NGB often credits the staff members overseeing the program with the success of the program, rather than the hard work and sacrifice of the athlete. In some extreme cases, staff members see athletes as expendable pieces that can be easily replaced. One athlete representative mentioned overhearing a staff member saying that athletes come and go, but the staff and administrators are always there. Under these conditions, it should be no surprise that our athletes cannot report abuse.
- *NGBs that intentionally circumvent athlete representatives:* In the past five years, several AAC representatives have reported that their NGBs attempted to circumvent their authority using a variety of tactics. These have included, but are not limited to:
  - Using appointed rather than elected athlete representatives to sign documents;
  - Keeping an electronic signature of the AAC representative on file to sign documents;
  - Giving an AAC representative a document with very little time before a submission deadline and asking for a signature; and
  - Circumventing athlete representation by scheduling meetings such that competing athlete representatives cannot attend, or unilaterally removing what the NGB perceives to be a problematic athlete representative.

Issues have included team selection criteria and funding decisions, among others, which are vital athletes' rights issues.

These are just a few reasons why the culture within the Olympic movement is not an athlete-first culture. Although there are staff members that do want to support athletes, it does not appear that the *system* is prioritizing the support of athletes above all other concerns. The recommendations that have appeared in this testimony should contribute to changing this organizational culture through effective and more routine oversight.

In addition to those initiatives, some adjustments can be made to further strengthen athletes' voices within the USOC and NGBs. For example, the 20 percent athlete representation rule within the Sports Act should be revisited. The statute should specify that athlete representation within USOC and NGB boards, committees, and entities should be elected by athletes, just as AAC representatives must be elected by athletes. In addition to the Athlete Advocate, Congress should also strengthen the athlete voice in the Olympic movement by extending the eligibility requirements for an athlete representative. Currently under the Sports Act, elite athletes are eligible for up to ten years after their last qualifying international competition. Although this requirement ensures that these athletes have more recent experience competing internationally, older retired athletes can receive relevant current information from currently competing athletes while bringing more professional experience, stability, and time to the position. Extending the eligibility requirement has the potential to greatly strengthen athlete advocacy within the movement and bring more engaged athlete voices into critical discussions and decision making processes.

## 9. Conclusion

The sexual abuses that have emerged within Olympic and Paralympic sport are a tragedy that has shed light on the movement's cultural deficiencies. Athletes have minimal power to report injustices, especially while they are competing, due to governance design flaws. More resources must be made available to support a properly running U.S. Center for SafeSport, to address the unprecedented avalanche of sexual abuse reports, and to assure that these cases can be handled properly.

Unfortunately, the U.S. Center for SafeSport itself is not enough to combat the systemic issues that I see within our system. The Olympic movement is inherently reactive, and athlete-whistleblowers still have far too little recourse. Congress can give a voice to those who have legitimate concerns about how our sport organizations are governed and operated. Congress must create an independent Inspector General position, as well as an Athlete Advocate, in order to protect our athletes by shifting power.

Even after the Nassar victims have spoken up so bravely, and so eloquently, it is still too difficult for individuals who are passionate about improving the USOC family to have their opinions heard and heeded. I'm therefore asking you, as the Chair of the AAC, and as the leader of Team USA athletes, to amend the Amateur Sports Act so that the USOC can become a model non-profit organization in service to our athletes and so that the Olympic and Paralympic system can protect the interests of Team USA athletes long into the future.

I appreciate this Committee's continued efforts to provide oversight, and I thank you for considering the perspectives of American athletes in that process.

I am happy to respond to any questions members of the Committee may have.

Senator MORAN. Mr. Xiao, thank you very much.

I think your testimony was very valuable to me. You and I've not met. I've not had a conversation. I didn't know what you were going to say till I read your testimony, and I find it valuable and useful and a good admonition that it's not a path we want to go down again. We need to solve the problems today. Thank you for being here.

Let me start with Ms. Lyons. Congress gave the Olympic Committee, the NGBs, and the U.S. Center for Safe Sport immunity from defamation lawsuits unless a witness or entity speaks or acts with malice.

Congress clearly wants Safe Sport to be able to publish the names of banned members who abuse children and I believe if athletes and parents are to know they are safe, the knowledge of who has been banned is absolutely essential.

When will USOC require that all NGBs make the list of their banned members public?

Ms. LYONS. We also agree that one of the most powerful things that we can do is get the names of people who are banned and suspended in the public domain for parents, for potential employers, for anyone who works with the athlete community.

The Center for Safe Sport is beginning serious work on this. They already have a searchable database for the cases that they personally have adjudicated.

One of the things that I mentioned in my opening statement, and perhaps there's misunderstanding about this, is the NGBs do not believe that they have that same limited liability that would protect them if they make their names public and that's causing a bit of a roadblock at the moment.

So I think we need to investigate is that true and perhaps Congress can assist by ensuring that the NGBs feel that they do have that liability protection, as well. They are, in general, very, very willing to make this information public and transparent and they're working right now with us and with the Center to figure out how the data base systems will work to allow us all too seamlessly share that information, but that is a stumbling block we'd like to overcome.

Senator MORAN. So today, the database only includes at U.S. Safe Sport those individuals that are involved in cases that have been referred to U.S. Safe Sport since its creation?

Ms. LYONS. That's correct. What we also have that the Center is publishing on a bi-weekly basis is what they're calling an adjudication log. That's actually a written log of all of the banned and suspended individuals that the NGBs have reported. We know who they are and that's being updated every 2 weeks but it's not yet public.

Senator MORAN. So there is a list of banned coaches and employees?

Ms. LYONS. Correct.

Senator MORAN. And who knows about that list?

Ms. LYONS. At the moment, that's an internal list between the NGBs and the Center for Safe Sport, but the system that we're hoping to develop would allow that to become public.

Senator MORAN. Would there still be coaches who are on that banned list who are coaching or employees who are still employed?

Ms. LYONS. Well, there certainly should not be and I think we just discovered just in the past few days that there are still some weaknesses in the communication system that, when someone is banned, not only does that individual need to be notified immediately but anywhere where they are currently employed that we could possibly be aware of also needs to be simultaneously advised.

We've discovered that there has been some lag in timing in that system and that needs to be closed, close that loop.

Senator MORAN. So the point you are making is that if someone is banned, only the banned person, the coach or employee, gets notified, not simultaneously is the employer notified?

Ms. LYONS. The employer should be notified simultaneously. I read an article, and I don't know if this is factual, that the employer of one of those individuals did not receive notification until

a few days later and that individual was still coaching in that interim period.

Senator MORAN. To your knowledge, what FBI checks have been run on current coaches or employees?

Ms. LYONS. Current——

Senator MORAN. Current process by which someone is investigated by the FBI.

Ms. LYONS. Well, we have background checks. All of these individuals go through standardized background checks and we have a standard list of things that needed to be checked. I'm not entirely sure if the FBI is a part of that background check.

Senator MORAN. And when you say all these folks, does that mean every coach? I don't know what the category would be of what type of employees but all NGBs?

Ms. LYONS. For all NGBs, anyone who is authorized to have contact with athletes. It could be medical staff, it could be coaches, or it could be trainers. They are all required every 2 years to undergo a background check.

Senator MORAN. Has there been any anonymous inquiries requesting anonymous information from athletes in which they can provide information about experiences they've had that are inappropriate?

Ms. LYONS. I'm sorry. Could you rephrase your question?

Senator MORAN. Has the athletes involved in the U.S. Olympics been—has there been an inquiry by which they can anonymously respond about any experiences they've had that would reflect sexual abuse or other bad behavior?

Ms. LYONS. Right. Within the USOC and adjacent to the AAC, there's an Athlete Ombudsman who has a strong relationship with the AAC. Any information that's provided to them is confidential. It does not have to be shared with the USOC as an entity, and an athlete has the opportunity to reach out to the Ombudsman and make known to them any information they have.

If that information involves sexual abuse, the Ombudsman is required by law to report that to the Center immediately.

Senator MORAN. The questions I just asked you about banning coaches, investigations, background checks, and anonymous ability to report something to an ombudsman, when did that come into existence?

Ms. LYONS. Well, the Ombudsman has been in existence for quite a long time. It has been——

Senator MORAN. Including the times in which Nassar was doing the things he was doing?

Ms. LYONS. Yes. One of the issues that I think we need to all work on is education amongst the athlete population to even know that there is an Ombudsman. We recently did some research that showed that many athletes are unaware of that position, not necessarily sure how to reach out to them.

Similarly, they need to know how to reach out to the Center.

Senator MORAN. Ms. Perry, at our last hearing, Rhonda Faehn testified that Amy White, an employee of USA Gymnastics, was directed by Steve Penny, her boss, to go to the Karolyi Ranch and to take documents from the National Training Center back to

USAG Headquarters in Indianapolis. Have you seen those documents?

Ms. PERRY. Thank you, Senator Moran. So what I know is that instruction, it was told to me that that instruction was given to Ms. White and that Ms. White came back to the office with a suitcase and some boxes. Where those documents went from there, I don't know.

I was also told that there was not a sort of logging-in, if you will, of those documents in the organization, but those documents were given to the CEO. Steve Penny.

Senator MORAN. Do you know that those documents were given to Mr. Penny?

Ms. PERRY. Of course, I wasn't there, Senator Moran, but that's what I was told.

Senator MORAN. And we've made inquiry of USA Gymnastics, so an extensive request for documents. Those documents have not been provided.

Ms. PERRY. I know we've produced close to a million documents in production. So those documents could be in there, they may not be, but I don't know. I don't know where those documents are. Steve Penny would know where those documents are.

Senator MORAN. There would be no chance that those documents exist within your custody at USA Gymnastics, unless they were provided to us, unless they're included in the list that—the million documents that you provided us.

Ms. PERRY. Right.

Senator MORAN. Otherwise, you can assure me that they don't exist within your custody?

Ms. PERRY. To my knowledge, they do not exist in our custody.

Senator MORAN. OK. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Mr. Engler, are you familiar with Kaylee Lorincz?

Mr. ENGLER. Yes.

Senator BLUMENTHAL. She's here today, and she remembers a conversation with you in which you said, and I'm quoting her, "Mr. Engler then looked directly at me and asked "right now if I wrote you a check for \$250,000, would you take it? When I explained that it's not about the money for me and that I just want to help, he said, "Well, give me a number." That's accurate, correct?

Mr. ENGLER. No, sir, it is not.

Senator BLUMENTHAL. Well, you offered her money, did you not?

Mr. ENGLER. No, sir.

Senator BLUMENTHAL. You never spoke to her about money?

Mr. ENGLER. No, sir.

Senator BLUMENTHAL. Did you meet with her absent her attorney?

Mr. ENGLER. Yes, at her request and her mother's request.

Senator BLUMENTHAL. And there was no discussion of money at that meeting?

Mr. ENGLER. There was not any discussion of any settlement. She is not part of the settlement that has been reached—

Senator BLUMENTHAL. Was there in another meeting discussion about paying her individually—

Mr. ENGLER. There was—



Senator BLUMENTHAL.—in connection with her silence?

Mr. ENGLER. No.

Senator BLUMENTHAL. Let me ask you, Ms. Lyons. You know, I've listened to your apologies and I would have found them more credible if today were Thursday before the filing of an Answer by your organization in court. That Answer in effect disclaimed any and all responsibility.

Did you authorize the filing of that Answer?

Ms. LYONS. I did, and—

Senator BLUMENTHAL. And are you aware that in effect it denies that USOC had any responsibility for Larry Nassar?

Ms. LYONS. That is not our intent. I've publicly stated and I will state again that we believe we do have responsibility and accountability, along with the rest of the movement, in failing these athletes.

The questions in the Motion to Dismiss are a different set of questions about the legal liabilities and our relationship with Larry Nassar is different than the relationship—

Senator BLUMENTHAL. Well, the contention in your—excuse me for interrupting, but my time is limited.

In those court papers, your organization stated that there was no legal grounds to sue because Nassar never worked for the Federation nor were his crimes foreseeable. In other words, you couldn't anticipate, couldn't expect or suspect any crimes by him. Is that the position of your organization?

Ms. LYONS. Yes, and I'm not a lawyer. That is a legal term, whether something can be foreseeable, and I think that the courts will have to determine if we have legal liability. We certainly have social and ethical liability.

Senator BLUMENTHAL. Well, in effect, you have said you have no reason—the Plaintiffs have no reason to hold you accountable in a court of law. That's correct, right?

Ms. LYONS. That's correct, from a legal perspective and the court can determine if that's true.

Senator BLUMENTHAL. So, in effect, you've washed your hands of it?

Ms. LYONS. I'm sorry if it would appear that that's the impression you've gotten. That is certainly not our intent. We are actively engaged in everything we can do to help keep athletes safe.

Senator BLUMENTHAL. Except being part of the legal process that will impose any sort of court orders, impose any kind of accountability or responsibility.

Ms. LYONS. I think the court will determine if we need to be part of those proceedings and if they determine we should be, we absolutely will be.

Senator BLUMENTHAL. Let me ask you, Ms. Perry, because your organization filed a similar filing and I think in your case, it was a Motion to Dismiss and that was on behalf of the new USA Gymnastics.

You said in one of the parts of that Motion to Dismiss when the issue was whether Nassar was a certified athletic trainer, osteopathic physician, national medical director, and national team physician, the response was denied, is that correct?

Ms. PERRY. Senator Blumenthal, I am not sure what Motion to Dismiss you're referring to or the timing of that or the timing of that statement.

Senator BLUMENTHAL. Well, it may have been an Answer. I'm not sure whether it was an Answer or a Motion to Dismiss, but in either event, you denied that contention, correct?

Ms. PERRY. I don't—I'm not familiar with that. If there's a document that I can look at, I'm happy to read that and provide answers to you.

I do know, Senator Blumenthal,—

Senator BLUMENTHAL. Well, then, let me ask you a different way.

Ms. PERRY. Yes.

Senator BLUMENTHAL. Isn't it true that he was a certified athletic trainer, osteopathic physician, national medical director, and national team physician?

Ms. PERRY. I don't know all of his designations, but I will say—

Senator BLUMENTHAL. But he worked there, correct?

Ms. PERRY. Yes, he was a volunteer and he had—

Senator BLUMENTHAL. Well, when you say he was a volunteer, he was compensated, correct?

Ms. PERRY. He was compensated for—from what I've been told, he was compensated for expenses and travel and things like that.

Senator BLUMENTHAL. And he received fringe benefits?

Ms. PERRY. I don't know what fringe benefits that would have been but—

Senator BLUMENTHAL. And he received the stature and prestige of being announced as, and I'm quoting, "part of the USA Gymnastics Medical Task Force to provide leadership and oversight of USA Gymnastics practices, procedures, and protocols."

Ms. PERRY. Senator Blumenthal, that was before my time, that designation, but here's what I think is important is that from day one when I came onboard, I made it very publicly known that this organization is going to be making every attempt we can to resolve this situation.

The survivors are the most important thing and the reason that I took this job is because their voices and their courage moved me so much.

Senator BLUMENTHAL. I'm out of time.

Ms. PERRY. But I—

Senator BLUMENTHAL. I accept your words.

Ms. PERRY. Yes.

Senator BLUMENTHAL. But just last Friday, you filed this Answer that strikes me as a blatant falsehood.

Ms. PERRY. I'm not familiar with that action, Senator Blumenthal.

Senator BLUMENTHAL. Did you authorize it?

Ms. PERRY. I'm not familiar with that. I would like to see that and be able to answer your question.

Senator BLUMENTHAL. Well,—

Ms. PERRY. A Motion to Dismiss?

Senator BLUMENTHAL.—are you here with counsel today?

Ms. PERRY. I am.

Senator BLUMENTHAL. I would suggest that maybe your counsel should show it to you because you're testifying here and both you and Ms. Lyons are responsible for those filings in court, not just for the legal position but the factual assertions, and I hope that you'll review them before you leave here.

Ms. PERRY. I will.

Senator BLUMENTHAL. And, Mr. Engler, I am not sure how to follow up on your denial of any conversation with Ms. Kaylee Lorincz, but I'm going to do so.

Thank you, Mr. Chairman.

Senator MORAN. Senator Peters.

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Mr. Chairman, Ranking Member. Thank you again for this hearing, putting together this hearing.

You know, this morning, I had an opportunity to hear directly from a number of very courageous survivors and many of them are here in the audience for this hearing right now.

Mr. Engler, in talking to them, they feel very strongly that you have not listened to them, that if you have listened to them, you certainly haven't heard what they have to say and the concerns that they've expressed, and today as their Senator, I want to amplify their voices and ask some of the questions that they raised.

First off, the Detroit News has reported that in the past 20 years, 20 years, at least 14 people, most of whom are or were MSU employees, were notified of Nassar's behavior.

So in the interest of time, I'm just going to ask some yes or no questions. If you'd answer yes or no, I'd appreciate it.

First, yes or no, have you subjected any of these individuals to any disciplinary action?

Mr. ENGLER. Yes, the immediate action that I took with regard to Dean Strampel was an indication of my assessment that his leadership as the Dean of the College of Osteopathic Medicine fell far short of appropriate performance standards.

Senator PETERS. So you have one—just in time, you have one individual you took the disciplinary action, Mr. Strampel?

Mr. ENGLER. Well, I think all of these happened—I arrived in February of 2018.

Senator PETERS. So, no, you haven't. That's fine. So, no, no is the answer. Mr. Strampel, I understand you called in in February for revocation of his tenure—

Mr. ENGLER. That's correct.

Senator PETERS.—but that did not happen. He is actually allowed to retire according—

Mr. ENGLER. No. His tenure—that's correct. His retirement has separated him from the university and so he is no longer connected in any way with the university.

Senator PETERS. Right. So he was allowed to retire and he received a \$175,000, as well, as part of the severance, I understand.

Mr. ENGLER. That was the settlement that we judged as more in the interests of the university and the survivors to have him gone and separated versus a tenure proceeding which administrative

procedures could run more than a year and cost much more than a \$175,000.

Senator PETERS. Right. So that was that situation. Yes or no, beyond Nassar and Strampel, so none—no other person has been fired?

Mr. ENGLER. And there is an ongoing investigation, I would remind the Senator, by the Attorney General of the State of Michigan at the request of the Board of Trustees to see if anyone else should be subject to sanctions.

Senator PETERS. So all these individuals will be interviewed?

Mr. ENGLER. I believe they have been.

Senator PETERS. And that's done by the Attorney General's Office?

Mr. ENGLER. That is correct.

Senator PETERS. Yes or no, do you believe that there was a culture of enabling and covering up the actions of a predator over 20 years at MSU?

Mr. ENGLER. Well, I wasn't there until February of 2018, but when I arrived, I felt that there were weaknesses in procedures and protocols. I felt that the shared governance model at the university didn't lead to specific accountability and so I thought those weaknesses—

Senator PETERS. So there were problems? I need to keep moving, if I could, President.

Mr. ENGLER. OK. But I will try to—if I can answer the questions.

Senator PETERS. Well, that was a yes or no and if you were not there, you think, yes, there were some issues, you will answer.

Mr. ENGLER. Well, there are issues for sure.

Senator PETERS. So you answered it yes. Do you believe there's a job as to instill trust?

Mr. ENGLER. Oh, absolutely. I think trust and trust is done by accountability and people accepting responsibility for their roles, be that as someone in charge of compliance in a medical school or someone in charge of, you know, assuring that an investigation is done properly in a department.

Senator PETERS. And I appreciate that. In addition to making sure there's accountability, it's also the people you put in place to instill trust. One thing that the survivors feel very strongly about and I think many of us believe is true is that you should bring outside perspective into leadership. Fresh eyes are very important.

Having national searches to bring in folks who are going to bring a different view on how things are happening at Michigan State is important. We have seen—you have pledged or you pledged to do that for your athletic director, have a national search. That didn't happen. You hired somebody from within the university.

You also hired the Head of the Office for Civil Rights and Title IX, someone who is actually assigned to defend Michigan State University against sexual assault lawsuits as opposed to being someone traditionally in many universities, someone who works with diversity and working with students, is really a defender and a champion for students, as opposed to the university.

So I think for what came out very clear to me is, in addition to some of your hiring decisions that I mentioned briefly, your lack of empathy and respect of survivors, especially for Kaylee Lorincz,

which I think Senator Blumenthal in your remaining time are going to ask more questions about that.

We also have a situation with Rachael Denhollander, who you accused of receiving kickbacks for manipulating other survivors.

Are you willing to apologize to her?

Mr. ENGLER. Oh, I've already done so.

Senator PETERS. Have you done that publicly verbally?

Mr. ENGLER. Yes, I have.

Senator PETERS. So, Mr. Chairman, I'd like to enter into the record a letter signed by over a 120 survivors written to members of the MSU Board of Trustees into the Committee record, if I may.

Senator MORAN. Without objection.

[The letter referred to follows:]

A JOINT STATEMENT ON PRESIDENT JOHN ENGLER AND SELECT MEMBERS OF THE  
MSU BOARD OF TRUSTEES

We, the Sister Survivors of Larry Nassar's horrific sexual abuse, stand together against the recent character attacks made towards us and derogatory statements aimed at all survivors of sexual abuse by Michigan State University President John Engler. While our hope had been that President Engler would bring accountability, transparency, and change to MSU, it is clear to us that he cannot.

We recognize that the greatest measure of an abusive culture is how survivors are viewed, and whether perpetrators and enablers will be held accountable and the environment in which they thrive remediated. On all these metrics, President Engler has only reinforced the culture of abuse at MSU. Our deepest concern is the impact his statements and behavior will have on survivors who are still living in silence, and in creating an unsafe environment on campus by communicating a demeaning and derogatory attitude towards survivors of abuse who still seek the confidence to speak up. This is not leadership. President Engler's statements and behavior are subtle threats against anyone who dares to speak up against their abuser and the environment that enabled their predatory conduct, lest they be ridiculed, lied about, and shamelessly mocked by a person of immense power.

President Engler's abhorrent behavior—including gaveling down a survivor who only wanted him to listen and belligerently abrasive statements unmasking a survivor who only sought the comforts of confidentiality—has sent a chilling message across MSU's campus, causing damage that cannot be repaired until he is gone.

The most recent public disclosure of e-mails only further reveals the damaging minds he has towards sexual abuse survivors who come forward. President Engler clearly views sexual abuse survivors as either manipulators out to use people for personal gain (having the same minds as our abuser), or as themselves manipulated into being used by someone for personal gain (victims yet again).

To President Engler, board members who support him, and other leaders at MSU who agree with his position, we say "no". We have not become like our abuser-manipulating for self-gain. We chose to speak up at great personal cost because it was right. Because we care about those still silenced. Because we stand to protect those who are still at risk. Future and current survivors who have not yet spoken up need to know that they will not be attacked and assigned the same motivations as their abuser when they demand justice.

And we are not being revictimized, manipulated for the benefit of someone else. We chose this fight. We chose to speak up because it was clear that no one at MSU would. We chose to speak up because it was the right thing to do. Future and current survivors who deserve justice should know they can raise their voice without being characterized as pawns too foolish to know they are manipulated.

We have made our motivations clear at every turn: we never want there to be another survivor of sexual abuse on MSU's campus who fears to speak up against their abuser and whose cries go unheard by its administration. The environment which will allow this dream to become a reality requires leadership whose statements and behavior engenders trust and models exemplary conduct—not leaders who destroy trust and set a bad example. In his e-mails, President Engler suggested a debate on who is doing more for survivors. We are here to tell you that all the organizational changes and policy and procedure enhancements in the world mean nothing if there is not leadership that creates an environment where survivors feel safe to speak up.

On the point, there is no debate: President Engler has failed miserably. President Engler and leaders at MSU have refused to listen. They persist in attacking our character, our integrity and our intelligence. These attacks send a clear message that survivors who speak up will likewise be attacked. They send a clear message that perpetrators and enablers will not be held accountable. They send a clear message that nothing at MSU—none of the mindsets that allowed Larry Nassar to abuse children for decades—have changed. Therefore, it is our position that MSU cannot move forward and become an institution of integrity and safety until John Engler is no longer President, and a new interim leader who will stand against an abusive culture is found.

Each member of the MSU board of trustees who chose President Engler and have refused to stand against his attacks and characterizations of sexual assault survivors is complicit in his abusive mindset and in continuing the culture of abuse at MSU.

We call on Trustees Melanie Foster, Brian Breslin, Milch Lyons, Joel Ferguson, Dan Kelly and George Perles to stand against this mindset and these attacks. We call on them to stand for what is right by demanding President Engler's immediate resignation, and removing him if he refuses to resign. The lack of courage these trustees have displayed to this point is discouraging, and their silence is deafening.

To Trustee Melanie Foster: Your choice as a woman to stand by in silence while hundreds of female sexual abuse victims are attacked and vilified—some of us as young as 15 years old—is appalling. You are aligning yourself with misogyny, and against not only women, but even children. Until you find the courage to speak up like so many brave survivors before you, it is clear you value political loyalty and cronyism over personal integrity.

To Trustee Brian Breslin: Your silence and complicity—protecting John Engler over sexual assault survivors, over what is best for MSU, and over the current students and children who attend and visit your campus—is horrifying. Your refusal to stand against these attacks is an alliance with them, putting cronyism and self-protection ahead of what is right, and ahead of human beings.

To Trustee Mitch Lyons: Your willingness to fight hard on the football field has been duly noted. We are deeply disturbed at your unwillingness to fight over something that matters so much more: the safety of women and children. Your refusal to stand against these attacks and the culture of abuse puts every survivor and potential victim on MSU's campus at risk. We are asking you to bring the tenacity and determination you brought to a sport to something much bigger: Leading a university. You have six months left in your term. Please don't lose your willingness to fight hard for what is right at the end of the fourth quarter.

To Trustee Joel Ferguson—Your alliance with John Engler and his positions are unsurprising, given how you have spoken of the survivors in the past, and the way you clearly believe fundraising and sports centers outrank little girls. But it is never too late to do the right thing, and we are asking you to do it now.

To Trustee Dan Kelly: Your position on sexual abusers, pedophiles, and assault survivors as a defense attorney makes your lack of moral integrity clear. Your position remains clear in your alliance with a leader who characterizes survivors of sexual abuse as manipulators and pawns. Until you stand against these abusive mindsets in a position of leadership, your inability to lead at MSU is obvious.

To Trustee George Perles: We know you are undergoing serious call issues—please know that our thoughts and prayers are with you. However, we also must recognize that you still have authority and a responsibility in this situation. We are asking you to do the right thing, to stand against an abusive culture and do what is necessary to restore integrity and safety to MSU's campus.

President Engler has refused to apologize for his attacks and lies, and instead issued a public statement which referred to these attacks and lies as “tensions” which existed in the “past.” Yes, we may have settled the lawsuits. However, our determination to make sure that no child, student, or anyone else is ever abused on MSU's campus or by one of its employees again will not cease until MSU has a leadership who creates an environment where no child, student or person fears to speak up and their tears are wiped away while a comforting ear listens to their cries.

President Engler was correct when he said that “actions matter, and that is how the success of our work will be determined.” President Engler's actions are clear. Now the Board must be clear. Our actions as survivors have been clear. We stood

against an abuser. We stood against an abusive culture. Now we are asking you to stand against it too and lead MSU forward into real change.

Sincerely,

The Sister Survivors

Abigayle Bergeron	Grace Schneider	Lisa M. Johnson
Alaina Bamfield	Gwen Anderson	Louise Harder
Alex Neil-Sevier	Hannah Morrow	Lyndsy Gamet
Alexandra Bourque	Jade Capua	Madeleine Jones
Alexandro Romano	Jaime Doski	Margaret Renee Twitty
Alexis Alvarado	Jane 115 Doe	Marion Siebert
Alexis Moore	Jane A12 Doe	Marta Stern
Alison Chauvette	Jane A2 Doe	Megan Ginter
Aly Raisman	Jane A38 Doe	Megan Halicek
Alyssa Avery	Jane B10 Doe	Melissa Hudecz
Amanda Barterian	Jane B12 Doe	Melissa Vigogne
Amanda Cormier	Jane B49 Doe	Michael & Zsuzsanna Mahon
Amanda Green	Jane B56 Doe	Morgan Margraves
Amanda Smith	Jane B59 Doe	Morgan McCaul
Amanda Thomashow	Jane B60 Doe	Morgan Valley
Amy Labadie	Jane B7 Doe	Natalie Venuto Hawkins
Anna Ludes	Jane B77 Doe	Nicole Reeb
Annette Hill	Jane B92 Doe	Nicole Soos
Arianna Castillo	Jane Doe 92	Olivia Venuto
Ashley Yost	Jane Doe B8	Parents of Jane A38 Doe
Becca Boevig	Jenelle Moul	Rachael Denhollander
Bethany Bauman	Jennica Lurie	Rebecca Mark
Bree Randall-Gay	Jennifer Bedford	Reed Anderson
Brittany West	Jennifer Hayes	Samantha Ursch
Carrie Hogan	Jessica Schedler De Rodriguez	Sara Teristi
Catryina Brown	Jessica Smith	Sarah Klein
Chandler Lynn	Jessica Tarrant	Savannah Coomer
Charla Burill	Kaitlyn Basel	Selena Brennan
Chelsea DeLamilleure	Kara Abigail	Stephanie Robinson
Chelsea Zerfas	Kara Johnson	Sterling Reithman
Christina Barba	Kate Mahon	Steve and Judy Brady
Christina Holmes	Katie Lovellette	Survivor 11
Courtney Faynor	Kayla Galecka	Tamera Bourque
Danielle Moore	Kayla Spicher	Taundra Mitchell-Faynor
Elizabeth Heilman	Kaylee Lorincz	Taylor Stevens
Emily Goetz	Kourtney Weidner	Tiffany Dutton
Emily Meinke	Larissa Boyce	Tiffany M. Lopez
Emma Ann Miller	Laura Scudder	Trinea Gonczar
Erin McCann	Leslie R. Miller	Valerie Webb
Eve Petrie	Lindsey Schuett	Victim 13
Grace French	Lisa Hovey	Whitney Burns

Senator PETERS. I would like to read a couple brief passages. The first passage in this letter, signed by 120 survivors, “We recognize that the greatest measure of an abusive culture is how survivors are viewed, and whether perpetrators and enablers will be held accountable and that the environment in which they thrive is remediated. On all of these metrics, President Engler has only reinforced the culture of abuse at MSU,” and they go on to say, “We are here to tell you that all the organizational changes and policy and procedure enhancements in the world mean nothing if there is not leadership that creates an environment where survivors feel safe to speak up and it is our position that MSU cannot move forward and become an institution of integrity and safety until John Engler is no longer president and a new interim leader who will stand against the abusive culture is found.”

Mr. Chairman, I just have one last question and this is a question that came from Jessica Smith, who I met with this morning,

another one of the courageous survivors, and she had one question for you, and I would like you to ask, especially after hearing excerpts from this letter from 120 survivors, and there's much more in that letter.

Her question was, if your presence is so harmful to survivors, why should you keep your job? Would you answer that, please?

Mr. ENGLER. Absolutely. Be happy to. Under my leadership, accountability is being instilled across the university. We're seeing the number of complaints coming forward. People are being willing to bring complaints. The Office of Institutional Equity, our Title IX Office of Investigation. We have fixed the problems in the Medical Clinic now by strengthening the protocols, strengthened the chaperone policy, strengthened the building and reporting procedures in the department, strengthened the evaluation of deans and gatekeepers themselves, arrived at a \$500 million settlement to put the litigation behind, fully cooperated with all the investigations, and we are also starting a process to bring a new president in.

You mentioned earlier appointments. You mentioned only two, but there is a national search underway for the Head of the Title IX Office. You neglected to mention that. The man is an interim there.

The Athletic Director was somebody chosen from outside the Athletic Department. Yes, he was part of the university, but he was chosen with the strong support of your constituents in Michigan, constituents who include not only the football and the basketball and the soccer and the golf coaches of the men's and the women's side, but alumni supporters and everybody who feels that this man, who has a legal degree and a Master's degree from Northwestern University, has a strong commitment to compliance, is exactly the right person to come in and be strong as a leader in the department, and in having a national search, we would have found an outsider just as I found an outsider of the department, but we could not do a better job and he deserves your support and mine.

Senator PETERS. So the national search wasn't conducted. You said you will do one for this other individual.

Mr. ENGLER. I said it's being done, Senator.

Senator PETERS. It is being done. Yes, that is being done, and there is now a national search for a permanent president.

Mr. ENGLER. Yes, sir.

Senator PETERS. My understanding, you will not be part of that search and if offered the position, you will not take it?

Mr. ENGLER. I am not a candidate and I strongly support the Board's decision to move forward. They're in the process of hiring a search firm and compiling a search committee. I would hope that they would have somebody very quickly and when that person arrives, you'll give them their support.

Senator PETERS. Very good. Thank you.

Senator MORAN. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,  
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Mr. Chair, and Ranking Member Blumenthal. Thank you for continuing your work and



leadership to bring witnesses before this Committee that can provide us real answers.

I know that members of this Committee take this very seriously and are hard at work to provide more structured safeguards for our Olympic athletes and then to the survivors in this room, I want to personally thank those who have stood together to present an image for the world and are standing up and telling their story. I know it's not easy, but you are athletes with unimaginable strength and courage, and I thank you for everything you do every day, for using your voices.

As elected leaders, we must remain committed to our obligation to demand reforms and provide for real thoughtful solutions that will make positive change. I remain committed to working with my colleagues, survivors, advocacy groups, and many others to make fundamental changes to the governance and oversight of amateur sport in this country.

And so, Ms. Lyons, let me start with you, and I want to follow up on a conversation with the Chair that you started with regarding the ban list.

Can I ask you, what are the consequences that the USOC outlines if a member club hires a coach or an individual on the banned list?

Ms. LYONS. That is an excellent question. To my knowledge, we do not—we at the USOC do not have anything that is written as to what would happen if an outside club hired someone on the banned list.

Typically, the USOC is not aware of which coaches are at which clubs. That's generally something that the NGBs are much more aware of, but I think you point out a structural issue. That is something that we should look at.

Senator CORTEZ MASTO. So, Ms. Perry, let me ask you this. What actions is USA Gymnastics taking to identify and remove coaches, athlete directors, employees, and officials who witnessed emotional and physical abuse of athletes and did not report child abuse to the authorities and did nothing to stop it?

Ms. PERRY. So we have made both our permanently ineligible list and our suspension list public on our website. There are several ways that we communicate that information out.

Of course, we provide notice to the adverse party and we provide notice to the club owners and we also ask the club owner to provide notice to the membership in their club area and so—

Senator CORTEZ MASTO. So let me ask you this. So you are actually taking action to identify and remove coaches, athlete directors, employees, and officials who witnessed emotional and physical abuse of these athletes and did not report the child abuse to authorities?

Ms. PERRY. As long as we have a report and we're made aware of it, we are going to follow our Safe Sport policy and our Bylaws, which allows us to take action and again, depending on the nature of the misconduct, if it's sexual misconduct, that goes to the Center. If it's non-sexual misconduct that stays presently with the national governing body and so we have specific processes that we follow.

Some of that, of course, is governed by not only our Bylaws and our Safe Sport policy but by the Ted Stevens Act and so we follow

all of those processes to find at the end of a hearing panel, for example, what their decision is and, based on their decision in that hearing panel, the action is taken.

Senator CORTEZ MASTO. So are you currently taking any actions to identify and remove current employees who knew about the sexual abuse and didn't do anything to report it but stay silent?

