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**RE:** Joint Report on Needed Systemic Reform in the Olympic System to Deal with and Prevent Athlete Abuse in Support of Testimony Regarding the U.S. Center for SafeSport and the Inadequate Protection of Youth Athletes from Child Sex Abuse in the Olympic System

**DATE:** September 30, 2023

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**REPORT ON NEEDED SYSTEMIC REFORM IN THE OLYMPIC SYSTEM TO DEAL WITH  
ATHLETE VICTIMS OF SEX, EMOTIONAL, AND PHYSICAL ABUSE  
AND TO PREVENT FUTURE ABUSE  
WITH FIVE SPECIFIC RECOMMENDATIONS**

This Report is a supplement to our testimony before the Commission on the State of U.S. Olympics and Paralympics on September 6, 2023.

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The existing Olympic system addressing the abuse of athletes requires adjustments to be more effective in reaching its goals. Athletes suffer from sex abuse, emotional abuse, and physical abuse. This Report outlines proposed systemic reform, which addresses all three forms of abuse and creates a more transparent and accountable system that will aid in greater protection of athletes through a fair process and in a trauma-informed way. Overall, we recommend a more athlete-centered system that speeds investigation times, decisions, and accountability, inserts a fair process for the athletes, and is transparent to the public.

The current Olympic system that was created to deal with abuse needs to be reformulated. The constituent elements—the U.S. Center for SafeSport (“the Center”) and the NGBs—need to be reorganized to more effectively prevent abuse and to deal compassionately and in a trauma-informed way with the athlete victims of abuse. While the victims need a more trauma-informed and efficient system, this Report also takes into account the athletes that have not been abused and deserve a stronger system of abuse prevention.

This Report makes five recommendations, summarized here:

1. Adjust the jurisdiction of the Center and the NGBs so that the Center is responsible for the most serious abuse cases, and the NGBs handle the other athlete claims, including cases administratively closed by the Center, lesser sex abuse/harassment, physical, and emotional abuse claims.
2. Replace arbitration with Expert Panels, who are trauma-informed experts on abuse.
3. Require all participants in the system to be trauma-informed and knowledgeable about youth sex abuse. NGB officials also should fulfill this requirement.
4. Require transparency to the public but give the victims the right to choose whether to be named publicly. And institute an anonymous hotline for sex abuse reports.
5. Apply SafeSport policies to all reports, regardless of when the abuse occurred.

This Report also makes recommendations of evidence-based programs to deal with cases of abuse and to prevent future abuse.

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<b>I. THE FACTS AND DATA UNDERGIRDING OUR PROPOSED SYSTEMIC REFORM FOR THE U.S. CENTER FOR SAFESPORT AND THE NATIONAL GOVERNING BODIES</b>	

Youth sex abuse is a pervasive phenomenon, which leads to long-term physical and psychological damage to victims. Not only do victims suffer multiple forms of harm, but they do so largely in silence. Therefore, safeguarding measures in sport must pay particular attention to sex abuse and make sure that athletes are aware of how to report, that such reports reach a safeguarding body capable of timely response, and that the response process includes trauma-informed supports for victims to begin the healing process.

**A. The Facts About Youth Sex Abuse and Delayed Disclosure of Abuse Generally**

**The first hurdle in dealing with youth sex abuse is that many victims need decades to come forward. This means that perpetrators can be operating in the system without others knowing for years and even decades.** For this reason alone, every report of sex abuse must be taken seriously as a potential indication of serial abuse.

At least **20% of girls and 8% of boys in the United States will be sexually abused before they turn 18.**<sup>ii</sup> Child and young adult, or youth, sex abuse (“youth sex abuse”) occurs across all social groups and institutions, including athletics. Despite its prevalence, an estimated **90% of victims never report the sexual violence they experience to law enforcement.**<sup>iii</sup> The reasons for this underreporting are manifold including challenges at the social, cognitive, individual, and interpersonal levels as well as on a wider sociocultural level.

Decades of trauma research and advances in the neurosciences show that victims of youth sex abuse typically need years to understand that they have been abused and that they have suffered harm.<sup>iv</sup> Unlike an obvious injury, e.g., a broken leg, the experience and impact of sex abuse, especially by a trusted adult, is complex. Experts in neurobiology now know that the pre-frontal cortex—the portion of the brain responsible for decision-making, executive functioning skills such as organization and planning, and impulse control—develops over time and does not fully mature until at least age 25.<sup>v</sup> This biological immaturity of the pre-frontal cortex inhibits victims’ reasoning capacity and impairs a victims’ ability to make emotionally-charged decisions such as whether or not to disclose abuse (or to whom, how much, etc.).<sup>vi</sup>

Research has consistently shown that the trauma of youth sex abuse can have wide-ranging and long-lasting effects including disrupted neurodevelopment, as well as impaired social, emotional, and cognitive development.<sup>vii</sup> Victims of child sexual abuse disproportionately suffer from psychological illness including depression, anxiety, substance abuse disorder, anorexia or other eating disorders,<sup>viii</sup> self-harm<sup>ix</sup>, and post-traumatic stress disorder (“PTSD”) as well as physical disease including diabetes, high blood pressure, stroke, heart disease<sup>x</sup> and even multiple sclerosis in females.<sup>xi</sup>

It can take years and even decades after the sexual abuse for the most severe symptoms to manifest, and victims experience the debilitating effects associated with the abuse.<sup>xii</sup> This delayed onset of symptoms makes it difficult, if not impossible, for a victim to recognize the full extent of their harm or to connect their current problems to the abuse suffered decades before.

