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September 3, 2024

Senator Charles E. Grassley  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Grassley,

Thank you for your continued advocacy for athlete safety. We share the same goal of ensuring participants in the U.S. Olympic and Paralympic Movement are free to enjoy the many benefits of sports without the threat of harm.

We are glad to provide responses to your questions, but I would first like to offer some clarity on the complexities surrounding emotional and physical abuse investigations, which you referenced in relation to the July 23 story in *The Washington Post*.

The Center generally asserts discretionary jurisdiction over cases of emotional and physical abuse when they: 1) involve severe injuries; 2) are related to a matter the Center has exclusive jurisdiction over (i.e., sexual misconduct); or 3) when an NGB has a conflict of interest with related parties. For all other cases involving emotional and physical abuse which do not fit one or more of those categories, the Center declines jurisdiction and sends the matter to the National Governing Body (NGB) to handle in accordance with their policies and procedures. Once a matter is sent to the NGB, the Center is no longer involved and is generally not updated regarding how or if that matter is ultimately resolved.

Subjectivity in the viewpoints of witnesses about what constitutes misconduct can impact witness and Claimant participation and ultimately the Center's ability to collect evidence and move forward with an investigation. Additionally, historic allegations of emotional, physical, and sexual abuse and misconduct that occurred prior to the Center and the SafeSport Code (pre-2017) are more difficult and time consuming to resolve. Often, there is no applicable law, rule, or policy that existed at the time, and the Code cannot be applied retroactively.

Importantly, external factors, such as law enforcement holds, civil proceedings, new information coming to light at a later stage in the investigation, or additional Claimants coming forward can all extend investigations. As you know, all participation in Center investigations is voluntary as we do not have subpoena power.

That said, the Center has acknowledged areas for improvement and implemented comprehensive [process changes](#) on April 1, 2024, which aim to enhance efficiency, communication, and trauma sensitivity throughout our process. These improvements were largely based on feedback sought from athletes, survivors, and NGBs. The Center is committed to continuous improvement and will keep seeking input as we evolve to meet the growing need.

We also recognize that meeting the increasing demand is one of our biggest challenges as an organization. Reports of abuse and misconduct have increased by 170% within the last five years alone. The Empowering Olympic, Paralympic & Amateur Athletes Act of 2020, which mandates a static \$20 million annual payment by the United States Olympic & Paralympic Committee (USOPC) to fund the Center's operations, does not

account for rising inflation, an exponential increase in reports, nor the addition of new sports and millions of new athletes within our jurisdiction.

The Center continues our call to Congress to amend the Act and increase funding by \$10 million annually, because the safety of our nation's athletes is too important to shortchange.

Below are answers to the questions posed in your August 1 letter:

*1. When imposing protective measures, the SafeSport Policy Guideline directs employees to evaluate (i) the seriousness of the allegations and circumstances of the case; (ii) the Respondent's ongoing or potential risk to the well-being or safety of others; and (iii) whether the allegations are sufficiently serious.<sup>25</sup> What are the metrics for determining each of these three factors?*

Temporary measures are an important tool to protect the broader sport community while the Center conducts its investigations, and each case is reviewed on an individual basis to assess the need at every stage of the resolution process.

Our investigative staff, which includes former federal, state, and local law enforcement, child welfare professionals, and others with extensive relevant experience, evaluate each case. The Center's safety assessment can vary depending on the type of allegations, level of information available, the parties' roles as they relate to each other, the parties' ages, the unique components of the reported behavior, and the amount of corroborative evidence available. For example, it can be difficult to implement temporary measures if the Center receives an anonymous report of misconduct and the Claimant cannot be identified, or an identified Claimant denies the misconduct occurred. Depending on the allegations, the investigative staff may look at criteria such as:

- The nature of the allegations, including whether it involves minors, whether the alleged conduct is repeated, the impact the allegations reportedly have on the Claimant, whether the alleged conduct is specific to an individual or directed toward multiple individuals, etc.;
- Respondent's current contact with the Claimant(s);
- Respondent's current contact with similarly situated individuals as the Claimant (e.g., if the Claimant is an adult official, does Respondent professionally encounter adult officials?);
- Articulable and immediate risk of harm or further escalation;
- Any present threat of imminent violence;
- The allegations' relation to sport or the Movement (e.g., did the alleged behaviors occur outside the context of sport?);
- Prior disciplinary actions (e.g., have they previously violated the SafeSport Code or NGB policies?);
- Sport-specific considerations such as whether a locker room or similar space is part of that sport and relevant to the case; and
- Seriousness of the allegations such as those involving adult-on-minor sexual abuse.

There are multiple assessments and supervisor reviews to determine if temporary measures need to be implemented or modified throughout the course of the investigation.