Ms. PERRY. Did you say current employees?

Senator CORTEZ MASTO. Mm-hmm.

Ms. PERRY. So right now, we are going through an independent investigation, the Ropes and Gray, and that information, I think, is not only critical for this body and all of the investigations that are going on but it's very critical for us because it's important that we learn the facts around this and so, you know, if there are—

Senator CORTEZ MASTO. All right. So let me stop you there.

Ms. PERRY. Sure.

Senator CORTEZ MASTO. I hate to filibuster but I only got 5 minutes and will follow up with you.

In the testimony offered by Mr. Rick Adams of the USOC in March 2017, he testified that there was “an environment that discouraged victims from reporting abuse” at NGBs, including the USAG.

Do you agree with Mr. Adams' assessment of the culture at USA Gymnastics prior to your tenure?

Ms. PERRY. Senator, I saw immediately that we had to become an athlete-centric organization.

Senator CORTEZ MASTO. Does that mean yes?

Ms. PERRY. I saw immediately that this organization and probably very many other organizations need to focus their priorities on the safety of the athletes.

Senator CORTEZ MASTO. So let me ask—is it Mr. Xiao?

Mr. XIAO. Yes.

Senator CORTEZ MASTO. Thank you very much.

You've heard the opening statements of the individuals that are on the panel with you. Let me ask you this. Is there anything that they have said that satisfies your concern that structural change is going to occur?

Mr. XIAO. I think that we're engaging in this process in good faith on the Athletes' Advisory Council and will continue to provide our suggestions for structural changes, but in the end, as I said in my testimony, I do think that we've done this before. I think we've done independent commissions. We've done sweeping governance changes. We've done the Tagliabue Commission not too long ago and here we are today.

Senator CORTEZ MASTO. That's my concern. So did you hear anything different today that's going to change your mind or at least satisfy concerns that changes will occur?

Mr. XIAO. Personally, I don't think so. I think that it's not a failing, necessarily, even of the organization. I think it's a failing of the entire system the way it's set up.

Senator CORTEZ MASTO. Thank you. I know my time has run out. Thank you.

[Applause.]

Senator MORAN. Mr. Xiao, Ms. Cortez Masto went down a path that I was intending to go and let me take what you just said a step further.

My question was and perhaps is so we've heard testimony from Mr. Engler, Ms. Lyons, and Ms. Perry. I would summarize their testimony and what we've heard from them in other meetings is that things are different today than they were. We take sexual abuse seriously. We put protocols in place. We have reporting requirements. We've created Safe Sport.

You weren't on the advisory committee, I would guess, prior to Ms. Lyons or about the same time of her arrival, but is the world of Olympic athletes and the relationship between USA Olympics and the governing bodies, is it different today than it was at the time of Larry Nassar or is the only thing that's different today is that Larry Nassar is in prison?

Mr. XIAO. I don't think that the only thing that's different is that Larry Nassar is in prison. I do think that in many cases the presence of Safe Sport has pushed certain national governing bodies to do more to protect athletes, but I don't think that there has been necessarily a sea change in the relationship between athletes and the NGBs or the athletes and the USOC.

Senator MORAN. And my understanding of your testimony, and this may be putting words in your mouth, but part of that significant problem is the monopolistic nature of the U.S. Olympic Committee.

So when you say that there are things wrong, it hasn't changed in the way that it needs to. The structure is flawed. The problem is the relationship between athletes and the U.S. Olympic Committee, which is their only option to compete and to perform. That's the story? I mean that's your testimony?

Mr. XIAO. I think that's accurate.

Senator MORAN. Thank you.

Let me ask Ms. Lyons. Former President Scott Blackmun of the U.S. Olympic Committee stated in his written responses to questions for the record that "a confidential memo summarizing the chronology of events relating to the athletes' report of abuse in the summer of 2015 and the actions taken by USA Gymnastics, including its engagement with the FBI, was drafted by USAG and forwarded to USOC in September 2015."

So Mr. Blackmun's written response, his testimony was that there was a report forwarded from USAG to the U.S. Olympic Committee in September 2015 and that report indicated referral or conversation, engagement with the FBI.

This document has not been provided to the Subcommittee for our review. Are you aware of the existence of this document, and why was it not provided in our request to the USOC for documentation?

Ms. LYONS. I am not aware of the existence of that document. I have not seen it. My understanding was that the initial—it was a conversation that informed Mr. Blackmun that USAG was informing the FBI and that was back, I believe, in July.

I have not seen any document that would be a chronology of events that was produced in September.

Senator MORAN. If that document exists, would you know about it? If that document exists within your custody of the U.S. Olympic Committee, would you know about it?

Ms. LYONS. You would think from all of the search that we have done on keywords and the like that something that contained any of those keywords about gymnastics, Nassar, et cetera, should have been revealed, if it existed.

Senator MORAN. Just like with the documents that were retrieved from the Karolyi Ranch, we've yet to see—this is a document that I think would be very valuable to us, and I would ask you to pursue the possibility that it exists within your custody and provide it, if it does. That I assume you're willing to do.

Ms. LYONS. Absolutely. We are willing to do that.

Senator MORAN. Ms. Perry, do you know anything about that document?

Ms. PERRY. I do not.

Senator MORAN. So I suppose a copy could exist that was forwarded from U.S. Gymnastics to the U.S. Olympic Committee. One would think there might be a document. Again, same story with the Karolyi Ranch documents. If it's in your custody, I assume you will look—you will pursue it further and provide it, if it exists?

Ms. PERRY. Yes, sir.

Senator MORAN. Thank you.

Ms. LYONS. Senator Moran, may I add, because my attorney has just advised me of which document we're talking about.

Senator MORAN. Yes, ma'am.

Ms. LYONS. I believe there was a document sent from Steve Penny to us at the time Chief of Security, Larry Boondorf, and my understanding is that that document has been provided.

Senator MORAN. That is the document that was provided to your security director, your security chief. I don't believe we have that document and again I would ask you if you'd provide it, if it does exist, and apparently it does.

Ms. LYONS. This one I have.

Senator MORAN. So thank you for checking with your attorney—

Ms. LYONS. Yes,—

Senator MORAN.—and we would appreciate you providing it—

Ms. LYONS.—we will ensure you have.

Senator MORAN.—to the Committee. Thank you.

Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Mr. Engler, I want to be fair to you and give you a chance to go back to your previous answer. The comments made by Kaylee Lorincz were in a public comment session. She recounted that conversation and you denied that the meeting with her, without her attorney, in which you offered money took place, correct?

Mr. ENGLER. I did not deny there was a meeting. She waited some 45 minutes with her mother to meet with me and I, along with two women who were on my staff, Carol Lavente and Emily Garonte, did meet with her.

Senator BLUMENTHAL. But there was no discussion—you deny any discussion of a payment?

Mr. ENGLER. No, our discussion was about what is it among all of the actions that we've taken, many of which were in my written testimony, is there anything else that, from the survivor perspective, could be done and the discussion was how do we hear from people about what is it that might help.

Senator BLUMENTHAL. So no discussion of money? I want to be absolutely clear.

Mr. ENGLER. No discussion. We were in settlement talks. There'd be no point in having a settlement with a single victim.

Senator BLUMENTHAL. Did you consider it proper to meet with her without her attorney present? You knew she was represented.

Mr. ENGLER. That was up to her. I asked that question to her and her mother, if they could meet with me. It's appropriate. I could meet with them but could they meet with me and they asked that would this be done privately that nothing be said. They could get in big trouble. It was not a problem on my side. It was an issue for them.

Senator BLUMENTHAL. And——

Mr. ENGLER. And I have met with others.

Senator BLUMENTHAL.—you made no offer of money, as she very specifically said you did?

Mr. ENGLER. No, I was not doing settlement negotiations with one plaintiff. That would be——

Senator BLUMENTHAL. So are you saying——

Mr. ENGLER.—silly.

Senator BLUMENTHAL.—that she lied when she made that comment?

Mr. ENGLER. I have said publicly that we have very different recollections. The people in the room that were part of the university have different recollections of that conversation than she has.

Senator BLUMENTHAL. Did you comment on Dean William Strampel in that meeting with her?

Mr. ENGLER. I don't remember. I might have because I think I might have mentioned the fact that we'd already begun the tenure revocation.

Senator BLUMENTHAL. Did you say about the charges of misconduct against him that they were "no big deal?"

Mr. ENGLER. No.

Senator BLUMENTHAL. You deny that you said that?

Mr. ENGLER. Absolutely. I mean, we're revoking a gentleman's tenure, that's a big deal, and the actions that—you know, the failures of his leadership were a very big deal.

Senator BLUMENTHAL. Ms. Perry, earlier, I referred to the Answer filed on Thursday and I also made mention of the Motion to Dismiss filed by the United States Olympic Committee.

I want to be clear. You were saying that Larry Nassar never worked for USA Gymnastics in a way that would make you in any way legally responsible?

Ms. PERRY. No, Senator Blumenthal, I am not saying that at all. What I'm saying is that he was not an employee of USA Gymnastics. Of course, as the team doctor, there was definitely a relationship there with USA Gymnastics at the time, and, of course, I wasn't there, but he was known as the team doctor for USA Gymnastics.

Senator BLUMENTHAL. But that seems contrary to what you have said in court. I mean, in court, you said he in effect was like a volunteer who just happened to be there and you have no responsibility for anything he did.

Ms. PERRY. Senator,—

Senator BLUMENTHAL. By the way, that contention is belied by your own documents.

I'm going to ask that the Chairman put in the record a statement of July 11, 2014, which describes, quote unquote, services. I mentioned it earlier.

Senator MORAN. Without objection.

[The statement referred to follows:]

#### USA GYMNASTICS SOLIDIFIES LEADERSHIP FOR PROGRAM SERVICES

posted on 08/11/2014

INDIANAPOLIS, Aug. 11, 2014—Athlete care is one of the top priorities for USA Gymnastics, and in 2013, the USA Gymnastics Medical Task Force was established to provide leadership and oversight of USA Gymnastics' practices, procedures and protocols regarding athlete care. USA Gymnastics has an experienced and dedicated cadre of medical and training professionals who give their time and expertise to support the country's top gymnasts. Each of the disciplines has a primary staff for its athletes and events.

- Women's gymnastics: Dr. Larry, D.O., Holt, Mich., and Debbie Van Horn, A.T.C./D.P.T., Huntsville, Texas
- Men's gymnastics: Dr. David Kruse, M.D., Huntington Beach, Calif., and Don Rackey, A.T.C., Gilbert, Ariz.
- Trampoline and tumbling: Dr. George Drew, D.O., Three Rivers, Mich., and Van Horn
- Rhythmic gymnastics: Beth Darling, A.T.C./D.P.T./P.T., Erie, Pa.
- Acrobatic gymnastics: Dr. Jay Binder, M.D., Metairie, La.
- USA Gymnastics National Team Training Center: Van Horn

The members of the USA Gymnastics Medical Task Force are: Binder, chairman of the task force; Darling; Dr. Drew; Dr. Kruse; Dr.; Ralph Reiff of Indianapolis, Ind., the executive director of St. Vincent Sports Performance; Alicia Sacramone of Winchester, Mass., 2008 Olympic team silver medalist; and Van Horn.

The steady and continued growth of each of the five disciplines has resulted in an increased demand for medical support. USA Gymnastics and the Medical Task Force have recognized that to meet these needs, the national office will provide more support, and each discipline must play a bigger role in this area. To help manage this, Dr. Kruse has been appointed as the athlete care coordinator and will assume some of the responsibilities previously overseen by Dr., who will continue to serve as the medical lead for the U.S. Women's National Team.

"Larry's leadership and hard work provided the foundation for our medical system," said Dr. Binder. "With the five disciplines evolving and expanding, we recognized the need to reallocate responsibilities to provide more administrative support, streamline our procedures, and utilize our medical professionals' time, expertise and strengths efficiently and effectively."

"David is a good fit for this role and responsibility at this time," said. "There have been many rewarding moments for me over the years, and I am proud of the progress and system we have created. I am looking forward to being able to focus on providing support to the women's national team and serving on the Medical Task Force."

Kruse will serve as the primary liaison between the Medical Task Force and USA Gymnastics staff and assist with the implementation of athlete care protocols, policy, assignments for the network of medical professionals working with the organization, and prioritizing and addressing health and safety matters for the gymnastics

Ms. PERRY. Senator Blumenthal, I joined USA Gymnastics in December 2017. So I've been with USA Gymnastics for 7 months. The legal actions and the statements that I believe you refer to, based

on the date, were made prior to my becoming the CEO of USA Gymnastics.

Senator BLUMENTHAL. Well, the court filing was on Thursday.

Ms. PERRY. I have to look at that, yes.

Senator BLUMENTHAL. Well, I would look at it really hard—

Ms. PERRY. Yes.

[Laughter.]

Senator BLUMENTHAL.—and I would decide, and I'm being very serious, whether your organization really wants to stand by that representation, which in my view is entirely disingenuous and false, and I want to add one more point.

I don't know how athletes, parents, or communities can trust an organization that says Larry Nassar wasn't employed when in fact he was the team doctor.

Ms. PERRY. No. Absolutely. He was. The only clarification I made was that he wasn't an employee. He was an employee of Michigan State, but I will find out about that. I have counsel here. I'm not aware of a Motion to Dismiss by USA Gymnastics, but I will get to the bottom of that.

And I do want to say this, Senator Blumenthal, that really from day one—

Senator BLUMENTHAL. Well, I want to correct your misimpression just to be clear. USA Gymnastics filed an Answer. I'm not familiar with Michigan Civil Procedure.

Ms. PERRY. OK.

Senator BLUMENTHAL. And apparently it was in Federal court, but just so the record is clear, it was an Answer. U.S. Olympic Committee filed a Motion to Dismiss about that.

Ms. PERRY. OK. Great. Thank you for clarifying that.

Senator BLUMENTHAL. Ms. Perry, in a letter, dated February 9, 2018, to Chairman Moran and me, you denied that USA Gymnastics used nondisclosure agreements as part of your investigations. Do you recall that letter?

Ms. PERRY. Senator Blumenthal, I would have to look at that letter, but I don't recall denying—

Senator BLUMENTHAL. Well, I have copies of it. I'm sure your counsel does.

Ms. PERRY. Yes. So there was a nondisclosure agreement that I think everybody is aware of that was put in place a few years ago, prior to my being the CEO, and when I found out about that nondisclosure, I immediately instructed our legal team to release that individual from any nondisclosure agreement, as I will not tolerate silencing of any sexual abuse victims, and from that point, as well, as I'm the new CEO, I said there will not be any nondisclosure agreements that silence sexual victims as long as I'm leader of this organization.

Senator BLUMENTHAL. There was, in fact, with McKayla Maroney a nondisclosure agreement which contained a clause that would fine her a \$100,000 if she were to speak out about her abuse, and are there any others?

Ms. PERRY. I am not aware of any others prior to my being CEO, Senator Blumenthal, but, again, it's very important that everybody understands that that is not acceptable, and I released and made very public that this organization will not stand by that.

Senator BLUMENTHAL. And you would commit here that if there are any other agreements, you will release on behalf of your organization those individuals from that commitment?

Ms. PERRY. I will not allow a survivor or a victim of sexual abuse to be silenced, to be able to speak out about their sexual abuse. I absolutely commit to that.

Senator BLUMENTHAL. Going forward and retrospectively?

Ms. PERRY. Absolutely.

Senator BLUMENTHAL. Have you ever discussed with Mr. Parilla, Paul Parilla, the former USAG Board Chairman, his involvement in the use of that nondisclosure agreement?

Ms. PERRY. I was aware that he was involved in that situation, but to the extent that he made the decision or who made the decision, I'm not aware.

Senator BLUMENTHAL. Did you ever talk to him about it?

Ms. PERRY. I asked him about it. Absolutely.

Senator BLUMENTHAL. What did he say?

Ms. PERRY. It was his recollection that that was something that was agreed upon by both parties and that's pretty much the information he shared with me.

Senator BLUMENTHAL. And I have one last couple of questions, one last—

Senator MORAN. One last couple of questions.

[Laughter.]

Senator MORAN. Just so you know you're not pulling one over on me.

Senator BLUMENTHAL. I told the survivors this morning that I had a lot of questions, but I warned that we had only limited amounts of time. So I thank the Chairman for allowing me unlimited remaining questions. I'm just kidding, Mr. Chairman.

Are you familiar with a report in the *Orange County Register* of yesterday with regard to two coaches, two suspended coaches still working in Southern California Gymnastics Club? Their names are Colden Raisher and Terry Gray.

Ms. PERRY. I am.

Senator BLUMENTHAL. Can you explain how they can be suspended but USA Gymnastics still permits them to work?

Ms. PERRY. Senator Blumenthal, I believe that the individual that wrote the article was absolutely correct in that—and I think to Mr. Xiao—am I pronouncing your name—

Mr. XIAO. Xiao.

Ms. PERRY. Xiao. His point is this illustrates a systemic and structural challenge that we have and again I look at it from outside the Olympic movement, but here's what happened with Mr. Gray.

Mr. Gray was a U.S. Center for Safe Sport case and when the USA Gymnastics was instructed of the allegation, USA Gymnastics acted swiftly and put that individual on an interim suspension. That interim suspension is on our website, so it's public.

I was told there was notice given to the parties that should have been given to. Under the Ted Stevens Act, when you take anybody out of the field of play, that individual is entitled to a hearing panel. That hearing panel heard the—so he was on interim suspension and USA Gymnastics acted swiftly. So the hearing panel oc-



curred and they reduced the consequence, if you will, down to no contact with a minor child.

Senator BLUMENTHAL. They are coaching minors then?

Ms. PERRY. I'm sorry?

Senator BLUMENTHAL. They are coaching minors, aren't they?

Ms. PERRY. So this illustrates, Senator Blumenthal, one of the areas where I think Congress can really help us.

Senator BLUMENTHAL. And Mr. Xiao highlighted one of those areas.

Mr. Xiao, have you talked to Ms. Lyons about the structural reforms that you've suggested?

Mr. XIAO. Some of them. Some of them are issues that the AAC has raised before and continues to brainstorm solutions.

Senator BLUMENTHAL. And how has the U.S. Olympic Committee received those suggestions?

Mr. XIAO. Ms. Lyons has engaged on many of those reforms.

Senator BLUMENTHAL. Have they adopted any?

Mr. XIAO. Not fully. I think we're waiting for the Athlete and NGB Engagement Working Group to begin, which has been assembled but I have not received information about when it's going to start work.

Senator BLUMENTHAL. So nothing's happened?

Mr. XIAO. Not that I have seen on most of the large-scale reforms.

Senator BLUMENTHAL. Thank you.

Senator MORAN. Senator Hassan.

We're going to try to conclude this hearing in the near future and, Senator Hassan, you are recognized.

**STATEMENT OF HON. MAGGIE HASSAN,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Well, thank you very much, Mr. Chair. I want to thank you and Ranking Member Blumenthal for your continued attention to the issue of sexual abuse in the Olympic system, and I also just want to thank all of the survivors again for not only being here today but for everything you've done to really focus the greater public on this horror and on the treatment you've all experienced, and I am grateful that your extraordinarily harrowing stories are finally being heard. Thank you. Thanks to the persistence of these young men and women.

I'll start with a question to you, Ms. Perry. Thanks to the tireless work of journalists, like those at the Indianapolis Star-Tribune, they made sure that these stories were heard when they published their expose in 2016.

But let's not forget that these athletes and their families have been trying to protect themselves and each other for a long time and even today, certain individuals are still attacking these men and women for sharing these incidents and for pursuing legal action.

USA Gymnastics engaged in an egregious response over the course of decades, keeping a file of the complaints against more than 50 coaches hidden away in a drawer and refusing to report these complaints of sexual abuse, misconduct, and potential child abuse to authorities.

Now your testimony today focused on the very many things you're doing to reorganize leadership and structure, but I would like to hear from you, Ms. Perry, what exactly are you planning to do to ensure that transparency, reporting, and disclosure policies are in place so young athletes are protected from this kind of abuse?

So not just reorganizing but how are you going to make sure that when somebody comes forward not only are they respected and not only is there a process but that there is the kind of transparency, reporting, and disclosure that we all know is so necessary in this area?

Ms. PERRY. Thank you, Senator. I think that it is not only incredibly important that we address all of the things in an organization, the structure, as you mentioned, the systems, the policies, but also the culture, and it's unacceptable, it's absolutely unacceptable that our athletes at any point in time could feel that their voices weren't important.

And so one of the things that—a lot of the things that we've done in a very short period of time is we've not only through just the actions that I've taken, speaking to survivors, asking them what do we do, and, quite frankly, I'm very hopeful that more survivors will join our efforts, but we are looking at everything from top to bottom.

One of the things that I noticed right away is that there was very inadequate tracking mechanisms in place. So we began keeping track in a database of all complaints that came into the organization and then we went and we're not going to wait. We're not going to wait for others. We're not going to wait whether the Center takes on all forms of misconduct, which, quite frankly, I think is a great idea.

We started looking and investing in software programs similar to the Center to say we've got to get our handle on this. So we are launching the Maxient Software Program, which is similar to what—it's exactly what the Center's using, and it's my hope that they will talk because I think one of the greatest challenges we have as a national governing body is our ability to understand what's going on at the Center.

Senator HASSAN. So I thank you for that, and I'm going to stop you there——

Ms. PERRY. Sure.

Senator HASSAN.—because I have one other question I want to ask and I'm sensitive to the length of the afternoon for everybody.

But it's also really important that adults understand that they will be held legally responsible——

Ms. PERRY. Absolutely.

Senator HASSAN.—if they fail to report and disclose and take action——

Ms. PERRY. Absolutely.

Senator HASSAN.—and that is at the core of much of this, right?

Ms. PERRY. Yes.

Senator HASSAN. So that it's not just about tracking, it's about letting people know that they have an obligation, it's not optional, right,——

Ms. PERRY. Yes.

Senator HASSAN.—and that even if it damages the institution or other people's reputations, it's not optional because protecting our athletes has to be the priority.

Ms. PERRY. Absolutely, Senator.

Senator HASSAN. Thank you.

Ms. PERRY. And I want you to know that the things that we're doing as an organization to make sure that that is not only our actions but each time a member, a professional member, for example, is registering for either a new application or renewing, as a condition of their membership, they go through the Safe Sport course, which talks to them about those kinds of things.

Senator HASSAN. All right. Thank you.

I want to just turn, and with a little bit of indulgence from the Chair, last question to Mr. Engler, please.

One of the things that concerns me the most, it has been shocking and saddening, is that the individuals have come forward and they've not only had to relive their worst nightmares to tell their stories but when they do, they are often still not being believed or their motives and personal character are attacked, and I am sorry to say that you recently made remarks doing just that.

I am appalled by the e-mail you sent earlier this year disparaging Ms. Denhollander, a gymnast who was abused by Dr. Larry Nassar under the watch of Michigan State and others.

Your treatment of this issue raises concerns about how MSU will move forward here. Even with all the evidence, why did you doubt Ms. Denhollander?

Mr. ENGLER. The e-mail, of course, was in the midst of our very difficult negotiation and it was private. It was never public and it reflected, I guess, just the passions of the moment about whether or not there were referral fees being paid.

The reality is that our actions today, I think, have consistently shown our support for the survivors and that is what we have to create. We have to have a culture—

Senator HASSAN. I'm going to interrupt you, Mr. Engler. I'm sorry.

When you write an e-mail referring to athletes as being manipulated, not only are these strong, accomplished, smart athletes who have overcome enormous barriers in their lives to reach the pinnacle of their sport, they have survived unspeakable abuse,—

Mr. ENGLER. Right.

Senator HASSAN.—and the notion that you would think they could be manipulated by trial lawyers and that you would speak of them that way is just deeply, deeply offensive.

Private e-mail or not, it reflects an attitude at the top of the institution that you're asking this committee, your current students, your current athletes, your alumni to trust, and I think you have some repair work today to put it mildly.

[Applause.]

Mr. ENGLER. Well, I think you're right. That's why I apologized.

Senator HASSAN. Well, thank you for the apology. I just want to note that we keep applauding survivors of abuse for coming forward and then, even though we say the right words, we haven't yet really taken a look at the adults and institutions who were in charge and held them accountable and what we do is we keep try-

ing to make excuses for this unbelievable horror that these young people have experienced and it really needs to stop.

We need to take responsibility here. Michigan State needs to take responsibility. The committees need to take responsibility, and we need to change laws and hold people accountable, and I know that that's what this hearing is about. I know that that's what we're trying to do here, but at the end of the day, private e-mail or not, disparaging these survivors takes all of the good work that so many people are trying to do to make sure this never happens again and moves us backward.

Mr. ENGLER. Senator, I appreciate that and, as I said, that is why I apologize. I have three daughters, age 23, exactly the same age as many of the survivors, and I know exactly what you're talking about. I recognize in my own family what, you know, could have happened and I feel very deeply.

That's why we worked so hard over the nearly six months I've been at Michigan State to fix the problem. When you're in litigation with 11 firms, emotions do get high. It's an adversarial process. I confess to getting very frustrated, but at the end of the day, we did get the settlement done. We have fixed the policies. We've strengthened accountability.

Mr. Chairman, I'd like to submit for the record an Executive Order that I did to create the Office of Risk Management, Ethics, and Compliance.

It's exactly—it's part of the actions that—as Senator Blumenthal said, there's a lot of talk out there. There's a lot of support but at Michigan State, we are fixing the problem and you could not have a Larry Nassar again at Michigan State.

You've got a challenge, I think, on the part of all universities and a lot of organizations to fix the relationships between sexes and how do we deal with assault and misconduct, but I would argue that when we're done, we hope that what we've done at Michigan State can be a model for others.

I brought also two articles that are excellent articles, one from *Midland Daily News*, the local paper of my own old district, one from *The Bleacher Report*. These are survivors' testimonies, just as you said, where the media told the story. They got it out and it helps to explain how challenging this is to fix, but I feel this deeply from a personal standpoint and my actions have been consistent with my belief that this should never ever happen again. None of these women should have to—no future woman should have to go through what these women have gone through.

Senator HASSAN. And one might suggest that they never should have needed to sue the university in the first place.

Thank you,——

Mr. ENGLER. I would agree with that.

Senator HASSAN.—Mr. Chair.

Mr. ENGLER. Thank you.

[Applause.]

Mr. ENGLER. Mr. Chairman, may I submit these for the record?

Senator MORAN. Senator Hassan, thank you.

The documents will be submitted for the record without objection.

Mr. ENGLER. All right.

[The information referred to follows:]

**MICHIGAN STATE  
UNIVERSITY**

**Presidential Directive  
2018-5**

**To: Board of Trustees  
University Community**

**From: John Engler, Interim President**

**Date: June 19, 2018**

**Subject: Creation of the Office of Enterprise Risk Management,  
Ethics and Compliance**

**Establish the Position of Chief Compliance Officer**



**Office of the  
President**

Hannah Administration Building  
426 Auditorium Road, Room 450  
East Lansing, MI 48824

517-355-6560  
Fax: 517-355-4670  
president@msu.edu

By authority vested in the Office of President by the Bylaws of the Board of Trustees of the University to issue directives and executive orders, I hereby establish the Office of Enterprise Risk Management, Ethics and Compliance and the executive management position of Chief Compliance Officer as set forth below.

**Office of Enterprise Risk Management, Ethics and Compliance**

The Office of Enterprise Risk Management, Ethics and Compliance and the position of Chief Compliance Officer (CCO) are created. This Office and the role of the CCO are designed to safeguard our community and enhance the reputation of Michigan State University, its faculty, and its staff.

Integrity must be a core value in a 21st century university. Adherence to legal and regulatory requirements and high ethical standards is fundamental. To ensure that these values are being observed, timely reviews, systems of accountability, and education about expected high standards of ethical performance and conduct are required. In addition, members of the University need to become aware of emerging uncertainties that will adversely affect the University community. All of these actions are necessary for our University to achieve another of its core values: excellence.

The Office of Enterprise Risk Management, Ethics and Compliance will be led by the CCO who is appointed by and reports to the President. In addition, the CCO will meet with and be available to the Board Committee on Audit, Risk and Compliance. At least two times a year the CCO will meet independently with the Committee. The CCO responsibilities include overseeing the development of a consistent ethics and compliance program for the University and a framework for identifying, prioritizing and managing risk. Assessing and, if necessary, designing the needed compliance architecture and developing training and communication strategies to clearly explain and inform the University community of the importance of internal controls and an ethics and compliance program.

The CCO will have the authority to work across the administrative and academic units of the University in order to carry out the duties and responsibilities of the office. That includes working with internal and external auditors, the ombudsperson, the head of Human Resources, the director of information technology and all persons previously designated by the university as having responsibility for compliance with federal, state or other regulatory authorities.

Effective for the school year beginning July 1, 2018, any new assignment of compliance responsibility will be effective only after concurrence by the CCO. It will be the responsibility of the CCO to compile and maintain a master record of all legal and regulatory requirements and the names of individuals who are on record as having the duty to assure compliance. It is expected that all individuals having such duties will cooperate fully in the compilation of the master record.

The Office will also oversee the development and assist in the maintenance of the newly created MSU Policy Library. The policy library will become the official repository for all MSU policies, including but not limited to, policies and Bylaws of the Board of Trustees, policies or regulations promulgated by the President, Provost or other University officials to whom regulatory authority has been granted. Other such regulations or ordinances may also be included in the policy library so as to insure that all persons subject to University regulation may know and understand their responsibilities.

The CCO shall review and recommend changes as necessary to University ethics policies such as code of conduct, code of ethics and conflict of interest.

  
John Engler, Interim President

6/19/18

## NO MORE SHAME: MIDLAND GYMNAST DISCUSSES NASSAR CASE

Kate Carlson, kcarlson@mdn.net Updated 8:41 am EDT, Saturday, July 21, 2018



Helena Weick poses for a portrait on July 10 in downtown Midland. (Katy Kildee/kkildee@mdn.net)

Minutes before she was supposed to give her victim impact statement at the sentencing hearing for a once-respected USA Gymnastics doctor, Helena Weick was still unsure about going public with her story.

The January 2018 sentencing where 156 women shared how Dr. Larry Nassar sexually abused them under the guise of medical treatment lasted seven days. Helena is a Midland native who was sexually abused by Nassar when she was 12, and spoke publicly about her abuse for the first time. The former gymnast, now 19, ultimately decided she did not want to hear her story read anonymously in court.

"I said to him, this isn't my shame anymore, it's yours," Helena said. "It just didn't feel right to read that anonymously, it felt like I was hiding, keeping that shame."

Helena grew up in Midland and started training at Midland Gymnastics Training Center when she was a toddler. Her sisters and brothers were in the sport too, and like all serious gymnastics families, knew Nassar as the doctor to go to. Helena remembers their family had a cupboard with important phone numbers listed on it, and Nassar's number was among them written on a sticky note.

"The fact that he was so admired and trusted, I felt like it was an honor to go see him, so I would never question him," Helena said.

Helena saw Nassar at his MSU office for the first time when she was 8 for her feet, then four times when she was 12 for back issues. The last time Helena saw him was when Nassar digitally penetrated her. She quit gymnastics about a year later because her back issues made it too hard for her to continue practicing gymnastics. Helena didn't realize at the time that she was sexually abused by the doctor, but knows now that could have subconsciously contributed to her decision to leave the sport.

Reading Rachael Denhollander's story of how she was sexually abused by Nassar in the Indianapolis Star in March 2016 was the first time Helena was able to recognize herself as a survivor of sexual abuse.

"The way I always put it in my mind was, 'It was a weird doctor's appointment,'" Weick said.

As a 12-year-old, there was "no category" in her mind for sexual abuse or molestation, which only contributed to the fact that Nassar had such an excellent reputa-

tion at the time for helping gymnasts. Her mother was also in the room with her when it happened, adding another layer of confusion to the situation.

"This admired, trusted doctor is there telling you it's OK," she said. "Telling you it's OK that it feels weird, telling you that it's normal that it feels weird, and that he knows what he's doing and you're the child, he's the doctor."

Nassar was sentenced Jan. 24, 2018, to 175 years in prison after Helena and more than 150 others came forward alleging they were sexually abused by the former gymnastics doctor.

Lawsuits are still ongoing related to the decades of abuse Nassar inflicted on a growing number of survivors coming forward.

### **What needs to change**

On July 18, the Arthur Ashe Courage Award was presented to more than 140 survivors of abuse from the former sports doctor on the 2018 ESPYS stage in Los Angeles.

The fact that it took over 150 women during the January sentencing to repeat back the abuse that happened to them in front of their abuser for so many people to pay attention is a hard pill to swallow, Helena said. The sexual abuse Nassar inflicted on gymnasts and other clients was first brought to public attention with the first Indianapolis Star story in March 2016, but was not in the forefront of the Nation's attention until the sentencing at the beginning of this year.

As one of the hundreds of survivors of sexual abuse at the hands of Nassar, Helena wants people to know that when someone reports being sexually assaulted or abused, it needs to be taken seriously.

"At Michigan State University there were policies in place, it's not like we need to come up with this whole big new system on how to stop sexual assault, it was there," she said. "The people in charge just decided to look the other way."

People were reporting sexual assault to authority figures and were having their situation judged before it was reported to the top, she explained.

"If somebody comes to you saying they were sexually assaulted, you need to report it," she said. "It's not your judgment call whether or not they did it, you just need to report it. It's that simple."

Can MSU come back from covering up for Nassar? Helena thinks it still can, but only with an overhaul of leadership, and different people in charge of choosing the new leaders of the university.

"I think there's a lot of good people at MSU and a lot of the students are very good people that want change," she said. "That's why a lot of them are fighting for change because they care about the university."

Helena also wants people to realize that Nassar was just one of many "untouchables" in power at MSU and in society in general that need to be taken off their pedestal. The problem is not removed from Midland, she said, because it happens everywhere.

"Nobody should just be allowed to do whatever they want just because of their status," she said. "Unfortunately that's what happened. The reputation of these people has been put in front of the welfare of children, which is ridiculous."

### **Message to survivors**

There are still people who victim blame, shame and deny survivors of sexual assault, Helena explained, but she hopes that does not stop survivors from coming forward.

When Helena was abused by Nassar and did not understand initially what happened, she was confused and felt shameful because she thought there was something wrong with her. Victim shaming only makes it easier for abusers, because they can hide behind their victim's shame, she explained.

"But I would hate for anyone to ever be silent about this because they don't think they are going to be supported," she said. "We're here for you and we're going to fight for you."

The intensity of Nassar's sentencing was emotionally hard to handle, Helena said, but at the same time it was refreshing to be around so many people who knew what she was going through. Through the difficult process of speaking in court and to news outlets about her abuse, Helena is glad she has been able to connect with a community of gymnasts along the way that continue to serve as some of her biggest role models.

"Whether you're public or not, whether you still feel broken and ashamed, we're going to be here for you and we're going to fight for you," she said.



### Aftermath of abuse

Years from now, Helena hopes she can look back on the sport of gymnastics, and MSU, and it will be unrecognizable from the toxic environment that has surrounded the institutions.

Helena's own gym in Midland was rare because of how supportive the coaches were.

"There were obviously times that were frustrating and people got upset, but my coaches genuinely cared about me. They were excellent coaches," Helena said.

This is not the case at all gyms, she said.

"It was kind of an open secret in gymnastics that there was abuse," Helena said. "We all know that stuff happened but I never really witnessed it firsthand. Hearing all of these other girls' stories from their gym, I just felt so lucky to be at that gym. There was none of that I ever experienced."