Studies also show that the psychological impact of sexual abuse may cause victims to develop a variety of coping strategies to deal with their abusive experience such as denial, dissociation, or repression that impede their ability to recognize or understand the abuse they suffered, which impedes disclosure.<sup>xiii</sup>

Social and environmental factors similarly impact reporting and disclosure behaviors. Victims are frequently afraid of the consequences of reporting the abuse, including to law enforcement, because they are “unsure of whom to tell, fearful of retaliation from the rapist, and wary of exposing themselves to a system that they do not trust and that may further invade their privacy and cause additional trauma.”<sup>xiv</sup> They fear being shamed and blamed, rejected by their families and peers, and subjected to retribution for reporting.<sup>xv</sup>

Given all of the barriers to reporting, it is no surprise that many sex abuse victims need decades to come forward and publicly name their perpetrator. Indeed, an estimated **44.9% of male victims and 25.4% of female child sex abuse victims delay disclosure by more than twenty years following the abuse.**<sup>xvi</sup> That timeline may be even longer for victims of institution-based abuse. For example, CHILD USA’s study of Boy Scouts of America victims shows that **over half of the victims reported their sex abuse after age 50.**<sup>xvii</sup>

Each victim experiences the impact of sex abuse individually. In summary of the preceding, youth may experience the following impacts—alone or in combination—following sex abuse:

- Mental health trauma impacts, including depression, PTSD, anxiety, or substance abuse disorder.
- Long-term physical health effects, including heart disease, multiple sclerosis, and more.
- Psychological impacts impeding disclosure of abuse, including shame, guilt, or fear of reprisals.
- Memory effects, including autobiographical memory loss or dissociative amnesia.
- Social pressures that deter disclosure, including stigma, power held by abusers, and institutional barriers.

## **B. The Facts and Data About Youth Athlete Abuse: Sex Abuse, Physical Abuse, and Emotional Abuse**

Athletes are particularly vulnerable to maltreatment due to the unique characteristics of the sports environment, which tends to emphasize winning at all costs and sacrifice by the athletes. Indeed, a growing body of research examining the potential for maltreatment of athletes in sports reveals a high occurrence of emotional, physical, and sexual abuse of both child and adult athletes.<sup>xviii</sup> A 2019 survey of U.S. Olympic athletes conducted by CHILD USA found that nearly **58% of elite athletes had experienced some form of abuse.**<sup>xix</sup> **The study also revealed a significant overlap between the various types of maltreatment, with 95% of abused athletes experiencing more than one form of abuse.**<sup>xx</sup> These findings are significant, as they highlight that various forms of maltreatment do not occur in isolation from one another: if an environment is conducive to one form of maltreatment, it is likely to be conducive to other forms as well.

## 1. *The Facts Regarding Athlete Sex Abuse and Assault*

As in the general population, sexual abuse is rampant in athletics and, similarly, is significantly underreported. **Current research finds it affects an estimated 2% to 8% of all athletes.**<sup>xxi</sup> As articulated in the *International Olympic Committee Consensus Statement: Harassment and Abuse (non-accidental violence) in Sport*, the sports culture “ignores, denies, fails to prevent or even tacitly accepts” sexual harassment and abuse.<sup>xxii</sup>

There are several dynamics and situations intrinsic to sports which place youth at risk for sexual abuse including the clear power imbalance in the coach-athlete relationship, accepted scopes for athletes’ separation from their peers, and the connecting of reward to compliance with an authority system to name a few.<sup>xxiii</sup> Indeed, in CHILD USA’s Elite Athlete Study, athletes reported that they were frequently isolated from the normal activities of their peers (70%), routinely missed normal activities like family vacations or proms (59%), and missed school (85%).<sup>xxiv</sup> Unfortunately, perpetrators are able to exploit this isolation from parents or other adults that could protect the child, using the one-on-one time to gradually break down interpersonal boundaries and initiate abuse. The risks are compounded by the system which disempowers athletes to control their own bodies. **This is reflected by the 44% of current and former athletes that reported becoming accustomed to touches from coaches to their bodies that felt uncomfortable or inappropriate in response to CHILD USA’s survey.**<sup>xxv</sup>

CHILD USA’s [survey](#) of victims of Larry Nassar, which is included in the Game Over Commission Report, highlights the existing culture of abuse in the Olympic system in need of reform. Of those victims surveyed:

- **100%** had **no knowledge of where to report** sexual assault or misconduct.
- **22%** said **no effort was made to make changes** that led to their abuse after reporting.
- **27%** **believed there would be repercussions against them if they reported** what happened.

As set forth above, the trauma of child sexual abuse is significant and long-lasting and can impact all areas of functioning. The prevalence of youth sexual abuse and its negative effects necessitate the development and implementation of effective prevention programs.

## 2. *The Facts Regarding Athlete Physical Abuse*

Physical abuse in sport refers to any deliberate and unwelcome act that causes trauma or injury such as, for example, slapping, kicking, punching, or choking.<sup>xxvi</sup> Such acts can also consist of forced or inappropriate physical activity (e.g., when injured or in pain), forced alcohol consumption or performance enhancing practices.<sup>xxvii</sup>

Prevalence studies estimate that **anywhere between 11% and 44% of athletes experience physical abuse.**<sup>xxviii</sup> A 2019 survey of U.S. Olympic athletes conducted by CHILD USA found the prevalence of physical assault (defined as slapping, punching, or choking) was 6.9%.<sup>xxix</sup> These studies indicate that most physical abuse experienced by athletes is perpetrated by coaches and peer athletes.<sup>xxx</sup> Some of the more common forms of physical abuse include:

- **requiring an athlete to perform a physical act that compromises established safety guidelines;**
- **failing to stop an activity where an athlete is clearly being subjected to physical harm;**
- **failing to provide appropriate medical care and attention to an injured athlete.**<sup>xxxi</sup>