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*2. Since June 30, 2020, how many times has SafeSport imposed protective measures while conducting ongoing investigations? Please provide a breakdown of which measures SafeSport imposed.*

Each day, the CDD offers a snapshot in time of the current adult Participants on publishable temporary measures or sanctions. Temporary measures may transition into further stringent sanctions or ineligibility or be modified/removed for a variety of reasons. Additionally, the Center may issue new suspensions, which would immediately appear on the CDD, while other individuals may leave the CDD because their suspension has concluded.

The CDD is a tool for the public to use in order to identify individuals within their sporting community who have temporary measures, such as a temporary suspension, or sanctions that impact their ability to participate. Certain temporary measures and sanctions are not listed on the CDD, such as standalone No Contact Directives, because the statutory language only allows us to list individuals who are “barred” in some way. Minors may also be subject to temporary measures and sanctions, but the Center does not list anyone under the age of 18 years of age on the CDD, which is best practice. In these situations, the Respondent, NGB, and the Claimant(s) are notified of the allegations and the temporary measures imposed and are provided with an attached Summary of Temporary Measures. The NGB has the ability to share the Summary with those need-to-know individuals to ensure the measures are enforced.

On August 26, 2024, not including cases that are currently under arbitration, the CDD reflected 156 cases where temporary measures against adults were imposed during ongoing investigations. As we are refining and improving current data systems, by the end of the calendar year we will provide your office with an accurate number of unique cases where temporary measures were imposed since June 30, 2020.

We recognize how critical data is to our improvement efforts, and have built a Research, Evaluation & Data team who are working to develop new software architecture to more accurately capture information that is unique to the Center. The goal is to implement more robust systems that will allow the Center to collect, analyze, and share more complex and impactful information about cases and trends. We are also investing in staff training to ensure data consistency

*3. Please explain why SafeSport appears to have decreased its use of protective measures and detail any plans SafeSport has to increase the number of cases in which it places protective measures.*

As mentioned above, the CDD is updated almost daily to accurately reflect current sanctions and restrictions. On the date of August 26, 2024, temporary measures or restrictions represented roughly 7% of total cases listed on the CDD. Our goal is to always safeguard the sport community and put in place temporary measures when warranted.

*4. How does SafeSport accurately and compressively communicate protective measures and sanctions imposed on a respondent to the relevant organizations?*

As soon as the Center receives a report of misconduct, staff are required to confirm with the NGB whether the identified Respondent(s) is participating within the Movement. This process can sometimes be delayed when an NGB does not have a sufficient system for tracking membership. This delay can hamper the Center’s ability to take action and is the reason we have requested that Congress require NGBs to keep a searchable membership database that is readily available to the Center.

Once the Center establishes Personal and Subject Matter Jurisdiction over the identified Respondent, staff send, by way of email, a Notice of Jurisdiction, which includes Respondent's name, alleged timeframe/date of misconduct (if known), nature of the reported misconduct, and general role/age of Claimant(s) (if known).

If the Center implements temporary measures, ranging from a no contact directive to a temporary suspension, the NGB is immediately provided with a Notice of Allegations and Imposition of Temporary Measures. As mentioned, Temporary Measures may be issued, re-evaluated, and modified at any time throughout the Center's process, including during the Intake stages of the Resolution process.

The adult Respondents who are placed on temporary suspensions or restrictive measures are immediately added to the CDD so that the information is accessible to the public on our website.

*5. What efforts has SafeSport made to educate national governing bodies that they can impose protective measures while SafeSport conducts its investigation?*

Starting in 2019, the SafeSport Code noted NGBs' authority to implement safety plans and interim measures. ([See Code at Section XII.B.4 \(2019\)](#)).

Prior to Response & Resolution implementing process changes, most of which were based on feedback from athletes, survivors, and NGBs themselves, the Center had one-on-one conversations with NGB staff, previewed changes on a quarterly NGB CEO call, and hosted an NGB Webinar where it clarified to NGBs that they can impose safety measures and make employment and membership decisions.

The 2024 SafeSport Code revision, which also incorporated input from athlete groups and survivor groups as well as NGBs, codified NGBs' ability to make membership and employment decisions ([See Code at Section IV.V.E.2 \(2024\)](#)). Communications regarding noteworthy changes to the Code are disseminated with every revision and a training for NGBs was conducted on the 2024 revisions in late June.

Between 2020 and 2023, the Center offered a three-series webinar (Athlete Safety Fundamentals, Understanding the Investigative Process, and Conducting Thorough Investigations) on athlete safety to all NGBs. Each series was presented in a virtual setting to allow for NGBs throughout the country to attend and included multiple days of instruction, practical application, and question and answer portions about the receipt of reports, safety planning, assessment, investigation, and resolution of reports of misconduct. Additionally, Response & Resolution staff have provided NGB-specific training about Temporary Measures and other topics related to athlete safety. While the Center invites and encourages NGBs to participate in trainings, ultimately, attendance is up to them.