There was no question of Helena's parents believing her when she told them years after the fact that Nassar had sexually abused her, but they still felt shocked and betrayed.

Helena's parents and family continue to be her biggest support system. She is glad she can speak out about her abuse and be an advocate for others, but also feels sometimes it distracts from her own personal healing.

Helena is now a freshman at Taylor University in Indiana studying psychology. She still thinks about Nassar every day.

"It all starts small in gyms with parents learning warning signs in their gyms and outside," she said. "Gymnastics definitely needs to change for it to be safe for everyone."

Part of the problem is how intense the sport is, Helena explained, because usually gymnasts peak at 14, so they are treated years older than they are. Children need time to just be kids, feel empowered, and be able to know they have authority over their own body and life, she said.

Despite its current problems, Helena still has love for the sport that was such a big part of her childhood. "It was very important to me, it still is. It is a beautiful sport," Helena said. "Larry is not going to ruin that."

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*Bleacher Report*

### THE WOMAN COMING FOR LARRY NASSAR'S JOB

ALEXANDRIA NEASON—JULY 19, 2018



B/R

Michigan State University, known locally as State, is a sprawling campus in East Lansing marked by a series of roads that wind into each other like irrigation channels. On the drive to the school, green plains dot the landscape and the backs of passing cars and trucks almost universally announce their collegiate loyalty in green and white.

When Selena Brennan and I arrive on a sunny day in mid-May, the bustle of the spring semester has ended, but students wearing backpacks still fill the sidewalks. Selena has just finished up her freshman year at MSU—enough time to know her way around. Not today, however: To get us there, she sheepishly plugs the street address into her cell phone, trusting the omniscience of an app over her own memory. After a quick re-route, and later, some directions from Dad, we pull into a nondescript parking lot near an off-campus apartment complex that will, come fall, be her new home.

I hadn't asked her to, but Selena, 19, brought us here anyway—here, in front of a tall, silver and blue building. This was it. A year earlier, during a visit to the school with friends, just being within eyesight of this building had reduced her to tears. MSU was her dream school, but the possibility of having to spend time on this side of campus had been a concern. Her counselor intervened, suggesting that she come back here to learn how to separate the building from the trauma she'd endured in it, how to separate the man responsible for the pain from the dream she'd come to MSU to chase. Today, Selena is in control. Her hands relax on the steering wheel of her mother's SUV as she stares intently at a sign that announces the building's occupants: Michigan State University Health Team.

"Now I can sit here. It's still weird, but I know nothing is going to happen," she told me. "I'll be in there one day. Running that show."

The "show," as Selena calls it, had been headed by disgraced sports physician Larry Nassar for years. MSU had been his professional home since 1997; he had run shop out of his office here, at this building, until the university fired him in the wake of numerous allegations of sexual abuse being publicized.

Nassar's fall from grace began out of the public eye in 2014, when he was on the faculty at Michigan State's College of Osteopathic Medicine. That April, MSU graduate Amanda Thomashow filed a Title IX complaint against him, alleging sexual misconduct. She said she had been sexually assaulted by Nassar during treatment for a hip injury, and a criminal investigation was opened. But Nassar continued to see patients at MSU for 16 months before the university alerted local prosecutors on July 1, 2015. That summer, Nassar dodged the spotlight again, when USA Gymnastics, which had received formal complaints of abuse a year earlier, dismissed him without alerting his other employers or law enforcement.



Nassar during a hearing. *JEFF KOWALSKY/Getty Images*

It would be another year before the world caught wind of Nassar's crimes. In August of 2016, the Indianapolis Star published a landmark investigation revealing the *chronic, systemic failure by USA Gymnastics*, the sport's governing body, to report the allegations of abuse of children by their coaches. Just a few weeks after the story was published, Rachael Denhollander, a former gymnast, filed a criminal complaint with police against Nassar, alleging that he had sexually abused her as a teenager, when she was his patient. She was the first to publicly accuse him. *The Indianapolis Star* again ran the story.

Over the next several months, hundreds of women and girls, including several Olympians, were emboldened to step forward, one by one, both publicly and anonymously, with stories of abuse by Nassar. He'd worked as the team physician for the women's Olympic team for four seasons and treated hundreds of underage athletes over a decades-long career working at MSU, *Twistars*—an elite gymnastics training facility in Lansing—and at *Holt High School*.

Selena had been Nassar's patient for six years while nursing a back injury. Her last appointment with him was in late August, right before he was arrested and charged.

Like many kids, Selena got her start in gymnastics in a toddler class. She was a sports girl from a sports family in a budding sports powerhouse town called Clarkston. Her father, Tim, had been an athlete; he had both played and coached high school football, so he was invested in his daughter's progress. By the time Selena was 5, she had moved up to a recreational gymnastics program, taking hour-long classes once weekly. When her coaches opened a new gym, Stars and Stripes Kids Activity Center, and announced the beginning of a competitive program, Selena was selected as an inaugural athlete.



Brennan, 8, smiles after winning every event and all around at a level 4 event. *Courtesy of Selena Brennan*

As the number of hours she spent in the gym increased, it became clear that this wasn't just a phase; gymnastics was Selena's sport. She took her training seriously, performing the best on floor and vault, and she never had to be convinced to go to practice.

Tim watched his daughter move from level to level, and like any good coach, he threw himself into the numbers. "I started tracking it a little bit to get an idea of what percentile she was [in]," he said. "Those first three years [that she competed], she was always in that top 3–10 percentile. Regardless of where the meet was, who it was against, what state we were in. And I got a better idea of whether it was real. I saw that she had the focus to maybe do really well in the long haul."

By the time Selena was 11 years old and in the fifth grade, she was competing on a level 7 team at Stars and Stripes. The training was grueling and repetitive.

Her craft, artistic gymnastics, required a delicate combination of strength, flexibility, power and speed. So she structured her life almost entirely around gymnastics practice: After school, she ate and changed in the car on the way to the gym, where she trained until 9 p.m. four days per week. On Saturdays, she spent up to six hours practicing.

One day, while executing a front walkover, a basic skill, Selena cracked two vertebrae in her back. “I was in a lot of pain,” Selena said. “And I thought I just pulled a little muscle or something, I didn’t think it was a big deal.”

She continued to practice through the pain for four months—it was competition season—before finally seeking medical treatment. Doctors diagnosed her with stress fractures, and prescribed that she wear a rigid, plastic back brace that, using velcro straps, would wrap around Selena’s torso. She was to wear it at all times, and doctors even suggested that Selena consider quitting sports altogether.

Where other kids might have tired of repeat appointments, growing frustrated with the pain and lack of answers, Selena was resolute. During one visit, a nurse walked her through the intricacies of the MRI process, showing Selena images of her own spine as the machine hummed and rotated around her. Seeing her own anatomy fascinated Selena. She had found a second dream.



Brennan, 10, gets ready before a level 6 event. *Courtesy of Selena Brennan*

Selena took some time off before returning to the gym, but the brace, bulky and imposing on her short frame, was clearly not a solution. And neither was quitting. “It was really awkward. If I had to bend down and pick something up, I had to keep a straight body or I had to do the drop-and-squat,” Selena said. “We all kind of realized how ridiculous it was.”

The constant immobilization was weakening her core strength, a hindrance in a sport that relies so heavily on it. So a trusted coach at her gym suggested they make an appointment with a star gymnastics doctor she had heard of, to get a second opinion and a more realistic assessment of rehabilitation time. His name was Larry Nassar.

Selena’s parents quickly made her an appointment.

“He worked with athletes all the way up to Olympians. And he’s looking for ways to rehabilitate and strengthen things that may have been a weakness, that may have caused the injury,” Tim said, remembering his daughter’s first appointment. “So it made a lot more sense. It sounded a lot better. You go to his office, all the impressive letters and pictures. And you know, looking back on it, the guy had the perfect setup for being the nutty pervert that he was. It’s crazy.”

(Unbeknownst to the Brennans, court records show that at that point, in 2010, at least four victims had *reported* abuse against Nassar, including at MSU. Later, it would be revealed that around this time, Nassar also kept computer files containing *thousands of images of child pornography*. Additional court records say he

had begun *abusing a six-year-old girl*—a daughter of a family friend—in 1998, the year Selena was born.)

Selena was seeing Nassar for treatment regularly, and her interest in medicine began to build.

Finally, here was a doctor with whom she shared a vocabulary, someone who did not need to be taught what a front walkover was. Here was a doctor who understood what was expected of her in the gym and who could treat her injury in a way that catered to that. It was through that lens that she started to see a future in sports medicine for herself.

“Just being able to be with a doctor who understood the sport made it a lot easier. It was like I could take a deep breath, and I didn’t have to explain how [I do] what I do. Sometimes primary care doctors give you some type of way to cope with the pain. But when you’re practicing that much in a gym, you’re constantly putting pressure on your back,” Selena said. “Those things don’t necessarily work, because there’s a ton more pressure on your body than the average person. It was nice to have reasonable tools be given and be like, ‘OK, this is something I can actually do, this might actually make a difference.’ After my [first] visit I was like, ‘I’m doing this.’ I ended up telling him, ‘I want to do what you do.’”



Brennan, 12, competes on the balance beam during a regional event at level 8. *Courtesy of Selena Brennan*

Among friends, Selena was the doctor of the crew, quick to offer an amateur diagnosis whenever anyone got hurt. By age 12, she decided she would not only study to become a physician, but would do so at MSU, where Nassar worked and where two of her uncles had once been students. She became familiar with the hour-long drive to MSU from Clarkston, and despite the vertebral fractures, she returned to the gym for training and was eventually cleared to compete again.

Just before the start of what would have been her level-nine season—gymnasts compete until level 10 before earning the designation “elite,” which qualifies them to compete internationally—Selena quit gymnastics. Despite having returned to training and being cleared to compete, she finally tired of the constant pain and other interests she couldn’t pursue. Freed from the demands of the gym, she got more involved in her school community and joined a dance team. But she continued seeing Nassar to treat her back. (She had developed spondylolisthesis, a spinal disorder exacerbated by sports like gymnastics, and also suffered from upper back problems.)

Throughout this time, over the course of six years, Nassar groomed and repeatedly abused Selena. For the first two years, he groped her during treatment. She was 13 when the molestation began.

Selena was too young to understand what was happening when it started, and as is common among victims of sexual abuse, it was near impossible to clearly ar-

ticulate that something was wrong. She made attempts, though. After one appointment, Selena described to her friends what she knows now was abuse, telling them that he made her feel uncomfortable.

"When something would happen, I had a couple close friends that I said something to, like 'Isn't this weird?' But they were just as young as I was and we didn't know, so it wasn't like they were pointing it out like 'You need to tell somebody.' Everybody just was like, 'It's your doctor,'" Selena said.

"I just assumed, like, this is my doctor, that must have been an accident. I kind of justified it in my head because my parents were in the room, and to me, it was weird, but it didn't send off an extreme red flag, I didn't know any better. For so long, I was so tricked by [Nassar]. Even though I felt uncomfortable, I didn't think anything was seriously wrong. I was never by myself with him, so I was just like, *What could be [wrong]? If something was really wrong, somebody would know besides me.*"

Tim and Angie, Selena's parents, remember their daughter mentioning that she felt uncomfortable on one occasion. But at the time, and given the nature of her injuries, they never suspected that Selena's discomfort was a warning sign. Doctors enjoy a certain amount of public trust, which is a necessary precondition for patients to make themselves vulnerable when they receive care. Doctors are good people, conventional wisdom goes, so we show up and we trust them with our bodies, with the bodies of our children, and we wait for them to heal us. Nassar and predators like him exploit this social contract, taking advantage of our desire to be healthy, and of our reliance on them to help make it so.

The summer before her senior year, in 2016, Selena was, by all accounts, a normal teenager: She hung out on her family's boat, swam in the many lakes that surround Clarkston and spent time with a crew of her best friends. She visited her grandparents and daydreamed about the basketball team's chances in the upcoming season. (Her high school was a perennial contender.) She also managed her chronic back pain.



Larry Nassar appears in court to listen to impact statements prior to being sentenced after being accused of molesting about 100 girls while he was a physician for USA Gymnastics and Michigan State University, where he had his sports-medicine practice on January 16, 2018 in Lansing, Michigan. Nassar has pleaded guilty in Ingham County, Michigan, to sexually assaulting seven girls, but the judge is allowing all his accusers to speak. Nassar is currently serving a 60-year sentence in Federal prison for possession of child pornography. *Scott Olson/Getty Images*

Nassar became a household name very suddenly that fall. When the news of his crimes broke, Selena was at powder puff football practice. Meaghan Mulvihill, one of Selena's closest friends, vividly remembers the moment she heard the reports. A

friend of the crew, Isabel, who was also a gymnast, rushed into practice late, visibly shaken.

"She went right to Selena and was like, 'I need to talk to you.' We were like, 'What is going on?' Once practice ended, we kind of figured it out. The articles were coming out and we knew he was her doctor. I remember she stayed in the parking lot for a long time. She was too hysterical to even drive herself home," said Mulvihill. "I was reading every article, talking to my parents about it. Not knowing what to say to her."

"Once the story broke, I instantly knew and I was so in shock, but there was not a single hint of doubt in my mind because I was like, *How can I be reading something that happened to me, that nobody else knows?*" said Selena. "And I came home really, really, really upset."

Selena tried to tell her parents on the day the news broke, but she was overwhelmed and couldn't get it out. "I thought I had said enough, but I didn't. In my head. I was thinking I was, but I really wasn't saying much at all," she said.

Her parents remember things similarly. "I remember her coming into our bedroom and I was talking about it," Tim said. "And of course [we were] like, 'How can that be?' Keep in mind, every time we were there for six years, one of us was there. Selena was never with that guy without one of us there. So it still doesn't register in your mind as a parent that that happened to your daughter. One, you don't want to believe it did. And two, you were there. And it doesn't compute."

"I'm sure her subconscious blamed us. Like, maybe she didn't sit there and go, 'It's my parents fault,' but subconsciously—how do you digest all that as a young kid? I think she had a huge amount of resentment and fought with us and hid up in her room and we're going, 'What the hell?' I didn't even connect the dots. Looking back, you wonder why I didn't know that's what was going on."

In a matter of weeks, the news became the biggest sports story in the country as more and more women stepped forward to tell their stories. On Sept. 20, 2016, Nassar was fired from MSU. On Nov. 21, he was charged with *three counts* of criminal sexual conduct with a person under 13, and by Dec. 15, he had been *charged with possession of child pornography*. He was *stripped of his medical license* in January of 2017. Denhollander and 17 additional, anonymous victims sued MSU, USA Gymnastics and Twistars the same month.

Through all of this, Selena was left to navigate the terms of her own trauma amid a cloud of confusion and speculation. The people closest to her knew her desire to be a sports physician. They also knew that she had built a desire for the profession and learned the ins and outs of it because of her injuries and her visits with Nassar. So Selena found herself doing the painful work of coming to terms with the reality of her abuse—with an audience.

As is the case with many survivors of abuse, it would be months before she could clearly articulate what had happened. During this time, her parents—with whom she normally had a close-knit relationship—and friends noticed a change in her demeanor. Angie remembers Selena seeming persistently angry. Mulvihill recalls an occasional emotional outburst.

"Selena is always the strong one. She's always the one that. . . when something is wrong, you go to Selena and she knows what to say," Mulvihill said. "She would talk about it sometimes to me. Last summer, we were at one of our friends' graduation parties, we were all hanging out and she was really upset. She was hysterically crying about it and she was like, 'I don't want to have to deal with this all year.'"



Courtesy of Selena Brennan

The public conversation about Nassar was intensely painful for Selena at times. Her friends did the best they could, offering her compassion and sensitivity at arguably the most difficult point of her life. But the larger school community sometimes unwittingly caused her pain. One time, in an AP U.S. government class, a teacher incorporated a news article about Nassar into a class discussion, which caused speculation among her peers about whether she had been assaulted.

"They would be reading it and looking at me, and reading it and looking at me. And it was really hard. Because without saying anything, everybody was looking at me, people who had heard me say his name before. I just had to sit there, because if I get up and leave the room, I'm just confirming it for everyone in this room," Selena said. "I knew that it was going to get brought up at one point, but it was hard to make a decision. Do I get up so I can go do what I need to do to relax, or do I just sit here and try to hold it all in?"

The pressure of the questions weighed on her.

"The smallest things would be triggers for me. And I would just shut down and freak out, just crying, hyperventilating and having really bad panic attacks," Selena remembered. "Anytime I'd go anywhere or do anything [with] my friends, anytime I felt like I was like having a good time, it was weird. I felt like I shouldn't be [having a good time], like why are you happy right now? And then I'd start thinking about everything and just get out of control."

Mulvihill recalled that once, she had to bring an inconsolable Selena into a dark closet in the middle of a party, huddling together with her until she could breathe. Another time, on a St. Patrick's Day trip to visit Mulvihill's sister at MSU, they drove past Nassar's old office and the color drained from Selena's face.

After one particularly bad panic attack, Selena's brother, Maxx, went to his parents, scared and concerned for his big sister. A conversation finally ensued. Selena tried her best to articulate what she had been feeling.

"It wasn't just hard for me to get it out, but it was hard for me to see my parents finding out. For months, I hadn't looked at them and been like, 'This and this and this happened.' They knew that I was upset about it because we had been with him for so long, but it was like they were finding out [that Nassar was a sexual predator] for the first time again," said Selena.

The conversation was difficult not just in the obvious ways. Tim and Angie were present during Selena's visits with Nassar, but they weren't aware of the abuse taking place under their noses—a fact they struggled with.

"Initially I'm thinking, *Oh, my God, for all this time she thinks that we knew and we didn't do anything.*" Tim said. "Then also it dawns on me, *Wait a minute! This guy did this and I'm there.* So now I'm going, *My one and only thing is to protect my kids, and I'm sitting there while this guy's doing this?* It's beyond tough to deal



with. . . Like, how could this happen? Especially with us there. And you feel like you know a person, you know?”



Selena and her father, Tim, after a 2006 competition. *Selena Brennan*

After Nassar was arrested, Angie started looking for a new doctor for her daughter—this time, a woman, because Selena didn’t want to see male doctors anymore. For at least a year, Nassar had been unable to find the source of the pain. But the next sports physician Selena saw administered a single MRI and immediately offered a new diagnosis: a degenerative disc.

“And that’s all it took,” Selena said.

Soon thereafter, Tim and Angie enrolled Selena in therapy. (When I asked if they had sought therapy as a couple, Angie told me that they hadn’t, but that they probably should. Their focus right now is entirely on Selena.) In her sessions, Selena thought hard about the decision to attend MSU, given that the university had several opportunities to address concerns about Nassar before it finally acted.

“I questioned going to State because of [worrying about] being able to mentally handle being in the same area where everything happened,” Selena said. “I had put State on a pedestal for so long because I wanted to go there so badly.”

Her parents reassured her that she wasn’t beholden to her childhood dream, that it would not be a failure to pick a different school. But Selena worked hard to build her courage. When it came time to make a decision, she declined to let Nassar rob her of her dream. She enrolled at MSU.

In some ways, Selena’s freshman year was like any other. She arrived last fall, like other teens. She roomed with Mulvihill—a number of her girlfriends from her hometown had chosen MSU for college—in student housing. (They stayed on the sixth floor of Holden Hall in a room they nicknamed “the cubicle,” and made friends with their suitemates.) Selena threw herself into her studies—her major is kinesiology—and she joined a sorority, Sigma Kappa. She also got a moped to get around on campus.

But in other ways, the experience couldn’t have been further from the norm. The campus was at the center of a national scandal, and midway through the fall semester, the #MeToo movement caught on. Students around campus were rallying around Nassar’s survivors—and loudly so. They shamed the university’s administration for its inaction, which they saw as complicity.

Amid the campus activism—marches and protests, teal ribbons tied around trees, therapeutic fitness classes exclusive to survivors—Selena worked hard to untangle her love of sports medicine from Nassar. He was at once an example of what she wanted to be and exactly the type of person whom she did not want to become. She questioned her ambitions and worried she had been misled.

*What if he was leading me down the wrong path, career-wise? She thought. What if he wasn't giving me real advice, or what if he was setting me up to fail in my education because I was listening to what he was saying? I've based years off of this, so what am I going to do now?*

The calls for change kept crescendoing and plateaued for seven extraordinary days in mid-January, when 156 survivors of Nassar's crimes showed up in court ready to confront their assailant. They brought with them their devastating stories—stories that demonstrated the impossible scope of Nassar's crimes, the sickening deception and repeated violation of trust they suffered. Thousands tuned in to bear witness.

Selena followed the news coverage of the trial diligently, and when she heard survivors were being allowed to speak, she made the careful decision to go. The first day, Jan. 16, as 29 women spoke, Selena was in the courtroom watching with her mom. She made it through two hours of testimony before feeling so drained from the experience that she had to leave. (Mulvihill remembers running into her later that day and described her face as blank.)



Scenes from Nassar's court hearing. *JEFF KOWALSKY/Getty Images*

"It was just really, really weird seeing him again. Especially like that, it was really odd and hard. But then when I saw girls get up there and speak, and speak to not only the court and Judge Aquilina, but to him. . . I was sitting there and I could feel their anger, and it made me feel better," Selena said. "Watching them get angry at him made me angry too. It felt good to put it on him. Right after the first day, when I got back to my dorm, I typed up everything that I would want to say to him."

Selena wanted in, so she filed a police report with a detective, who contacted the attorney general and got her a time slot to make a victim impact statement. She returned to the courtroom two more times to build up her courage. She was scheduled to speak on the sixth day of the hearing, and Selena made one request of her father, who had driven to East Lansing with Angie.

"She said, 'I want to try not to get emotional today. I want to be strong today. We all need to be strong,'" Tim said. "She made that comment in the car and I thought, *Yes, we need that.*"

In the courtroom, Tim and Angie gripped Selena's hands as they waited for her turn to speak. When it came, Selena stood at the podium and did not waver as she described to the court how Nassar had earned her trust and then violated it, potentially misdiagnosing her.

"The last few years, I was seeing him for another back problem that he, for some unknown reason, couldn't figure out. Now, I sit here and wonder if that was on purpose. I got one MRI after he was fired, and from that one MRI, I figured out what

was wrong with me. And it turns out I was exactly right. So tell me, how does someone as educated as Larry not figure that out? Did he want to keep me around for his own use? This is something I may never know,” she said.

In watching their daughter speak, Tim and Angie saw that she had made a turning point in her recovery.

“She did what the intention of an impact statement is supposed to—which is to give the girls a chance to take control back to a degree, and start healing from it,” Tim said.



An emotional moment in the courtroom. *JEFF KOWALSKY/Getty Images*

“[She was] taking control. That’s what I felt. Like she was telling him she’s in charge,” Angie added.

Then, Selena turns and quickly looks at him, taking a subtle breath before glancing back down at her notes. Her long, black wavy hair is draped across her shoulders, like armor. She demands that he look her in the eye as she speaks:

“It’s really unfortunate to me that even now, standing here today, seeing you upset, for some sick reason, makes me upset,” she says. “This week has been my time to face you. But today is your time to face me.”

Her gaze grows more stern, and her tone drips with anger as she continues, speaking slowly and deliberately:

“I want you to continue to look at me while I speak, because that is the attention I deserve. I trusted you for six years and so did my family. I have listened to a lot of other brave survivors tell their stories to get you the worst possible punishment, but no punishment will ever be enough for the pain and suffering you have caused everyone. I want you to know that you have not defeated me. I am joining the strongest force of women making change so this type of sexual abuse is never tolerated or ignored. I was inspired by the field of sports medicine because of you unfortunately, but that is one thing I will not let you take from me. Today, I am more determined than ever to actually become a respected, knowledgeable, helpful, caring and successful sports medicine physician and person, the kind of doctor and person people only thought you were. I plan on taking your job, Larry, and making sure no patient of mine ever feels the way I do.”

When Selena finished her remarks, she thanked the judge, grabbed her piece of paper and returned to the rear of the hearing room, where her parents awaited her. She didn’t know how few or how many people were tuned in. Who had seen what she said. Mulvihill was watching from the screen of a laptop a few miles away on campus. Selena had practiced her speech out loud three times the night before in a spate of nerves and anticipation. She cheered as Selena spoke.

“I was like, ‘Oh, my God. That’s my best friend! That’s the strongest girl I’ve ever met.’ It made me proud. She tore him apart,” said Mulvihill.

Not long after Selena got back to MSU, President *Lou Anna Simon* and athletic director *Mark Hollis* resigned. William Strampel, Nassar's boss and a dean at MSU, was charged with propositioning and groping medical students some months later. By the time of our campus visit, someone had written the names of 150 of Nassar's survivors on The Rock, a campus landmark, in black Sharpie. Brennan's name was among them. Next to the names, a "Thank You," was written with a heart and a hashtag, #TimesUpMSU.



Women from the Michigan based victim advocacy groups End Violent Encounters and Firecracker Foundation cheer for women as they leave the courthouse after the sentencing of disgraced doctor Larry Nassar in Ingham County Circuit Court on January 24, 2018 in Lansing, Michigan. The former USA Gymnastics and Michigan State University doctor was sentenced to up to 175 years in prison for sexual assault after more than 150 women and girls confronted him in court and spoke of their abuse. *Anthony Lanzilote/Getty Images*

It was clear where she would go from here; She would return to MSU ready to work. She would keep pressing forward. She's already thought ahead to medical school, where she wants to be, who she wants to become. She has considered staying at MSU, an act of ownership that feels in defiance of a man who desecrated the school's importance in her life and that of so many others.

She would also dedicate herself to remedying the conditions that made the Nassar situation possible in the first place—increase the ranks of women doctors in gymnastics. I asked her if she ever felt like sports medicine was a field that harbored too many painful memories for her to linger in.

"I did question it for a while," she said. "Before I knew what kind of person [Nassar] was, I wanted to be him. But now I can be better than him, I can do what he should have done. Not only can I help athletes with injuries, I would be the woman doctor to be there. I realized that I didn't need him to help me figure out what I was going to do. I trusted my gut on it and said I can still do what I've wanted to do. He doesn't have to take that away from me, too."

*Alexandria Neason is a senior staff writer at Columbia Journalism Review.*

Senator MORAN. I'm going to try to ask just a couple of questions. Senator Blumenthal has agreed that I have now equal time to his excessive questions.

But, first of all, let me go back to Senator Blumenthal's question to you, Ms. Perry. I don't understand the flaw in the system that the two people that are coaching in Southern California. The flaw that allows them to do that is what?

Ms. PERRY. So the example that I gave, Senator Moran, is with the coach, his last name is Gray, and we have—our Bylaws allow

us to invoke immediate action, called interim suspension, when we feel that our membership is in harm's way.

In the Ted Stevens Act, anybody that is removed from the field of play is entitled to a hearing. So we invoked the interim suspension immediately. The hearing panel heard the interim suspension and said we come back with this finding. We're going to reduce it from suspension to no contact with minor children.

So you've got that at play and you also have the Center, which also is problematic in terms of this whole scenario that is in charge of investigating and has complete jurisdiction over sexual misconduct.

So the information they give to us to present to the hearing panel is very limited. So you've got this system that's in place—

Senator MORAN. So it is a gymnastics club in Southern California that has allowed these coaches to coach?

Ms. PERRY. That's correct. It's a member club.

Senator MORAN. A member of the USA Gymnastics? Is that the way to say that?

Ms. PERRY. Yes.

Senator MORAN. OK. Apparently not. You were hesitant to agree with me.

Ms. PERRY. Member of USA Gymnastics.

Senator MORAN. OK.

Ms. PERRY. The coach, right.

Senator MORAN. So they've been notified that the restrictions on the coach is reduced to no contact with minors, but they're still coaching and, at least according to Senator Blumenthal, they're coaching minors.

Ms. PERRY. They have to be—according to the hearing panel recommendation, that individual is still allowed to coach but has to have supervision.

Senator MORAN. With supervision.

Ms. PERRY. Right.

Senator MORAN. So they coach with supervision. Why would any gymnastics group want that circumstance to be the case?

Ms. PERRY. And this is exactly, Senator Moran, why we have such challenges, is that, Number 1, we've got the U.S. Center for Safe Sport who has jurisdiction but cannot tell us the facts in great detail about that situation. So if it's sexual misconduct it goes right to the Center. They inform us about it. USA Gymnastics makes a decision based on the limited information that the Center has given to us and we're going to err on the side of athlete safety every time.

So we made a decision as an organization to put that individual on interim suspension, so they get removed from coaching, right.

Senator MORAN. I understand the scenario.

Ms. PERRY. Right.

Senator MORAN. I don't understand why the person is still coaching at the gymnastics club in Southern California, having been censured in a way that prohibits him or her from having contact without supervision with young athletes.

Ms. PERRY. But that's one of the challenges with the Ted Stevens Act, is that prior to our ability to invoke interim measures, that an individual that goes through the process, if you will, an adverse party, is entitled to a hearing.

Senator MORAN. All of which I understand. The hearing occurred. The findings were held in the sense that——

Ms. PERRY. Right.

Senator MORAN.—something bad had happened or some reason for restricting this coach's capabilities to have contact with minors.

Ms. PERRY. So the hearing panel found that they lessened the consequence from suspension—am I not answering?

Senator MORAN. I understand all the facts——

Ms. PERRY. OK.

Senator MORAN.—as you described them.

Ms. PERRY. Right.

Senator MORAN. But what keeps you from making certain that that group—first of all, I don't understand why a group would take the risk of hiring somebody in that circumstance, but, secondly, what is your authority to do something about it when they do, and the answer to that is nothing because the person presumably is being supervised?

Ms. PERRY. No. So our answer, USA Gymnastics' answer, is to put an individual on interim suspension. This is a sexual conduct case. So there are a lot of things that fall under sexual misconduct.

So when the Center tells us about this case, the case went to the Center and the Center tells us about a case, we have very limited information given from the Center and we have to make a decision at that point in time. Our decision is do you put that individual on interim suspension or do you wait until the hearing process goes through at the Center because that's where it occurs and once the investigation and the disciplinary hearing takes place, then the Center comes back and says we're done with our finding. This is how we resolved this situation.

All throughout that process, we don't know what's going on and for the most part we have no idea how long it's going to take. So in the meantime, we have this——

Senator MORAN. So these individuals or this individual can be there until there is a final determination by——

Ms. PERRY. By the Center.

Senator MORAN.—the Center for Safe Sport?

Ms. PERRY. That's true.

Senator MORAN. And that's what you're waiting on now?

Ms. PERRY. And they're still in that process.

Senator MORAN. And when that finding occurs, then what's your enforcement against the clubs?

Ms. PERRY. So then depending on the facts, and I don't know the facts——

Senator MORAN. Make this one more hypothetical. So you have somebody who has been determined to be—it's inappropriate for them to be coaching. The Center for Safe Sports hypothetically has determined that. What prohibits a club from continuing to hire people who they should not hire?

Ms. PERRY. So there are two things. One is as a requirement of their membership, they have to—for example, in this case, if another club looks at hiring this individual and they're on the permanently ineligible list or they're on the suspension list, they have to look at those lists. That's a requirement of their continued membership.

They have to do background screening. They have to get references. There are a series of things that that club owner has to do and if, for any reason, they've hired somebody on a permanently ineligible list in this situation, the organization has the right to revoke their membership as a club owner.

Senator MORAN. And the consequence of being a club that no longer has membership with USAG is what?

Ms. PERRY. Membership is a privilege. That club still can operate their business. They just can't participate in USA Gymnastics-sanctioned kinds of events.

Senator MORAN. You were asked, Ms. Perry, about nondisclosure agreements.

Ms. LYONS, any nondisclosure agreements at work at the U.S. Olympics?

Ms. LYONS. No. I've asked that question and none to our knowledge.

Senator MORAN. And, Mr. Engler, President Engler, at Michigan State?

Mr. ENGLER. No nondisclosure agreements. Everything we don't disclose is leaked.

Senator MORAN. And in regard to reports about next steps, Ms. Lyons, the U.S. Olympic Committee has hired outside folks to review process procedure, find out the facts, I assume make recommendations to improve the circumstance. Is that all accurate? I mean, I'm describing that correctly?

Ms. LYONS. Yes, we have a number of initiatives, including outside folks.

Senator MORAN. And when will we, the public, be able to see the results of that study or those studies?

Ms. LYONS. Well, there are a lot of interim things that will happen before those studies are completed. As you know, we are doing a lot of interim steps, but the commission that is looking at the governance will begin and probably begin early September. We finalized or pretty much are finalizing the membership of that committee and I know that seems slow. We're moving as quickly as we can, but we want to make sure we have the right people on that.

Senator MORAN. Is this the Committee that Mr. Xiao is speaking of?

Ms. LYONS. Yes, and he will be a member of that committee, as well.

Senator MORAN. But you've hired a law firm to evaluate—

Ms. LYONS. Oh.

Senator MORAN.—process and procedure and when we last visited, I think we were expecting a report from that effort this summer.

Ms. LYONS. I think you're referring to the Ropes and Gray investigation,—

Senator MORAN. I am.

Ms. LYONS.—which is not so much looking at policies and procedures. It's looking at who knew what when,—

Senator MORAN. Yes.

Ms. LYONS.—and we expect probably in September. Our understanding is they've pretty much completed their investigations at the USOC and I think also at the USAG. They've a few more inter-

views to do at the Center for Safe Sport. I believe they're almost close to finishing their investigation and then they would write their report. They've given us to understand probably early September is when we would look at it.

Senator MORAN. Mr. Engler, if there was conversations about the Michigan State Attorney General, the State of Michigan's Attorney General, I also think was there a legislative inquiry?

Mr. ENGLER. There were a couple of different committees. They've wrapped up their work.

Senator MORAN. So your who, what, when, and where reports have been completed and are known publicly?

Mr. ENGLER. That's correct. The Attorney General, we think, is nearing the end. They've interviewed, I believe, more than a hundred people on campus. We don't know when that report will be done. We hope soon, and that should be it for the state level reporting.

Senator MORAN. And Michigan State didn't hire anybody separate from the state efforts to—

Mr. ENGLER. We did not.

Senator MORAN. OK. And, Ms. Perry, at USA Gymnastics?

Ms. PERRY. There are several investigations that are ongoing. One includes the Ropes and Gray independent investigation. There are, of course, the congressional investigations and others, and according to Ms. Lyons and what we've been informed, the Ropes and Gray should near its end around beginning of the fall.

Senator MORAN. We, in my view, certainly would not be able to conclude our work until we see the who, what, when, and where reports from your organizations.

I think this is it, Senator Blumenthal, for me. Center for Safe Sports, just want to give you further license. Center for Safe Sports, I want to talk about it for a moment, and this would be to Mr. Xiao and Ms. Lyons.

One of the primary concerns that we've heard through my conversations with athletes and our investigation is the belief or concern that the center is not truly independent from USOC and there's a resulting lack of trust on the part of the athletes.

So they see the center as something created by the U.S. Olympic Committee and I'd like to hear—let me start with you, Mr. Xiao. Is that an accurate assessment of where we are, and what can we do about it?

Mr. XIAO. As a collective, I think there is a little bit of a concern not necessarily with the Board of the Center for Safe Sport but a little bit of the funding model because, to be honest, not many entities have been interested in funding the Center for Safe Sport, as I understand, and so a lot of the funding comes from the USOC and the national governing bodies.

