

Responses to Written Questions Submitted by Honorable Jerry Moran to USA Gymnastics

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?

Response. 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, 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?

Response. 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?

Response. 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?

Response. 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.¹ 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.¹

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?

Response. 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

¹ 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.

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.

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?

Response. 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.