The Center also employs a team of Process Navigators tasked with providing resources and support to parties throughout the process. The Process Navigators created a Safety Planning Toolkit available to NGBs and Local Affiliated Organizations (LAO). The toolkit outlines the NGBs' abilities to implement temporary measures, types of temporary measures, templated safety plans, and other helpful information related to safety planning and temporary measures.

*6. SafeSport administratively closed 6,614 cases and declined jurisdiction in 5,352 cases in 2023.<sup>26</sup> Please provide any records SafeSport creates tracking case closures and jurisdictional declinations that explain the reason for SafeSport's action.*

If the allegations fall within the Center’s discretionary jurisdiction, the Center may decline jurisdiction of the allegations to the NGB for proper resolution. The NGB is notified of the Center’s jurisdictional determination and is provided with the incident report, any documentation that was provided by the reporting party, and law enforcement information if applicable. Within the notification, the Center requests that the NGB provide details of the outcome of their investigation. Once the matter is declined, the NGB has the sole authority to resolve the allegations, and the Center cannot take any additional steps to investigate the matter. Depending on the NGB and its structure, the NGB may resolve the report of misconduct while others may refer the matter to the local club or regional LAO.

Over 80% of our jurisdictional declines (as of 8/26/24) are due to a report of emotional/physical abuse that did not meet the code threshold for the Center to investigate the matter. The second most common reason for declining cases was for violations of the [Minor Athlete Prevention Policies](#) (MAAPP) that did not include a sexual misconduct component.

As mentioned, the Center recently implemented [significant improvements](#) throughout our Response & Resolution process, in part, with the goal of increased information sharing. Beginning in April 2024, the Center redefined and recategorized Administrative Holds and Administrative Closures to provide more clarity and understanding. As a part of this change, the Center now provides to participants in its process and NGBs specific categories that explain the reason for these outcomes.

[See Code](#) at Section XI.H.2-4 (2024) for the following outcomes:

### **Administrative Closure**

The Center, in its discretion, may administratively close a matter after exercising jurisdiction. A case that is Administratively Closed will not be reopened, absent extraordinary circumstances.

Administrative Closures include the following:

- a. No Applicable Policy:** The alleged violation, even if true, would not rise to the level of a Code violation.
- b. Previously Adjudicated:** The specific allegations reported to the Center are confirmed to have been appropriately adjudicated and/or formally resolved by the USOPC, NGB, or LAO, and no new information that materially changes the determination and outcome of the previous adjudication has been presented to the Center.
- c. Admonishment:** The Center determines the alleged misconduct may presently or, if the conduct continues, in the future violate the Code and is best addressed with a Respondent via an educational conversation, followed by a Letter of Admonishment. The Letter of Admonishment may be used as an aggravator in any subsequent case(s) involving conduct of a similar nature. An Admonishment does not constitute a finding or admission by the Respondent of a Code violation. An Admonishment constitutes a final and binding disposition of the matter.
- d. Letter of Concern (Minor Respondents only):** The Center determines that alleged misconduct may presently or, if the conduct continues, in the future violate the Code and is best addressed with a Minor Respondent and/or their Parent/Guardian with an educational conversation, followed by a Letter of Concern.



The Letter of Concern may be used as an aggravator in any subsequent case(s) involving conduct of a similar nature. A Letter of Concern does not constitute a finding or admission by the Minor Respondent of a Code violation. A Letter of Concern constitutes a final and binding disposition of the matter.

**e. Deceased Respondent:** The Center confirms the Respondent is deceased.

**f. Unsupported Allegations:** The reported Claimant(s) deny that they have experienced misconduct, and there is no corroborative evidence to support the allegation(s).

*Please note: Categories a.-f. are shared with NGBs.*

### **Administrative Hold**

An Administrative Hold is the Center's recognition that there is currently insufficient information to proceed with an investigation; however, the Center holds these matters, thereby retaining jurisdiction and may re-open them at any time when sufficient information is made available.

Administrative Holds may occur for any one or more of the following reasons:

**a. Insufficient Information:** There is insufficient information to proceed with or continue a formal investigation regarding an alleged violation of the Code. Lack of party and/or witness participation and/or relevant documentary evidence impedes a full assessment of the allegations, and such participation and/or evidence, if they were to become available, would be necessary to determine investigatory finding(s) or policy application.

**b. Claimant Declined:** The Center has made the requisite attempts to contact the Claimant, and the Claimant has reported that they do not want to or are unable to participate in the Center's process at this time, and their participation is deemed necessary for the Center to proceed with an investigation.

**c. Non-Responsive Claimant:** The Center has made the requisite attempts to contact the Claimant and the Claimant has been non-responsive, and their participation is deemed necessary for the Center to proceed with an investigation.