Senator MORAN. And athletes I've talked to have expressed concern because the funding of the U.S. Olympic Committee of Safe Sport, but I also would say what you just said, which is in the absence of the funding of the U.S. Olympic Committee, I doubt that the funding is there for Safe Sport, is that fair?

Mr. XIAO. And that's certainly a challenge and I think that's fair.

The other issue that we're concerned about is the presence of former USOC staff members still operating in a staff capacity at



the Center for Safe Sport, which raises some concerns for some people.

Senator MORAN. Say that sentence again, make sure I understand you.

Mr. XIAO. There are staff members at Safe Sport who were formerly staff members at the USOC Committee. I can think of one. I don't know if there are others, but that certainly raised concerns within the community, as well.

Senator MORAN. Ms. Lyons?

Ms. LYONS. Just comment on the same question?

Senator MORAN. Yes.

Ms. LYONS. Let me first say I separate two parts of independence. In terms of the investigations of the Center for Safe Sport is 100 percent independent. We have no insight into that. It is all completely confidential and there is no USOC employee who has any involvement with any of the ongoing investigations in any way.

There are areas where I think in the interest of all of the athletes, the NGBs, the USOC, and the Center need to collaborate and that is things like creating these data bases so that we can provide information and I think it is in helping to find additional funding because they don't have enough to be successful at their mission and much like USATF, which had its origins within the USOC but then became a fully independent organization with not just funding from the USOC but also from the government, we think that that is really the evolution that the center needs to have so that it can truly become independent of any influence from us or anyone else.

Senator MORAN. Senator Blumenthal.

Senator BLUMENTHAL. I want to ask, Mr. Chairman, that we put in the record the article I referenced earlier from the *Orange County Register*, dated yesterday.

Senator MORAN. Without objection.

[The news article referred to follows:]

*SPORTS*

SUSPENDED COACHES STILL WORKING AT SOUTHERN CALIFORNIA GYMNASTICS CLUBS

**USA Gymnastics accused of policy loopholes and not notifying clubs about suspended coaches**

By SCOTT M. REID / sreid@scng.com / Orange County Register

PUBLISHED: July 23, 2018 at 7:20 pm / UPDATED: July 24, 2018 at 12:12 pm



Southern California gymnastics coaches Colden Raisher, left, and Terry Gray, right, continue to work with underage gymnasts even though the sport's national governing body has suspended them while it conducts investigations into alleged rules violations. Photos courtesy of Instagram and USA Gymnastics.

Two Southern California gymnastics coaches continue to work with underage gymnasts even though the sport's national governing body has suspended them while it conducts investigations into alleged rules violations, the Southern California News Group has learned.

Colden Raisher is coaching at The Klub Gymnastics, a gym club near the Silver Lake area of Los Angeles where the top director was unaware of his suspension by USA Gymnastics on Friday.

Similarly, former U.S. national team coach Terry Gray has continued to work with young athletes at SCEGA, a club in Temecula, despite his suspension by USAGymnastics and the U.S. Center for Safe Sport. Gray was placed on USA Gymnastics' suspension list on June 29, and the list was updated on the organization's website that day.

"No notice was given to us nor Terry from USA Gymnastics prior to the list going out online," said Kathy Strate, an SCEGA director.

SCEGA officials actually had to call USA Gymnastics to find out information on Gray's suspension after it was brought to the club's attention by members of the gymnastics community.

"We were told by USA Gymnastics that we would be receiving a letter in the mail," Strate said. SCEGA received a letter from USA Gymnastics the following day.

**Failure to notify clubs**

SCNG has learned that USA Gymnastics has routinely failed to notify clubs and gyms when it suspends coaches and other employees under investigation for alleged sexual misconduct.

Under terms of their suspensions, Gray and Raisher can continue to coach, but can have "no unsupervised contact with minors."

The Gray and Raiser cases highlight loopholes in USA Gymnastics and the Safe Sport center's policies and the complexity of balancing the protection of young athletes and the rights of accused coaches and officials, according to longtime observers of American gymnastics and the U.S. Olympic movement's struggles to address sexual abuse.

The cases also raise questions about USA Gymnastics commitment to protecting young athletes months after USA Gymnastics President Kerry Perry vowed the organization would be more transparent and accountable in pursuing sexual abuse cases in the wake of the Larry Nassar/Karolyi Ranch scandal, say former gymnasts and athlete rights advocates.

"It's still not providing protection from alleged predators for our kids," Jessica O'Beirne said of USA Gymnastics and Safe Sport policies that allow some coaches and officials to continue to work with young athletes while under investigation. O'Beirne is the founder of the podcast GymCastic.

"But you also can't prevent a person from working and making a living," O'Beirne continued. "So what do you do? But this doesn't protect kids. Period."

#### **Raisher denies any wrongdoing**

Raisher said last week he didn't have time to go into the specifics of the allegations against him.

"There was no physical or sexual abuse," Raisher said. "I've never done anything questionable. I'm one of the good guys in the sport. USA Gymnastics is trying to cast a very wide net. They're trying to catch a lot of bad guys. I agree with that. But now anybody can report anything."

He said the allegations were made by officials at another gym. He previously worked at Golden State Gymnastics in Burbank.

"This has nothing to do with Safe Sport or anything sexual," Raisher said. "I changed gyms a couple of months ago and they're retaliating against me."

Golden State said in a statement that it "has not made any complaints against Colden Raisher."

Raisher said he would be willing to talk about his case and explain why he was innocent of the allegations when he had more time, but did not respond to subsequent requests to do so.

While USA Gymnastics has not publicly described the nature of the allegations against the two coaches, Gray's suspension is based on USA Gymnastics bylaws 9.3 and 10.5, according to the organization. Raisher's suspension is based on 10.5, USA Gymnastics said.

Bylaw 9.3 states that USA Gymnastics "shall report and refer all allegations of sexual misconduct to the (U.S. Center for Safe Sport), and all such matters will be within the Center's exclusive jurisdiction. The Center shall investigate such allegations or reports, issue any interim suspension or other measures pending the conclusion of the investigation and any hearing(s), make recommendations of sanctions or disciplinary action as a result of such investigation, and fully adjudicate such matters."

Bylaw 10.5 reads, "At any point before a complaint is resolved under the provisions of this Article 10, interim measures may be imposed to ensure the safety and well-being of the gymnastics community or where an allegation is sufficiently serious that an Adverse Party's continued participation could be detrimental to the sport or its reputation."

#### **4 others under investigation**

Raisher and Gray are two of six coaches with California ties currently under investigation by USA Gymnastics and/or Safe Sport. Stephen Graham, Ron Manara, Antoine Billingsly and Michael Ujin Sanders are suspended from "all contact" pending their hearings, according to USA Gymnastics records.

Billingsly and Graham are suspended under bylaw 9.3, Manara and Sanders under 9.3 and 10.5.

Manara is a former UC Davis assistant women's gymnastics coach and member of the university's physical education faculty. A university spokesperson said Manara is no longer employed at the school. The university has no record of inappropriate behavior by Manara, the spokesperson added.

Graham, a former assistant coach at Eastern Michigan, worked at a series of California clubs and camps, including Gymnastics Olympica in Van Nuys, Pasadena's Vernon Lee Gymnastics Amateur Gymnastics Academy, SoCal Training Center in San Marcos, Monarchs National in Newbury Park and Woodward West in Tehachapi.

Billingsly previously worked at American Kids Sports Center in Bakersfield. SCNG was unable to find any employment records for Sanders.

USA Gymnastics issued the following statement to SCNG: “The safety and well-being of our athletes is USA Gymnastics’ top priority, and the USA Gymnastics Safe Sport Policy and other policies and procedures are in place for that reason. USA Gymnastics Safe Sport Department sends a letter to a suspended member at his/her last known mailing and e-mail addresses, as well as to the respective club owner. Member clubs are informed of any suspension restricts and are responsible for enforcing those restrictions. If a parent is aware of a coach violating the terms of a suspension, they should report it. The list of members placed on the interim suspension (and permanently ineligible individuals) is posted on *usagym.org*”

Even when officials at local clubs and gyms are able to contact USA Gymnastics and Safe Sport about suspensions, the organizations share only minimal information about allegations against coaches or employees. This often leaves gym and club owners with incomplete data when making decisions about allowing a suspended employee to continue working with young athletes.

In Gray’s case, USA Gymnastics told SCEGA the allegations were cited in bylaws 10.5 and 9.3, Strate said. USA Gymnastics told SCEGA “these allegations did not take place in our facility, and dated back to a 2012 allegation.”

“We have been given no other information,” Strate said.

Gray, a U.S. national team coaching staff member from 1995 to 2005, worked for Brown’s Gymnastics in Las Vegas in 2012. Gray also is under investigation for inappropriate behavior at a gym in Ohio, according to those familiar with the investigation. He previously worked under Olympic team coach Mary Lee Tracy at Cincinnati Gymnastics, where he coached two Olympians.

Brown’s officials declined to comment. Gray did not respond to requests for comment.

“In Mr. Gray’s case, a third party made an allegation to the Center,” Russell Prince, an attorney for Prince, said in an e-mail to SCNG. “USAG made an immediate full ‘no contact’ suspension as an Interim Measure. Mr. Gray was allowed an interim measures hearing and the panel looked at the allegations and facts and did not believe a no-contact suspension to be appropriate. During that hearing Mr. Gray was willing to stipulate to a duty change that would allow him to continue to coach under supervision and allow the Center, the independent body, to finalize their investigation.”

“A complete investigation by the Center is in the best interests of Mr. Gray.”

#### **Parents complain they weren’t informed**

Some SCEGA parents have complained that they were not informed of Gray’s suspension by the club.

“We notified all the families of the gymnasts that are coached by Terry, as these were the only families impacted,” Strate said.

Strate said the decision to allow Gray to continue to coach was made after USA Gymnastics “informed us that Terry was cleared to come back to the gym under an interim measure.”

SCEGA’s decision to allow Gray to continue coaching came shortly after the club sent out an e-mail limiting parents viewing access to training sessions for top boys and girls training groups.

Under the policy, there is “no viewing” from 3:30–7 p.m. Monday through Thursday, a primary training period for top groups. Parents are allowed to view training on Friday and Saturday.

“In an effort to help with traffic congestion and viewing room crowding, the following policy is in effect,” the e-mail said. “We will be meeting with families who are not adhering to the policy. This also applies to watching on the bleachers at the Temecula location.”

#### **Scott M. Reid**

Scott M. Reid is a sports enterprise/investigative reporter for the Orange County Register. He also covers Olympic and international sports as well as the Los Angeles’ bid to host the 2024 Olympic Games. His work for the Register has led to investigations by the International Olympic Committee, the U.S. Department of Education, the California Legislature, and the national governing bodies for gymnastics and swimming. Reid’s 2011 reporting on wide spread sexual abuse within USA Gymnastics and the governing body’s failure to effectively address it led to Don Peters, coach of the 1984 record-setting Olympic team, being banned from the sport for life. His reporting also prompted USA Gymnastics to adopt new guidelines and policies dealing with sexual abuse. Reid’s 2012 and 2013 reporting on sexual abuse within USA Swimming led to the banishment of two top level coaches. Reid has won 11 Associated Press Sports Editors awards for investigative reporting since 1999.

He has also been honored by APSE for game writing, and enterprise, news, and beat reporting. He was an Investigative Reporters and Editors award finalist in 2002 and 2003. Prior to joining the Register in 1996, Reid worked for the Atlanta Journal-Constitution and the Dallas Times Herald. He has a B.A. in the History of the Americas from the University of Washington.

Senator BLUMENTHAL. And just point out that, Ms. Perry, it says that no notice of these individuals' suspension was provided, is that true?

Ms. PERRY. Senator Blumenthal, I checked into that this morning and I was told that notice was given through both an e-mail and a first-class mail.

Senator BLUMENTHAL. So you're saying that Terry Gray worked with the SCEGA Club in Southern California and did so with notice, despite Cathy Strait, the director of that club, saying, "No notice was given to us nor Terry from USA Gymnastics prior to the list going out online?"

Ms. PERRY. That individual—yes. I'm sorry.

Senator BLUMENTHAL. That's a lie?

Ms. PERRY. I apologize, Senator. I was told this morning because I quickly checked into that to make sure that notice was because that's part of our procedure and I was told positively that both an e-mail and a letter was sent out.

Senator BLUMENTHAL. So that's just not true, that statement?

Ms. PERRY. I was told that—

Senator BLUMENTHAL. Her statement?

Ms. PERRY. I was told that they were sent out.

Senator BLUMENTHAL. You know, we seem to have differences in accounts here.

Mr. Engler, I'm not going to let this issue go. I think it goes to the heart of why we're here in part because these survivors were disbelieved for so long and I just want to say for the record I believe Kaylee Lorincz and her account.

[Applause.]

Senator BLUMENTHAL. I regret that we're at this point in the testimony where there are differences in factual accounts of what happened and I want to say, and I mean this as a lawyer and as a trial lawyer, there are all kinds of defenses that parties can make in court, but there's also a moral responsibility here and if the U.S. Olympic Committee and USA Gymnastics are really serious and sincere, they will put aside these characterizations of Larry Nassar's relationship to your organization that, very respectfully, let me say disingenuously, disclaim any legal responsibility.

If you're serious and sincere, you will withdraw that Answer and Motion to Dismiss because you need to be part of the legal solution, not just come here and apologize and say there's a new USA Gymnastics because it is the new USA Gymnastics that filed that Answer and Motion to Dismiss on the part of the U.S. Olympic Committee.

Ms. PERRY. Senator Blumenthal, I am not aware of a Motion to Dismiss and I think you corrected that, that it wasn't USA Gymnastics, but I will be very—and I want to reassure all of the Senators and all of the survivors and everybody in this room that USA Gymnastics is absolutely dedicated and committed to legal resolution and we've gone through mediation. We're going to continue

until we get resolution and you're absolutely right. We have a moral obligation.

Senator BLUMENTHAL. You have a moral obligation but you also have a legal obligation.

Ms. PERRY. And we have a legal obligation.

Senator BLUMENTHAL. And you will withdraw that Answer and correct it or amend, whatever the correct procedure is under those Rules, and you will accept that Larry Nassar worked for, was employed by, was an agent of, and therefore imposes that legal responsibility on USA Gymnastics.

Ms. PERRY. And, Senator Blumenthal, Larry Nassar was absolutely an agent of USA Gymnastics, I've never said any different than that, as a team doctor, and I will find out what that is that you're referring to. I don't know what legal action. I know that there wasn't a Motion to Dismiss, but I will find out what that was about. It could be—

Senator BLUMENTHAL. Yes. I'm not saying it was a Motion to Dismiss.

Ms. PERRY.—a lot of different things.

Senator BLUMENTHAL. It was an Answer, and I want to make clear I'm not trying to impose pressure on you from this position because you're entitled to your legal rights. Your lawyer is entitled to advise you as to those rights. You're entitled to assert those rights.

But as part of your moral responsibility, in my view, with all due respect, it is also to accept legal responsibility because that will make you a part of the solution. It will make you part of any court order. The same goes for the United States Olympic Committee.

Ms. PERRY. And I—Senator Blumenthal, I want to reinforce to you again that this organization under my leadership has and will continue to be committed to legal resolution with our survivors. These are our athletes and we will do whatever it takes to get to that point.

Senator BLUMENTHAL. Thank you. And, again, I want to thank the survivors who are here today. Your presence sends a powerful message and is an important statement and, again, my thanks to the Chairman of this subcommittee, Senator Moran.

Senator MORAN. Senator Blumenthal, thank you very much.

Let me, as I have in every hearing that I've chaired, ask the witnesses if they have anything they'd like to put on the record that they were unable to do so, that they want to correct something they said or felt like there's something we need to know that we didn't ask about.

Mr. ENGLER. I would simply say, Mr. Chairman, that I appreciate the opportunity to come here to clarify the issues. I understand there might be differences in interpretation but the opportunity to come here and talk about the changes we've made, to put those on the record, to talk about a \$500 million settlement that's part of the healing is an opportunity that we very much appreciate.

We're proud of what we've done, we're proud of what we're doing, and we think when we're done, universities around the country are going to look to Michigan State to say what policies did you put in place and how might they help us.

Senator MORAN. Anyone else?

Ms. PERRY. Senator Moran and Senator Blumenthal and all Senators, I want to thank you. This is an incredibly important time for our organization and we take it very seriously. These are our athletes and we're going to do whatever we can to earn back their trust and I want to say that coming from outside the Olympic movement, there are things that I think we can address moving forward with the help of Congress and the funding of the Center that will help us do everything we can in our power to prevent what happened.

Thank you.

Ms. LYONS. Mr. Chairman, I would just like to say I am coming to the end of my tenure as the CEO at the USOC, and I hope that in some way we have begun a journey that will get us to a new culture that is all about the athletes, that they are the center of that, and the reason that's happening is because of the brave voices of the women behind me in this room, and I hope that small amount of time that I've been able to devote to them yields some results in the future.

Thank you.

Mr. XIAO. I'd just like to say from the Athletes' Advisory Council, we will continue to do our job. We're going to continue to engage in good faith in all of the reform efforts here, but I also wanted to point out that the core problem here, until that's solved, there are just going to be more problems, more different symptoms that are going to arise, and the core problem being athlete representatives have heard administrators, staffers, coaches, sometimes express the same sentiment, which is athletes come and go, and athletes are replaceable. Until that changes we're never going to get anywhere.

Thank you.

Senator MORAN. Again, we thank you all for being here today. I thank you for testifying. We appreciate those in the audience today, including the survivors.

The hearing record will remain open for two weeks. During that time, Senators are asked to submit any questions for the record. Upon receipt, this would be questions to you, our witnesses, the witnesses requested to submit their written answers to the Committee as soon as possible but no later than August 21 of 2018.

This concludes the hearing and the hearing is now adjourned.

[Whereupon, at 5:11 p.m., the hearing was adjourned.]





## A P P E N D I X

### RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JERRY MORAN TO HON. JOHN ENGLER

*Question.* Last month it was reported that the MSU attorney who defended the institution against sexual abuse lawsuits has now been placed in charge of the University's Office of Civil Rights and Title IX Education and Compliance. Given the nature of this newly created office and its important role in developing education and outreach programs as it relates to sexual assault, do you think it is proper to appoint someone who has defended the University from claims of sexual assault to run this office? Do you think actions such as this undermine the public's confidence on whether the focus of the MSU Title IX office is on protecting students and athletes versus liability issues?

*Answer.* In June, the head of MSU's Office of Civil Rights and Title IX Education and Compliance accepted a new job outside of Michigan. Rob Kent, a member of MSU's Office of General Counsel, was appointed to serve in that role in an interim capacity, and a national search for a permanent associate vice president is underway. We do not believe that Kent's interim service in this role will undermine public confidence in the office. He was instrumental in establishing the University Policy on Relationship Violence and Sexual Misconduct and has worked closely with the U.S. Department of Education Office of Civil Rights during their reviews of MSU's handling of sexual assault cases. Moreover, as I testified, we have taken many actions to strengthen the Title IX office, including providing increased resources to allow it to grow from 15 to 30 employees, creating a new Title IX Prevention, Outreach, and Education Office, and hiring a leading third party investigative services firm to assist with investigations and reduce response times for Title IX complaints. All of these demonstrate the importance we place in the Title IX office and its work.

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### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO HON. JOHN ENGLER

*Question 1.* Is there anything from your oral testimony on July 24, 2018 that you'd like to retract or further clarify (especially with respect to your responses on questions regarding your interaction with Ms. Kaylee Lorincz)?

*Answer.* No.

*Question 2.* Over 120 survivors joined together and penned a letter to the MSU Board of Trustees, calling for your resignation. Did you read the letter sent by the survivors, and if so, do you have any response to it? Several U.S. Senators—including myself—have also called for your resignation. Do you believe that you are still the right person for the job? Do you think you can help the University heal?

*Answer.* Yes, I have read the letter. I was hired by the Board of Trustees to address the crisis caused by Nassar's massive crimes. I have responded by initiating the reforms and actions that I outlined in my testimony to this committee.

*Question 3.* The MSU Residence Halls Association (RHA), MSU student groups and MSU Faculty Senate—the representative body of the faculty at the University—have all issued emphatic votes of no confidence in the Board of Trustees for their selection and support of you as Interim MSU President. Two members of the Board of Trustees have publically voted for you to be ousted. What do these votes mean to you? Do you believe that the support of these University groups matter? What have you done during your tenure to engage in faculty and student groups at the University that have clearly objected to your selection and your actions toward survivors during your brief tenure?

*Answer.* The voices of University groups absolutely matter to me. Since arriving at the University, I have sought to engage faculty, staff, and students to make organizational changes geared toward improving safety and accountability. As just one example, I appointed a Relationship Violence and Sexual Misconduct Expert Advi-

sory Working Group consisting of nationally-recognized faculty and staff who are subject-matter experts on our campus, and the Group has been soliciting input from across the University community. Many of the changes we have implemented have been the result of that input.

*Question 4.* Do you have any empathy for the survivors of abuse?

Answer. Yes. My heart goes out to the survivors, and we are truly sorry that a former faculty member perpetrated his crimes through his associations with the University, USA Gymnastics, U.S. Olympic Committee, and others. The best way to show genuine empathy is by actions. My goal is to make those reforms necessary to ensure that nothing like this happens again on MSU's campus.

*Question 5.* What is the appropriate way to follow up on a Title IX complaint?

Answer. We have put into place a wide array of reforms to ensure that any complaint is investigated and assessed under the University's Relationship and Sexual Misconduct Policy (RVSM), which is available at [https://www.hr.msu.edu/policies-procedures/university-wide/RVSM\\_policy.html](https://www.hr.msu.edu/policies-procedures/university-wide/RVSM_policy.html). All of our employees are annually trained on the requirements of RVSM, and we have expanded the list of employees who are mandatory reporters to ensure that a complaint of any form of sexual misconduct is promptly reported not only to the Office of Institutional Equity as well as to the MSU Police Department. Employees who fail to adhere to their reporting obligations are subject to disciplinary action, up to and including termination.

*Question 6.* Do you believe that it was appropriate to take a meeting with a plaintiff involved in ongoing litigation against Michigan State without her attorney present? Do you believe that it was appropriate to suggest that a survivor of Nassar's horrific abuse was merely looking for money and could be easily paid off?

Answer. I met with Ms. Lorincz and her mother at their request. They waited hours demanding the meeting and requesting that it be kept confidential. There was no discussion of a settlement of her ongoing litigation during that meeting.

*Question 7.* How do you believe that you handled Michigan State's overall relationship with the survivors of Nassar's abuse?

Answer. I am proud of the way the entire University community has come together to not only support the survivors, but to also address the urgent issues of relationship violence and sexual misconduct on our campus. It has been a challenging six months, and there are things I could and should have done differently and better. I regret my errors and have publicly acknowledged them. I recognize that there have been frustrating periods during that time, but I am also confident that we have accomplished much.

*Question 8.* As the head of a University that was unquestionably complicit in the most abominable, horrific sexual abuse scandal in modern history, do you believe that behaving in a confrontational and cavalier manner is helpful for either the University or for survivors?

Answer. Since arriving at MSU six months ago, I have tried to address the crisis and lay a positive foundation for a new president. I do not believe that I have been confrontational or cavalier, but I have made errors which I regret and for which I have apologized. I do believe that the many actions we have taken, detailed in my testimony, and including the historic \$500 million settlement, have been helpful to the University and the survivors.

*Question 9.* Nassar was close friends with many coaches and trainers. These friendships influenced the judgement of these staff members, and allowed Nassar to manipulate decisions even as he abused scores of athletes. Do you feel that relationships or friendships between MSU doctors and coaches can compromise or influence doctors decisions, diagnoses and treatment of student athletes?

Answer. I am personally unaware of Nassar's friendships and influence. At the University, however, medical decisions are made by team doctors and athletic training staff. No member of any coaching staff has hiring or supervisory responsibility for any team doctor or any member of the athletic training staff. Coaching staff do not determine the assignment of team doctors, nor is their input sought in the process. All medical and athletic training staff are instructed to report any inappropriate attempt to influence their treatment of a student-athlete to the Office of Compliance Services to ensure that coaching staff do not adversely affect the healthcare services that student-athletes receive or the decisions of healthcare providers concerning such services.

*Question 10.* Do you believe that it is appropriate for the University to absolve itself of blame in the Larry Nassar scandal, or other sexual assault cases, in order to reduce liability?

Answer. We have not attempted to "absolve" the University of anything. Instead, as stated in my testimony, we have launched a number of reforms to ensure that

no future Nassar could shelter on our campus. We have also achieved an historic settlement with over 300 survivors.

*Question 11.* Do you believe that these same relationships or friendships between coaching and medical staff can impede a mandatory reporter's ability to objectively report wrongdoing or abuse involving a student athlete?

Answer. No. Pursuant to the University's Relationship Violence and Sexual Misconduct Policy, coaches are mandatory reporters and, therefore, are obligated to bring reports of relationship violence, stalking, and sexual misconduct to the Office of Institutional Equity and the MSU Police Department. Failure to do so will lead to disciplinary action, including discharge.

*Question 12.* MSU Healing Assistance Fund: Do you think this fund was set up as quickly as it could have been?

Answer. I was not serving as Interim President when the Healing Assistance Fund was established; therefore, I cannot comment on the timing of the establishment of the Healing Fund. On July 27, 2018, it was reported that Michigan State University has suspended payments from a \$500 million fund set up to pay the victims of former sports doctor Larry Nassar due to allegations of fraud. A notice on MSU's Healing Assistance Fund website states, "Due to an investigation into fraudulent claims made to the Healing Assistance Fund, the university is suspending payments until the investigation is complete. Please check back to this website for future updates."

*Question 13.* Are payments to survivors still suspended? How long were payments to survivors suspended?

Answer. The Healing Fund was established *before* the University's settlement with over 300 survivors, and the Fund is not and never has been a part of the settlement. The Fund was created to provide immediate and temporary support for survivors until a settlement could be achieved. The Healing Fund vendor that distributed reimbursements for survivor mental health treatments reported that it believed that more than 10 percent of the funds it disbursed were on fraudulent claims of treatment. Payments have been suspended since July 26, 2018. The investigation into the scope of fraudulent claims is ongoing.

*Question 14.* Have you reported the fraud to law enforcement? Which law enforcement?

Answer. Yes. The MSU Police Department is involved in the investigation and will determine what additional criminal referrals need to be made once the investigation is completed.

*Question 15.* What do you know about the scope and nature of the fraud?

Answer. See answer to Question 13.

*Question 16.* How do you expect survivors to pay for their treatment (*i.e.*, medication or counseling) while payments are or were suspended?

Answer. See answer to Question 13.

*Question 17.* What assistance will you provide to survivors whose payments are [*sic*] may be in arrears as a result of the unforeseen interruption in payments?

Answer. See answer to Question 13.

*Question 18.* How will you notify victims when the Healing Assistance Fund is operational again?

Answer. See answer to Question 13.

*Question 19.* Athletic Director: When you took over as Interim President of Michigan State, you promised that during your search for a new permanent Athletic Director, no internal candidates from the department would be considered, and a "national search" would take place. However you broke that promise in naming Acting-Athletic Director Bill Beekman as the permanent Athletic Director for MSU.

Given the major challenges that MSU—and its athletic program in particular—face moving forward following the Nassar scandal do you believe that Beekman, an MSU official with no previous experience in athletic administration, crisis management, or expertise in Title IX is the appropriate choice?

Answer. Yes.

*Question 20.* Beekman has worked for MSU since 1995. Why did you opt for a deeply entrenched, internal hire for this position, as opposed to conducting a national search for an outside candidate, as you originally promised?

Answer. Mr. Beekman was chosen from outside the Athletic Department. Mr. Beekman had, and continues to have, the strong support of the Athletic Department, coaches, and University community as a leader with a strong commitment to compliance.

*Question 21.* Were any candidates outside of Michigan State seriously considered?

Answer. A national search would not have identified a better or more principled person than Mr. Beekman.

*Question 22.* Do you believe that this hire sends the right message that MSU is dedicated to moving forward past its grievous mistakes?

Answer. Yes.

*Question 23.* Has Beekman undergone any form of mandatory reporting, gender discrimination, sexual abuse, or violence prevention training?

Answer. Yes.

*Question 24.* MSU Athletic Department Staff under investigation by Michigan State Department of Licensing and Regulatory Affairs: On June 8, 2018, it was reported that six current or former Michigan State University medical professionals with ties to the Larry Nassar scandal were under investigation by the state's Department of Licensing and Regulatory Affairs (LARA). Some of these staff were allegedly informed of abuse, and failed to report it. Others directly supervised Nassar.

As reported by the *Lansing State Journal*, the six individuals under LARA investigation include<sup>1</sup>: Dr. William Strampel, Dean of the College of Osteopathic Medicine; Destiny Teachnor-Hauk, sports trainer who was a medical expert during MSU's 2014 Title IX investigation of Nassar; Dr. Brooke Lemmen, medical expert during MSU's 2014 Title IX investigation of Nassar; Lianna Hadden, current sports trainer who was told about concerns regarding Nassar by two of his victims more than a decade ago; Dr. Douglas Dietzel, head of MSU Sports Medicine clinic, where Nassar served as team doctor for the women's gymnastics and crew teams; and Dr. Gary Stollak, former MSU clinical psychologist who was told about sexual abuse by Nassar in 2004.

For the individuals under investigation by LARA who are still employed by MSU, why is that? Why are they still able to continue to work with athletes while under investigation?

Answer. Drs. Strampel, Lemmen, and Stollak are no longer employed by the University. LARA has closed its licensing investigations and found no violations for Drs. Dietzel and Kovan. While it appears that LARA's licensing investigations for Hadden and Teachnor-Hauk remain open, both athletic trainers continue to work with student-athletes because there has been no substantiating evidence that either Hadden or Teachnor-Hauk violated any law, regulation, or University policy.

*Question 25.* When do you expect to know the outcome of this investigation?

Answer. To my knowledge, LARA has not communicated to the University when LARA expects its ongoing investigations to conclude.

*Question 26.* If the investigation has already concluded, how does MSU plan to respond to the results?

Answer. As explained above, LARA has closed its licensing investigations of Drs. Dietzel and Kovan, who have been cleared of wrongdoing.

*Question 27.* Has MSU already conducted its own investigation into these individuals? Who conducted that investigation? What has that investigation uncovered?

Answer. Prior to my arrival, the law firms of Skadden, Arps, Slate, Meagher and Flom LLP and Miller, Canfield, Paddock and Stone PLC were retained to assist the University in responding to allegations of misconduct regarding Nassar. The firms were retained to facilitate the University's cooperation with appropriate law enforcement and regulatory agencies, advise the University on any internal reviews so that such reviews were carried out in a manner that would best assist the University's response and not compromise any law enforcement actions concerning Nassar, and advise and assist in anticipation of and with respect to any civil litigation.

Accordingly, the firms were tasked with reviewing all of the underlying facts, and the firms were directed that if they found evidence substantiating that anyone at MSU other than Nassar knew of his criminal behavior or did anything to conceal or facilitate it. Any such evidence of criminal conduct would be reported immediately to law enforcement and the University. Those firms found no reportable misconduct by MSU employees concerning crimes associated with Nassar.

It has also been publicly reported that the FBI investigated this matter, and the FBI's review led to no criminal charges. Further, at the request of the University's Board of Trustees, Michigan's Attorney General is also conducting an independent investigation of the Nassar matter. The Attorney General's investigation is ongoing. Significantly, the Skadden law firm advised the Attorney General that the firms believe that the evidence will show that no University official believed or understood

<sup>1</sup> <https://www.lansingstatejournal.com/story/news/local/2018/06/08/larry-nassar-michigan-state-licensing-inquiries-strampel-hadden-teachnor-hauk-dietzel-stollak-msu/684359002/>

that Nassar committed sexual abuse prior to newspaper reports in late Summer 2016.

*Question 28.* Ms. Lianna Hadden, MSU Athletic Trainer: Lianna Hadden is a current sports trainer at MSU, working with athletes from the wrestling, and swimming and diving teams. As reported by the Detroit Free Press, at least two of Nassar's victims (Ms. Jennifer Rood Bedford and Ms. Tiffany Lopez) have said that they told Hadden about concerns more than a decade ago.<sup>2</sup> Hadden failed to report these concerns. Is Ms. Hadden still employed and actively working with athletes at MSU?

Answer. Yes, Hadden is still employed by the University as an athletic trainer and, therefore, is working with student-athletes. To date, there has been no substantiating evidence that Hadden knew or believed that Nassar was committing sexual abuse or that she violated any law, regulation, or University policy.

*Question 29.* Given her alleged connection to the Nassar scandal and failure to report serious concerns about abuse, why is Ms. Hadden still employed at Michigan State University and actively working with athletes? Has she issued any kind of public apology and/or remorse for her inaction?

Answer. Please see my response above. I am certain that Hadden—like all the members of the University community—is sorry that Nassar perpetrated his crimes against the survivors through his associations with the University, USA Gymnastics, U.S. Olympic Committee, and others.

*Question 30.* Has Ms. Hadden undergone any form of training or re-training in mandatory reporting, sexual abuse, or child abuse training? Please provide dates completed of any such training.

Answer. Yes. All employees receive such training annually. Hadden's last date of training was May 4, 2017.

*Question 31.* Ms. Teachnor-Hauk, MSU Athletic Trainer: During the 2014 Title IX investigation of Nassar, Ms. Teachnor-Hauk told a university investigator that she had never had a complaint about Nassar in 17 years and had no concern about him crossing a line between medically appropriate and inappropriate. On the contrary, and as reported by the Detroit Free Press, Nassar survivor Tiffany Lopez told Teachnor-Hauk [sic] of her complaint about Nassar in the early 2000s. Recounting the experience to reporters, Lopez said, "I felt like she didn't believe me. She called me crazy; she told me I was crazy for thinking that . . . the treatment that I had been receiving this entire time wasn't, like, actual medical treatment." Teachnor-Hauk discouraged Ms. Lopez from filing a formal complaint.

Had Teachnor-Hauk treated Ms. Lopez's allegations seriously, hundreds of women could have been spared from Nassar's abuse. Is she still employed by MSU? Has she issued any kind of public apology and/or remorse for her inaction and misleading investigators?

Answer. Yes, Teachnor-Hauk is still employed by the University as an athletic trainer and, therefore, is working with student-athletes. To date, there has been no substantiating evidence that Teachnor-Hauk knew or believed that Nassar was committing sexual abuse or that she violated any law, regulation, or University policy.

*Question 32.* Has Ms. Teachnor-Hauk undergone any form of training or re-training in mandatory reporting, sexual abuse, or child abuse training? Please provide dates completed of any such training.

Answer. Yes. All employee receive such training annually. Teachnor-Hauk's last date of training was May 4, 2017.

*Question 33.* Ms. Brooke Lemmen: As reported by the Lansing [sic] State Journal, in fall 2016, after sexual assault allegations against Nassar were first made public by the Indianapolis Star, Ms. Lemmen removed patient files from the university at Nassar's request. She reported taking the files to her house instead of to Nassar and brought them back to MSU the next day, her attorney wrote in a letter to the university last year.<sup>3</sup>

Lemmen reportedly had second thoughts about removing the records and called MSU Health Administrator Susan Dolby, who convinced Lemmen to return the records.

Did Susan Dolby report the stolen documents to her supervisors or the authorities after being notified by Ms. Lemmen?

Answer. Yes.

