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Ste. A-706
Denver, CO 80222

March 6, 2016

Ms. Nancy Hogshead-Makar
Champion Women
3116 St. Johns Avenue
Jacksonville, FL 32205

Ms. Marci A. Hamilton
CHILD USA
c/o Penn Center for Youth and
Family Trauma Response
3535 Market St., Office 3092
Philadelphia, PA 19104

Re: March 2, 2017 Letter

Dear Ms. Hogshead and Ms. Hamilton:

I can say with great confidence that we want the same thing: for all athletes to be safe, supported and strengthened through sport. As we work to prevent abuse in sport, there will be instances where we will have differences of opinion on the best approach or what is permissible in accordance with the law.

Differing views should not be perceived as a lack of commitment or passion for our respective missions. Unfortunately, there are a number of cases where you simply misrepresent or mischaracterize our policies; your editorial comments in several cases are quite offensive as they are flat wrong. It is my view that these kinds of misunderstandings can be resolved through factual and constructive dialogue that never loses sight of the bigger picture and our mutual desire to keep all athletes safe. I hope the following clarifies our position, policies and purpose.

1. Independence

The Center is independent and deeply committed to its mission.

- **The Center's board of directors is independent**

The U.S. Center for SafeSport is governed by an independent nine-person board comprised of subject matter experts in areas of abuse prevention, response, ethics compliance and sports administration. Under the Center's bylaws, "[e]ach director shall be 'independent' . . . [and have] no material affiliation or relationship, directly or indirectly, with any National governing Body, any Paralympic Sports Organization, the Athletes Advisory Council of the USOC or the United States Olympic Committee."

- **Center investigators are independent**
The Center’s investigators have no material affiliation or relationship with any NGB, PSO, AAC, the USOC, or any other organization affected by its resolution services.
- **Arbitrators are independent**
Arbitrators must be independent. “An arbitrator is ‘independent’ if ... the individual has or had no material affiliation or relationship, directly or indirectly, with the United States Center for SafeSport, the USOC, any NGB, any PSO, the AAC or any other affiliated organization.”
- **The Center has its own office**
The U.S. Center for SafeSport is located in its own offices in Denver, Colorado; we are not co-located with the USOC.
- **The Center’s staff is independent**
All staff and contractors are employed by the Center, not the USOC.
- **Funding**
The Center was originally conceived by the USOC and Paralympic movements and their financial support got us started. No NGB contributes more than 2% of our budget; now with our doors open we are actively seeking outside funding as well, to which I will happily discuss how you and your network might assist in those efforts.

2. Covered Individuals

The Center actually goes further than you suggest. Our approach was to include anyone and everyone – “members” simply is not enough. There are instances when coaches and medical staff for example are not classified as “members” by their respective NGB; our approach took that into account to ensure even those persons were covered.

3. Uniformity

The Center has promulgated a uniform *SafeSport Code* that (a) proscribes sexual misconduct uniformly across the NGBs and (b) provides for uniform enforcement of that *Code*. It contravenes Center policies to violate “(a) the *Code*, (b) any previous NGB rule, and (c) standards accepted at the time of the conduct.” By definition, standards are exactly that – uniform expectations derived from, e.g., practices, policies and regulations, as well as all local, state and federal laws.

The Center will, of course, comply with the laws and rules that govern it; as you must know, the courts are very clear that they will not retroactively enforce a substantive standard that did not previously exist. That said, we are deeply committed to all athletes, which is why:

- The Center has no statute of limitations for making a report; we will receive a referral today for an incident that occurred at any time.
- If conduct contravenes *any* standards accepted at the time of the conduct—regardless of the source of those standards and regardless of whether—we can and will enforce the conduct as a violation of the *Code*.

4. Romantic relationships

All Covered Individuals – whether staff, members, athletes or coaches – are prohibited from entering into romantic or sexual relationships involving a power imbalance.

5. Mandatory reporting

Our policy is clear: (a) the Center will always report child abuse or neglect, and (b) the Center requires all Covered Individuals over the age of 18 to do the same. (“[A] report of child abuse or neglect to the Office (the Center) as required under this policy **does not** satisfy any separate obligation an individual or organization may have under federal or applicable state law to report known or suspected child abuse or neglect . . . **Covered Adults must report suspicions or allegations of child abuse or neglect to both the Office and appropriate legal authorities.**”)

6. Investigations without a victim’s cooperation

The Center’s mission is to ensure that athletes are safe, supported and strengthened. Experts in the field advocate for victim-centered practices as a means to mitigate further trauma. The issue of protecting victims is one that must be respected and treated with great care—and that means we **must** be a safe place, even for those victims who seek to report confidentially and do not wish to pursue process.

As stated in our previous letter, the Center has always explicitly reserved the right to move forward without a victim. And we further identify instances—such as those indicating pattern, predation, threat, and use of weapons and/or violence—where we cannot assure confidentiality in the interest of protecting others.

7. Alone time with athletes

As it pertains to one-on-one training or instruction, you cite the Centers for Disease Control (CDC) guidelines. Individuals who participated in the CDC discussions were also involved with the Center and the development of its policies, and the *Code* is consistent with the CDC’s guidance. Background checks, screening techniques and training are important components to effective sexual abuse prevention, along with policies and procedures based on best practices. The Center will provide guidance and best practices to sport organizations around these strategies, cognizant of the CDC’s guidance that strategies should be “modified based on the mission of your organization.”

8. Sanctions for child sexual abuse

The Center has zero tolerance for child sexual abuse – period. Such a finding disqualifies an individual from participation in sport.

Nancy, Marci, I am happy to report that the Center's Response and Resolution Office began accepting cases last week. Our commitment to the athletes includes a culture built on continuous improvement, growth and best practices. In a few months we will know more about how our systems and policies are working; if adjustments are needed they will be made in the interest of fulfilling our important mission.

Moving forward, I hope you will accept my ongoing invitation to engage in a dialogue with me, directly.

We appreciate your support of SafeSport.

Sincerely,

Shellie Pfohl

Shellie Pfohl
Chief Executive Officer