



Skyline Tower
Suite 1500
10900 NE 4th Street
Bellevue, WA 98004

David J. Lawyer
Attorney at Law
Dir: 425.450.4238
dlawyer@insleebest.com

February 3, 2020

USA Gymnastics
Board of Directors
130 E. Washington St., Suite 700
Indianapolis, IN 46204

Re: USA Gymnastics Policy Following United States Center for SafeSport Findings

Dear Board Member:

This letter is sent to you on behalf of the United States Gymnastic Club Owners Association, a non-profit organization, dedicated to the improvement of the sport of amateur gymnastics. Hard copies of this letter are being sent to all members of the board at USAG's Indianapolis address. In the interest of time, e-mail versions of this letter are being sent to those board members for whom we have e-mail addresses. We ask that you please share this letter among all board members. USGCOA has more than 125 constituent members, comprised of the owners of private gymnastics clubs across the United States, who attract, nurture and train young athletes in the sport. Besides finding, training and preparing young athletes to enter the ranks of elite gymnasts who will be tomorrow's Olympians, television commentators and other prominent figures in sport, the private gymnastics clubs across the country also teach lessons on health and wellness, concentration and confidence, time management, body image positivity, healthy competition and adherence to rules and regulations to many thousands of young people whose faces are not likely to appear on television and in newspapers.

As all of you know all too well, the sport of gymnastics was rocked to its foundation by the Larry Nassar sex abuse scandal. Since that horrible story made the news, the governing framework of the organized amateur sport of gymnastics has been in turmoil, and many changes have been implemented, the consequences of which will not be susceptible to accurate measurement for a considerable time.

One of the important operational changes is the system of reporting of misconduct and the processes of investigation and discipline. For allegations of misconduct of a non-sexual nature, "jurisdiction" over the investigation and discipline is concurrent between USAG and the United States Center for SafeSport. But wherever and whenever an allegation involves claims of sexual misconduct, USAG and private gym clubs and their staff are prohibited from conducting any investigation, or meting out any form of discipline. Those functions are given strictly and exclusively to SafeSport.

It is our impression that USAG has in mind "augmenting" the SafeSport disciplinary process by wielding its independent authority either to admit or to reject applications for membership. USAG is an independent entity, with independent authority to control admission to its membership ranks. Purely as a matter of authority, USAG can deny membership at its will, and can alter the prerequisites to continued membership at any time. This means, when and if it chooses, USAG can review SafeSport investigative and disciplinary processes (or bypass them

entirely), and impose an independent, second level of scrutiny whenever it pleases. If USAG determines that a given decision by SafeSport does not go far enough, and that the discipline imposed in SafeSport's informed discretion is not sufficiently harsh, USAG has a card it can play, to deny or to revoke membership in USAG. This effectively substitutes SafeSports' disciplinary conclusion with the harshest discipline that can be imposed. USAG could also, at least in theory, place conditions upon membership, which might be less harsh than a lifetime ban, but might still be a material departure from whatever discipline SafeSport, in its wisdom, and following its investigative process, determines is appropriate.

Over time, a lack of consistency between what SafeSport concludes is appropriate to resolve allegations of sexual misconduct and what USAG independently believes is best will undermine the entire process, and will erode confidence in these governing bodies among participants in the industry. Almost nothing is worse than unpredictability or perceived arbitrariness in a regulatory process.

The private amateur gymnastics community lives with dilemmas of this kind on a daily basis. USAG gathers the headlines and televised interviews, but the actual impacts on individual people is mostly felt in the large, anonymous population of non-Olympian athletes, their coaches, trainers, friends, parents and gym club owners. The gap between SafeSport's budget and the scope of its important mission already places huge burdens on gym clubs, coaches and trainers, as they deal with the mysteries of the investigation process, and its slow pace. In numerous instances, suspension from USAG-sponsored activities pending investigations drives professionals out of gymnastics. They simply must earn a paycheck to survive. Gym clubs lose valuable, hard-working coaches and trainers who, in many cases, are never found to have committed the violations of which they are accused. The private, amateur gymnastics community has suffered, and is suffering, while the sport goes through these "growing pains". We all hope for a brighter future, where education and oversight mechanisms make all of the participants more vigilant to abuse and to dangerous practices, to minimize the risk of harm to young athletes, be it emotional, physical or psychological.