<sup>2</sup> <https://www.freep.com/story/news/2018/03/30/2-msu-employees-still-job-though-informed-nassar-ex-athletes-say/417731002/>

<sup>3</sup> <https://www.freep.com/story/news/local/michigan/2017/03/17/larry-nassar-brooke-lemmen-gymnastics/99338982/>

*Question 34.* Several attorneys suing MSU, Nassar and USA Gymnastics have said in lawsuits that some of their client's medical records, provided by MSU, were devoid of mentions of intravaginal procedures their clients said were performed, and in some cases the university could not provide medical records that were requested. Are you certain that none of the documents Ms. Lemmen transported were destroyed?

Answer. It is my understanding that no such documents were destroyed.

*Question 35.* Ms. Lemmen was advised by Nassar that USA Gymnastics [sic] was investigating him in July 2015, yet she kept this information to herself. Between July 2015 and when the Indy Star expose was announced, there were at least 40 more victims of Nassar's abuse, according to the *New York Times*. Was Ms. Lemmen ever reprimanded for her inaction during her tenure at MSU? Did the University put pressure on Ms. Lemmen to resign following the unveiling of this complicit behavior?

Answer. Dr. Lemmen resigned from the University before my arrival as Interim President. It is my understanding that the University informed Dr. Lemmen that it had concerns regarding her exercise of judgment and behavior, and Dr. Lemmen subsequently resigned.

*Question 36.* Ms. Lemmen was interviewed by then-MSU Title IX coordinator Kristine Moore as an expert, not a witness, in the 2014 Title IX investigation into Nassar. The Lansing State Journal reported that Lemmen, as well as other experts interviewed for the investigation, were chosen based on Nassar's recommendation despite the personal relationships with him<sup>4</sup>. Is it ever appropriate to allow the subject of a Title IX investigation to supply character witnesses who have close personal relationships with the subject? Do you believe it is appropriate to view these testimonies as "expert" given the witness' close personal relationship with the subject of a Title IX investigation? Does MSU still have a policy of allowing Title IX investigation subjects to provide a list of expert witnesses that may also be friends with the subject testify on behalf of the subject?

Answer. In 2014, under procedures then in place, both the claimant and respondent could ask the Title IX investigator to interview witnesses who may have relevant information. During the 2014 investigation of Nassar, the Title IX investigator interviewed both the claimant's identified witnesses and Nassar's identified witnesses: Dr. Lemmen and Teachnor-Hauk, both of whom worked directly with Nassar. Subsequently, the Title IX investigator determined that she needed to independently consult with additional osteopathic doctors. The investigator sought recommendations from the then-Dean as to other doctors who could provide an informed and impartial analysis of the matter. Drs. DeStefano and Gilmore were recommended and utilized because they did not work directly with Nassar. Neither had a close personal relationship with Nassar. Title IX investigative protocols have since been revised to require consultation with non-MSU experts.

*Question 37.* As reported by the Detroit Free Press, "A comment [Ms. Lemmen] made about the university's attorneys conducting the internal [2014 Title IX] investigation also made one staff member feel 'pressured not to fully cooperate in the investigation,' according to Strampel's [December 12, 2016] letter."<sup>5</sup> What lessons has MSU learned from its botched 2014 Title IX investigation and what can it do in the future to make sure investigations are conducted expediently and accurately?

Answer. Respectfully, Strampel's December 12, 2016 letter referred to the University's review of the Nassar matter in 2016, not the 2014 Title IX investigation. Nonetheless, the University expects and requires that all Title IX investigations be conducted promptly and equitably.

*Question 38.* MSU Medical Manipulation Specialists: According to an article in Deadspin<sup>6</sup>: "Dr. Lisa DeStefano, a former MSU medical manipulation specialist, is accused of knowing about Nassar's methods of abuse and deeming them to be medically appropriate treatment. She is now the faculty department chair of MSU's College of Osteopathic medicine. "Dr. Jennifer Gilmore, a former MSU medical manipulation specialist, is also accused of knowing about Nassar's abuse and characterizing it as medically appropriate. She is now an assistant professor."

Have Dr. DeStefano and Dr. Gilmore issued any kind of public apology and/or remorse?

<sup>4</sup><https://statenews.com/article/2018/04/police-report-msu-employee-actions-during-nassar-investigation>

<sup>5</sup><https://www.freep.com/story/news/local/michigan/2017/03/17/larry-nassar-brooke-lemmen-gymnastics/99338982/>

<sup>6</sup><https://deadspin.com/a-list-of-people-accused-of-enabling-larry-nassar-1822393026>

Answer. To date, there has been no substantiating evidence that DeStefano or Gilmore knew or believed that Nassar was committing sexual abuse, as opposed to the *medically approved* procedure they believed he was using. Nor is there any substantiating evidence that they violated any law, regulation, or University policy. Even though there is no such evidence, I am certain DeStefano and Gilmore—like all the members of the University community—are sorry that Nassar perpetrated his crimes against the survivors through his associations with the University, USA Gymnastics, U.S. Olympic Committee, and others.

*Question 39.* Have Dr. DeStefano and Dr. Gilmore undergone any form of training or re-training in mandatory reporting, sexual abuse, or child abuse training? Please provide dates completed of any such training.

Answer. Yes. All employee receive such training annually. DeStefano's last date of training was February 5, 2017, and Gilmore's last date of training was December 3, 2017.

*Question 40.* Dr. Doug Dietzel: Dr. Douglas Dietzel is the head of MSU Sports Medicine clinic, where Nassar served as team doctor for the women's gymnastics and crew teams. According to his testimony given to police, Dr. Dietzel recalls William Strampel telling him about the sexual assault allegations against Nassar in 2016.

Is Mr. Dietzel still employed and working with athletes at MSU? Given his connection to the Nassar scandal and role as Nassar's supervisor, why is Mr. Dietzel still employed at Michigan State University and actively working with athletes?

Answer. Yes, Dietzel is still employed with the University and is working with student-athletes. To date, there has been no substantiating evidence that Dietzel knew or believed that Nassar was committing sexual abuse or that he violated any law, regulation, or University policy. LARA has cleared Dr. Dietzel of wrongdoing. Note: Dietzel's statement to the police indicated that Strampel told him about the sexual assault allegations against Nassar in 2016 *after* Nassar was removed clinical practice.

*Question 41.* Has Dr. Dietzel undergone any form of training or re-training in mandatory reporting, sexual abuse, or child abuse prevention training? Please provide dates completed of any such training.

Answer. Yes. All employee receive such training annually. Dietzel's last date of training was March 11, 2017.

*Question 42.* Past Mistakes and Forward Solutions: There were not only failures in the processes and operations at MSU, but also in the general culture at the school and in the athletic department. It is clear that Administrators at MSU fostered a culture of widespread denial, inaction, and information suppression regarding complaints of discrimination and sexual and dating violence and abuse.

What have you done to identify and remove current employees who knew about sexual abuse and not only did not report, but stayed silent?

Answer. To date, there has been no substantiating evidence that any employee knew or believed that Nassar was committing sexual abuse prior to 2016 when Ms. Denholender filed her MSU police complaint and made explicit allegations that Nassar digitally penetrated her. As noted in my testimony and these answers, one of the reforms instituted is the expansion of the employees subject to mandatory reporting requirements and imposition of accountability for failure to make a mandatory report of sexual misconduct.

*Question 43.* Has anything been done to identify and remove coaches, athletic directors, employees, and officials who witnessed sexual, emotional, or physical abuse of athletes and did not report child abuse to authorities and did nothing to stop it?

Answer. To date, there has been no substantiating evidence that any employee knew or believed that Nassar was committing sexual abuse prior to 2016.

*Question 44.* In order to begin to restore trust, are you willing to disclose to the public all of the previously mishandled sexual abuse claims made against individuals within the MSU athletic community? Are you able to explain why these failures happened and what you are doing to make sure they will not happen again?

Answer. To date, there has been no substantiating evidence that any employee knew or believed that Nassar was committing sexual abuse prior to 2016. If such evidence is obtained regarding Nassar's abuse, it will be reported and disclosed. In my testimony, I detailed the many steps we have taken to make sure this will not happen again. Among all of them, accountability is the most significant change that we are implementing in a culture of "shared governance" where there had been less emphasis on actual responsibility for achieving specific outcomes. Ensuring accountability is the charge of the new Office of Enterprise Risk Management, Ethics and Compliance, which I created to monitor legal, ethical, and regulatory requirements.

We pledge to the survivors and the community at large that we will do all we can to protect students, patients, athletes, and others.

*Question 45.* Have University officials ever sought to withhold the names of athletes or coaches in campus police records, or delete data from incident reports? How does MSU plan to combat this problem?

Answer. To my knowledge, this has not occurred.

*Question 46.* In what ways has the University consulted with survivors or experts in sexual abuse and violence in crafting new policies or new mandated training?

Answer. I appointed a Relationship Violence and Sexual Misconduct Expert Advisory Working Group consisting of nationally-recognized faculty and staff who are subject-matter experts, and the Group has been soliciting input from across the University community, including from survivors. This is just one example where the University is seeking input on policies and training from all stakeholders.

*Question 47.* What policies have been initiated to detect, prevent, and punish the use of emotional and physical abuse by coaches and other individuals involved in the athletes [*sic*] training?

Answer. Pursuant to our Standards for Safeguarding Institutional Governance of Intercollegiate Athletics at Michigan State University, the University is committed to promoting the safety, health, and well-being of every student-athlete, as well as providing and coordinating a comprehensive array of professional healthcare services. Emotional and physical abuse by coaches is contrary to the Institutional Standards. Individuals can report violations of the Institutional Standards, as well as any other misconduct involving athletics, to the Office of Compliance Services or through the Misconduct Hotline, where reports can be made anonymously.

*Question 48.* Ms. Rachael Denhollander's Questions: As you know, Ms. Rachael Denhollander was the first woman to publicly accuse Larry Nassar of sexual abuse. In a Facebook post dated July 24, 2018, Ms. Denhollander wrote: "How you as leaders think about and what you communicate about sexual assault is the determining factor in whether your institution is safe or not. Procedural or policy changes matter little when the example from the top is shaming, blaming, and refusing to honestly assess and admit when failures have occurred."

Ms. Denhollander had several questions that she hoped would be asked to leaders at MSU, USAG, and USOC. They have been copied below in their entirety.<sup>7</sup>

If you want to move forward to create effective change, why have you not commissioned an independent investigation into what went wrong, so you know what to change and how to do better? Why have you not investigated who knew what about Nassar and when, or identified the breakdowns and failures that let him sexually abuse children for decades? (MSU, USAG and USOC have not commissioned a public investigation into what happened with Nassar—something the survivors have been requesting for nearly two years.)

Answer. At the request of the University's Board of Trustees, Michigan's Attorney General is currently investigating the Nassar matter. Please also see my response to Question 27.

*Question 49.* Have you otherwise identified any specific breakdowns or failures of policy or individuals that is responsible in whole or part for allowing Nassar to abuse children for decades?

Answer. Since Fall 2016, we have identified the following issues and taken the following actions, among many others:

- Strengthened mandatory reporting obligations.
- Ended William Strampel's connection with the University.
- Reorganized the University's health colleges, clinical practices, and student wellness programs.
- Instituted a triage protocol to review all reported allegations or concerns of inappropriate practitioner-patient and practitioner-student interactions.
- Revised policies on sensitive examinations and chaperones.
- Enhanced student-athlete medical care after review by external sports medicine physicians.
- Implemented a number of recommendations for improvements to student counseling and psychiatric services as outlined in Keeling & Associates' report.
- Created the Office of Enterprise Risk Management, Ethics and Compliance.
- Strengthened protections for youth participating in campus programs.

<sup>7</sup> <https://www.facebook.com/notes/rachael-denhollander/questions-for-john-engler-kerry-perry-and-susanne-lyons-at-their-senate-hearing/1914933721920272/>



I would also draw your attention to the attachment to my written testimony—"Michigan State University: Taking Action to Foster a Safer Campus"—which details these and other changes we have implemented. We will continue to update this publication and provide additional materials and resources on MSU's "Our Commitment" website at <https://msu.edu/ourcommitment/>.

*Question 50.* If you HAVE identified some failures, why have these not been identified and disclosed, with consequences for any individual failures?

Answer. As noted above, the University has taken action on a wide variety of issues associated with Nassar and has identified those issues publicly in many ways, including my testimony and the "Our Commitment" website.

*Question 51.* If you HAVE identified failures, why have the victims received no disclosure of these failures, or specific apology for them?

Answer. The University has endeavored to take action and communicate those actions publicly. We have also apologized many times for failing the survivors, including in my testimony.

*Question 52.* If you have NOT identified specific failures, why have you not taken that basic step?

Answer. Please see my responses to the prior questions.

*Question 53.* Moving forward, have you identified any specific failures in how leaders have talked about, characterized, or spoken of survivors of abuse?

Answer. Yes.

*Question 54.* Have you retracted and apologized for each of these statements?

Answer. I have publicly apologized to Ms. Denhollander for the comments I made in a private e-mail. The comments were wrong, and it has never been my intent to have an adversarial relationship with any survivor.

*Question 55.* What message do you believe has been communicated about how sexual assault survivors are viewed in the statements made publicly about these women, and made privately in e-mails and internal correspondence?

Answer. I am proud of the way the entire University community has come together to support the survivors.

*Question 56.* Do you or did you at one believe the statements made by leaders at MSU (including Mr. Engler) that sexual assault survivors are in this for money, being manipulated by trial attorneys, pushing legislative reform for personal gain, receiving kickbacks, or lying about what was said in private meetings for personal gain?

Answer. I never stated that the survivors were "in it for the money." The comment I made in a private e-mail concerning Ms. Denhollander was made in the heat of the moment as we worked to finalize an historic settlement with the survivors, and I have apologized for it.

*Question 57.* If you do not and did NOT believe these statements, why would you say them or allow others to say them unchallenged and uncorrected?

Answer. Please see my prior response.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
SUSANNE LYONS

*Question 1.* With respect to the Center for SafeSport, one of the primary concerns we have heard through the course of this investigation is that the Center is not truly independent from USOC, which results in a lack of trust on the part of athletes. I would like to hear your perspective on this matter. First, do you believe it is true that SafeSport is not truly independent? If not, why? What can be done to either rectify this or reassure athletes that SafeSport is truly independent and is focused entirely on their best interests, not that of USOC?

Answer. When launching the Center for SafeSport, the U.S. Olympic Committee chose to create it as an independent entity because we agree that independence is important to engendering trust in its processes and to minimizing potential conflicts of interest within the Olympic community. Nonetheless, the Center would not have launched without the assistance of the Olympic Committee, including organizational assistance and financial support. Building trust in the Center's operations is an important and ongoing goal of the Olympic Committee. For example, the Center's investigations and adjudications are entirely independent, and the Center does not provide information about specific ongoing cases to the Olympic Committee or, to our knowledge, national governing bodies. The Center's staff operates independently and places a high priority on maintaining its operational independence. Because the Olympic Committee is committed to the success of the Center, there are other areas

where collaboration is beneficial. For example, the Olympic Committee and the Center are currently working to improve coordination and consistency related to banned lists. And, of course, the Olympic Committee continues to be a primary funder of the Center. As noted in my testimony, the Olympic Committee believes that increasing the Center's sources of funding can help contribute to demonstrating its independence. In the meantime, because the success of the Center is so important to the entire Olympic community, the Olympic Committee is committed to ensuring that the Center has the resources it needs to be successful.

*Question 2.* Do the Center for SafeSport, the USOC and NGBs have adequate insurance in place to cover the devastating and lifelong impact for what we now know is an incredibly large population of abused athletes? What insurance number would you deem adequate, and what would that be based on?

Answer. The Olympic Committee has continuously maintained insurance policies commensurate with its operations and activities. The current issues were, of course, very much unanticipated. It is not possible currently to estimate an amount necessary to address the needs of all victims or the role of insurance in addressing the needs of victims. I cannot speak to the current insurance position of the Center or the national governing bodies.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
SUSANNE LYONS

*Question 1.* Larry Nassar was the team doctor for the USA Gymnastics Olympics Team. Is that right?

Answer. This question is best answered by USA Gymnastics. From the perspective of the Olympic Committee, USA Gymnastics selected and advanced Nassar for credentialing as a doctor for the gymnastics team in connection with various Olympic events.

*Question 2.* What role does the USOC Sports Medicine have in approving NGB doctors? Was Larry Nassar a part of the USOC Sports Medicine team?

Answer. The Olympic Committee's Sports Medicine department does not approve national governing body doctors. Rather, national governing bodies submit medical professionals to the Olympic Committee for credentialing in connection with certain events, and the Olympic Committee conducts a criminal background check and a medical credential review for the proposed professional. Nassar was not a part of the Olympic Committee's Sports Medicine department. To my knowledge, his involvement with the Olympic Committee's medical operations were one instance serving as a medical volunteer at an Olympic Training Center and serving on an advisory board for the National Medical Network.

*Question 3.* Why is USOC is now arguing in the lawsuit it has no duty to protect these women and that Nassar was never employed by USOC? Will you withdraw the petition to remove USOC as defendants in the lawsuits filed by several survivors of Nassar's abuse?

Answer. Respectfully, that is not the position of the Olympic Committee. As I testified, the Olympic community failed the athletes that it was supposed to protect. The Olympic Committee has instituted deep and systemic reforms to strengthen significantly the protection of athletes, including working to rebuild USA Gymnastics under new leadership, and launching the U.S. Center for SafeSport, which provides a safe and independent path for reporting and investigating issues of abuse. We are also committed to understanding all facts about the Nassar abuse, and we look forward to receiving the report of the independent investigation that we launched earlier this year. We will make that report public. The legal filings address an entirely different and more specific question, namely the legal responsibility for Nassar's crimes. As you noted, he was not employed by the Olympic Committee.

*Question 4.* How can USOC can do a credible job of protecting athletes in the future if you refuse to take responsibility for past failures and hold your people accountable?

Answer. We have taken responsibility, we do take responsibility, we have held people accountable, and we will continue to hold people accountable.

*Question 5.* USOC has failed to provide proper oversight and protect athletes from physical, emotional and sexual abuse not only in gymnastics but in many other sports including swimming and figure skating for decades. The current chairman, Mr. Larry Probst has been in office since 2008 and has arguably failed to provide the leadership that the organization needs to move forward. Many survivors have called for his resignation.

a. How does USOC intend to restore public confidence in USOC while Mr. Probst is still chairman?

Answer. When I became acting CEO, Mr. Probst and I announced a series of initiatives to strengthen our handling and response to issues of abuse and address other structural weaknesses within the Olympic community. As discussed more fully in my testimony, we have made significant progress on those initiatives, and at the same time, we have continued to refine our plans for reform, adding new initiatives and efforts as we identified additional areas in need of attention. In my testimony, I outlined our initiatives and progress in the areas of SafeSport and athlete safety programs, athlete advocacy, the Olympic Committee's engagement with national governing bodies and athletes, the reform of USA Gymnastics, and the ongoing independent investigation. I sincerely hope and believe that these efforts to address the important issues of athlete safety will help restore public confidence in the organization. In my experience on the board, where we discussed the topic of SafeSport at nearly every meeting, Mr. Probst both ensured this topic was a priority and consistently urged more speed in the implementation of the Center for Safe Sport.

b. How can USOC restore public confidence while the same board is still in place?

Answer. There have been several changes in the composition of the board. Some board changes have occurred in the ordinary course, and some board changes, such as the resignation of Mr. Blackmun, have not. Board service is subject to term limits to ensure both continuity and fresh perspectives on the board. For example, at the end of this year, there will be three to four additional changes in board composition as individuals reach the end of their terms.

*Question 6.* The Ted Stevens Amateur Sports Act provides in part that the USOC "may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions of the continues recognition [of the NGB]." What is it about this language limits USOC from being active and fixing issues, especially those pertaining to sexual abuse, that arise?

Answer. Nothing. Indeed, the Olympic Committee's bylaws require that national governing bodies maintain and enforce athlete safety policies and procedures, and that national governing bodies are subject to the jurisdiction of the Center for SafeSport and the SafeSport Code. The Olympic Committee will use these and other elements of its rules and procedures to be active in fixing issues as they arise.

*Question 7.* Is USOC responsible for the safety of the athletes it sends to the Olympic, Pan American, and Paralympic games? Is protecting them from sexual abuse a top priority?

Answer. Yes, the Olympic Committee is responsible for providing a safe environment for athletes competing in the Games. Yes, protecting athletes from sexual abuse is a top priority.

*Question 8.* It was not until January of 2018 that USOC commissioned a "USAG Working Group" to understand the sexual abuse that occurred in its organization for so many years. This was over two and a half years since its knowledge of Larry Nassar, over one year since Larry Nassar's abuse broke publicly in September of 2016, and only shortly after USA Gymnastics, MSU and USOC came under fire at the sentencing hearings in Michigan after so many survivors took the stand in the courtroom to deliver victim-impact statements.

Why did it take so long to form this working group? What was USOC doing for those two years, and why didn't it do something sooner?

Answer. Respectfully, this question mischaracterizes the nature of this working group. The working group formed in January 2018 was directed at (1) the selection of an independent investigator to investigate both USA Gymnastics and the Olympic Committee and (2) the intense focus necessary to rebuild USA Gymnastics after the Olympic Committee required the removal of its entire board. The Olympic Committee was deeply involved in these issues much earlier, such as when it required the resignation of Steve Penny in March 2017. Moreover, as explained in more detail in my testimony, the Olympic Committee board and executives have been working on the SafeSport initiative since 2010.

*Question 9.* What has USOC done to ensure that athletes across NGBs are not misled into thinking that required to submit written complaints?

Answer. The Olympic Committee requires national governing bodies to abide by the procedures of the Center for SafeSport. The Center's procedures provide multiple methods of reporting, including by telephone. For example, both the Sexual Misconduct Incident Reporting Form and the Center's procedures posted on its website provide a telephone number for reporting. Educating athletes about appropriate reporting procedures is a priority for the Olympic Committee, as well as the Center and national governing bodies in my experience.

*Question 10.* Are athletes across NGBs now able to submit anonymous complaints?

Answer. Yes. The Center's procedures permit anonymous reports. For example, the Center's online Sexual Misconduct Incident Reporting Form states at the top, in all capital letters, "YOU MAY REPORT ANONYMOUSLY."

*Question 11.* You served on the USOC Board of Directors for over seven years before taking over as acting CEO. During that time, do you believe you were well-informed as to the health and status of the organization? If yes, why did the abuse of athletes continue for so long and what should be done to avoid similar situations in the future? If no, who or what was responsible for keeping the Board of Directors in the dark about what was happening and what is the USOC doing to keep that from happening again?

Answer. During my tenure on the board, we discussed SafeSport issues, including our efforts to launch the Center, at nearly every meeting. Like everyone across the Olympic community, and indeed the country, the board was not aware of the devastatingly broad scope or magnitude of the abuse that occurred. In January 2018, the Olympic Committee announced that it would be launching an independent investigation to determine how an abuse of this proportion could have gone unreported for so long. We need to know when complaints were brought forward and to whom. Although the investigation is ongoing, the Olympic Committee is not waiting on the results of the investigation to act. In February 2018, I announced a series of reforms and initiatives to strengthen our handling and response to issues of abuse and address other structural weaknesses within the Olympic community. Additional details about these efforts are contained in my written testimony.

*Question 12.* If a coach is suspended by an NGB, and the USOC knows that coach is still coaching at their local club, what action can USOC take to ensure that coach doesn't coach at that club? Can USOC take action independent of the NGB? Why or why not?

Answer. Your question highlights some of the significant challenges that we collectively face as we work to address issues of abuse. Although a national governing body can terminate memberships and the Olympic Committee can cease recognitions, the Olympic community has no authority over the hiring decisions of unaffiliated local clubs. We can partially address these issues by improving information sharing, such as coordination and publication of banned lists, to enable parents and local clubs to know when a particular coach has been disciplined.

*Question 13.* What can USOC do to enforce the suspension of a coach for sexual abuse?

Answer. While the specific enforcement would generally fall to the national governing body, the Olympic Committee has a unique leadership role to lead changes in the entire Olympic community. For example, we are working with the national governing bodies and the Center to facilitate the sharing of banned and suspended lists, and to make them available to athletes, parents, and potential employers, and anyone who works in the athlete community. If necessary, the Olympic Committee can use its authorities under the Ted Stevens Act to require a national governing body to enforce a suspension, including decertification as a national governing body.

*Question 14.* What can the Center for SafeSport do to enforce the suspension of a coach for sexual abuse?

Answer. Although the Center is in the best position to answer this question, the Center already makes publicly available a searchable database of adjudicated cases. The Center also circulates an adjudication log, on a biweekly basis, to all of the national governing bodies that contains additional information concerning interim measures. If the Center found that a national governing body was not enforcing a suspension, I expect that the Center would bring that to the attention of the Olympic Committee.

*Question 15.* Does the USOC need to be explicitly made responsible for the obligations of any national governing body under its authority?

Answer. In my view, the provisions of the Ted Stevens Act sufficiently specify the relationship between the Olympic Committee and national governing bodies. The Act allows the Olympic Committee to have a strong leadership role in areas such as athlete safety. Exercising that authority, for example, the Olympic Committee created and launched the Center for SafeSport. It must lead to further concrete steps and changes in policy, and, as I testified, it has and will.

*Question 16.* Executive Compensation: In response to a QFR, former USOC CEO Scott Blackmun explained that his "salary was based 50 percent on comparable non-profits, 25 percent on sport and 25 percent on for-profit companies." Based on the most recent available tax filings, Blackmun earned \$1.075M in total compensation

in 2016, of which \$646,000 was base salary. It's also my understanding that Deloitte, a USOC sponsor, is responsible for this formula and benchmarking data for salaries for USOC executives. Is this consistent with your understanding? If not, please explain in detail how USOC executives are compensated.

Answer. This is generally accurate. In addition to Deloitte, the compensation committee of the board received benchmarking from other outside advisors.

*Question 17.* Do you think it is a conflict of interest for Deloitte to establish executive compensation for the very executives who will also be responsible for negotiating and approving Deloitte's sponsorship agreement? Do you think that is a proper and transparent way to conduct business?

Answer. The compensation committee of the board and, ultimately, the full board establishes compensation for Olympic Committee executives. Those decisions were informed by Deloitte as well as other outside advisors. As noted, Deloitte is a sponsor of the Olympic Committee and some of its sponsorship is provided in the form of in-kind services. Such arrangements permit the Olympic Committee to operate more efficiently, reducing costs for the benefits of the organization and the athletes that it supports. In my experience, the market data provided by Deloitte has been consistent with the data provided by other compensation experts, such as Mercer.

*Question 18.* Please explain how athletes are typically compensated across NGBs. Does USOC set any rules or guidelines regarding how athletes are compensated?

Answer. The Olympics operate very differently from professional sports. Athletes are not compensated for athletic participation.

To help develop athletic excellence, the Olympic Committee maintains a number of athlete support programs to provide resources to Olympic and Paralympic athletes. These programs include cash stipends, athlete health insurance, support for the Olympic Training Centers, sports medicine, sport sciences, and other programs.

*Question 19.* From your personal experiences, would you agree with reports that USOC has engaged in exorbitant and lavish spending—flying executives and spouses on first class and providing excessively generous per diems?

Answer. No.

*Question 20.* What do you think of the fact that Mr. Penny took \$1 million from the non-profit USAG as part of his severance package, yet refused to answer questions at this Subcommittee's last hearing regarding conduct he had engaged in on behalf of USAG?

Answer. I share the Committee's frustration that Mr. Penny did not answer the Committee's questions. I believe it is essential that we understand all of the facts related to athlete abuse.

*Question 21.* Athlete Compensation: After the 2016 Rio Olympics, the USOC's board of directors gave five executives \$100,000 or more in bonuses, many already making six figures. Meanwhile, an athlete winning a gold medal received just \$37,500. Do you see anything wrong with an organization that is supposed to be centered on athletes, perpetrating such a ridiculous wage gap between staff?

Answer. As noted above, Olympic athletes are not compensated like professional athletes. They are not employees of the Olympic Committee. Approximately 75 percent of the Olympic Committee's budget is dedicated to programs and services aimed at helping athletes achieve the elite-level success that they seek.

*Question 22.* Does USOC still pay athletes and programs that have the highest achieving athletes? Are there any plans by USOC to end this "Money for Medals" Program?

Answer. There is no such "Money for Medals" program. As part of its efforts to support athletic excellence, the Olympic Committee is proud to provide a host of athlete benefits aimed at helping athletes achieve the elite-level success that they seek. Resources are generally allocated toward athletes who have the potential to achieve their dreams in international competitions. The program that awards a cash payment to Olympic and Paralympic athletes who win a medal in the Games recognizes their extraordinary achievements in representing our Nation.

*Question 23.* Do you believe that the profound inequity in salaries and financial support earned between USOC and NGB officials and Team USA perpetuates a power imbalance? Don't you think this is antithetical to athlete safety? Do you believe that the inequity between athletes and executives qualifies as financial abuse?

Answer. No.

*Question 24.* Do you think athletes across NGBs are adequately and fairly compensated—particularly in comparison to inflated executive compensation and personal fringe benefits at NGBs and USOC? Do you believe that the salaries given to elite athletes affords them a high quality of life?

Answer. As noted above, Olympic athletes are not compensated like professional athletes (they do not receive a salary) and executive compensation is set by the board of directors after assessing benchmarks, with the support of outside advisors. Approximately 75 percent of the Olympic Committee's budget is dedicated to programs and services aimed at helping athletes achieve the elite-level success that they seek.

*Question 25.* Has the USOC board put forward an actionable timeline to significantly increase the paltry 8 percent of its 336 million dollar revenue that goes to the support of athletes?

Answer. Respectfully, this question mischaracterizes the Olympic Committee's support of athletes. Approximately 75 percent of the Olympic Committee's budget is dedicated to programs and services that support athletes (with the remainder aimed at enabling the Olympic Committee to best provide these programs and services). I believe that the 8 percent number referenced in the question refers to the portion of athlete support that is composed of direct payments to athletes.

*Question 26.* Mr. Rick Adams also testified in March of 2017 that there was "a flawed culture, where the brand, the sport, and their (competitive) results are given a higher priority than the health and well-being of athletes." Do you agree with Mr. Adams' testimony?

Answer. Yes.

Since Mr. Adams testified, now over a year ago, has the USOC done anything (taken any measures, adopted any policies, implemented any new guidelines) to fix this culture discussed by Mr. Adams?

Answer. Yes. In my testimony, I outlined our initiatives and progress in the areas of SafeSport and athlete safety programs, athlete advocacy, the Olympic Committee's engagement with national governing bodies and athletes, the reform of USA Gymnastics, and the ongoing independent investigation.

*Question 27.* Your Oversight of USA Taekwondo: From February 27, 2012 through October 10, 2013, USA Taekwondo was on probation because the USOC found that it was non-compliant with USOC membership obligations set forth by the Sports Act. During this time period, you were actually Chair of the Hearing Panel that monitored USAT's path to compliance, correct?

Answer. I was appointed chair of a three-member hearing panel that considered two consolidated complaints, under section 10 of the Olympic Committee's bylaws, against USA Taekwondo filed in August 2011, *Robinson v. USA Taekwondo* (Aug. 5, 2011) and *Harris v. USA Taekwondo* (Aug. 10, 2011). The complaints asserted that USA Taekwondo was not meeting its obligations and responsibilities as a national governing body in certain administrative respects and that USA Taekwondo failed to conduct fair and impartial elections for its board seats in 2010.

*Question 28.* You were responsible for overseeing USAT when an official Ethics Complaint was filed against USAT Coach Mark Gitelman in September 2013, and when additional reports were made to the police October 2, 2013—correct?

Answer. No, I was not responsible for overseeing USA Taekwondo. I was chair of a three-member hearing panel that considered two specific section 10 complaints against USA Taekwondo.

*Question 29.* Despite all of this, on October 10, 2013, you officially lifted USAT's probationary status, and announced that USAT had "addressed outstanding grievances and ethics complaints," and "revamped its grievance and ethics procedures to ensure that such grievances and ethics complaints are dealt with timely and fairly."

It wasn't until after Gitelman was criminally convicted in September 2015 that USA Taekwondo banned him from coaching.

Why did this take so long? Do you think you could have done more at the time? What could you have done? Why or why not?

Answer. I was not made aware of the complaint involving Gitelman prior to the USA Taekwondo probation being lifted. I became aware of Gitelman's conduct in March 2014, and at that time, I immediately notified appropriate Olympic Committee personnel. As I was not involved in USA Taekwondo's consideration of the Gitelman matter, the remaining questions would be best addressed by USA Taekwondo.

*Question 30.* You had direct knowledge that USAT athletes were in harm's way. And yet, you defend the USOC's inaction, writing in an e-mail, "This is no longer in our purview." Why should athletes trust you when you have directly allowed athletes to be in harm's way in the past?

Answer. Respectfully, the question mischaracterizes my e-mail and the history of the matter. The quoted statement comes from a March 10, 2014, e-mail in which I expressed outrage upon learning about allegations of abuse at USA Taekwondo.

I immediately notified the appropriate Olympic Committee personnel of the allegations. As I stated in the e-mail, “[a]llowing a potential sexual predator [sic] to continue to coach without having an appropriate investigation and conclusion is unacceptable.” The excerpt from my e-mail above refers only to the fact that the hearing panel’s jurisdiction had concluded. Nonetheless, I and Olympic Committee personnel acted swiftly to ensure that the allegations were addressed.

*Question 31.* Questions about the Center for SafeSport’s Independence: For the Center for SafeSport to be effective, it needs to be independent. Victims will avoid reporting to the Center if they view it as an arm of the USOC, which cares more about its reputation than about them. Are you aware of concerns regarding the Center’s independence? What have you heard and how do you plan to address these concerns? Are you aware of any other concerns regarding SafeSport?

*Answer.* When launching the Center for SafeSport, the Olympic Committee chose to create it as an independent entity because we agree that independence is important to engendering trust in its processes and to minimizing potential conflicts of interest within the Olympic community. Nonetheless, the Center would not have launched without the assistance of the Olympic Committee, including organizational assistance and financial support. Building trust in the Center’s operations is an important and ongoing goal of the Olympic Committee. For example, the Center’s investigations and adjudications are entirely independent, and the Center does not provide information about specific ongoing cases to the Olympic Committee or, to our knowledge, national governing bodies. The Center’s staff operates independently and places a high priority on maintaining its operational independence. Because the Olympic Committee is committed to the success of the Center, there are other areas where collaboration is beneficial. For example, the Olympic Committee and the Center are currently working to improve coordination and consistency related to banned lists. And, of course, the Olympic Committee continues to be a primary funder of the Center. As noted in my testimony, the Olympic Committee believes that increasing the Center’s sources of funding can help contribute to demonstrating its independence. In the meantime, because the success of the Center is so important to the entire Olympic community, the Olympic Committee is committed to ensuring that the Center has the resources it needs to be successful.

*Question 32.* What kind of resources, other than funding, does USOC provide to the Center? Please detail all resources USOC provides, to SafeSport, whether monetary or through services, personnel, or other formats.

*Answer.* In terms of resources, the Olympic Committee provides primarily funding to the Center. As noted above, the Olympic Committee is committed to the success of the Center, and Olympic Committee staff work collaboratively with the staff of the Center on issues of mutual concern that are unrelated to investigations.

*Question 33.* What is your understanding of the Center for SafeSport’s investigative powers and enforcement authority?