Responses from athletes surveyed for CHILD USA's Game Over Commission Report support these findings. Most athletes surveyed reported suffering extreme trauma to their bodies, which was normalized during their training. Of those surveyed:

- **all athletes reported sustaining an injury but nearly half sometimes opted not to report their injury;**
- **82% indicated that they were often fearful to report an injury to their coach;**
- **85% reported that they hid injuries from coaches or teammates;**
- **11% indicated that when they *did* report an injury it was not taken seriously;**
- **more than half were denied medical attention after reporting injuries;**
- **93% percent reported that it was common practice to continue to perform when injured.**<sup>xxxii</sup>

These findings underscore the importance of prevention, as physical abuse can have lasting impacts on athletes. First, athletes who experience physical abuse are more likely to suffer from pain, with an estimated 63% experiencing pain daily.<sup>xxxiii</sup> **Eighty-five percent have long lasting injuries due to their sport.**<sup>xxxiv</sup> There are also long-term emotional and psychological effects as well. For example, in CHILD USA's Elite Athlete Study, almost half (48.4%) of those reporting physical assault had a received at least one psychiatric diagnosis with the majority (60%) of these reporting multiple diagnoses.<sup>xxxv</sup> The most common diagnoses reported by physical assault victims were anxiety (22.6%), depression (16.1%), and PTSD (16.1%).<sup>xxxvi</sup>

### 3. *The Facts Regarding Athlete Emotional Abuse*

Emotional abuse is an underreported, but common form of abuse that occurs across all levels of sport from amateur to elite athletics. Within the sport science research, emotional abuse is defined as “a pattern of deliberate non-contact behaviors by a person within a critical relationship role that has the potential to be harmful.”<sup>xxxvii</sup> Emotionally abusive behaviors may be physical (e.g., displays of anger and aggression or throwing objects without contacting the athlete), verbal (e.g., ostracizing, humiliating, name-calling, or demeaning players), and/or acts of denying attention and support (e.g., rejecting, isolating, and ignoring).<sup>xxxviii</sup> Behaviors aimed at humiliating, belittling, or threatening the athlete are generally referred to as acts of “intimidation.”<sup>xxxix</sup>

Prevalence studies reveal that **emotional abuse is the most frequently experienced form of athlete maltreatment with an estimated 25-75% of competitive young athletes reportedly experiencing emotionally abusive coaching practices, which become more common as athletes advance into higher levels of competition.**<sup>xi</sup> In CHILD USA’s Elite Athlete Study, intimidating behaviors, including verbal harassment, were the most prevalent emotionally abusive behaviors experienced by athletes in the study sample.<sup>xii</sup> These findings are consistent with earlier studies, which indicate that these intimidation behaviors by coaches constitute the most common form of emotional abuse in elite sport.<sup>xiii</sup>

The high rates of emotional abuse endured by athletes at all levels is concerning, because research demonstrates that emotional abuse is associated with a myriad of negative outcomes both in the short and long-term, such as:

- **feelings of worthlessness;**
- **anger, embarrassment, and shame;**
- **decreased self-esteem;**
- **anxiety;**
- **depression;**
- **obsessive-compulsive behaviors (e.g., eating disorders, trichotillomania);**
- **PTSD symptomatology.**<sup>xliii</sup>

Research also indicates that, for athletes who have been emotionally abused, these negative effects increase as their careers progress.<sup>xliv</sup> CHILD USA’s 2019 Elite Athlete Study highlights the gravity of these effects. Among those reporting emotional abuse **38.1% had been diagnosed with at least one psychological disorder**, most frequently, anxiety (20.5%), depression (20.9%), and/or PTSD (6.6%).<sup>xlv</sup> Research also demonstrates that systemic factors, such as pressure from coaches, play a significant role in athletes’ adoption of unhealthy eating behaviors, and in extreme cases, can lead to eating disorders. For example, Kerr et al. (2006) found that a significant number of gymnasts



(44%) reported that their coaches made negative comments about their bodies and these individuals were significantly more likely to engage in disordered eating than their counterparts who did not receive comments.<sup>xlvi</sup>

**Identifying and implementing effective prevention strategies as well as appropriate athlete support are critical steps toward shifting the sports culture’s focus on winning at all costs to athlete well-being, which in turn improves athletic performance.**<sup>xlvii</sup>

## **II. REFORMING THE INVESTIGATIVE SYSTEM AS A WHOLE TO INCREASE TRANSPARENCY AND ACCOUNTABILITY WHILE EMPOWERING THE VICTIMS**

**Each year, 60 million children in the United States are engaged in sports.**<sup>xlviii</sup> There are also thousands of athletes in the Olympic system. Whether a child or young adult plays on a local team or is competing at the Olympic level, their safety depends on the robustness of that organization’s abuse prevention policies and procedures. The system contains some elements of effective case-handling and prevention but lacks significant others. For example, there is training of coaches, trainers, volunteers, and athletes over the age of 18, but other audiences that need to be reached with specifically-designed trainings have been left out including athletes under 18 and those with disabilities, parents, and team physicians. When the Olympic system safeguarding policies and procedures are insufficient, a foundation is laid for the type of catastrophic abuse found in the Larry Nassar cases and so many others in this arena. This section looks at the Center and NGB systems and how current practices can be strengthened to protect athletes going forward.