USGCOA's position is that USAG ought to formally adopt a policy that it will give the equivalent of "full faith and credit" to SafeSport investigative and disciplinary processes and decisions involving allegations of sexual misconduct. Such a policy will still leave the entire industry vulnerable to the uncertainties and delays associated with SafeSport's limitations of resources, but we all hope that a workable equilibrium will be reached before irreversible damage is done to the industry. SafeSport is committed to training and educating its staff of investigators to reach the truth in individual cases of alleged misconduct, and to weigh the competing influences toward more severe and less severe disciplinary steps. It is difficult to understand the value USAG adds to the mix when it adopts a policy that will, in individual cases, actually conflict with what SafeSport determines is the most appropriate outcome, in consideration of all of the information gathered in the course of its investigation (an investigation that USAG is, by agreement, prohibited from conducting).

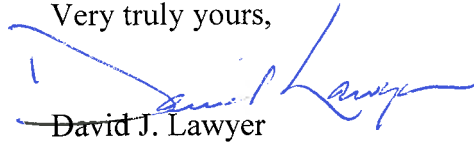
If USAG is determined not to give SafeSport's exclusive decision-making province the respect it deserves, then USAG should at least adopt a policy that is not draconian, and blind to any and all individual circumstances. A "policy" that says any person who has been found to have committed "sexual misconduct" as that term is defined by SafeSport policies shall be denied membership in USAG, no matter what the offense was, no matter what harm it caused, no matter how long ago it occurred, and no matter what mitigating circumstances SafeSport may have noted, is not a thoughtful policy, and will not serve USAG's long term legitimate interests.

Should it not matter to USAG if some instance of misconduct occurred before SafeSport or its policies came into existence? Would it be of any relevance to USAG that the individual target of an investigation cooperated with SafeSport and admitted the conduct that was ultimately found to constitute a violation? Are there not levels of severity of sexual misconduct? If USAG's answers to these questions are all "no", then USAG's current stance is one of blindness to any sense of proportion, perspective, and fairness. And wouldn't such a stance tend to encourage any target of investigation to be uncooperative, and untruthful, because admitting to anything that might lead to a finding by SafeSport of "sexual misconduct" leads, for a member of the gymnastics community, to a professional death penalty? How does this help USAG, or the sport of gymnastics in its goal of eliminating that misconduct?

If USAG will not alter its course, and give SafeSport decision making the respect it deserves, it would be appropriate for USAG *at least* to come up with a set of principles that would allow it to categorize findings of sexual misconduct by SafeSport, and to then apply its membership conditions across several "tiers". In some instances, the conclusion by SafeSport will be a call for permanent ban, and it would be logical for USAG permanently to bar such a person from membership. SafeSport might, in other cases, call for temporary suspension. USAG could apply its policy to call for USAG membership to be similarly denied for the period of any such suspension, and could even impose reasonable safeguard requirements as a condition to renewed membership. In the least severe cases, SafeSport could determine that a warning, a reprimand or some kind of education requirement is all the offense calls for. In such cases, USAG could have a similar set of conditions to admission or continued membership.

In this way, USAG could retain its independence, with control over its admission and its membership constituency, without coming into sharp conflict with SafeSport decision making. Such an approach would be more fair to the individuals than USAG's current stance. Such an approach would not undermine SafeSport's mission or the hard work of the dedicated people who discharge their duties. And such an approach would help to ease the tension and anxiety within the amateur gymnastics industry, where it is so very difficult to know where the next accusation will come from, and what will happen when it does. Any improvement in that arena will be good for the sport in the long run.

Very truly yours,



David J. Lawyer

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cc: USGCOA