*Answer.* The Olympic Committee requires national governing bodies to provide jurisdiction to the Center. The Center’s activities are governed by the SafeSport Code and the Center’s policies and procedures. It has exclusive authority within the Olympic community to investigate and resolve issues of sexual or sexualized abuse, and discretionary authority to investigate and resolve other issues of abuse.

*Question 34.* As you know, the Center’s Chief Operating Officer Malia Arrington was a longtime employee of USOC. She was hired by USOC in 2010 without sexual abuse expertise and switched over to the Center for SafeSport in 2017. Many survivors and athletes feel she was largely responsible for USOC doing nothing as NGBs mishandled sexual abuse allegations and do not trust her to be independent from USOC. She once said in a deposition that she had no authority to make USA Taekwondo ban a coach, blaming the Ted Stevens Act.<sup>8</sup> Do you understand why some may be skeptical about the Center’s independence given its staffing decisions? What are you doing to address them?

*Answer.* Ms. Arrington had a significant role in the launch of the Center, reflecting the Olympic Committee’s commitment to creating a safe and independent path to report, investigate, and resolve issues of abuse. The Center now has the ability to require a national governing body to ban a coach. As noted above, the Olympic Committee considers the Center’s independence to be important to its mission and credibility. Today, the Center is an independent entity that makes its own staffing decisions. In recognition of the Center’s independence, the Olympic Committee plays

<sup>8</sup> [https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd\\_story.html?utm\\_term=.6891a726cf0c](https://www.washingtonpost.com/sports/olympics/an-athlete-accused-her-coach-of-sex-abuse-olympic-officials-stayed-on-sideline/2017/02/14/35a6fc76-d2eb-11e6-a783-cd3fa950f2fd_story.html?utm_term=.6891a726cf0c)

no role in the Center's personnel decisions. In my experience, Ms. Arrington has operated independently of the Olympic Committee.

*Question 35.* As you know, Mr. Rick Adams is Chief of Sport Operations and Paralympics for USOC. According to Mr. Rick Adam's online bio at [teamusa.org](http://teamusa.org), "Prior to the Center's launch in March 2017, Adams led the hiring of a CEO and a nine-member, independent board of directors that includes a diverse membership of subject-matter experts in the areas of abuse prevention, investigation and compliance."<sup>9</sup> If Mr. Adams, a USOC executive, was responsible for hiring the Center for SafeSport's CEO and nine-member board, why would anyone think the Center is independent?

*Answer.* Mr. Adams was the lead Olympic Committee official supporting the launch of the Center. Mr. Adams did not serve on the Center's Nominating and Governance Committee, which selected the Center's board. The Center's board selected the Center's CEO.

*Question 36.* Is the Center for SafeSport strictly prohibited from communicating allegations to USOC, or is it up to their discretion? How about communicating allegations to NGBs? What is done to make sure that everything is done in lockstep with law enforcement?

*Answer.* The Center is an independent entity and it is best positioned to answer this question. The SafeSport Code specifies the instances in which the Center can share information, including to notify a national governing body of an allegation involving a covered individual, when the Center imposes an interim measure, when the Center proceeds to a full investigation, and upon a final decision. Covered individuals under the Code must report suspected instances of child abuse to both the Center and law enforcement.

*Question 37.* How can athletes be assured of the Center for SafeSport's independence? How iron-clad is the separation of the Center from NGBs and USOC?

*Answer.* When launching the Center for SafeSport, the Olympic Committee chose to create it as an independent entity because we agree that independence is important to engendering trust in its processes and to minimizing potential conflicts of interest within the Olympic community. Nonetheless, the Center would not have launched without the assistance of the Olympic Committee, including organizational assistance and financial support. Building trust in the Center's operations is an important and ongoing goal of the Olympic Committee. For example, the Center's investigations and adjudications are entirely independent, and the Center does not provide information about specific ongoing cases to the Olympic Committee or, to our knowledge, national governing bodies. The Center's staff operates independently and places a high priority on maintaining its operational independence. Because the Olympic Committee is committed to the success of the Center, there are other areas where collaboration is beneficial. For example, the Olympic Committee and the Center are currently working to improve coordination and consistency related to banned lists. And, of course, the Olympic Committee continues to be a primary funder of the Center. As noted in my testimony, the Olympic Committee believes that increasing the Center's sources of funding can help contribute to demonstrating its independence. In the meantime, because the success of the Center is so important to the entire Olympic community, the Olympic Committee is committed to ensuring that the Center has the resources it needs to be successful.

*Question 38.* How often does USOC communicate with the Center for SafeSport? How often do you personally initiate communication with the Center? How often does the Center initiate communication with you? What is the purpose of that communication?

*Answer.* In the interest of its independence, the Olympic Committee's communications with the Center are limited. The Olympic Committee's director of athlete safety is the lead Olympic Committee official responsible for communication with the Center. In general, the communications relate to areas of cooperation (such as the work on banned lists mentioned above) and understanding ways in which the Olympic Committee can help to ensure that the Center has the resources that it needs to be successful. The director of athlete safety and others at the Olympic Committee are not a party to specific investigations.

*Question 39.* Effectiveness of the Center for SafeSport: Do SafeSport materials contain clear expectations for appropriate relationships and ethical behavior that have been developed by experts in the field? Who was evaluated and reviewed materials generated for SafeSport?

<sup>9</sup> <https://www.teamusa.org/about-the-usoc/inside-the-usoc/leadership/executive-team/rick-adams>



Answer. The Center is best positioned to answer questions regarding its materials.

*Question 40.* Has the USOC mandated that all SafeSport materials be required reading for every NGB employee and that it be distributed by every NGB to each member parent, coach and individual?

Answer. The Olympic Committee's NGB Athlete Safety Policy requires national governing bodies to implement a policy requiring education and training concerning the key elements of the national governing body athlete safety program for individuals the national governing body authorizes, approves, or appoints to a position of authority over, or to have frequent contact with athletes, and national governing body staff.

*Question 41.* Has the Center for SafeSport hired outside psychiatric experts in the relevant fields of abuse to develop training materials that protect young athletes from sexual abuse? If no, when it will plan to do so?

Answer. The Center is an independent entity that makes its own staffing choices. The Center is best positioned to answer this question.

*Question 42.* Has Center for SafeSport directed NGBs to hire sport specific psychiatric professionals to help them develop their own educational materials to protect their athletes from abuse? For what sports has the Center does this for, so far? What is the timeline for doing so?

Answer. The Center is an independent entity and is best positioned to answer this question.

*Question 43.* What assurances do you have that the Center for SafeSport does not notify alleged perpetrators of any ongoing investigation nor accusation unless and until authorized by law enforcement to do so?

Answer. The Center is an independent entity and is best positioned to answer this question. The SafeSport Code specifies the instances in which the Center may share information.

*Question 44.* How are SafeSport training materials publicized and disseminated to parents, coaches and athletes?

Answer. The Olympic Committee's NGB Athlete Safety Policy requires each national governing body to publish SafeSport materials to its members, which must include online resources. Information concerning SafeSport is also available to all parents, coaches, and athletes on the Olympic Committee and Center websites.

*Question 45.* Can the Center for SafeSport issue mandatory standards on NGBs? Can USOC issue mandatory standards on NGBs?

Answer. Yes, the Olympic Committee has mandatory standards for national governing bodies. For example, the Olympic Committee requires national governing bodies to provide jurisdiction to the Center and adhere to its policies and procedures. The Center also promulgates policies and procedures and can update its code. These materials are obligatory for national governing bodies via the Olympic Committee's requirements.

*Question 46.* How do you respond to concerns that SafeSport is little more than a "USOC brand created to make parents feel better and make reporters go away"?

Answer. I disagree. The Center is a significant and important undertaking, and it is an unprecedented and groundbreaking entity—no other sports organization in the world has anything similar to the Center. The Center has already demonstrated that it is serving an essential role in making it easier for victims and survivors to report concerns. Notably, the Center has recently experienced a significant increase in the number of reports of abuse.

Although any report is disheartening, this is precisely the reason that we need the Center. It provides a safe and independent path for athletes to report concerns so that the Olympic and Paralympic community can address them. The Center removes the investigation and resolution of allegations of sexual abuse from the control of national governing bodies, and it is a resource dedicated to education and awareness of the importance of recognizing and reporting abuse.

*Question 47.* Banned Lists: Have all NGBs agreed to publish and make easily accessible lists of all banned and suspended individuals? Will you decertify any NGBs that refuse to do so? Can you promise a date by which all of these will be available?

Answer. The Olympic Committee instituted new reporting requirements on national governing bodies in May 2018. These new requirements include reporting to the Olympic Committee banned and suspended members that have not been submitted to the Center. We are engaged in an ongoing effort to improve the coordination and information sharing among the Center, the Olympic Committee, and the national governing bodies regarding individuals on banned or suspended lists. We

need to make it easier for parents, athletes, and potential employers to access information about coaches and athletes on banned and suspended lists.

As noted in my testimony, Congress should consider extending the liability protections in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act to other Olympic and Paralympic organizations. Congress provided the Center with liability protection for the exercise of certain of its official functions, including protection against lawsuits for defamation, libel, or slander. This liability protection has proven to be important to the Center's ability to provide information on people banned or suspended from Olympic sports. These provisions cover neither the Olympic Committee nor the national governing bodies. Congress should consider whether these protections should be extended to other Olympic and Paralympic organizations or whether the language should be clarified to encompass information published by the Center that relates to a national governing body adjudication, to help enable broader and more comprehensive information for athletes, parents, and others.

*Question 48.* Have you provided NGBs with any specific requirements regarding what information should be provided on those banned lists? For example, will date and reason for the ban also be included? What other information are you considering should be included on the banned lists? Why or why not?

Answer. These issues are part of our ongoing discussions described above.

*Question 49.* What consequences are there for any member clubs that hire a coach or individual on the banned list?

Answer. The primary consequence for such a club is the termination of its membership in the relevant national governing body.

*Question 50.* Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGBs?

Answer. The Olympic Committee expects that each national governing body will preclude banned members from participating in events sanctioned by the national governing body. We are engaged in an ongoing effort to improve the coordination and information sharing among the Center, the Olympic Committee, and the national governing bodies regarding individuals on banned or suspended lists. With respect to the events sanctioned by the Olympic Committee, the Olympic Committee also enforces such policies.

*Question 51.* Decertification: When does the USOC deem it necessary to exercise its authority over NGBs and put conditions on continued NGB recognition?

Answer. Section 8 of the Olympic Committee's bylaws establishes the conditions by which the Olympic Committee can consider suspending, revoking, or otherwise taking action concerning national governing body recognition. The Olympic Committee also generally considers recognition when a member of a national governing body brings a complaint alleging the body is not fulfilling its responsibilities or when a sports organization seeks to replace a national governing body, under sections 10 and 11, respectively, of the Olympic Committee's bylaws.

*Question 52.* As you mention in your testimony, the USOC asked for the resignation of USAG's CEO and subsequently, in January 2018, the entire board of USAG. Why didn't USOC think the same logic should apply to the USOC board?

Answer. When it became clear to the Olympic Committee board that the former USA Gymnastics CEO should no longer serve in that role, the board sought his resignation. Likewise, when it became clear that USA Gymnastics did not have a board structure and membership that the organization needed to bring a culture of change and address the significant issues that the organization faced, the Olympic Committee board required the resignation of the USA Gymnastics board. The Olympic Committee board leads the entire Olympic community in the United States, including the community of athletes and the national governing bodies for each individual sport. The Olympic Committee board has created and launched the Center for SafeSport, launched an independent investigation of the Olympic Committee and USA Gymnastics, and instituted additional reforms and initiatives as discussed in my testimony.

*Question 53.* Does the USOC Board of Directors and executive leadership feel that it has the authority to take strong action—like forcing a board to resign—when it becomes aware of athlete abuse in a sport? If yes, why didn't they? If not, why did they not ask Congress for the authority to do so?

Answer. Yes. In recent years, the relationship between the Olympic Committee and the national governing bodies has evolved, particularly with respect to the Center, which removed the national governing bodies' authority to investigate and resolve issues of sexual abuse. More recently, the Olympic Committee took a very ac-

tive role in the reform of USA Gymnastics. These developments demonstrate that the Olympic Committee can and will use its persuasive and moral leadership to bring change in the Olympic community when needed.

*Question 54.* USOC has routinely stated, and in hearings to the U.S. Senate Committee, that it's main—if not only—recourse with National Governing Bodies is to de-certify those bodies. In fact, USOC has threatened, or actually de-certified other National Governing Bodies (aside from USA Gymnastics) for much less egregious violations than Nassar's horrific misconduct. For example, in 2002, USOC was considering de-certifying the Track and Field Program for record-keeping issues. Please describe all instances in which USOC was considering decertification for a NGB.

Answer. With respect to complete decertification as a national governing body, the Olympic Committee decertified the U.S. Team Handball Federation in 2006 and the National Rifle Association in 1994. There are numerous instances in which the Olympic Committee placed a national governing body on probation, or the Olympic Committee pursued or discussed decertification and then proceeded with a remediation plan instead. For example, the Olympic Committee commenced a decertification hearing against the U.S. Taekwondo Union in 2004, and the Taekwondo Union subsequently entered into a remediation plan with the Olympic Committee. Similarly, the Olympic Committee agreed not to seek decertification after the U.S. Bobsled and Skeleton Federation entered a remediation plan in 2006. Other examples include a restructuring plan at the USA Karate-do Federation in 2007, and governance and management changes at USA Table Tennis in 2007. The Olympic Committee has also placed various national governing bodies on probation, including USA Boxing in 2002, USA Taekwondo in 2012, USA Judo in 2015, and the U.S. Bowling Congress in 2017.

*Question 55.* Why is USOC so reluctant to decertify USAG? Under what circumstances do you think decertification would be appropriate?

Answer. As the Olympic Committee expressed to USA Gymnastics in January this year, the Olympic Committee is not at all reluctant to pursue decertification if necessary. In this instance, USA Gymnastics agreed to a wholesale leadership change in the board and key executives, and dramatic internal reforms to address its shortcomings. These changes are largely similar to the changes that would accompany decertification. Unfortunately, past experience has shown that full decertification can harm the athletes the most. If USA Gymnastics were to fail to adhere to the reform criteria the Olympic Committee established, we have made clear that we will pursue decertification.

*Question 56.* Under the Ted Stevens Amateur Sports Act, the USOC has the power to de-certify National Governing Bodies for non-compliance with USOC rules, guidelines, and bylaws. Since USAG was not decertified, at any point throughout the Nassar scandal, is it USOC's position that USAG has been in compliance with all USOC policies, rules, guidelines, and bylaws from 1986 to present?

Answer. No. Additionally, as noted in my testimony, in January 2018, the Olympic Committee provided USA Gymnastics with a specific list of reforms that were necessary for USA Gymnastics to remain as a national governing body.

*Question 57.* Athlete Whistleblowers: There are numerous accusations that whistleblowers are routinely retaliated against in the Olympic and Paralympic system. In particular, currently competing athletes are often scared to speak out, out of fear that it will have to mean the end of their athletic careers. What specific plans do you have to prevent this from happening in the future?

Answer. First, if you are aware of any instances of retaliation, I encourage you to bring them to my attention personally or to the attention of my successor. Retaliation is unacceptable, and I would appreciate the opportunity to take action against anyone who has engaged in retaliation.

Second, concerns about disincentives to speak out were a core reason that the Olympic Committee created the Center for SafeSport. It provides a safe and independent path for athletes to report concerns about abuse, and an independent system—separate from the national governing bodies and the Olympic Committee—for investigating and resolving cases of sexual abuse. The Center's independence is critical for encouraging victims to come forward about their abuse.

Finally, the Olympic Committee's Athlete Safety Policy includes anti-retaliation provisions. This policy states that "[t]he USOC will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith." Any allegations of retaliation should be reported immediately.

*Question 58.* Athletes and victims' advocates have pointed out vast imbalances in power between staff members and athletes in many situations. This puts athletes

in an inherently vulnerable situation. What is the USOC doing to minimize these risks?

Answer. Athlete advocacy is a cornerstone of the reforms and initiatives that I announced in February. We have worked with the Athletes' Advisory Council to identify its priorities and recommendations, including seeking its input on athlete representation on the Olympic Committee's board. We also added a position within the office of the Athlete Ombudsman dedicated to increased communication with athletes about services and resources available to athletes, and we are creating a new athlete services department that will focus on assisting with individual athlete grievances. Additional details are in my written testimony.

*Question 59.* Testimony by Mr. Rick Adams, Chief of Sport Operations and Paralympics, USOC: In March of 2017, Rick Adams of the USOC testified before the Senate Judiciary Committee and stated, "The Olympic community failed the people it was supposed to protect." Mr. Adams also stated, "We do take responsibility, and we apologize to any young athlete who has ever faced abuse."

Are you aware that USOC is now attempting to deny responsibility in the civil lawsuits of these Olympians, according to recent filings?

Answer. Respectfully, that is not the position of the Olympic Committee. As both Mr. Adams and I testified, the Olympic community failed the athletes that it was supposed to protect, and we do have responsibility and accountability. The legal filings address an entirely different and more specific question, namely the legal responsibility for Nassar's crimes.

*Question 60.* Was Mr. Adams speaking out of turn, when he said these things?

Answer. No.

*Question 61.* Does USOC hold itself responsible for what happened to these women?

Answer. Yes.

*Question 62.* Is USOC changing its position, now that it is in litigation?

Answer. No.

*Question 63.* Are you aware that incoming USOC CEO Sarah Hirshland refused to speak with Olympic gold medalist and Nassar survivor Ms. Aly Raisman following the Subcommittee hearing? If you are not aware, you can read more about that interaction here: <https://www.usatoday.com/story/sports/olympics/2018/07/24/aly-raisman-rebuffed-sarah-hirshland-us-olympic-committee-ceo/831061002/> and <https://thinkprogress.org/new-u-s-olympic-head-snubs-aly-raisman-after-senate-hearing-on-sex-abuse-7e970bda4c53/>

a. What kind of message do you think this sends to survivors?

Answer. As Ms. Hirshland communicated directly to Ms. Raisman, this was a misunderstanding. Ms. Hirshland apologized directly and quickly to Ms. Raisman for the misunderstanding, and invited her to talk in person whenever it is convenient for Ms. Raisman.

b. Did you instruct Ms. Hirshland did not to speak with Ms. Raisman or other survivors of sexual abuse?

Answer. No.

c. Why do you think she said she was instructed not to speak with Ms. Raisman?

Answer. In February 2018, Ms. Raisman's counsel, Mr. John Manly, demanded that the Olympic Committee not communicate with any of his clients.

d. Do you expect Ms. Hirshland to speak to survivors of sexual abuse as CEO of USOC? If not, how do you expect to see a culture change?

Answer. Yes.

e. Have you ever been given instructions regarding with whom you should or should not speak?

Answer. As noted above, Ms. Raisman's counsel, Mr. John Manly, demanded that the Olympic Committee not communicate with any of his clients. Ms. Raisman also approached me at the hearing, and I was pleased to have the opportunity to speak with her extensively. Understanding her perspective is important to me, and important to the future of the Olympic Committee.

*Question 65.* Ms. Rachael Denhollander's Questions: As you know, Ms. Rachael Denhollander was the first woman to publicly accuse Larry Nassar of sexual abuse. In a Facebook post dated July 24, 2018, Ms. Denhollander wrote: "How you as leaders think about and what you communicate about sexual assault is the determining factor in whether your institution is safe or not. Procedural or policy changes matter little when the example from the top is shaming, blaming, and refusing to honestly assess and admit when failures have occurred."

Ms. Denhollander had several questions that she hoped would be asked to leaders at MSU, USAG, and USOC. They have been copied below in their entirety.<sup>10</sup> If you want to move forward to create effective change, why have you not commissioned an independent investigation into what went wrong, so you know what to change and how to do better? Why have you not investigated who knew what about Nassar and when, or identified the breakdowns and failures that let him sexually abuse children for decades? (MSU, USAG and USOC have not commissioned a public investigation into what happened with Nassar—something the survivors have been requesting for nearly two years.)

Answer. In January 2018, the Olympic Committee announced that it would be launching such an independent investigation. On February 2, 2018, the Olympic Committee announced that it retained the law firm Ropes & Gray to conduct a fully independent investigation into Nassar's abuse. The investigation includes both the Olympic Committee and USA Gymnastics. The investigation is ongoing.

*Question 66.* Have you otherwise identified any specific breakdowns or failures of policy or individuals that is responsible in whole or part for allowing Nassar to abuse children for decades?

Answer. Although the investigation is ongoing, the Olympic Committee is not waiting on the results of the investigation to act. In February 2018, I announced a series of reforms and initiatives to strengthen our handling and response to issues of abuse and address other structural

*Question 67.* If you HAVE identified some failures, why have these not been identified and disclosed, with consequences for any individual failures?

Answer. As noted above, the investigation is ongoing, and we are already instituting reforms. Additional details about these efforts are contained in my written testimony.

*Question 68.* If you HAVE identified failures, why have the victims received no disclosure of these failures, or specific apology for them?

Answer. When Rick Adams testified before the Senate Judiciary Committee in March 2017, he apologized to all of the victims of abuse. When I testified before the House Commerce Committee and the Senate Commerce Committee, in May and July 2018, respectively, I also apologized to all of the victims and survivors. As noted above, the lawyer for many of the victims and survivors has instructed us that we may not reach out to them to offer individual apologies.

*Question 69.* If you have NOT identified specific failures, why have you not taken that basic step?

Answer. In addition to the above, we have committed to taking whatever additional steps are necessary after we receive the report of the independent investigation.

*Question 70.* Moving forward, have you identified any specific failures in how leaders have talked about, characterized, or spoken of survivors of abuse?

Answer. It is clear that we need to do more to ensure that victims and survivors feel entirely safe to speak up and report issues of abuse. I have sought to speak with empathy and respect toward all the victims and survivors.

*Question 71.* Have you retracted and apologized for each of these statements?

Answer. As leaders of the Olympic community, I feel it is necessary for the Olympic Committee to acknowledge the community's failings and to apologize for them, as I have done.

*Question 72.* What message do you believe has been communicated about how sexual assault survivors are viewed in the statements made publicly about these women, and made privately in e-mails and internal correspondence?

Answer. I believe that the culture of the Olympics must always honor and respect athletes. The Olympics would be nothing without the athletes.

*Question 73.* Do you or did you at one believe the statements made by leaders at MSU (including Mr. Engler) that sexual assault survivors are in this for money, being manipulated by trial attorneys, pushing legislative reform for personal gain, receiving kickbacks, or lying about what was said in private meetings for personal gain?

Answer. No.

*Question 74.* If you do not and did NOT believe these statements, why would you say them or allow others to say them unchallenged and uncorrected?

<sup>10</sup> <https://www.facebook.com/notes/rachael-denhollander/questions-for-john-engler-kerry-perry-and-susanne-lyons-at-their-senate-hearing/1914933721920272/>

Answer. I am not aware of such statements from the Olympic Committee. The Olympic Committee commends the bravery of the victims and survivors of sexual assault, and honors those who have stood up against abuse.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO SUSANNE LYONS

*Question 1.* In your hearing testimony before the House Commerce Committee in May, you promised to look into requiring that “ban lists” be made publicly available. Has the USOC required that all NGB’s publish and make easily accessible lists of all banned individuals?

Answer. The Olympic Committee instituted new reporting requirements on national governing bodies in May 2018. These new requirements include reporting to the Olympic Committee banned and suspended members that have not been submitted to the Center. We are engaged in an ongoing effort to improve the coordination and information sharing among the Center, the Olympic Committee, and the national governing bodies regarding individuals on banned or suspended lists. We need to make it easier for parents, athletes, and potential employers to access information about coaches and athletes on banned and suspended lists.

As noted in my testimony, Congress should consider extending the liability protections in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act to other Olympic and Paralympic organizations. Congress provided the Center with liability protection for the exercise of certain of its official functions, including protection against lawsuits for defamation, libel, or slander. This liability protection has proven to be important to the Center’s ability to provide information on people banned or suspended from Olympic sports. These provisions cover neither the Olympic Committee nor the national governing bodies. Congress should consider whether these protections should be extended to other Olympic and Paralympic organizations or whether the language should be clarified to encompass information published by the Center that relates to a national governing body adjudication, to help enable broader and more comprehensive information for athletes, parents, and others.

*Question 2.* USOC has a duty to keep young athletes safe and to “promote a safe environment in sports, that is free from abuse. . . of any amateur athlete.” What are those explicit protections and do they apply only at Olympic events and training centers?

- Where does that extend to—a duty to protect minors in the Olympic Village? Hotels? Off-site venues?
- What individual is most responsible for that protection?
- Who is the most accessible person for athletes to go to in order to report any issue, abuse or otherwise?

Answer. The Olympic Committee’s Athlete Safety Policy is the primary document outlining the specific policies and procedures related to athlete safety. The policy specifies the persons and locations to which it applies and the various methods of reporting concerns. The policy is attached to this response.

*Question 3.* As a follow-up, in writing, to the question I asked in the hearing, what are the consequences, as outlined by USOC, for NGB member clubs that hire a coach or individual on the banned list? Has the USOC demanded the implementation of strong policies to keep banned members away from events sanctioned by the USOC or individual NGB’S?

Answer. The primary consequence for such a club is the termination of its membership in the relevant national governing body. Similarly, the primary consequence for a national governing body that failed to enforce its athlete safety policies (or those of the Center) is the Olympic Committee ceasing to recognize it as a national governing body.

Additionally, the ability of the Olympic Committee to exercise control over certain national governing body actions will be part of the governance review that the Olympic Committee recently launched. Recently, the Olympic Committee created the Athlete and NGB Engagement Commission and selected Lisa Borders, the president of the Women’s National Basketball Association, as the chair of the commission. The commission will review the Olympic Committee’s interaction with and oversight of national governing bodies and its engagement with athletes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JERRY MORAN TO  
KERRY PERRY

*Question 1.* Your testimony states that 86 percent of the recommendations from Deborah Daniels' report are "either implemented or in progress." While you also clearly state that USAG intends to implement all of the recommendations, can you please explain what recommendations make up the remaining 14 percent? What is the reason for their delayed implementation?

Answer. USA Gymnastics remains committed to implementing the recommendations from the Deborah Daniels report, all 70 of which our Board of Directors unanimously approved. We have created a website, [www.usagymprogressreport.com](http://www.usagymprogressreport.com), that provides the full report and tracks the status of each recommendation. The significant majority of the recommendations have either been implemented or are in progress. The remaining recommendations, which are either ongoing or in the planning phase, reflect those that require both specific action and continued cultural improvement, or those that require enterprise-wide implementation. For recommendations in the planning phase, USA Gymnastics is planning appropriate and responsive measures to meaningfully address each recommendation, including collaborating where needed with other organizations such as the U.S. Center for SafeSport (the "Center").

*Question 2.* Your testimony describes the creation of the Athlete Task Force. Will you please elaborate on the specific member makeup of this group and their strategic mission? Is USAG required to act on the recommendations of this body?

Answer. The aim of the Athlete Task Force is to include our athletes in shaping the future of USA Gymnastics, including its strategic initiatives such as, but not limited to, the search for a permanent high-performance training facility, key athlete-focused initiatives for the organization, an athlete mentoring program, educational initiatives for safe sport, the concept of an ombudsman for USA Gymnastics athletes, and increasing involvement of former national team members and energizing the alumni network. The Athlete Task Force is also encouraged to bring forth ideas and proposals that are important to them. The Athlete Task Force consists of up to nine former athletes, all volunteers, including the athlete directors on the Board of Directors for men's and women's gymnastics and one former elite athlete per competitive discipline with relevant work experience. Each member serves a one-year term with an option of a second year. Current members on the Athlete Task Force are Shenea Booth (acrobatic gymnastics), Ivana Hong (women's gymnastics), Jazzy Kerber (rhythmic gymnastics), Steven Legendre (men's gymnastics), and Leigh Hennessy Robson (trampoline and tumbling).

*Question 3.* Do the Center for SafeSport, the USOC and NGBs have adequate insurance in place to cover the devastating and lifelong impact for what we now know is an incredibly large population of abused athletes? What insurance number would you deem adequate, and what would that be based on?

Answer. USA Gymnastics is committed to putting the safety of our athletes first, including providing assistance to those who have suffered sexual abuse. The Athlete Assistance Fund, created in partnership with the National Gymnastics Foundation, serves to provide the survivors of abuse with resources for counseling and medical services. USA Gymnastics, in the ordinary course of its business, maintains insurance coverage in the amount and type appropriate to the organization's activities. Additionally, USA Gymnastics is committed to working with its insurers and the plaintiff-survivors, through the mediation process, to resolve the pending litigation. USA Gymnastics cannot answer on behalf of the Center, the U.S. Olympic Committee, or other National Governing Bodies ("NGBs").

*Question 4.* Your testimony stated that USAG plans to issue requests for proposal (RFPs) as part of replacing the closed Karolyi Ranch training center. Will the RFPs include an organizational requirements as it relates to staffing and reporting structures for alleged abuse? If so, is there anything unique about the organization/reporting requirements for the National Team Training Center compared to the rest of USAG and its member club?

Answer. Every USA Gymnastics member club must have a policy consistent with the requirements of the Center's SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (the "SafeSport Procedures"). Accordingly, and pursuant to the SafeSport Procedures and the forthcoming revised USA Gymnastics Safe Sport Policy (the "Safe Sport Policy"), in addition to any obligations under relevant laws, Covered Adults are required to report suspected child abuse, including sexual misconduct, to the appropriate legal authorities and to the U.S. Center for SafeSport. In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which

requires adults authorized by an NGB to interact with minor or amateur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.<sup>1</sup>

*Question 5.* During the hearing it was brought to the attention of the Committee that two coaches, Colden Raisher and Terry Gray, had been suspended by USAG but were still permitted to coach minors. In what situations is a suspended coach allowed to continue coaching?

Answer. According to the Center's SafeSport Code for the U.S. Olympic and Paralympic Movement (the "SafeSport Code"), the Center maintains exclusive jurisdiction over the investigation and resolution of all matters involving allegations of sexual misconduct and/or sexual abuse. The Center has the authority to impose interim measures, including suspension. The Center's authority to impose interim measures, however, is not exclusive. The SafeSport Procedures state that NGBs, which include USA Gymnastics, are not prohibited by the SafeSport Procedures from taking appropriate interim measures upon notice of an imminent threat of harm. It is USA Gymnastics' policy to assess each case and impose interim measures, such as suspension, when the Gymnastics community may be at risk. In the case of complaints originating with the Center, however, USA Gymnastics has limited information on which to assess the case and may have to rely on the Center's notification as the basis for implementing an interim measure.

In 1990, USA Gymnastics was the first NGB to publicize a list of persons deemed to be permanently ineligible for membership. USA Gymnastics continues to do so today. USA Gymnastics also publicly maintains a list of members currently under suspension (including suspensions with modified restrictions, such as no unsupervised contact with minors) by the Center or by USA Gymnastics. This list includes the individual's name; the state where the violation occurred, where the individual resides, or where the member club is located; duration of suspension; for those declared ineligible after January 1, 2012, the Bylaw, rule, regulation, or policy that was violated; and the suspension type or interim measure. Interim measures may include, but are not limited to, suspension, altering training schedules, providing chaperones, implementing contact limitations, or member club restrictions. Both lists may be found on USA Gymnastics' website. Currently, Colden Raisher and Terry Gray are not permitted to have unsupervised contact with minors. Please see [https://usagym.org/pages/aboutus/pages/suspended\\_members.html](https://usagym.org/pages/aboutus/pages/suspended_members.html).

*Question 6.* Furthermore, reports claim that SCEGA, the club that employed Mr. Gray, did not receive notification prior to contacting USAG to confirm his suspensions. What is the official notification protocol to the respective club when USAG decides to suspend a member? Was this protocol followed in notifying SCEGA of Mr. Gray's suspension?

Answer. USA Gymnastics notifies the relevant or affiliated member club of imposed interim measures simultaneously with the implementation of any interim measures. The member clubs are required to ensure that the imposed interim measures are followed, and USA Gymnastics may revoke a club's member status for disregarding the implementation of interim measures.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
KERRY PERRY

*Question 1.* What enforcement mechanisms do you have to compel member gyms to comply with all of your bylaws and policies?

Answer. USA Gymnastics is a membership organization whose members—whether an individual or a club—are required to follow USA Gymnastics' Bylaws, all policies such as the Safe Sport Policy, and the U.S. Center for SafeSport's (the "Center") Code for the U.S. Olympic and Paralympic Movement (the "SafeSport Code"), the Center's SafeSport Practices and Procedures for the U.S. Olympic and Paralympic

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<sup>1</sup>The Safe Sport Policy defines "Covered Adult" to include any individual over the age of 18 "who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of USA Gymnastics or who is seeking to be within the governance or disciplinary jurisdiction of USA Gymnastics" or "who is an Athlete or Non-Athlete Participant that USA Gymnastics formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes[.]"

The Safe Sport Policy defines reportable sexual misconduct to include "conduct of which [the adult] become[s] aware that could constitute (a) sexual misconduct, (b) misconduct that is reasonably related to the underlying allegation of sexual misconduct, and (c) retaliation related to an allegation of sexual misconduct as set forth in the [Center's] Code."

The Safe Sport Policy was last revised in June 2017. USA Gymnastics is in the process of further revising the policy and expects to publish these updates in the upcoming months.



Movement (the “SafeSport Procedures”), and all applicable laws. Members that do not comply—either by violating an applicable policy such as the Bylaws, the Safe Sport Policy, or the SafeSport Code (including a failure to lodge a mandatory report), or by causing another to violate an applicable policy—are subject to discipline. USA Gymnastics may revoke a club’s member status for disregarding the implementation of imposed disciplinary measures.

*Question 2.* What consequences have you and will you impose on member gyms that do not take USAG’s banned and suspended lists seriously, or any other parts of your bylaws?

Answer. Please refer to the answer to Question 1.

*Question 3.* How can banned and suspended lists be made more effective? How can you make sure they contain pertinent information—like dates or reason for the ban or suspension?

Answer. In 1990, USA Gymnastics was the first National Governing Body (“NGB”) to publicize a list of persons deemed to be permanently ineligible for membership. USA Gymnastics continues to do so today. This list includes the individual’s name; the state where the violation occurred, where the individual resides, or where the member club is located; and, for those declared ineligible after January 1, 2012, the Bylaw, rule, regulation, or policy that was violated.

USA Gymnastics also publicly maintains a list of adult members currently under suspension (including suspensions with modifying conditions, such as no unsupervised contact with minors) by the Center or by USA Gymnastics. This list includes the individual’s name; the state where the violation occurred, where the individual resides, or where the member club is located; the duration of suspension; the grounds for suspension; and the suspension type or interim measure.

Both lists may be found on USA Gymnastics’ website.

*Question 4.* An article recently published in the Orange County Register revealed that two Southern California gymnastics coaches continue to work with underage gymnasts, despite being suspended. Despite your promises to institute change, gymnasts appear to remain at risk. In your view, whose fault is it that the gyms were unaware of these coaches’ suspension: the USAG member gym, the Center for SafeSport, or USAG? Please explain.