### **A. Redraw the Center and NGB Jurisdiction Over Sex Abuse and Other Abuse Claims and Establish Fair Process Systems of Review including Removal of the Arbitration Component**

Under the current system, the Center has exclusive jurisdiction to “investigate and resolve reports of sexual misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of sexual misconduct . . . and other inappropriate conduct.”<sup>xlx</sup> It may also take discretionary jurisdiction over other forms of abuse, including bullying, harassment, and emotional abuse.<sup>l</sup> The result is that the Center is overwhelmed, which is no criticism of the Center’s intent, but rather the heavy load laid on their shoulders. **On average, the organization receives 239 new reports each month and has approximately 1,300 open cases at any given time.**<sup>li</sup> According to the Center’s CEO Ju’riese Colon, the Center expects to receive at least 7,000 reports involving sex abuse in 2023 alone.<sup>lii</sup> The vast majority of cases are administratively closed without any meaningful investigation into the alleged misconduct and with no report to the victim.<sup>liii</sup> The scope of its jurisdiction is so broad that it is simply beyond the Center’s capacity to properly investigate allegations of abuse, to provide a fair process including notice and hearing to the victims, and thus the system is overwhelmed in a way that is leaving Olympic system athletes at risk. The Center’s purpose is to remove dangerous coaches as soon as possible.

## *1. Redraw the Center's and the NGBs' Jurisdiction Over Sex Abuse and Other Abuse Claims*

There needs to be a division of jurisdiction and clear lines of authority so that athletes know where to go when they have a claim. The Center's jurisdiction should be limited to the most serious sex abuse and assault claims, e.g., those that are crimes or that require mandatory reporting. Limiting the Center's jurisdiction in this way will reduce its overwhelming caseload to create a system that more effectively and efficiently investigates the most serious allegations of sex abuse so as to determine whether a coach should be removed. A fair process needs to be inserted into the system, including removal of the opaque arbitration system and an Expert Panel added to serve as the appellate body for the Center's determinations as discussed further below.

The NGBs should be accorded original jurisdiction over lesser sex abuse and sexual harassment, physical abuse, and emotional abuse claims. NGB determinations should also be subject to an Expert Panel that reviews the NGB holding. NGBs may refer emotional and physical abuse claims that constitute a crime or trigger mandated reporting to the Center. If the Center declines review, jurisdiction should revert to the NGB which will then be responsible for reviewing the case, reaching a decision, and, if a written notice of appeal is filed, sending it to the Expert Panel for the NGB. Jurisdiction should also revert to the NGB for claims where the Center administratively closes a case without a determination.

Fair process for the Center requires the following features as well: (1) upon jurisdictional assignment, the Center should have **24 hours** to review the report and contact the appropriate law enforcement agency or child protective services. (2) A summary of the alleged violation should be sent to the respondent within **72 hours** of jurisdiction assignment along with a notice that the respondent will be **placed on leave pending the outcome of the investigation**. (3) The formal investigation process should begin within **five days** of jurisdictional assignment and findings should be shared with the parties (and forwarded to the Expert Panel) within **48 hours** of the conclusion of the investigation. (4) **No Cetner investigation should exceed one year**, and victims should be afforded notice every quarter regarding the process of the investigation. **No NGB investigation should exceed 3 months**. (5) **Victims should have the right to privacy and confidentiality**, and as is typical in the legal system, the victim should have a right to proceed as a Jane or John Doe throughout the process. (6) The decisions by both the Center and the NGBs must be based on a **preponderance of the evidence** to impose sanctions. (7) There is a right if either party to appeal the Center's or the NGB's conclusion through written appeal of sanctions or interim measures to an Expert Panel (discussed below).

**RECOMMENDATION #1: Limit the Center's investigative and decision-making jurisdiction to the sex abuse and assault cases that either constitute a crime or trigger a mandated report to child protective services and/or the authorities and introduce fair**

**process procedures for the victims. The NGBs should have jurisdiction over the other sex abuse/harassment, physical, and emotional claims.**

*2. Eliminate Arbitration Processes and Replace with Expert Panels*

Presently, the Center process is twofold: (1) the Center investigates the claim, reaches a conclusion, and recommends sanctions as needed; and (2) if sanctions are assigned, the accused party can appeal, which triggers a private “merits arbitration hearing,” where the accused and the Center present evidence to an arbitrator—who is not required to have any experience or training in handling sexual abuse cases—and effectively get another “bite at the apple.” If the victim declines to participate in the arbitration process, they risk having the previously imposed sanctions lifted. Even if they do participate, there is still a significant chance that the initial sanctions will be reduced if not entirely reversed and the victim most certainly retraumatized. **Nearly half (42%) of the appealed Center decisions come out unfavorable to the victim, due to sanctions against the accused being modified, reduced, or removed.**<sup>liv</sup>

Private arbitration for youth sex abuse claims plays into the hands of the perpetrators and the institutions that cover up for them; it disables victims’ voices and leaves future athletes vulnerable to preventable sexual abuse. Numerous coaches that the Center would have removed were permitted to return to coaching following arbitration without any official public record of the claims made against them. Athletes and parents deserve better.

The proposed panel should consist of **five to seven experts qualified by training and experience to evaluate claims of sexual abuse and assault**, who can do so efficiently, impartially, and in accordance with generally accepted professional and ethical practices. Panelists should be appointed by the Commission from a pool of applicants to **serve for a term of three years**. Panelists should serve without compensation. Any person with a financial or other interest in the result should be barred from the role.

Employees past or present of the Center or any of its affiliates should be barred from serving on the qualified expert panel. The proposed panel should convene quarterly, at a minimum, or as needed to comply with the requirements as set forth below.

