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## U.S. Center for SafeSport: A Primer

The U.S. Center for SafeSport is the primary amateur athletics organization in the United States with responsibility for preventing and responding to sexual and other abuse. Between its creation in 2017 and December 2022, the Center received over 16,000 reports of potential abuse and issued disciplinary reports on nearly 2,000 adults, most of whom are no longer eligible to work or volunteer with covered sports organizations due to their misconduct.

While the SafeSport model has been praised and the Center has developed an infrastructure to address abuse, some stakeholders have called its effectiveness into question.

This Insight provides background on Congress's role in the development of the Center, an overview of rules pertaining to the Center, and discussion of concerns about the Center's effectiveness.

### Creation and Development of the Center

The Center was established by amateur athletics stakeholders in March 2017 to address abuse against amateur athletes through prevention, education, and accountability. The Center's creation followed several high-profile investigations of sexual abuse of minor athletes by adults affiliated with the national governing boards (NGBs) for several sports.

Perhaps the most well-known of these cases involved former USA Gymnastics physician Larry Nassar, who sexually abused athletes for decades and is currently serving a 60-year sentence in federal prison.

At the time of the Center's creation, Congress was also considering legislation to address these issues. Initial proposals focused on the United States Olympic and Paralympic Committee (USOPC) and NGBs to help ensure that they appropriately respond to abuse allegations. Ultimately, in early 2018, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act (P.L. 115-126), which instead assigned most of those duties to the Center. These provisions are codified at Title 36, Sections 220541-220543, of the *U.S. Code*.

After this initial congressional action, abuse investigations continued and more information came to light about the problem across amateur athletics. This led Congress to enact the Empowering Olympic, Paralympic, and Amateur Athletes Act (P.L. 116-189) in 2020. This act made broader changes to the Ted Stevens Amateur Sports Act, which governs the USOPC, and included specific provisions to

increase the independence of the Center from USOPC and to facilitate congressional oversight.

### Complaint Review Process

Section XI of the *SafeSport Code* includes standards for the management and disposition of complaints. When the Center receives or accepts a complaint that falls within its jurisdiction, it notifies the USOPC or relevant NGB and makes a preliminary inquiry to determine whether to conduct a full investigation.

During an investigation by the Center, both the claimant (who has alleged wrongdoing) and the respondent (who is under investigation) are allowed to submit relevant evidence and identify potential witnesses. Neither party is required to cooperate with or participate in this process. Parties may have the assistance of an "advisor," who may be an attorney. Respondents have certain procedural rights, including a right to written notice, to be represented by counsel, and to be heard during the investigation.

Decisions of the Center are based on a preponderance-of-the-evidence standard of proof. The findings of each investigation are included in a confidential report that is provided to the claimant and respondent along with the Center's decision on whether a violation has occurred and what, if any, sanctions are being imposed.

After a decision is issued, the respondent has a right to a review hearing before an arbitrator.

The *SafeSport Code* is available at <https://uscenterforsafesport.org/response-and-resolution/safesport-code/>.

### Authorities and Operations of the Center

The Center is independent from the USOPC and other organizations and "exercise[s] jurisdiction over the [USOPC] and each [NGB] with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports" (36 U.S.C. §220541(a)(1)(B)). The Center is required to allow for the "reporting, investigation, and resolution" of sexual abuse allegations (36 U.S.C. §220541(a)(1)(D)). Those policies and procedures are provided in the *SafeSport Code for the U.S. Olympic and Paralympic Movement*, published by the Center.

The Center is also specifically required to immediately report allegations of child abuse to law enforcement and to require NGBs to do the same (36 U.S.C. §220542(a)(2)).

In addition to investigating and reporting abuse, the Center is also required to maintain an office of education and outreach, provide training on SafeSport practices, and

conduct compliance audits of USOPC and NGB adherence to SafeSport policies (36 U.S.C. §220541(h)).

The Center maintains both an online reporting portal and a telephone hotline. Information on both is available at <https://uscenterforsafesport.org/report-a-concern/>.