Answer. According to the SafeSport Code, the Center maintains exclusive jurisdiction over the investigation and resolution of all matters involving allegations of sexual misconduct and/or sexual abuse. The Center has the authority to impose interim measures, including suspension. The Center’s authority to impose interim measures, however, is not exclusive. The SafeSport Procedures state that NGBs, which include USA Gymnastics, are not prohibited by the SafeSport Procedures from taking appropriate interim measures upon notice of an imminent threat of harm. It is USA Gymnastics’ policy to assess each case and impose interim measures, such as suspension, when the Gymnastics community may be at risk. In the case of complaints originating with the Center, however, USA Gymnastics has limited information on which to assess the case and may have to rely on the Center’s notification as the basis for implementing an interim measure. Interim measures may include, but are not limited to, suspension, altering training schedules, providing chaperones, implementing contact limitations, or member club restrictions.

USA Gymnastics notifies the relevant or affiliated member club of imposed interim measures simultaneously with the implementation of any interim measures. The member clubs are required to ensure that the imposed interim measures are followed. Notice is also provided to the general public via the USA Gymnastics website. USA Gymnastics may revoke a club’s member status for disregarding interim measures.

Currently, the two individuals mentioned in the article in the Orange County Register, Colden Raisher and Terry Gray, are not permitted to have unsupervised contact with minors. Please see <https://usagym.org/pages/aboutus/pages/suspended-members.html>.

As briefly mentioned during the hearing, USA Gymnastics encourages Congress to consider the topic of interim measures; specifically, to review the current overlapping authority held by the Center, hearing panels, and USA Gymnastics, and to consider streamlining the decision-making process by designating one entity with the exclusive authority to impose interim measures in regards to sexual misconduct and/or abuse.

*Question 5.* You have vowed to be more accountable in pursuing sexual abuse cases. Are you willing to take the extra steps—any extra e-mails and phone calls—to make sure that young athletes are being protected from sexual abuse?

Answer. USA Gymnastics is committed to promoting a safe gymnastics environment for all participants, including from sexual abuse. The organization continues

to review, evaluate, refine and strengthen our policies and procedures, including by committing to incorporate all recommendations from the independent and comprehensive report from former U.S. Attorney Deborah Daniels. USA Gymnastics is committed to working with athletes, survivors, and all members of the gymnastics community to rebuild trust and develop a culture in which athletes and members can thrive.

*Question 6.* As the new President of USA Gymnastics, have you spoken to anyone at USOC regarding the systemic failures at USA Gymnastics that led to the sexual abuse of countless minors and young athletes? If yes, when have those conversations occurred and with whom? If no, why haven't you?

Answer. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry or the U.S. Olympic Committee (the "USOC").

*Question 7.* Given your perspective as a new leader of an NGB, do you believe that USOC is taking the appropriate measures to ensure that NGB's are prepared to prevent future abuse and tragedies like the Nassar scandal from happening again? Do you have any ideas on how USOC can improve?

Answer. The USOC and the Center have various measures that promote the safety and well-being of athletes. Both the Center's SafeSport Code and USA Gymnastics' Safe Sport Policy articulate the requirements and standards to which members are held, and provide for reporting and disciplinary procedures to enforce these policies.

On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry or the USOC.

*Question 8.* Have you ever criticized the prior board at USA Gymnastics—the Board that hired you? If so, what criticisms have you lodged?

Answer. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry.

USA Gymnastics continues to undergo a leadership transition, with a new Board of Directors ("Board"), composed of a majority of independent directors, having been elected in June, and an ongoing search for a new President and CEO. USA Gymnastics also underwent a reorganization that resulted in staff changes. It is the intent of USA Gymnastics to ensure that, going forward, the leadership reflects the organization's mission and is focused on protecting athletes and creating a culture that encourages athletes to speak freely.

*Question 9.* What have you done to identify and remove current employees who knew about sexual abuse and not only did not report, but stayed silent? Is there anyone else still employed at USAG who knew about sexual abuse but did not do anything about it?

Answer. USA Gymnastics takes seriously the issue of abuse and prioritizes athlete safety. The organization's forthcoming revised Safe Sport Policy requires that Covered Adults report all allegations of child abuse and sexual misconduct to the Center, which has the exclusive authority and jurisdiction to investigate and adjudicate these matters. Covered Adults are also required to report suspected child abuse, including sexual abuse, to the appropriate legal authorities.<sup>11</sup> The Center has the authority to impose interim measures, including suspension, but the Center's authority to impose interim measures is not exclusive. USA Gymnastics may take

<sup>11</sup>The Safe Sport Policy defines "Covered Adult" to include any individual over the age of 18 "who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of USA Gymnastics or who is seeking to be within the governance or disciplinary jurisdiction of USA Gymnastics" or "who is an Athlete or Non-Athlete Participant that USA Gymnastics formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes[.]"

The Safe Sport Policy defines reportable sexual misconduct to include "conduct of which [the adult] become[s] aware that could constitute (a) sexual misconduct, (b) misconduct that is reasonably related to the underlying allegation of sexual misconduct, and (c) retaliation related to an allegation of sexual misconduct as set forth in the [Center's] Code."

The Safe Sport Policy was last revised in June 2017. USA Gymnastics is in the process of further revising the policy and expects to publish these updates in the upcoming months.

appropriate interim measures upon notice of an imminent threat of harm, although for cases originating with the Center, it may have to rely on the Center's notification as the basis for implementing an interim measure. A final sanction imposed by the Center resulting from the exercise of its exclusive or discretionary authority must be enforced by all NGBs. Members who violate the Safe Sport Policy (including a failure to lodge a mandatory report), or cause another to violate the Safe Sport Policy, are subject to discipline by USA Gymnastics. In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which requires adults authorized by an NGB to interact with minor or amateur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.

USA Gymnastics has and continues to fully cooperate with investigations related to the abuse of athletes by Larry Nassar, including investigations by all law enforcement as well as the independent investigation being conducted by outside counsel Ropes & Gray LLP. USA Gymnastics looks forward to reviewing the findings of the independent investigation when the investigation is complete and taking appropriate action.

USA Gymnastics continues to undergo a leadership transition, with a new Board of Directors, composed of a majority of independent directors, having been elected in June, and an ongoing search for a new CEO and President. USA Gymnastics also underwent a reorganization that resulted in staff changes. It is the intent of USA Gymnastics to ensure that, going forward, the leadership reflects the organization's mission and is focused on protecting athletes and creating a culture that encourages athletes to speak freely.

*Question 10.* Has anything been done to identify and remove coaches, athletic directors, employees, and officials who witnessed emotional and physical abuse of athletes and did not report child abuse to authorities and did nothing to stop it? If not, do you plan to do so? What is the timeline for that?

Answer. Please refer to the answer to Question 9.

*Question 11.* In order to begin to restore trust, have you proactively disclosed to law enforcement and the public all of the previously mishandled sexual abuse claims made against individuals within the USAG community? Are you able to explain why these failures happened and what you are doing to make sure they will not happen again?

Answer. USA Gymnastics' forthcoming revised Safe Sport Policy requires that Covered Adults report suspected child abuse, including sexual misconduct, to the appropriate legal authorities as well as the Center. In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which requires adults authorized by an NGB to interact with minor or amateur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.

*Question 12.* Will you promise the victims of Larry Nassar that USAG will no longer deny all responsibility for their protection of sexual predators? Are you willing to take responsibility as an organization for the decades-long failure of the organization to protect its young athletes from sexual abuse?

Answer. USA Gymnastics unequivocally and vehemently condemns the despicable and criminal conduct of Larry Nassar, any individual who commits sexual misconduct and/or abuse, or any individual who failed to report the same. USA Gymnastics is undertaking and will continue to pursue wide-ranging and decisive action to prevent sexual abuse and misconduct, to implement a culture that prioritizes athlete safety, and to work to regain the trust and confidence of our athletes and members. This has included a complete overhaul of our Board of Directors and the CEO and President, a reorganization that resulted in staff changes, amending our Bylaws and policies and procedures, commissioning and implementing recommendations from the independent and comprehensive report from former U.S. Attorney Deborah Daniels, expansion of our Safe Sport department, creation of an Athlete Task Force, creation of an Athlete Assistance Fund, and educating and training our Board, staff, and members on the Safe Sport Policy.

USA Gymnastics deeply regrets that it did not know of Nassar's despicable conduct sooner. If it had known, it could and would have acted. As soon as USA Gymnastics became aware of allegations against Nassar, it promptly acted to address those allegations, including hiring an investigator and reporting the allegations to the FBI—twice. USA Gymnastics is fully committed to continuing to work with the plaintiff-survivors to resolve the pending litigation through mediation and to promote healing and transformation within the gymnastics community.

*Question 13.* In your prior testimony before the House Energy and Commerce Committee, you repeatedly testified about how you apologize for the abuse that oc-

curred. Were you apologizing for the horrible acts of abuse that happened or USA Gymnastics' systemic failures at protecting them? Do you understand there is a difference and the importance of apologizing for your organization's complicity in the abuse?

Answer. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry.

USA Gymnastics apologizes for the horrible and criminal conduct of Larry Nassar. USA Gymnastics also regrets that it did not know of Nassar's despicable conduct sooner.

*Question 14.* Has USAG hired independent psychological professionals for its elite athletes that will honor doctor patient confidentiality?

Answer. USA Gymnastics is committed to putting the safety of our athletes first, including providing assistance to those who have suffered sexual abuse. The Athlete Assistance Fund, created in partnership with the National Gymnastics Foundation, serves to provide the survivors of abuse with resources for counseling and medical services.

*Question 15.* What policies have been initiated to detect, prevent and punish the use of emotional and physical abuse by coaches and other individuals involved in the athletes training? Especially at the national team level?

Answer. USA Gymnastics' forthcoming revised Safe Sport Policy strengthens our approach to athlete safety. Every USA Gymnastics member club must comply with the policy, which, among other requirements: increases the number of individuals who fall under USA Gymnastics' jurisdiction; increases the number of categories of misconduct; addresses and prohibits boundary violations and "grooming" behaviors; requires Covered Adults to report suspected child abuse, including sexual misconduct, to the appropriate legal authorities; requires Covered Adults to notify the Center of any child abuse or sexual misconduct; and requires all members to take a designated safe sport course every two years. All USA Gymnastics staff, Board of Directors, and members have been trained on the Safe Sport Policy. Beginning in 2018, all professional and club members must be Safe Sport certified as a condition of membership.

All USA Gymnastics members are also expected to follow the organization's By-laws and all applicable laws. Members that do not comply—whether athlete, professional, or club members—are subject to discipline.

*Question 16.* Do you understand what a "mandatory reporter" is? If so, please explain your understanding of that term. Have you ever received any mandatory reporter training from the USOC, USAG, or any other entity?

Answer. Pursuant to the SafeSport Procedures and USA Gymnastics' forthcoming revised Safe Sport Policy, and in addition to any obligations under the relevant laws, Covered Adults are required to report suspected child abuse, including sexual misconduct, to the appropriate legal authorities, as well as to the Center.<sup>12</sup> In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which requires adults authorized by an NGB to interact with minor or amateur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.

As described in Question 15, USA Gymnastics requires all members to take a designated safe sport course every two years. All USA Gymnastics staff, Board of Directors, and members have been trained on the Safe Sport Policy. Beginning in 2018, all professional and club members must be Safe Sport certified as a condition of membership.

*Question 17.* What have you done to make sure that USAG officials understand their legal duties under mandatory reporting laws?

Answer. Please refer to the answer to Question 16.

*Question 18.* How would you describe your relationship with the community of gymnasts who are survivors of sexual abuse?

Answer. The safety and well-being of our athletes and other members is USA Gymnastics' top priority. Hearing the powerful stories of our athlete-survivors motivates and underlies our mission to create a supportive culture that helps our athletes achieve their gymnastics goals in a safe environment. USA Gymnastics still has work to do to regain the trust and confidence of our athletes, members, and the gymnastics community. The organization's recent and ongoing initiatives are in-

<sup>12</sup>Please see footnote 11 for additional details.

tended to continue that work. USA Gymnastics looks forward to continuing to work with its members to transform and improve the sport and the community. In addition, USA Gymnastics is committed to working with the plaintiff-survivors, through the mediation process, to resolve the pending litigation. USA Gymnastics believes that resolving the litigation is an important step toward enabling communication with survivors and promoting healing within the gymnastics community.

*Question 19.* How do you plan to you improve your relationship with the community of gymnasts who are survivors of sexual abuse?

Answer. Please refer to the answer to Question 18.

*Question 20.* Larry Nassar was the national team doctor for women's artistic gymnastics, correct?

Answer. Larry Nassar served as a volunteer in various capacities for USA Gymnastics from 1987 to 2015. During this period, he appears to have titled his positions and/or was called "Medical Coordinator" (1996 to 2015) and "Women's National Team Physician" (1995 to 2015). Larry Nassar was not an employee of USA Gymnastics. Rather, he was an employee of Michigan State University ("MSU").

*Question 21.* Larry Nassar was the former National Team Medical Coordinator for all of USA gymnastics, correct?

Answer. Please refer to the answer to Question 20.

*Question 22.* In a recent filing, USAG denied civil liability for the sexual misconduct of convicted former national team doctor Larry Nassar. When asked if Nassar was employed by USAG from approximately 1986 to 2015 in such positions as certified athletic trainer, osteopathic physician, national medical director and national team physician, USAG said, "Denied. Admitted only that Nassar served as a volunteer in various capacities for USAG from 1987 to 2015."<sup>13</sup> I asked you about this filing during the hearing.

- Were you not aware of this filing during the hearing?
- Are you now familiar with this filing?
- Are you now aware that USAG continues to try to disclaim all responsibility in this matter—not even admitting that Larry Nassar served as the national team doctor, and in an official capacity on the USA Gymnastics Medical Task Force?
- How can athletes, parents, communities, trust an organization that can't even admit the simple fact that Nassar was employed by USAG?
- Will you commit to withdrawing this filing?

Answer. Please refer to the answer to Question 20. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry. USA Gymnastics is fully committed to continuing to work with the plaintiff-survivors to resolve the pending litigation through mediation and to promote healing and transformation within the gymnastics community.

*Question 23.* Code of Ethical Conduct—At the last hearing, I asked Ms. Faehn, VP of Women's Program at USAG, about the Code of Ethical Conduct and why it still contained language<sup>14</sup> suggesting that complaints submitted to USAG must be signed, written, and perhaps even corroborated, in order for USAG to follow-up with an allegation of misconduct. It also encouraged complainants to first address concern directly with their abuser. At the time, the Code of Ethical Conduct had last been updated in April of 2016.

- a. At what point did you become aware of problems with the Code of Ethical Conduct?
- b. Who made you aware?

<sup>13</sup><https://www.law360.com/articles/1065655/usa-gymnastics-says-it-isn-t-liable-in-nassar-abuse-suit>

<sup>14</sup>Code of Ethical Conduct (April 2016): Any Member ('Complainant') who believes that another Member of USA Gymnastics has failed to meet such Member's obligations under this Code is, under all but the most egregious circumstances, encouraged to first address that concern directly to that Member. If that action does not result in a satisfactory resolution, the Complainant may file a written complaint with the President, program director or other appropriate staff member of USA Gymnastics. That complaint must be signed and state specifically the nature of the alleged misconduct.

- c. Are you aware that the survivor community had taken issue with the Code of Ethical Conduct for some time?
- d. Why didn't you take steps to update it sooner? Why does it seem as though it was not until I raised this at the last Subcommittee hearing that this was updated?

Answer. As part of USA Gymnastics' commitment to the safety and well-being of our athletes, USA Gymnastics has reviewed and amended certain policies and procedures, including the Code of Ethical Conduct. The Code of Ethical Conduct was most recently revised on July 10, 2018. It addresses members' ethical obligations and the resolution of ethical issues. It is intended to work in conjunction with the Safe Sport Policy, which provides the definitions and mandatory reporting requirements for sexual misconduct and abuse. USA Gymnastics' work is ongoing, including implementing all recommendations from the Deborah Daniels report, which we recognize requires ongoing activities, initiatives, monitoring, and other actions as appropriate.

*Question 24. Non-Disclosure Agreements*—During the hearing, I asked if you were aware of other any other NDAs USAG had signed that would silence sexual abuse victims. You referenced the NDA with Ms. McKayla Maroney, but denied there being any others, saying, "I am not aware of any others prior to my being CEO. . ."

- a. Your testimony at the hearing contradicts the letter you sent to me and Senator Moran on April 16, 2018, and an article published in the Orange County Register on April 4, 2018, which describes other USAG settlements with victims of sexual abuse that included NDAs. Would you like to correct the record?
- b. As President and CEO of USAG, are you committed to leading with transparency and integrity? Will you commit to being forthright and honest in your responses?

Answer. USA Gymnastics is aware of six settlement agreements since 2005 that relate to allegations of sexual abuse and to which USA Gymnastics was a party. Two of these settlement agreements were entered into this year. While we are unable to locate one of the settlement agreements, the five we have located contain confidentiality and/or nondisclosure provisions. Of the five we have located, only one (from 2016) included a provision that applied the confidentiality and/or nondisclosure requirements to the underlying facts of the abuse. USA Gymnastics has since released that party from the provisions of the agreement that would prohibit the athlete's ability to speak publicly about the abuse. The other four agreements' confidentiality and/or nondisclosure provisions govern the settlement terms, such as the amount of the settlement payment, but do not prohibit the athlete from speaking of the abuse. Going forward, USA Gymnastics will not enter into, or enforce, agreement terms that prevent or prohibit victims of sexual abuse from speaking publicly about their abuse.

*Question 25. Athlete Task Force*—In your testimony, you discussed the creation of an "Athlete Task Force" that will help shape USAG's future strategic and operating decisions. As you may know, this "Athlete Task Force" has been met by skepticism by the survivor community.

- a. Considering the prevalence of sexual abuse in the sport and the sheer magnitude of survivors of sexual abuse by Larry Nassar, why is there no Nassar survivor on this Athlete Task Force? Did you ever reach out to the survivors?
- b. How can the Athlete Task Force help direct the program away from the same toxic environment and culture of abuse that enabled Larry Nassar in the first place if there are no survivors of Nassar's abuse on the task force?
- c. I have heard from survivor advocates that you need at least two survivors on a panel or a working group for them to feel safe and empowered to advocate for reforms necessary on behalf of abuse survivors. What do you think of that idea? Will you implement that recommendation? When?
- d. Have you spoken directly with any survivors? Who?

Answer. The aim of the Athlete Task Force is to include our athletes in shaping the future of USA Gymnastics, including its strategic initiatives such as, but not limited to, an athlete mentoring program, educational initiatives for safe sport, and the concept of an ombudsman for USA Gymnastics athletes. The Athlete Task Force is also encouraged to bring forth ideas and proposals that are important to the athletes. Current members on the Athlete Task Force, who are all volunteers, are Shenea Booth (acrobatic gymnastics), who is a victim and survivor, Ivana Hong (women's gymnastics), Jazzy Kerber (rhythmic gymnastics), Steven Legendre (men's gymnastics), and Leigh Hennessy Robson (trampoline and tumbling). USA Gymnastics is committed to working with athletes, survivors, and all members of the

gymnastics community to rebuild trust and develop a culture in which athletes and members can thrive. In addition, USA Gymnastics is fully committed to continuing to work with the plaintiff-survivors to resolve the pending litigation through mediation and to promote healing and transformation within the gymnastics community.

*Question 26. Removal of Medical Records removed from the Karolyi Ranch—*In the Senate testimony by Ms. Rhonda Faehn, she indicated that an individual employed by USA Gymnastics was instructed to leave Indianapolis, go to the Karolyi Ranch, purchase suitcases, and then load them with medical records, in 2017.

- a. Have you investigated these claims by Ms. Faehn?
- b. Why were these medical records removed from the Karolyi Ranch? Who ordered this action?
- c. Who took these records? Why?
- d. Whose medical records were these?
- e. Did you ever speak with Ms. Amy White about her involvement with these medical records? Or Ms. Renee Jamison? If yes, what did they indicate to you?
- f. What are the statuses of these individuals' employment at USA Gymnastics?
- g. After these records were taken, what was done with these records by USA Gymnastics?

*Answer.* These questions address a matter that USA Gymnastics understands to be the subject of an ongoing criminal investigation in Texas. Accordingly, USA Gymnastics cannot comment on these questions at this time. USA Gymnastics has fully cooperated with law enforcement agencies, including the Texas Rangers, and will continue to do so. Most recently, USA Gymnastics through counsel, reached out to Walker County District Attorney's Office to offer access to documents that may have been collected from the Karolyi Ranch and brought back to Indianapolis.

*Question 27. USAG Medical Records—*As you may know, several National Team Members and Olympians requested their medical records from USA Gymnastics. In response, only a few pages of records were produced for these women. For example, Aly Raisman, who competed with USA Gymnastics since a little girl, on the National Team for five years, only received approximately 12 pages of medical records.

- a. Where are these records? What happened to them?
- b. USOC implemented a new electronic health records system during the 2012 Olympics. What happened to these electronic medical records? Shouldn't you have these?
- c. To the best of your knowledge, did Larry Nassar keep any medical records for his abusive treatments of gymnasts?

*Answer.* In response to requests from various athlete-members for their medical records, USA Gymnastics conducted a search of its records reasonably calculated to identify the requested records and provided the records to the athlete-member. Requests for records in the possession of other entities, such as the USOC or MSU, should be directed to those entities. USA Gymnastics cannot answer on behalf of other entities.

*Question 28. SafeSport Training—*

- a. Who will have access to SafeSport training materials? (*i.e.*, athletes, parents, coaches, volunteers, gym owners, etc.)
- b. At what point in the membership process are USAG members required to complete SafeSport training? How frequently is such training required?
- c. Which USAG members will have in-person SafeSport training? What percentage of members will have some kind of live training?
- d. How much of USAG's resources will be directed to ensuring members are trained in SafeSport?
- e. Are NGBs responsible for expenses related to SafeSport, or is the Center for SafeSport for those expenses?
- f. Is USAG generating its own sport-specific SafeSport training materials? If yes, what individuals and groups have provided input on the content of these materials?
- g. Have you taken all three SafeSport courses? When did you first take these courses? How many times have you taken these courses?
- h. Have you ever received any kind of training regarding how to detect signs of grooming, sexual abuse, or sexual assault? Who provided this training? Was it mandatory or voluntary?

Answer. In June 2017, USA Gymnastics adopted a Safe Sport Policy which requires mandatory reporting, delineates specific types of misconduct (including sexual and physical misconduct, as well as verbal and emotional, among others), sets standards to prohibit “grooming” behavior and establishes greater accountability. All USA Gymnastics members must comply with this policy, which, among other things, requires that all members complete a designated safe sport course every two years. Additionally, USA Gymnastics has taken steps to educate its members through online tools, live presentations at regional and national events, including the topic in athlete, parent and staff discussions, and producing appropriate written collateral materials. All USA Gymnastics staff, Board of Directors, and members have been trained on the Safe Sport Policy. In addition to training staff and members on the Safe Sport Policy, the organization has hired a former prosecutor who previously prosecuted child abuse and sex crime cases to provide supporting legal counsel on SafeSport matters. The organization also recently named child advocate Shelba Waldron to be its Director of Safe Sport Education and Training, a new position that will lead USA Gymnastics’ efforts to educate its members and the gymnastics community on topics related to SafeSport and corresponding policies and laws. USA Gymnastics has also taken measures to simplify reporting. The Safe Sport page on USA Gymnastics’ website permits members to report misconduct, reminds adult members of the obligation to report abuse—sexual or otherwise—to law enforcement, provides contact information for the reporting of sexual misconduct to the Center, and provides a form, e-mail address ([reportfirst@usagym.org](mailto:reportfirst@usagym.org)), and hotline (1-833-844-SAFE) to report other, non-sexual misconduct to USA Gymnastics.

*Question 29. Relationship with the Center for SafeSport*

- a. When the Center for SafeSport is investigating an allegation of sexual abuse, who determines whether an individual should be temporarily suspended during that investigation—USAG or the Center for SafeSport? Does who makes this determination vary by NGB? If USAG provides that determination, what information is provided to USAG in order to make that determination? At what stage of the investigation is USAG advised of this?
- b. If the Center for SafeSport determines sexual misconduct has occurred, would the Center or USAG determine whether the guilty individual is banned or temporarily suspended? What discretion would USAG have on that matter? If USAG makes that decision, what information is provided to them in order to make that decision?
- c. How long has it generally taken for the Center for SafeSport to investigate a sexual misconduct complaint for USAG’s cases?
- d. Do you think the Center has sufficient number of investigators?
- e. Have you been satisfied with the Center for SafeSport’s communication with you? How could it be improved? Please be specific.

Answer. The Center maintains exclusive jurisdiction over the investigation and resolution of all matters involving allegations of sexual misconduct and/or sexual abuse. The Center has the authority to investigate the report, issue any interim suspension or other measures pending the conclusion of the investigation and any hearing(s), make recommendations of sanctions or disciplinary action as a result of such investigation, and fully adjudicate such matters. In matters that are adjudicated by the Center that result in permanent ineligibility for membership and that are published on the Center’s searchable database, USA Gymnastics will also publish the information to its list of permanently ineligible members.

The Center’s authority to impose interim measures, however, is not exclusive. The SafeSport Procedures state that NGBs, which include USA Gymnastics, are not prohibited by the SafeSport Procedures from taking appropriate interim measures upon notice of an imminent threat of harm. It is USA Gymnastics’ policy to assess each case and impose interim measures, such as suspension, when the Gymnastics community may be at risk. In the case of complaints originating with the Center, however, USA Gymnastics has limited information on which to assess the case and may have to rely on the Center’s notification as the basis for implementing an interim measure. Interim measures may include, but are not limited to, suspension, altering training schedules, providing chaperones, implementing contact limitations, or member club restrictions. The list of adult members currently under suspension (including suspensions with modifying conditions, such as no unsupervised contact with minors) by the U.S. Center for SafeSport or by USA Gymnastics is also publicly maintained.

USA Gymnastics cannot answer on behalf of the Center regarding its investigations, including length of time and staffing.



*Question 30. Athlete and Executive Compensation*

- a. Please describe how USAG executives are compensated and how compensations packages are determined.
- b. Are bonuses given to executives based off of athlete medal performance?
  - a. If yes, why is that?
  - a. If no, have bonuses ever been given off of this model in the past? When did this happen?
- c. Please describe how gymnasts are compensated at different levels.
- d. From your personal experiences, would you agree with reports that USOC has engaged in exorbitant and lavish spending—flying executives and spouses on first class and providing excessively generous per diems? Do you think USAG is similarly engaged in exorbitant and lavish spending in any way?
- e. What percent of USAG expenses go toward Administration and Fundraising?
- f. How many employees does the USAG have?

Answer. USA Gymnastics interprets “executive” or “executives” to mean USA Gymnastics Officers or Directors.

The USA Gymnastics Board of Directors receive no salary or compensation for serving as a Director. Directors may receive reasonable compensation for services rendered in any other capacity, subject to review and approval by the Ethics and Grievance Committee and as permitted by Board policy. Directors’ expenses may be reimbursed, provided the expenses are reasonable and supported by appropriate documentation.

USA Gymnastics’ Officers, except for the President, receive no salary or compensation for serving as an Officer. Officers may receive reasonable compensation for services rendered in any other capacity, subject to review and approval by the Ethics and Grievance Committee and as permitted by Board policy. Officers’ expenses may be reimbursed, provided the expenses are reasonable and supported by appropriate documentation. The Board’s Finance, Compensation and Audit Committee advises the Board on matters pertaining to the compensation and benefits for the President to ensure that compensation and benefits are fair, effective, transparent and accountable.

Athletes may qualify for financial support as a result of competitive success at National Championships. Where NCAA and other rules allow, there is also a bonus structure for some athletes based on performance at designated events.

Data regarding our revenues, expenses, and other metrics, such as the number of employees, may be found in our audited financial statements and tax returns, which are publicly available on the USA Gymnastics website. As reported on our IRS Form 990 for 2016, the last year for which we have reported data, we employed 69 employees. We anticipate filing our 2017 forms later this year.

*Question 31. Athlete-Whistleblower Retaliation—*In the Mach 2017 testimony of Mr. Adams, he indicated that at USA Gymnastics there were “barriers” and “disincentives” to reporting about by victims.

- a. Do you know what “disincentives” he was talking about? Do you know what barriers he was talking about?
- b. If you don’t know, then have you consulted with Mr. Adams who had these criticisms? Have you discussed the concerns he expressed? What did he tell you? How do you plan to address these criticisms?
- c. If you haven’t spoken with Mr. Adams, then why not? Will you commit to doing so?
- d. Do you think there are still cultural issues in place that prevent gymnasts with knowledge of sexual abuse from coming forward?

Answer. USA Gymnastics is committed to promoting a safe gymnastics environment for all participants, including from sexual abuse. We have worked to review, evaluate, refine and strengthen our policies and procedures, including by revising our Bylaws, Code of Ethics, and adopting a Safe Sport Policy. We are also incorporating all recommendations from the independent and comprehensive report from former U.S. Attorney Deborah Daniels. USA Gymnastics cannot answer on behalf of Mr. Adams.

*Question 32.* Are you aware that incoming USOC CEO Sarah Hirshland refused to speak with Olympic gold medalist and Nassar survivor Ms. Aly Raisman following the Subcommittee hearing? If you are not aware, you can read more about that interaction here: <https://www.usatoday.com/story/sports/olympics/2018/07/24/aly-raisman-rebuffed-sarah-hirshland-us-olympic-committee-ceo/831061002/> and

<https://thinkprogress.org/new-u-s-olympic-head-snubs-aly-raisman-after-senate-hearing-on-sex-abuse-7e970bda4c53/>

- a. What kind of message does this send to you?
- b. What message do you think this sends to other survivors of sexual abuse across sports?
- c. Do you understand why Ms. Hirshland did not speak with Ms. Raisman?
- d. Has USOC ever given you any instructions regarding with whom you should or should not speak?
- e. Has the USAG Board ever given you any instructions regarding with whom you should or should not speak?

Answer. USA Gymnastics stands behind our community of survivors, whose willingness to speak publicly about the abuse is courageous. An important part of our mission to changing our culture is to include our athletes' voices, including athlete-survivors, in the organization's strategic and operating decisions. USA Gymnastics is committed to working with athletes, survivors, and all members of the gymnastics community to rebuild trust and develop a culture in which athletes and members can thrive. USA Gymnastics cannot answer on behalf of the USOC.

*Question 33.* USAG Funding: What were the 2017 revenues from USA Gymnastics? Have the revenues been impacted by the Larry Nassar scandal? Please describe the breakdown of any lost revenue—from sponsorships, advertising, fund-raising, membership dues, etc.

Answer. Data regarding our revenues, expenses, and other metrics may be found in our audited financial statements and tax returns, which are publicly available on the USA Gymnastics website. We filed our 2016 IRS Form 990 on November 14, 2017 and anticipate filing our 2017 form later this year.

*Question 34.* Michigan State University settled with the victims of Larry Nassar's sex abuse for half a billion dollars. What is the contingency plan, if any, for USOC and USAG to withstand the cost of legal action filed against them?

Answer. USA Gymnastics continues to seek resolution of the pending litigation through mediation, which involves both the plaintiffs and USA Gymnastics' insurers. USA Gymnastics cannot answer on behalf of the USOC.

*Question 35.* In May 2010, according to its 2016 990, USA Gymnastics took financial control as a fiscal agent of all of the bank accounts women's and men's state and regional chapters. The state and regional account balances are now listed under the nonprofit's Schedule D section under "Escrow and Custodial Arrangements." If USAG falls under the weight of pending litigation, are the funds of these state and regional chapters vulnerable? How would the loss of these funds endanger the grassroots activities of these chapters, and therein, local gymnasts?

Answer. Please refer to the answer to Question 34.

*Question 36.* What do you think of the fact that Mr. Penny took \$1 million from the non-profit USAG as part of his severance package, yet refused to answer questions at this Subcommittee's last hearing regarding conduct he had engaged in on behalf of USAG?

Answer. USA Gymnastics continues to undergo a leadership transition, with a new Board of Directors, composed of a majority of independent directors, having been elected in June, and an ongoing search for a new CEO and President. Mr. Penny resigned in March 2017. Thus, at the time of the June 5, 2018 hearing before this Subcommittee, Mr. Penny had no role with USA Gymnastics, and he still has no role with USA Gymnastics.

*Question 37.* Ms. Rachael Dehollander's Questions: As you know, Ms. Rachael Dehollander was the first woman to publicly accuse Larry Nassar of sexual abuse. In a Facebook post dated July 24, 2018, Ms. Dehollander wrote: "How you as leaders think about and what you communicate about sexual assault is the determining factor in whether your institution is safe or not. Procedural or policy changes matter little when the example from the top is shaming, blaming, and refusing to honestly assess and admit when failures have occurred."

Ms. Dehollander had several questions that she hoped would be asked to leaders at MSU, USAG, and USOC. They have been copied below in their entirety.<sup>15</sup>

If you want to move forward to create effective change, why have you not commissioned an independent investigation into what went wrong, so you know what to change and how to do better? Why have you not investigated who knew what about

<sup>15</sup> <https://www.facebook.com/notes/rachael-denholander/questions-for-john-engler-kerry-perry-and-susanne-lyons-at-their-senate-hearing/1914933721920272/>

Nassar and when, or identified the breakdowns and failures that let him sexually abuse children for decades? (MSU, USAG and USOC have not commissioned a public investigation into what happened with Nassar—something the survivors have been requesting for nearly two years.)

Answer. In late 2016, USA Gymnastics engaged Deborah Daniels, a former Federal prosecutor and U.S. Attorney, to conduct an independent review of USA Gymnastics' Bylaws, policies, procedures and practices related to handling sexual misconduct matters, and to make recommendations for improvement in the interest of protecting young athletes from abuse. Her review partnered with Praesidium, a company that specializes in preventing sexual abuse in organizations that serve youth and vulnerable adults. The resulting 100-page report, released in June 2017 and available online via USA Gymnastics' website, made 70 recommendations, all of which our Board of Directors unanimously approved and the significant majority of which have been implemented or are in progress. USA Gymnastics remains committed to implementing all recommendations from the report.

In February 2018, a special committee of directors for the USOC engaged outside counsel Ropes & Gray LLP ("Ropes & Gray") to conduct an independent investigation into the abuse of athletes by Larry Nassar, including investigating its contributing circumstances. USA Gymnastics is fully cooperating with the investigation. USA Gymnastics understands that Ropes & Gray's report, when complete, will be released in its entirety to the public. USA Gymnastics looks forward to reviewing the findings when the investigation is complete and taking appropriate action.

Additionally, USA Gymnastics has worked diligently to pursue compliance with all policies from the U.S. Center for SafeSport, as well as any requirements or recommendations from the USOC. USA Gymnastics has also undertaken its own initiatives, such as the Athlete Assistance Fund and the Athlete Task Force.

*Question 38.* Have you otherwise identified any specific breakdowns or failures of policy or individuals that is responsible in whole or part for allowing Nassar to abuse children for decades?

Answer. Please refer to the answer to Question 37.

*Question 39.* If you HAVE identified some failures, why have these not been identified and disclosed, with consequences for any individual failures?

Answer. Please refer to the answer to Question 37.

*Question 40.* If you HAVE identified failures, why have the victims received no disclosure of these failures, or specific apology for them?

Answer. Please refer to the answer to Question 37.

*Question 41.* If you have NOT identified specific failures, why have you not taken that basic step?

Answer. Please refer to the answer to Question 37.