With the Expert Panel in place, the Center should maintain responsibility for evaluating allegations of sex crimes and presenting a recommendation to the Expert Panel who may accept the recommendation or request additional information to aid in determining whether to uphold the Center’s decision or seek additional sanctions up to and including removal. The panel may also order a temporary suspension of, or restrictions on, the accused’s ability to coach/train or attend sporting functions during the pendency of the investigation. **The Expert Panel should be responsible for making a final determination as to removal.** The Panel should issue its final decision **no later than 60 days** after the Center issues its determination. For final determinations resulting in the imposition of sanctions or removal, the panel should **issue a written report of**

**their findings and reasoning, with a redacted copy to be made publicly available on the Center’s website.**

There is also a problem with the removal of offending coaches from the system. It needs to be permanent. Some have been able to skirt the removal and even open their own gyms or clubs, thereby, staying in the system. Those seeking sex with youth are persistent and clever as they seek out their victims; the Olympic system needs to be more aware and proactive about this reality. A “winning coach” that is abusing athletes is in fact destroying the athletes and the system from within.

**RECOMMENDATION #2: Eliminate the private and opaque arbitration process and replace it with an Expert Panel, whose members are drawn from a pool of trauma-informed medical, psychological, and legal experts in the field of youth sex abuse. The Center’s Expert Panel of 5-7 experts should have the final say on a coach’s removal. Both the Center’s conclusion and the Expert Panel’s conclusion must be made available to the victim and the public. The NGBs’ Expert Panel of 3 experts would have the final say on sanctions and any required athlete discipline related to a report. All NGB Expert Panel conclusions must be made available to the victim and the public at the time of decision.**

*3. Require All Participants in the System to Be Trauma-informed and Knowledgeable About Youth Sex Abuse*

It is widely known that the Center’s Board of Directors and investigators have been drawn in significant part from the defense side of sex abuse/assault cases rather than the victims’ side. Further, there is no requirement that these individuals have experience in the field of sex abuse or that they be trained in victim-centered investigative practices. There needs to be a mandatory qualification for the Board and all Center employees and investigators to be trauma-informed and knowledgeable about youth sex abuse from the side of the victim. Qualified individuals would include former child sex abuse prosecutors, attorneys that have litigated these cases on the side of the victims, and academics in the fields of physical and psychological trauma, sports psychology, and youth sex abuse. The Center was created to rid the Olympic system of perpetrators, not perpetuate the systemic failures endangering youth athletes.

The newly added Expert Panel, which must also be trauma-informed and have expertise in the field of youth sex abuse prevention will not only further the Center’s intended purpose but also will instill greater trust in the system’s handling of alleged sex crimes against athletes.

**Recommendation #3: The Board of Directors, Investigators, and proposed Expert Panel, should be trauma-informed and extremely knowledgeable about sex abuse, trauma, and prevention, and not be trained primarily to dismantle sex abuse cases and protect perpetrators and institutions from actual justice.**

4. *Require Transparency to the Public but Give the Victims the Right to Choose Whether to Be Named Publicly and Institute an Anonymous Sex Abuse Hotline*

The current investigative process is frustratingly opaque to the athlete victims and the public. Equally important as developing athlete-centered policies and procedures is the insertion of transparency in the system. Historically, a wall of ignorance and secrecy has been constructed around sexual abuse across the culture, and unfortunately the Center's system has also been a black box. The secrecy of the unpublished conclusions have been reinforced by private arbitrations that keep victims out of the legal system and leave future youth vulnerable to preventable sexual assault. For example, in some instances coaches initially found by the Center to have sexually assaulted athletes on multiple occasions were permitted to return to coaching without any official public record of the claims made against them, even as NGBs and the USOPC paid millions to settle lawsuits arising from their misconduct.<sup>lv</sup>

The Center's public database is limited to providing the perpetrator's name, the length of his or her sanction, and the category of the offense but *only while the sanction is in effect*. When a ban is lifted or a sanction is no longer in effect, the perpetrator's name is removed from the public database, leaving no indication that an allegation had been made. This is nonsensical in an era when it is public knowledge that many trusted institutions across the culture have covered up sex abuse and that many serial perpetrators have operated with impunity against youth victims because the organization kept the facts from the public. When an organization chooses to keep secrets about youth sex abuse, it poisons the organization. The entire system will be safer and more accountable to the protection of youth if the facts are made public.

The same reasoning should be applied to the reports received by the NGBs. There needs to be a database with the same information and the investigative reports should be made available upon request. For the NGBs, they need to include the reports regarding lesser sex abuse/harassment, physical, and emotional abuse.

With this recommendation, **the Center and individual NGBs would be able to review prior complaints as part of their investigative authority, enabling them to identify potential grooming behaviors or other patterns of concerning behavior** so that they may act before a coach engages in additional misconduct or behavior and the Center's jurisdiction is triggered.

The Olympic system has been making a separate and serious mistake when dealing with public-facing disclosure of sex abuse claims. While it has been complicit in keeping the secrets of the perpetrators and the system's faults, it has let sex abuse victims' names be released to the public. As in the judicial system, and according to the ethics of the media across the United States, every athlete should be accorded the right to be anonymous. They may choose to disclose their name at some point, but that must be their choice.

The system also needs to encourage anonymous tips to ensure it is receiving the information it needs even if a victim is unable to come forward by instituting an anonymous hotline for sex abuse reports.

This recommendation would ensure public access to necessary information to identify and prevent risks to athletes while at the same time it would empower each victim to be the decisionmakers regarding whether their name is released to the public.

**RECOMMENDATION #4: The Center should maintain a public record of complaints received including a summary of the alleged misconduct and any disciplinary actions taken in response to the alleged misconduct, even if no disciplinary action was taken. The investigative record should be available upon request. And the athlete victims should have the right to be anonymous during the investigation. The decision whether to have a victim identified to the public should be that of the victim, not the Olympic system.**

*5. Apply SafeSport Policies in All Cases, Whenever the Abuse Occurred and Whoever Reported It*

The Center and the NGBs should apply the system and rules created under this reorganization plan going forward and for abuse that happened in the past. The authorities and the courts are governed by the federal and state law of abuse, of course, but the Center's coach-removal obligations are separate. Whether the sex abuse is a crime or requires a mandatory report should be interpreted broadly in favor of a finding that the Center has jurisdiction over the most serious sex abuse claims.