**d. Unidentified Claimant:** The Center has received a report of misconduct which does not identify the Claimant. The Center has made the requisite attempts to contact the Third-Party Reporter/witnesses and the Center has been unable to identify a Claimant, and their participation is deemed necessary for the Center to proceed with an investigation.

*Please note: Insufficient Information (a.) and Unidentified Claimant (d.) are the only subcategories provided to NGBs.*

### **Jurisdictional Hold**

A Jurisdictional Hold occurs when the Center receives a report of misconduct allegedly perpetrated by a particular individual who is not currently affiliated with or participating in the Movement but who was previously in sport. These matters are held by the Center until such time as the individual becomes or seeks to become a Participant in the Movement, at which time the matter will undergo the Center's investigative process.

Examining the numbers of Administrative Closures and Administrative Holds, (which prior to April 1, 2024 were all counted as Administrative Closures), roughly 70% are now defined as Administrative Holds and are inclusive of cases where there is not enough information to proceed, Claimant(s) declined to participate, Claimant(s) did not respond to outreach from the Center, or Claimant(s) could not be identified. The remaining 30% are Administrative Closures under their new definition, with the most common reasons being admonishment or no applicable policy.

*7. How long have the 120 cases SafeSport identified as open longer for than two years been pending investigation?*

The Center's exponential growth within a short period of time, combined with years of being under resourced have impacted case resolution timelines. Of the identified older cases you reference, roughly half have been resolved so far in 2024. The case age for these cases ranges from 2-4 years, with some outliers that have been with the Center for more than 5 years. However, the timeframes for our cases are calculated by the date of the initial report. Several of these cases were on hold pending a law enforcement investigation or closed pending Claimant participation and eventually re-opened—to include at least one case that is still on a law enforcement hold. In these situations, cases have been under active investigation for less time than the case age suggests.

*8. Since 2020, how often has SafeSport relaxed sanctions or protection measures placed by national governing bodies on Respondents to SafeSport investigations? In each case, what was the justification for relaxing these restrictions?*

The Center rarely modifies measures put in place by the NGB or LAO. More commonly, the Center adopts the measures the NGB or LAO implemented or modifies the measures to apply across the entire U.S. Olympic and Paralympic Movement. When the Center does modify measures put in place by the NGB, it is usually because the Claimant denies the reported incident occurred and there is no corroborative information, the Claimant reports different allegations than what were originally received, or facts obtained through court and/or law enforcement documents differ from what was initially reported.

The Center empowers the NGB and LAOs to implement temporary measures and only lifts or modifies previously implemented temporary measures if the information the Center collected materially impacts the original assessment.

*9. Given the apparent fact that young athletes remain in potential danger because of your decisions, why should you remain in your position at SafeSport?*

After opening our doors in 2017 and standing up the first organization of its kind in the world, no one can deny that sport culture has changed for the better. The recent Olympic and Paralympic Games showed us that athlete wellbeing is now part of the international conversation when it simply wasn't just a decade ago—and the U.S. Center for SafeSport is a part of the reason why.

Culture change does not happen overnight. Since I started in 2019, reports have increased by more than 170%—people are coming forward because they understand the rules, can spot red-flag behavior, and know the Center is a resource to them.

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We have trained four million individuals on how to recognize, prevent, and respond to abuse and misconduct; we have set the first national policies for protecting athletes, particularly minors, from abuse; and currently list more than 2,100 individuals who are restricted or banned from sport on our public Centralized Disciplinary Database, a first-of-its-kind resource for parents, employers, and the broader sport community.

The first few years of operation for the Center were tumultuous, with only a handful of staff, insufficient and insecure funding, and multiple leadership changes. Since I took the helm five years ago, we have more than tripled the size of the Center to meet the growing demand, developed and standardized safety policies across every single sport within the Olympic and Paralympic Movement, established an audit and compliance program to support accountability across the Movement, and have sought justice for those who were once voiceless.

I also recognize that there is still much work to do. That is why I continue to show up. That is why I remain committed to this mission even though there are so many who wish us to fail. And that is why I will remain in this position and continue raising awareness of athlete safety issues, the need for accountability, and the demand to finally receive adequate resources to properly serve America's athletes.

I am proud of what the Center has accomplished on my watch and to lead the first organization in the world to meaningfully put athlete wellbeing above money and medals. But I am clear-eyed and steady-handed about the work ahead of us. We are steadfast in our commitment to continuous improvement, learning from athletes' experiences, building trust, and securing the necessary funding to meet the mounting demand.

As always, I welcome a meeting with you or your staff to discuss any additional questions you might have.

Sincerely,



Ju'Riese Colón  
Chief Executive Officer  
U.S. Center for SafeSport