*Question 42.* Moving forward, have you identified any specific failures in how leaders have talked about, characterized, or spoken of survivors of abuse?

Answer. Please refer to the answer to Question 37.

*Question 43.* Have you retracted and apologized for each of these statements?

Answer. Please refer to the answer to Question 37.

*Question 44.* What message do you believe has been communicated about how sexual assault survivors are viewed in the statements made publicly about these women, and made privately in e-mails and internal correspondence?

Answer. USA Gymnastics unequivocally and vehemently condemns the despicable and criminal conduct of Larry Nassar, any individual involved in sexual misconduct and/or abuse, or any individual who failed to report the same. USA Gymnastics stands behind our community of survivors, whose willingness to speak publicly about the abuse is courageous.

*Question 45.* Do you or did you at one believe the statements made by leaders at MSU (including Mr. Engler) that sexual assault survivors are in this for money, being manipulated by trial attorneys, pushing legislative reform for personal gain, receiving kickbacks, or lying about what was said in private meetings for personal gain?

Answer. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO and a management committee has been established to provide organizational oversight until a new President and CEO is named. USA Gymnastics cannot answer on behalf of Ms. Perry or any individuals at MSU.

USA Gymnastics stands behind and supports our community of survivors, whose willingness to speak publicly about the abuse is courageous.

*Question 46.* If you do not and did NOT believe these statements, why would you say them or allow others to say them unchallenged and uncorrected?

Answer. Please refer to the answer to Question 45.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO KERRY PERRY

*Question 1.* Are you engaging with the elite-level victims of sexual abuse to help direct the gymnastics program away from this widely reported culture of abuse that enabled predators like Larry Nassar in the first place? How and in what capacity?

Answer. USA Gymnastics is committed to working with athletes, survivors, and all members of the gymnastics community to rebuild trust and develop a culture in which athletes and members can thrive. This is reflected in our commitment to implementing every recommendation from the Deborah Daniels report, all 70 of which our Board of Directors unanimously approved. One of these recommendations focuses on a culture change, which USA Gymnastics recognizes requires ongoing activities, initiatives, monitoring, and other actions as appropriate. We created an Athlete Task Force to include our athletes in shaping the culture and future of USA Gymnastics, including its most important strategic initiatives. The Athlete Task Force consists of up to nine former athletes, all volunteers, including one former elite athlete per competitive discipline with relevant work experience and the athlete directors on the Board of Directors for men's and women's gymnastics. Current members on the Athlete Task Force are Shenea Booth (acrobatic gymnastics), Ivana Hong (women's gymnastics), Jazzy Kerber (rhythmic gymnastics), Steven Legendre (men's gymnastics), and Leigh Hennessy Robson (trampoline and tumbling). While the organization's ability to communicate directly with plaintiff-survivors is currently limited due to the ongoing litigation, USA Gymnastics is committed to and looks forward to working with the plaintiff-survivors, through the mediation process, to resolve the pending litigation.

*Question 2.* As a follow-up, in writing, to the question I asked in the hearing, what actions is USA Gymnastics taking to identify and remove coaches, athlete directors, employees, and officials who witnessed emotional and physical abuse of athletes and did not report child abuse to authorities and did nothing to stop it?

Answer. USA Gymnastics takes seriously the issue of abuse and is focused on prioritizing athlete safety. Under the forthcoming revised Safe Sport Policy, Covered Adults are required to report all allegations of child abuse and sexual misconduct to the U.S. Center for SafeSport (the "Center"), which has the exclusive authority and jurisdiction to investigate and adjudicate these matters. Covered Adults are also required to report suspected child abuse, including sexual abuse, to the appropriate legal authorities.<sup>16</sup> The Center has the authority to impose interim measures, including suspension, but the Center's authority to impose interim measures is not exclusive. USA Gymnastics may take appropriate interim measures upon notice of an imminent threat of harm, although for cases originating with the Center, it may have to rely on the Center's notification as the basis for implementing an interim measure. A final sanction imposed by the Center resulting from the exercise of its exclusive or discretionary authority must be enforced by all National Governing Bodies ("NGBs"). Members who violate the Safe Sport Policy (including a failure to lodge a mandatory report), or cause another to violate the Safe Sport Policy, are subject to discipline by USA Gymnastics. USA Gymnastics will take swift and decisive action if it learns that any member was involved in, or failed to report, child abuse or sexual misconduct. In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which requires adults authorized by an NGB to interact with minor or ama-

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<sup>16</sup>The Safe Sport Policy defines "Covered Adult" to include any individual over the age of 18 "who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of USA Gymnastics or who is seeking to be within the governance or disciplinary jurisdiction of USA Gymnastics" or "who is an Athlete or Non-Athlete Participant that USA Gymnastics formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes[.]"

The Safe Sport Policy defines reportable sexual misconduct to include "conduct of which [the adult] become[s] aware that could constitute (a) sexual misconduct, (b) misconduct that is reasonably related to the underlying allegation of sexual misconduct, and (c) retaliation related to an allegation of sexual misconduct as set forth in the [Center's] Code."

The Safe Sport Policy was last revised in June 2017. USA Gymnastics is in the process of further revising the policy and expects to publish these updates in the upcoming months.

teur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.

USA Gymnastics continues to undergo a leadership transition, with a new Board of Directors, composed of a majority of independent directors, having been elected in June, and an ongoing search for a new CEO and President. USA Gymnastics also underwent a reorganization that resulted in staff changes. It is the intent of USA Gymnastics to ensure that, going forward, the leadership reflects the organization's mission and is focused on protecting athletes and creating a culture that encourages athletes to speak freely.

*Question 3.* As a follow-up, in writing, to the question I asked in the hearing, what actions are being taken to identify and remove current employees who knew about sexual abuse and not only did not report, but stayed silent or did not report in a timely manner?

Answer. Please refer to the answer to the previous Question.

*Question 4.* In previous witness testimony, we have heard about the conflict of interest issue within the USA Gymnastics selection committee composition. What has USAG done to address the obvious conflict of the athlete representative in their role as both an "athlete advocate" and as a member of the selection committee that controls the international assignments of selection to the National Team, and therefore the career fate of the athlete? What are the future plans?

Answer. This issue was addressed in the Deborah Daniels report. USA Gymnastics plans to separate the role of the athlete representative on the selection committee from the "athlete advocate" position. USA Gymnastics remains committed to implementing the recommendations from the Deborah Daniels report, all 70 of which our Board of Directors unanimously approved. We have created a website, [www.usagymprogressreport.com](http://www.usagymprogressreport.com), that provides the full report and tracks the status of each recommendation. USA Gymnastics is also instituting a Conflict of Interest Policy that it hopes to release soon.

*Question 5.* What policies have been initiated to detect, prevent and punish the use of emotional and physical abuse by coaches and other individuals involved in the athletes training? Not only at the national team level, but what about for other youth programs?

Answer. In June 2017, USA Gymnastics adopted a Safe Sport Policy, which requires mandatory reporting, delineates specific types of misconduct (including sexual and physical misconduct, as well as verbal and emotional misconduct, among others), sets standards to prohibit "grooming" behavior, and establishes greater accountability. All USA Gymnastics members must comply with this Policy, which, among other things, requires that all members complete a designated safe sport course every two years. Additionally, USA Gymnastics has taken steps to educate its members through online tools, live presentations at regional and national events, including the topic in athlete, parent and staff discussions, and producing appropriate written collateral materials. All USA Gymnastics staff, Board of Directors, and members have been trained on the Safe Sport Policy. In addition to training staff and members on the Safe Sport Policy, the organization has hired a former prosecutor who previously prosecuted child abuse and sex crime cases to provide supporting legal counsel on SafeSport matters. The organization also recently named child advocate Shelba Waldron to be its Director of Safe Sport Education and Training, a new position that will lead USA Gymnastics' efforts to educate its members and the gymnastics community on topics related to SafeSport and corresponding policies and laws. USA Gymnastics has also taken measures to simplify reporting. The Safe Sport page on USA Gymnastics' website permits members to report misconduct, reminds adult members of the obligation to report abuse—sexual or otherwise—to law enforcement, provides contact information for the reporting of sexual misconduct to the Center, and provides a form, e-mail address ([reportfirst@usagym.org](mailto:reportfirst@usagym.org)), and hotline (1-833-844-SAFE) to report other, non-sexual misconduct to USA Gymnastics.

*Question 6.* Since taking over as the President of USA Gymnastics, how many complaints of abuse (physical, sexual or emotional) have you received, and/or been involved with handling?

Answer. On September 3, 2018, former USA Gymnastics President and CEO Kerry Perry resigned. USA Gymnastics is in the process of searching for a new President and CEO, and a management committee has been established to provide organizational oversight until a new President and CEO is named.

USA Gymnastics is aware of receiving an estimated 50 reports in 2017 and 109 reports in 2018 (through October 12, 2018) relating to matters regarding sexual abuse. The 2018 figure includes cases reported directly to USA Gymnastics as well as those where the Center notified USA Gymnastics. All reports received by USA

Gymnastics were forwarded to the Center. USA Gymnastics recently launched a data collection and reporting system, based on the Maxient software platform, for current and future reports, complaints, or allegations of any form of abuse.

*Question 7.* As a follow-up, in writing, to the question I asked in the hearing, since taking over as President of USA Gymnastics, have you implemented any changes to address this “environment” that “discouraged victims from reporting abuse”?

Answer. Please refer to the answer to the first Question above.

*Question 8.* Will you commit to disclosing to law enforcement all of the previously mishandled sexual abuse claims made against individuals within the USAG community?

Answer. USA Gymnastics’ forthcoming revised Safe Sport Policy and the Center’s SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement require that Covered Adults report suspected child abuse, including sexual misconduct, to the appropriate legal authorities as well as the Center. In addition, USA Gymnastics requires compliance with the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which requires adults authorized by an NGB to interact with minor or amateur athletes to report suspected child abuse, including sexual abuse, to the proper legal authorities within 24 hours.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JERRY MORAN TO  
HAN XIAO

*Question.* With respect to the Center for SafeSport, one of the primary concerns we have heard through the course of this investigation is that the Center is not truly independent from USOC, which results in a lack of trust on the part of athletes. I would like to hear both of your perspectives on this matter. First, do you believe it is true that SafeSport is not truly independent? If not, why? What can be done to either rectify this or reassure athletes that SafeSport is truly independent and is focused entirely on their best interests, not that of USOC?

Answer. I believe that the SafeSport board is independent. However, there are concerns regarding SafeSport’s funding sources as well as the presence of former USOC employees within the SafeSport staff. Having the majority of SafeSport funding come from the USOC and NGBs and having former USOC staff on the payroll cause some athletes and advocates to question whether the Center is truly independent, especially when they are dissatisfied with the Center’s operations or policies. Both of these concerns will take time to rectify, but they will need to be addressed long-term to reassure athletes that SafeSport is completely independent and is focused entirely on protecting athletes.

In the meantime, a crucial step to instill confidence in athletes is to improve both the competence and transparency of the Center for SafeSport’s operations. Ensuring that cases are handled in a timely manner, improving processing time of cases, protecting confidentiality, and communicating in a consistent manner throughout an investigation are all ways that the Center can earn the trust of all parties involved. In addition, competently investigating cases while protecting due process rights of all parties will prevent the SafeSport complaint process from being weaponized. Increased transparency into the process by which SafeSport investigates and adjudicates cases will also allow athletes to see whether the Center is acting in an independent manner and allow the Center to receive more applicable feedback and continuously improve its process. This would go a long way towards increasing trust in the Center for SafeSport while independence concerns continue to be addressed.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO  
HAN XIAO

*Question 1.* In your testimony, you write that “sexual abuse is the canary in the coal mine.” What are the larger systemic issues that you believe need to be addressed by USOC?

Answer.

1. The system as it stands requires more structured and consistent oversight to investigate and report on a variety of governance and operational issues. There are insufficient counterbalances to the power of the USOC, NGBs, and other organizations within the system, which should be rectified to support the rights and interests of athletes. For example, even many Olympic and Paralympic medalists are struggling to support themselves due to limited financial support, leaving themselves open to intimidation and exploitation as well as limiting their ability to train and compete to their maximum ability. Rather than

attempting to anticipate every possible future issue, we should have an independent entity that can serve as a watchdog for organizations within the system. Relying on a monopoly to self-report is inadequate.

2. Athletes have a legitimate fear of retaliation for voicing concerns, whether it's a right to compete issue, a compliance issue, a financial issue, or an athlete safety issue. Speaking out against the actions of staff members or board members can jeopardize an athlete's career. Even in the current climate, athlete representatives within certain sports have reported blowback from administrators for bringing up general athlete concerns within their sport. If athlete directors on boards are facing criticism for voicing athlete concerns, one can only imagine how difficult it would be for a currently competing athlete to criticize anything or anyone within the movement.
3. The relationship between the USOC and athletes need to be changed. Leaders at the USOC are consistently receiving their information from staff members. Although staff members have valuable perspective, the athletes are the centerpiece of the movement and should be treated as such. The governance leaders and the executive staff of the USOC should be in touch with the athlete base to fully understand athlete issues and concerns, as well as what athletes' lives are like. Alternatively, an athlete advocacy body, whether it be the AAC or an independent athlete advocacy organization, should be empowered to advise the USOC on athlete issues. USOC leadership should trust such a body to provide sound advice and consistently act on its recommendations barring extraordinary circumstances. Having athlete needs and athlete experiences drive the decision making of the organization would be a significant competitive advantage internationally.
4. Athlete support should be the main priority of the USOC. Whether that means ensuring that NGBs are appropriately prioritizing athlete safety and athlete support, or maximizing the resources that are dedicated specifically to supporting our athletes, the organization must refocus its mission to being athlete focused.

*Question 2.* What should, in your opinion, be USOC's first priority as it seeks to address the widespread abuse and toxic culture surrounding athletes?

Answer. In my opinion, the first priority of the USOC should be to change its culture, which currently prioritizes brand and organizational reputation above the needs and concerns of individual athletes. This has manifested itself in many ways, including sexual, physical, and mental abuse of athletes, a lack of financial support for athletes, a lack of mental health support for athletes facing post-Games depression, etc. Team USA athletes are often treated as a collective; it is easy to lose sight of the fact that it is composed of individuals who have sacrificed a tremendous amount to contribute to the success of Team USA. When individual athletes have reported sexual abuse, many of them have not been believed or their concerns were secondary to organizational liability and embarrassment. This culture must not be allowed to stand.

*Question 3.* It's been reported that two former Chairs of the USOC Athletes' Advisory Council, Micki King (Diving, '68 and '72) and Ed Williams (Biathlon, '68), met with Scott Blackmun, former head of the USOC in Colorado Springs, along with John Ruger, the Athlete Ombudsman and Debra Yoshimura, Director of the USOC Audit Division. Their message was that the USOC's in-house oversight and review of NGB compliance by the USOC's Membership Working Group was not working; NGBs were out of compliance, to the detriment of athletes. King and Williams suggest that the USOC's compliance functions mandated by the Sports Act be taken over by the Audit Division of the USOC. Did you have any role in this meeting or in the message that Former-Chairs King and Williams brought to Blackmun? What came of this meeting? Have any of their suggestions been implemented?

Answer. I did not have any role in this reported meeting. However, I have brought similar concerns to the organization and have pushed for more proactive enforcement of NGB compliance. Recently, the USOC has begun to audit NGBs for compliance via the Audit Division. Currently, the department's efforts are focusing on compliance with specific provisions of the Amateur Sports Act and the USOC Bylaws. I have recommended additional steps to enforce best practices that when not enforced put athletes at risk, such as clear conflict of interest policies for key committees of the NGB, objective team selection criteria, transparency in areas such as team selection and athlete funding decisions, etc.

*Question 4.* In your testimony, you provided thorough and helpful suggestions, including a suggestion to create a new fulltime Athlete Advocate position and an independent Inspector General to establish oversight over USOC and NGBS, and better

communications between these organizations and athletes. Have you ever raised these suggestions with any USOC executives—perhaps Ms. Lyons? If so, what was Ms. Lyons' reaction to this feedback?

Answer. I have raised some of these suggestions with USOC executives in the past. Although the Inspector General was never directly raised with the USOC, Ms. Lyons has expressed disagreement with the concept in general and has been more focused on internal policies and procedures that the USOC believes would better protect athletes. The idea of alternative athlete advocacy models has been a consistent theme of discussion, particularly with Kacie Wallace, the Athlete Ombudsman. Ms. Wallace has been supportive of exploring the area of athlete advocacy. In discussions with Ms. Lyons, the overall reaction has been one of agreement with the general philosophy of strengthening athlete voice but disagreement regarding the mechanisms to achieve that. There has been resistance to creating independent entities outside the USOC as well as adding outside oversight.

*Question 5.* Has Ms. Lyons ever discussed with you the idea of creating an "Athlete Advocate" who would report to Mr. Rick Adams, Chief of sport operations and Paralympics for the USOC? Can you explain why that would be problematic?

Answer. Yes, Ms. Lyons raised this idea with me in a phone call. I expressed then that I was skeptical that many athletes would support such a model. Athletes must be able to trust without a doubt that an Athlete Advocate would be serving their interests unconditionally and advocating strongly for their rights. There must be no possible suspicion that the advocate would be prioritizing the interests of the USOC or an NGB above those of the athlete at any time. Although independence would not guarantee this type of trust and that trust would need to be built up over time, such a position within the USOC has the potential to be counterproductive and further erode athlete confidence in the system. An Athlete Advocate would have a limited role in many cases when athletes have grievances against other athletes, so most cases involving such advocacy efforts would involve issues of fairness, or an athlete grievance against an organization in the system. In such cases, the Athlete Advocate certainly should not be a USOC employee to remain fully impartial.

*Question 6.* In general, do you feel that leadership at USOC take the feedback and work that the AAC gives seriously? Have you felt that your concerns have been listened to? Are there changes that you can think of that would grant the AAC more power and more of a voice in the process?

Answer. I feel that the AAC's feedback is considered at times for certain issues, but overall for contentious issues or issues where the AAC's opinion significantly differs from that of key staff members the AAC's feedback is not taken seriously. Executives and board members of the USOC have expressed several times recently that the USOC should hear from more athletes, rather than relying on the elected representatives of the AAC. Board members also often question whether the AAC has consensus on many issues rather than accepting the work the AAC has done to understand athlete issues and distill them to core themes. There are also concerns that the USOC has attempted to fill key athlete representation positions, such as AAC leadership and board of director positions, with athletes that toe the company line rather than those who voice potentially contentious athlete concerns and challenge the status quo.

Among changes that would grant the AAC more power and more of a voice in the process, I would include:

1. The addition of professional athlete advocacy in the system to work in tandem with the AAC and provide professional and legal expertise, as well as time and resources the AAC does not have to effect change.
2. Removal of the 10-year rule for athlete representation. Although recent competition experience is a benefit, older retired athletes sometimes have more passion, more time, more professional experience, and fewer conflicts of interest. Allowing athletes to decide who would most effectively represent their interests would be a more effective model of athlete representation than the current restrictions would allow.
3. Having the Chair of the AAC sit as an ex officio board member of the USOC. This would not only ensure a consistent voice from the AAC on the Board, but would reduce barriers between the USOC and the athlete body and alleviate any "us against them" mentality from either side.
4. Having periodic reports to Congress come from not only the CEO of the USOC as mandated in the Ted Stevens Amateur Sports Act, but also from either the AAC and/or an Athlete Advocate to report on the current state of the system from an athlete perspective.



5. The AAC would have more power as a quasi-independent organization with by-laws separate from those of the USOC and more control over its budget and staff. This is a system that Germany is adopting and I believe that we should also explore the benefits of an independent athlete voice.

*Question 7.* Do you believe the Ted Stevens Amateur Sports Act sufficiently protects athletes? How does it fall short?

Answer. I do not believe that the Ted Stevens Amateur Sports Act currently sufficiently protects athletes. It falls short in several key areas:

1. As mentioned previously, it does not provide effective oversight of the system to enforce its provisions. A monopolistic system such as ours requires more outside regulation and oversight, such as Congressionally appointed directors on the USOC board and an Inspector General's office.
2. It does not mandate the USOC to focus on athlete support or athlete safety, and additionally does not specify a responsibility of the USOC to ensure NGB compliance. Although the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act establishes a baseline for protecting athletes from sexual abuse, the USOC should have more clear expectations within the Act regarding protection of athlete well-being and NGB compliance.
3. Para athletes are not adequately protected by the current revision. They are essentially an afterthought and do not have a consistent governance structure or voice guaranteed to them. For example, Para athletes managed by U.S. Paralympics do not have a voice in the governance of their sports since there is not a direct board of directors they can sit on that would govern their sport other than the USOC Board of Directors. These athletes should have their interests protected to an equal standard as their able-bodied counterparts within the movement.
4. The financial imbalance between staff members and athletes must be addressed. Appropriate constraints should be placed on the USOC's overhead expenses and appropriate levels of athlete support should be guaranteed in some way. The specific methods can be debated, but with the huge influx of revenue into the Olympic and Paralympic system and nobody to negotiate terms on behalf of athletes collectively within the movement, athletes have been left behind compared to the other stakeholders.

*Question 8.* In your testimony, you mention that you have heard stories that reveal that "the rights of the accused are not being appropriately protected" during SafeSport investigations. Do you believe that SafeSport can potentially become weaponized as a means of retaliating against athletes?

Answer. SafeSport can absolutely be weaponized as a means of retaliation against athletes, coaches, staff members, etc. Due to the growing pains of the U.S. Center for SafeSport, athletes have reported investigations taking a long time, confidentiality not being protected appropriately in certain cases, confusion over policies and procedures, etc. We know of cases where people have suffered severe consequences such as a loss of employment without any hearing or sanction. The specter of being under SafeSport investigation is sometimes enough to cause substantial harm. Athletes and staff in some sports have already realized that a SafeSport complaint can sometimes justify strong interim measures or suspensions, and the lack of clarity surrounding the process means that due process is sometimes lacking.

*Question 9.* Is there a culture of retaliation in elite athletics? How can the reporting channels for athlete whistle blowers be improved to prevent retaliation? Do you believe that the Sports Act needs to be revised to explicitly prohibit the prevention of whistleblowing via intimidation?

Answer. There is certainly a culture of defensiveness and sometimes retaliation when staff members are faced with athlete concerns and criticism. I believe that the most effective way for athlete whistle blowers to have reporting channels without fear of retaliation is to make those reporting channels independent of the organizations they are reporting about, such as an Inspector General's Office. I believe that the Sports Act needs to be revised to provide these independent reporting channels with the authority to investigate and report on whistle blower concerns. Although explicitly prohibiting the prevention of whistleblowing via intimidation would be a positive step, there remains the possibility that given a big enough allegation, appropriate action to protect athletes based on whistleblower reports would be delayed and whistleblowers could be silenced or placated even if they were not retaliated against directly. From an athlete perspective, an independent reporting channel would certainly be optimal to eliminate as much fear of retaliation as possible, which should lead to a healthier system overall.

*Question 10.* The U.S. Center for SafeSport has been heralded by USOC as an independent organization to investigate abuse. In your testimony, you argue for the creation of an Office of the Inspector General, in addition to SafeSport to investigate complaints and recommend corrective action to USOC and NGBs. Why do you believe that SafeSport alone is not sufficient as a means to investigate malfeasance?

Answer. The U.S. Center of SafeSport cannot investigate governance issues or mismanagement within the system as a response to complaints. For example, if an athlete reports that there are rampant conflicts of interest in his or her sport that are compromising the organization and putting athletes at risk through biased team selection and financial decision making, and the USOC is not appropriately investigating and providing solutions, it would benefit athletes to have an entity capable of doing so and bringing urgent issues directly to the attention of Congress.

In addition, the Inspector General can provide oversight and act as a check and balance for USADA and the U.S. Center for SafeSport. The Center is authorized to investigate and adjudicate athlete abuse issues and has protection from civil liability in performing its role. An Inspector General can respond to concerns about the state of SafeSport and work with Congress and stakeholders within the system to improve SafeSport operations rather than having that responsibility fall to the USOC. This would help maintain pressure on the Center to operate fairly and efficiently while also maintaining its independence from other entities in the Olympic and Paralympic movement.

*Question 11.* Regarding Executive Compensation at USOC, NGBs: This hearing, and the others before it have rightfully focused on the scourge of sexual abuse in amateur and elite athletics. However a theme that has also consistently come up is the imbalance of power between the USOC and NGB staff and athletes. This imbalance is perpetrated because of the profound inequity in salaries and financial support that Team USA athletes, and USOC and NGB executives.

You talk about this problem extensively in your written testimony. Can you highlight briefly what the athletes you represent think of high executive salaries and the practice of executives receiving massive bonuses for medal performance?

Answer. Currently, many successful athletes are struggling to support themselves while some staff who athletes do not see contributing significantly to their success or well-being are extremely well compensated, leading to dissatisfaction.

The more contentious issue among athletes is the practice of executives and staff members receiving bonuses for medal performance. Athletes are skeptical of the impact of these staff members in driving the medals that athletes are earning on the field of play. In addition, the rationale given for these medal bonuses is to focus the staff on the success of the athletes. This is troublesome for two main reasons: first, this can create the perception among staff members that athletes who do not medal are of lesser value to them; second, one would hope that staff members working at a non-profit supporting Olympic and Paralympic athletes would care about the success and well-being of those athletes without requiring monetary bonuses to motivate them.

*Question 12.* Do you think athletes across NGBs are adequately and fairly compensated—particularly in comparison to inflated executive compensation and personal fringe benefits at NGBs and USOC?

Answer. Overall, athletes are not compensated fairly. Although there are exceptions, there are gold medalists who I have spoken to who indicate a monthly stipend of \$1,000 per month. A two-time Olympic gold medalist in rowing confirmed to me that her highest stipend was a little over \$2,000 per month. Although there are training and competition costs reimbursed for these athletes, they are certainly not fairly compensated in their opinion compared to staff members and are struggling to support their careers.

*Question 13.* Do you believe that the salaries given to elite athletes affords them a high quality of life?

Answer. Certainly not. Some athletes need to work a separate day job to support themselves. With Olympic and Paralympic sports becoming more professionalized, these athletes feel that they cannot afford a high quality of life and are also at a competitive disadvantage compared to their international competitors.

The USOC often points to the fact that the vast majority of its funds are being used for programmatic expenses. NGBs often point to similar breakdowns in how funds are being allocated. However, athlete services, no matter how impactful, cannot help an athlete who cannot afford appropriate food, housing, and other expenses to take care of their body. Some athletes do not use the majority of athlete service being provided. There is therefore a difference between funds used for programmatic expenses such as public relations and direct financial support for athletes.

The low stipends athletes receive are contributing to a potential decline in performance that many people including non-athletes fear has already arrived. With other countries putting more resources into their athletes, our existing competitive advantages will decrease, especially in non-NCAA sports. Conversely, experts have noted that in major sports an increase in compensation often following athlete unionization not only benefits the performance of the athletes but also stimulates growth throughout the system.

*Question 14.* How does this financial imbalance contribute to the imbalance of power between athletes and the USOC and NGBs?

Answer. Athletes are often afraid to voice concerns since their already low stipends can be cut very easily. Athletes have reported that their stipends have been cut without notification, and are certainly afraid that criticizing their NGB or the USOC could easily result in their stipends being cut. This is certainly an unhealthy dynamic and contributes to the power imbalance between the athletes and the USOC and NGBs.

In addition, grievances between athletes and NGBs that cannot be resolved easily often require arbitration. Many athletes simply can't afford to pit their meager resources against the resources of their NGB and/or the USOC. Some athletes simply drop their cases because they cannot find pro bono legal representation and cannot afford to take their case to arbitration.

*Question 15.* According to reports, USOC still pays athletes and programs that have the highest achieving athletes. Do you think this is antithetical to athlete safety?

Answer. Although I don't think that this practice in itself is antithetical to athlete safety, I think it does contribute to the culture that athletes are only worth something if they are medalists or medal contenders. Athletes feel that this attitude is prevalent in the movement and many athletes feel that athletes are seen as a collective medal count rather than individuals with value. It is this culture that is antithetical to athlete safety, especially for athletes who may not even have qualified for an Olympic or Paralympic Games.

Many athletes have concerns about the current funding model. The USOC defunds programs that are not medal contenders, prioritizing short-term medal contenders over any long-term pipeline investment. In fact, NCAA programs tend to be the best predictor of our medals. This leads many athletes to question whether the current funding practice drives medals or merely follows them. We agree that high performing programs should receive appropriate funding to fuel their continued success, but defunding sports in this manner will lead not only to the devaluation of athletes in that sport, but also a decline in overall performance long-term.

*Question 16.* Do you believe that this inequity qualifies as financial abuse?

Answer. For athletes whose careers are to pursue their Olympic and Paralympic dreams, one can argue that it would qualify as financial abuse. These athletes have nowhere else to turn since the system is a monopsony. Their ability to acquire substantial sponsors can sometimes be limited as well due to IOC Rule 40 and other commercial rights restrictions.

Ultimately it is a choice to pursue an athletic career in this system. Even if one does not consider this inequity as financial abuse, it is significantly impacting our ability to compete in a variety of athletic disciplines. It is extremely difficult to develop a pipeline of athletes when so many of them stop competing due to the inability to support oneself as an elite athlete in their sport. This is why NCAA programs are the primary driver of medals in most sports.

*Question 17.* Mr. Rick Adams also testified in March of 2017 that there was "a flawed culture, where the brand, the sport, and their (competitive) results are given a higher priority than the health and well-being of athletes." Do you agree with Mr. Adams' testimony?

Since Mr. Adams testified, now over a year ago, do you believe that the USOC has done anything (taken any measures, adopted any policies, implemented any new guidelines) to fix this culture discussed by Mr. Adams?

Answer. I agree with Mr. Adams' testimony. Since his testimony, the USOC has begun to make some movements in the areas of athlete safety and NGB compliance. For example, the USOC hired a Director of Athlete Safety and began conducting some NGB compliance audits within the Audit Division. The USOC is also making efforts to review governance, policies and procedures, and its overall mission. Although the rhetoric is somewhat different and some actions have been taken, I have not yet seen a significant culture change in how the USOC values athletes and athlete voice. Athletes in some sports are still receiving criticism from staff members for raising athlete issues, which we find difficult to understand in the current climate. In addition, our continued feedback regarding athlete support and the need

to challenge the organization's financial priorities has not been met with much enthusiasm.

I do think that there has been significant discussion and movement regarding policies. However, the lack of focus on cultural change is troubling. In some sports, we are seeing SafeSport complaints being used between athletes and staff members for clearly non-SafeSport issues. In other sports, athletes have reflected that SafeSport training is not taken seriously and is a "check the box" exercise. Despite an increased willingness to engage athlete voices, overall there is still a lot of defensiveness around contentious issues throughout the movement that affect both staff members and athletes, such as coach selection, coach evaluation, athlete financial support, etc.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MAGGIE HASSAN TO  
HAN XIAO

*Question.* Senate Select Committee on Sexual Abuse within USA Gymnastics: As you may know, my colleague Senator Shaheen, the senior senator from my state of New Hampshire, recently led efforts requesting that a select committee be established in the Senate with the purpose of providing further exploration into what role the U.S. Olympic Committee and USA Gymnastics had in allowing serial pedophile Larry Nassar to abuse hundreds of girls over the course of three decades.

I joined these bipartisan calls for action and hope Senate leadership makes this a top priority.

If a select committee were established, do you commit to fully participate in this investigation and provide additional materials and testimony if called upon?

Answer. Yes, I would commit to fully participate in such an investigation and would be honored to provide additional materials and testimony as necessary.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO HAN XIAO

*Question 1.* Is the USOC leadership, or NGB leadership, actively engaging with the Athletes' Advisory Council and victims of sexual abuse to help direct the programs to stamp out a culture of abuse that enabled predators like Larry Nassar in the first place? In what capacity?

Answer. We are not aware of programs directly designed to stamp out a culture of abuse at this moment. The USOC has hired a Director of Athlete Safety whom I have been in contact with occasionally, but we have not been engaged in any programs directly related to changing abusive culture in sport.

*Question 2.* Who do you know within the USOC organization has sufficient knowledge and experience with victims of severe emotional, physical and sexual abuse to make pro-victim decisions that will not further harm the athlete-victim in their desire to report abuse but not irreparably damage their athletic career?

Answer. I am not aware of any such individuals within the USOC organization. I do know that external victims' advocates with subject matter expertise such as Nancy Hogshead-Makar have been in contact with both the USOC and the U.S. Center for SafeSport to provide feedback.

*Question 3.* Do you know if Safe Sport recommended the most direct way for the USOC to communicate their material to all of their NGB's and on to the member clubs?

Answer. I am not aware of such recommendations. To the best of my knowledge, the Center has been focused primarily on handling an unforeseen volume of cases and has not been able to focus heavily on education and outreach efforts. However, we have not been heavily engaged in many of the operational aspects of the Center and have limited insight into those details.

*Question 4.* Does USOC still pay athletes and programs that have the highest achieving athletes? Are there any plans by USOC to end this "Money for Medals" Program?

Answer. The USOC has consistently employed a model where short-term medal contending programs are funded and others are not. Many athletes have concerns about a number of aspects of this approach, including the effectiveness from a performance standpoint. In addition, it contributes to a culture where non medal contenders or athletes who have not qualified for an Olympic or Paralympic Games are devalued by the system. To the best of my knowledge, there is no plan to significantly alter the current resource allocation model.

*Question 5.* USOC has a duty to keep young athletes safe and to “promote a safe environment in sports, that is free from abuse. . . of any amateur athlete.” What are those explicit protections and do they apply only at Olympic events and training centers?

- Where does that extend to—a duty to protect minors in the Olympic Village? Hotels? Of-site venues?
- In your experience, what individual is most responsible for that protection?
- In your experience as an athlete, who is the most accessible person for athletes to go to in order to report any issue, abuse or otherwise?

*Answer.* The USOC and NGB’s duty to protect minors extends to all sanctioned clubs, venues, events, competitions, etc. Ultimately, we need to create a culture of collective protection. The responsibility should not fall primarily on any one individual, but all the members of the Olympic and Paralympic community. We have made the mandatory reporting requirements clear via the SafeSport authorization bill of 2017, but we should also be striving to create a culture where regardless of venue, if a member of our community witnesses athlete abuse, he or she will report it and will intervene in any way possible to protect our athletes, especially minors. This is a culture that must start from the executive leadership of the USOC and our NGBs.

In my experience, there is no fixed person who is most accessible or most responsible for athlete protection and for reporting. Athletes typically will go to their coach for many issues, but if the coach has created an unhealthy athletic culture or is actively involved in athlete abuse, clearly this reporting structure breaks down. Outside of this, some athletes have NGB staff or USOC staff who they are acquainted with and feel comfortable confiding in. This is usually not a fixed person or position and varies by athlete.

In attempting to create any position that would be a clear reporting channel for athletes, those people must prioritize establishing an informal relationship with athletes. This involves interacting with athletes and socializing in a low-pressure environment rather than a competition environment such as a team trials event. Athletes who get to know a staff member in this manner will instinctively report issues to that staff member if a rapport has been built in this way. In my experience, having a former athlete in that position or someone else athletes can easily relate to make this process faster and more reliable. Creating these relationships by design is the most reliable way to designate an accessible person for athletes to go to in order to report issues. Ideally this person should also belong to an independent entity rather than any stakeholder in the system to minimize any fear of retaliation or loss of confidentiality.