With the goal of removing dangerous coaches, the Center should also investigate reports made that involve crimes or mandatory reporting even if the victim declines to participate and even if the victim is not the source of the complaint. The Center should not be expected to be a legal body but rather the Olympic system's appointed body to investigate claims of criminal or reportable sex abuse so as to make the community safer by removing those coaches. It is a narrow mandated but necessary to the well-being of athletes. The authorities and the courts are in a far better position to determine whether the perpetrators should be criminally or civilly penalized according to their own processes. Duplicating their role is not efficient or effective.

Thus, if there is a report that a coach or another actor in the system has abused an athlete, the Center should investigate the claim, regardless of the victim's decision to participate, whenever the abuse occurred, whoever reported it, and regardless of the civil or criminal statute of limitations. Most perpetrators of abuse pursue multiple victims over the course of their lives and are typically skilled at silencing their victims.<sup>lvi</sup> The reality of delayed disclosure by all victims of youth sex abuse means that whenever a report is made about a dangerous coach, the Center should be required to investigate. In some cases, it may conclude it has inadequate evidence from a single report, but regardless, it is imperative to keep a record of all reports over the years, to lay the foundation for piecing together an increasingly large amount of evidence to justify removal of the



serial sex offenders. The Cetner owes a duty of safety to the whole sports community in addition to the individual victim to investigate claims that come to them, regardless of the dates or the source.

**RECOMMENDATION #5: The Center should investigate sex abuse claims that involve a crime or require a mandated report but should not operate as though it is a copy of the federal or state judicial or federal legal systems. Rather, its role is to identify dangerous coaches and to remove them, regardless of who makes the report or when the abuse occurred.**

### **III. RECOMMENDATIONS TO INSTITUTE EVIDENCE-BASED PROGRAMS TO DEAL WITH CASES OF ABUSE AND TO PREVENT FUTURE ABUSE**

#### **A. The Center and the NGBs: Treatment and Prevention of Sex Abuse**

The Center and NGBs need to adopt a comprehensive program that will ensure that employees and others in the system are vetted, the investigation treats the victims in a trauma-informed way, and will effectively prevent future abuse. We recommend the adoption of CHILD USA's Gold Standard for Sex Abuse Prevention as the standard for sex abuse claims and prevention. It should be applied in both the Center's and NGB's processes to ensure that all aspects of the system comport with the best process for dealing with the victims and then preventing future instances.

**Background on CHILD USA's Gold Standard for Sex Abuse Prevention.** In 2019, Professor Hamilton was asked by law enforcement to assess the child sex abuse prevention program in the St. Paul Archdiocese. She and CHILD USA researchers worked to find the best evidence-based sex abuse prevention programs in the United States in order to compare them to the St. Paul program. There was no such program, let alone a consensus on what works. She then asked which organizations were likely to have the strongest programs and guessed that the Catholic Archdioceses and dioceses might, because the Bishops had pledged in 2002 to follow unified prevention guidelines, had begun to refer to their programs as the "Gold Standard" and because the lawsuits against them would have required many of the dioceses to improve their child protection systems as part of the settlements.

Stephanie Dallam, Ph.D., Non-resident Scholar, then led CHILD USA's social science researchers on a comprehensive study of the written child protection policies of all 32 U.S. Archdioceses. The study concluded that the policies were not uniform but rather piecemeal and incomplete. Out of 102 possible points, no archdiocese performed above 57, or 56%, and the average score was 40%.<sup>lvii</sup>

This finding led to the creation of an innovative assessment tool that is evidence-based and applicable to all youth-serving organizations. The assessment tool drew from all 32 Archdiocesan policies the possible criteria for a prevention program, creating a list of numerous possible requirements. CHILD USA's scientists then investigated each individual criterion to determine the



social science to date on their effectiveness and need. They then hosted a series of expert panels to review the best evidence-based criteria to learn their views. The ultimate result was the Gold Standard itself.

The system works as follows: Based upon a youth-serving organization's answers to a series of questions, they receive a score or grade and learn which areas are strong and which need work. It is intended to be applied annually, as CHILD USA updates it continually. It is an innovative, evidence-based tool that makes the evaluation process more efficient and reliable. The system is evidence-based through and through and will provide the guidance needed to improve the organization's systems.

The Gold Standard covers all the bases of youth sex abuse case handling and prevention. Policy domains include:

- **Training**
- **Whistleblower protection**
- **Background screening**
- **Physical environments**
- **Reporting and investigations**
- **Victims' rights and assistance**
- **And more**

*1. The Center: Dealing with Sexual Abuse and Assault of Athletes*

The Center's current policies contain gaps that can be addressed by adopting a comprehensive system based on research, raising the bar on athlete protection. The Gold Standard will be a web-based application, which will make it easy for NGBs to receive an objective, quantitative score for their policies as well as recommendations for improvement.

**The Gold Standard system exceeds primary prevention efforts – the tool's focus on victims' rights ensures that victims should have access to fair treatment and healing in the aftermath of sex abuse.** A holistic response to victims sends a message to other potential perpetrators that abuse will not be tolerated within athletic programs and that the organization is ready to rally around its youth to prioritize athlete safety first and foremost.