### Sanctions

When a Center investigation finds that a violation of the *SafeSport Code* has occurred, the Center is authorized to impose different types of sanctions, including written warnings, time-limited restrictions including probation and suspension, indefinite ineligibility, and permanent ineligibility. The Center may impose additional sanctions such as no-contact directives and mandatory training (*SafeSport Code* §XIII).

### Publication of Names of Barred Individuals

The Center is also required to “publish and maintain [a website] that contains a comprehensive list of adults who are barred by the Center” (36 U.S.C. §220541(a)(1)(G)). To meet this requirement, the *SafeSport Code* states that the Center will publish a list of “[p]articipants whose eligibility has in some way been restricted by the Center, the USOPC, an NGB,” or a local affiliated organization (*SafeSport Code* §XII(C)).

The Center maintains a list of covered individuals including their names and locations, sport affiliations, and statuses and why they were barred. The list includes approximately 2,000 individuals, many of whom have been charged with or convicted of criminal sexual misconduct.

### NGB Compliance Audits

The Center also conducts annual audits of the USOPC and NGBs to “assess compliance with policies and procedures” for the Center and help ensure they are providing “consistent training” to all staff (36 U.S.C. §220541(h)).

The Center is authorized to impose “corrective measures” on USOPC and NGBs to ensure compliance with the Center’s requirements, and the USOPC is obliged to use its authority over NGBs to assist the Center (36 U.S.C. §220541(h)(2)). The Center is required to make the results of compliance audits publicly available and to report annually to Congress on corrective measures (36 U.S.C. §220541(h)(3)).

### Independence Requirements

Congress has emphasized the Center’s need for independence from the USOPC and NGBs, which might be the subject of investigations. To that end, in most cases there is a two-year “cooling-off” period during which an individual may not “work or volunteer at the Center” after leaving a position with USOPC or an NGB (36 U.S.C. §220541(f)(1)). The Government Accountability Office is required to certify, each year, that the Center has maintained its independence by following this and other specified practices (36 U.S.C. §220541(j)).

Additionally, if USOPC or an NGB attempts to interfere with an investigation conducted by the Center, the Center is

required to report that interference to Congress within 72 hours (36 U.S.C. §220541(f)(4)).

### Transparency to Congress

To facilitate congressional oversight, the Center is required to submit an annual report to Congress that includes general information about the Center’s activities, specific information on its finances, and statistics on complaints and investigations (36 U.S.C. §220543(c)).

### Funding

The operating funds for the Center are provided by the amateur athletics community. Congress mandated that, beginning in 2021, the USOPC must provide the Center \$20 million per year (36 U.S.C. §220541(g)). The Center also receives funding from donations, grants, and fees for some of its training programs.

In addition, Congress authorized the Department of Justice to provide grants of up to \$2.5 million per year to support oversight with regard to “safeguarding amateur athletes” (36 U.S.C. §220531).

### Is the Center Effective?

Congress has demonstrated an ongoing interest in the welfare of amateur athletes, including both accountability for past abuse and prevention of future problems. Congress may monitor both the Center’s ability to perform its functions and whether the duties and authorities of the Center, if successfully implemented, are sufficient to meet Congress’s goal the protect athletes.

The SafeSport model and the Center are both relatively new, especially in their implementation, and the Center’s effectiveness has been criticized. For instance, in October 2022, the U.S. Soccer Federation released an investigative report led by Sally Yates regarding abuse within the National Women’s Soccer League. While the report was largely critical of both organizations, it also included recommendations for making the Center more effective and better connected to athletes as well as improving how NGBs respond to the Center’s activities. Additionally, the report noted the Center’s rate of administrative closures (i.e., the closure of complaints without findings) as a potential concern but did not conduct a full review of that issue.

In July 2023, 103 athletes affiliated with the U.S. Soccer Federation, including the entire 2023 Women’s World Cup roster, signed an open letter to Congress reiterating the concerns raised in the Yates report. The letter asks Congress to address three specific concerns: the administrative closure rate for complaints, the potential constraints of exclusive jurisdiction, and the right to arbitration for all appeals of decisions by the Center. The Center has responded to this letter, providing context on its authorities, practices, and activities and how they relate to and may address the concerns raised by U.S. Soccer Federation athletes.

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