The Gold Standard establishes the baseline for YSOs to create clear and effective child protection policies. It outlines practices that are necessary and based on best practices while being attentive to barriers to implementation. The components related to prevention and response to abuse all relate back to the primary goal of preventing child sexual abuse before it takes place.



The four primary phases within the Gold Standard are (1) Vigilance (prevention), (2) Event(abuse), (3) Discovery, and (4) Accountability and Justice. Within these phases, we highlight eight domains: (1) Employee/Child/Parent Knowledge; (2) Child Knowledge; (3) Screening Practices; (4) Physical Environment Practices; (5) Reporting Practices; (6) Investigations; (7) Institutional Response and Accountability; and (8) Victim Health.

Our interest is in **eliminating the event phase while supporting the victims**. We do so by focusing on those factors that create it: failures in the vigilance, discovery, and accountability/justice phases. Action taken in the discovery and justice phases affects future vigilance so that incidences of child sexual become less frequent over time.

We see the Gold Standard as a flexible and resilient model which is adaptive to all YSOs. And we know that under this model, with the appropriate actions taken in each phase, each new case of abuse *reduces* future cases of abuse. The Center's prompt adoption of CHILD USA's Gold Standard will immediately raise the bar on its protection of athletes from youth sex abuse.

## 2. *NGBs: Dealing with Physical Abuse of Athletes*

The following recommended prevention policies should be adopted by the NGBs to better protect athletes from physical abuse in sports:

- Require a minimum caloric intake for athletes while under the full-time supervision of coaches and trainers
- Require a base level of water intake for athletes during practices, without exception
- Provide specific education for coaches and trainers on development and prevention of eating disorders, overtraining, and deprivation of food / water related to athletics
- Provide education for parents and athletes about red flags related to physical abuse
- Educate athletes about appropriate doctor and trainer behavior during physical examinations
- Strengthen concussion protocols in all sports to ensure that athletes are not placed at long term risk for post-concussion syndrome
- Establish penalties for coaches and trainers who utilize training tools and other gym-related objects as throwing projectiles toward athletes to intimidate, motivate, or otherwise physically threaten athletes
- Establish penalties for coaches and trainers who induce an athlete under their supervision to ingest performance-enhancing drugs or otherwise engage in "doping"
- Establish penalties for the use of overtraining as a punishment toward athletes
- Create a dedicated complaint system for athletes to have recourse when forced to train or compete too quickly following a sports-related injury
- Establish athlete unions or advocacy groups to coordinate campaigns against physically abusive behavior in particular sports

- Punish coaches who do not abide by these policies

### 3. NGBs: *Dealing with Emotional Abuse of Athletes*

The following recommended policies should be adopted by the NGBs to better protect athletes who have been subjected to emotional abuse and to prevent others from emotional abuse in sports:

- Provide positive coaching education to facilitate athlete development, ways to establish realistic performance expectations, mentorship opportunities with coaches with a non-abusive history, and social support networks for coaches
- Provide psychoeducation for young athletes regarding coping mechanisms for stress
- Implement interventions targeting eating disorders and knowledge of them
- Provide routine screening for signs of mental illness amongst athletes, with a special focus on eating disorders
- Create a clear code of conduct including a statement on interpersonal boundaries for each sport, specifying issues of dependency and control
- Establish rules for weigh-ins, performed by an independent, third-party, objective medical professional and the presence of a trusted caregiver, if desired
- Prohibit romantic, sexual, and/or intimate relationships between athletes and persons in position of power and authority
- Punish coaches who do not abide by these policies

## CONCLUSION

The Center, as it operates now, is failing to achieve the objectives Congress intended, which is to improve athletes' safety. CHILD USA and its partners are committed to working with Congress and other stakeholders to ensure that athletes of all ages and at all levels are protected from abuse. Our proposed recommendations, if adopted, would significantly improve the investigation and resolution process which will enable the Center to credibly fulfill its mission.

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<sup>i</sup> See QR code to download the Game Over Commission Report.



<sup>ii</sup> G. Moody et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) BMC PUBLIC HEALTH (2018); M. Stoltenborgh et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16(2) CHILD MALTREATMENT 79 (2011); N. Pereda, et. al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009).

<sup>iii</sup> D. Finkelhor et al., *Sexually Assaulted Children: National Estimates and Characteristics*, US Dept. of Justice, Office of Justice Programs (2008), <https://www.ojp.gov/pdffiles1/ojjdp/214383.pdf>.

<sup>iv</sup> Trickett, P. et al., *The Impact of Sexual Abuse on Female Development: Lessons from a Multigenerational, Longitudinal Research Study*, 23 DEV. & PSYCHOPATHOLOGY 453 (2011); Hoskell, L. & Randall, M., *The*

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<sup>v</sup>Arain, et al., Maturation of the adolescent brain, 9 NEUROPSYCHIATR. DIS. TREAT. 449-461 (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/#:~:text=The%20development%20and%20maturation%20of%20the%20prefrontal%20cortex%20occurs%20primarily,helps%20accomplish%20executive%20brain%20functions.>

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<sup>vii</sup> U.S. Dep't Health & Human Services, *The Adverse Childhood Experiences (ACEs) Study*, CENTERS FOR DISEASE CONTROL & PREVENTION (1997) available at <https://www.cdc.gov/violenceprevention/childabuseandneglect/acestudy/>; see also Felitti, et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREV. MED. 245 (1998) (hereinafter Felitti); S.R. Dube et al., *Childhood Abuse, Household Dysfunction, and the Risk of Attempted Suicide Throughout the Life Span: Findings from the Adverse Childhood Experiences Study*, 286 JAMA 24, 3089 (Dec. 2001).

<sup>viii</sup> Behar, R. et al., *Child Sexual abuse as a Risk Factor in Eating Disorders*, in EATING DISORDERS: PREVALENCE, RISK FACTORS AND TREATMENT OPTIONS (Nina Morton ed., 2016).

<sup>ix</sup> Weierich, M. R. & Nock, M. K., *Posttraumatic Stress Symptoms Mediate the Relation Between Childhood Sexual Abuse and Nonsuicidal Self-Injury*, 76(1) J. CONSULT. CLIN. PSYCHOL. 39 (2008).

<sup>x</sup> Feletti, at 245-58; R. Anda, et al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, 256 EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE 174, 175 (Nov. 2005); Sachs-Ericsson, et al., *A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress*, 10(2) J. TRAUMA & DISSOCIATION 170, 171 (2009).

<sup>xi</sup> Eid, K., *Association of Adverse Childhood Experiences With the Development of Multiple Sclerosis*, 93(6) J. NEUROL. NEUROSURG. PSYCHIATRY 645 (2022).

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<sup>xiv</sup> Carol E. Tracy et al., *Rape and Sexual Assault in the Legal System*, Women's Law Project, 8-9 (2012), <https://www.womenslawproject>.

<sup>xv</sup> Eliza Gray, *Why Victims of Rape in College Don't Report to the Police*, TIME (June 23, 2014), <http://time.com/2905637/campus-rapeassault-prosecution/>; Michael Planty et al., *Female Victims of Sexual Violence, 1994-2010*, NCJ 240655, The Bureau of Justice Statistics of the U.S. Dep't of Justice (Mar. 2013), <https://www.bjs.gov/content/pub/pdf/fvsv9410.pdf> (noting twenty percent of victims cited fears of retaliation as their reason for not reporting).

<sup>xvi</sup> Patrick J. O'Leary & James Barber, *Gender Differences in Silencing following Childhood Sexual Abuse*, 17 J. CHILD SEX. ABUSE 133 (2008).

<sup>xvii</sup> CHILD USA, *History of Child Sex Abuse Statutes of Limitation Reform in the United States: 2002 to 2021* 3 (June 21, 2022), <https://childusa.org/6-17-2022-2021-sol-report-final/>.

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<sup>xix</sup> CHILD USA (2019).

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<sup>xxi</sup> Willson, E., et al., *Prevalence of maltreatment among Canadian National Team athletes*, 37(21-22) J. OF INTERPERSONAL VIOLENCE (2022).

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<sup>xxiii</sup> *Supra* n. 16.

<sup>xxiv</sup> CHILD USA, *Game Over Commission Report: A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar (“GOCO”)* (Jan. 2022).

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<sup>xxviii</sup> Alexander, K., Stafford, A., & Lewis, R., *The experiences of children participating in organised sport in the UK*, NSPCC (2011); Hartill, M., et al., *CASES: Child abuse in sport: European statistics—project report*, Edge Hill University (2021); Kerr, G., Willson, E. & Stirling, A., *Prevalence of maltreatment among current and former national team athletes*, University of Toronto (2019), available at [https://athletescan.ca/wp-content/uploads/2014/03/prevalence\\_of\\_maltreatment\\_reporteng.pdf](https://athletescan.ca/wp-content/uploads/2014/03/prevalence_of_maltreatment_reporteng.pdf); Ohlert, J., et al., *Elite athletes' experiences of interpersonal violence in organized sport in Germany, the Netherlands, and Belgium*, 21(4) EURO. J. OF SPORT SCI. 604 (2021); Parent, S., & Vaillancourt-Morel, M., *Magnitude and risk factors for interpersonal violence experienced by Canadian teenagers in the sport context*, 45 J. OF SPORT AND SOCIAL ISSUES 1-17 (2020); U.S. Center for Safesport, *2020 Athlete culture and climate survey* (2020); Vertommen, T., et al., *Interpersonal violence against children in sport in the Netherlands and Belgium*, 51 CHILD ABUSE & NEGLECT 223 (2016); Willson, E., Kerr, G., Stirling, A., & Buono, S., *Prevalence of maltreatment among Canadian National Team athletes*, 37 J. OF INTERPERSONAL VIOLENCE 21 (2022).

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<sup>xliv</sup> Stirling & Kerr (2007).

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<sup>xlvii</sup> Mountjoy, M., *Safeguarding the Child Athlete in Sport: A Review, a Framework and Recommendations for the IOC Youth Athlete Development Model*, 49 BR. J. SPORTS MED. 883 (2015).

<sup>xlviii</sup> Abrams & Bartlett (2019).

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<sup>ii</sup> Rick Maese, *This Group is Supposed to Handle Olympic sex abuse complaints. A Report shows its limits*, WASH. POST, (Sep. 19, 2019), available at [https://www.washingtonpost.com/sports/olympics/sex-misconduct-report-on-water-ski-champ-shows-limits-of-safesports-reach/2019/09/19/17696572-d8bb-11e9-ac63-3016711543fe\\_story.html](https://www.washingtonpost.com/sports/olympics/sex-misconduct-report-on-water-ski-champ-shows-limits-of-safesports-reach/2019/09/19/17696572-d8bb-11e9-ac63-3016711543fe_story.html)

<sup>iii</sup> *Testimony of Ju' Riese Colon, Hearing Before the Commission on the State of U.S. Olympics and Paralympics*, 117<sup>th</sup> Cong. (2023).

<sup>liii</sup> U.S. CENTER FOR SAFESPORT, “Response Resolution Data,” (last visited Aug. 16, 2023), available at [https://uscenterforsafesport.org/wp-content/uploads/2023/06/AnnualReport\\_DataPage.pdf](https://uscenterforsafesport.org/wp-content/uploads/2023/06/AnnualReport_DataPage.pdf)

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