

“I believe competitive gymnastics and other elite sports break children”

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

January 2022



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Suggested citation

CHILD USA (2022). *"I believe competitive gymnastics and other elite sports break children." A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar.*

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Published January 2022 by CHILD USA

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ACKNOWLEDGEMENTS

CHILD USA would like to acknowledge the extraordinary support and contributions from all those who have helped to make the Game Over Commission to Protect Youth Athletes a success.

First and foremost, we must thank the Foundations who made this possible. Our unending gratitude goes out to The Foundation for Global Sports Development, Oak Foundation, the National Children's Alliance, and White Law LLC. While, Oak Foundation and the Foundation for Global Sports Development were the primary funders, all contributions to this project have made this Report possible and will improve the world of sports for young athletes.

Next, we must thank Attorney James Marsh for suggesting this project and our brilliant Commissioners, who donated their time to the Commission. Their expertise and insight have been indispensable. All Commissioner biographies are available in **Appendix A**. We want to thank, in particular, the following Commissioners who contributed above and beyond with their expertise and time. Dr. Joyanna Silberg wrote several sections and helped to foster the overall message of the report. Dr. Kathleen Faller delved deeply into the failures of MSU and led the creation of those sections of the report. Prosecutor Elysse Stolpe shared her expertise to examine the failings of law enforcement in this case and to craft solutions to ensure this would never happen again. Additionally, Dr. Philip Scribano and Dr. Sharon Cooper led the team in examining the process of medical licensing and how Nassar was able to maintain his license even in the face of allegations of misconduct.

There unfortunately were some Commissioners who could not complete their full tenure with the Commission due to various other obligations. We thank them for their contributions in guiding the process of the Commission at the early stages. Thank you to Melissa Jampol, James Carpenter, and Jennie Noll.

The Game Over Commission also sought input from other experts within the sports world. Former elite athletes Eli Bremer and John-Michael Lander contributed their knowledge to shed light on the broken elite athlete system. You can read their full contributions in **Appendices B and C**.

Guiding the project along with the project manager and Executive Director, Jillian Ruck, was Courtney Kiehl, Esq. Courtney is a former elite gymnast and a Fellow with CHILD USA. Her knowledge and insight on the case are greatly appreciated. In 2019, CHILD USA had an additional Fellow on the Commission, Emily Rutland. Emily helped with research into the system of athletics that highlighted the systemic issues within elite sports as a whole.

CHILD USA's Visiting Scholar and sociologist, Dr. Stephanie

Dallam, has also been an invaluable resource on the project. She worked on various sections and worked with Commissioner Dr. Joyanna Silberg to make the draft immeasurably better.

Thank you also to the Game Over Commission's Advisory Board, headed up by Nancy Hogshead-Makar, for their guidance and feedback on the project.

Many people contributed information about their experiences to aid the Commissioners' investigation. First and foremost, thank you to the victims of Larry Nassar and their families for the information shared in the anonymous survey, results of which can be found on page 7. In addition to the survey, many stakeholders and survivors shared their stories at Commission meetings and public hearings. Thank you to the following people who testified: Megan Halecik, Melody van der Veen, Amanda Thomashow, Emily Meinke, Sarah Powers-Barnhard, Lisa Aguirre, Courtney Kiehl, Nancy Hogshead-Makar, Jeremy Fuchs, Stacy Pendarvis, Han Xiao, Tim Evans, Lauren Green, Will Hobson, Rebecca O'Brien, Dvora Myers, Jennifer Sey, Eli Bremer, John-Michael Lander, Larissa Boyce, Kim Lewallen, Attorney Robert Allard, Olympian Terin Humphrey, Gail Santamaria, Ann Kolasa¹, Dr. Stephanie Dallam, United States Senator Richard Blumenthal, Alyssa Beckerman, Trinea Gonczar, and Dawn Homer. The biographies of those who testified can be found in www.childusa.org/panelist-biographies/ and footage of the hearings can be found at www.childusa.org/game-over-hearings.

This has been a four-year project for CHILD USA. Over that time there have been countless staff members, interns, and fellows who have made important contributions, including research, drafting, and keeping lines of communication open to the Commissioners. CHILD USA would like to thank them all for their remarkable work ethic and dedication to excellence.

We dedicate this report to those who were victimized by a corrupt system that turned their dreams into nightmares. Thank you for sharing your voices, your stories, and thank you for your continued fight for justice and to make this system accountable. We stand with you in this fight and hope this Report can bring us all that much closer to a sports system that protects and empowers young athletes.

GLOSSARY OF TERMS

AAU	Amateur Athletic Union. One of the largest, non-profit, volunteer, multi-sport event organizations in the world, the AAU is dedicated exclusively to the promotion and development of amateur sports and physical fitness programs. The AAU was founded in 1888 to establish standards and uniformity in amateur sport. The AAU has nearly 700,000 members and 150,000 volunteers across 41 sports programs and 55 U.S. districts. The AAU provides sports programs for participants of all ages beginning at the local level.
FSMB	Federation of State Medical Boards. FSMB represents the state medical and osteopathic regulatory boards – commonly referred to as state medical boards – within the United States, its territories, and the District of Columbia. FSMB supports its member boards in the proper licensing, disciplining, and regulation of physicians.
IOC	International Olympic Committee. The mission of the IOC is to promote Olympism throughout the world and to lead the Olympic Movement. The IOC is a non-governmental sports organization that oversees the global Olympic movement. The IOC is responsible for organizing the Olympic Games. The IOC is the governing body of the 206 NOCs and all entities and individuals involved in the Olympic Games. The IOC is headquartered in Lausanne, Switzerland, and its President is Thomas Bach.
IFs	International Federations. The IOC is also responsible for overseeing the work of 35 international sports federations, each of which manages a sport or group of Olympic sports at the global level. Examples of IFs include International Gymnastics Federation, International Swimming Federation, and World Rugby among others. The IFs have the responsibility and duty to manage and to monitor the everyday running of the world’s various sports disciplines, including organization of events during the Games. Each IF governs its sport at world level and ensures its promotion and development. They monitor the everyday administration of their sports and guarantee the regular organization of competitions as well as respect for the rules of fair play.”
MSU	Michigan State University.
NCAA	National Collegiate Athletic Association. The NCAA is a member-led organization dedicated to the well-being and lifelong success of college athletes. NCAA schools award nearly \$3.5 billion in athletic scholarships every year and provide vast support to help student-athletes graduate at a rate higher than their general student peers. More than 500,000 college athletes across all three divisions compete for about 1,100 member schools in all 50 states, the District of Columbia, Puerto Rico and even Canada. The NCAA is a member-led organization focused on cultivating an environment that emphasizes academics, fairness and well-being across college sports.
NGBs	National Governing Bodies. NGBs are organizations that govern individual sports within the United States. NGBs are responsible for the training, competition, and development of their sports. NGBs are also responsible for nominating athletes to the U.S. Olympic and Paralympic teams.
NOC	National Olympic Committee. Each NOC is a national constituent of the Olympic movement. There are 206 NOCs who foster the principles of Olympism in each country or territory that participates in the Olympic Movement. Each NOC is subject to the control of the IOC and is responsible for organizing the participation of their people in the Olympic Games. NOCs also promote the development of athletes and training of coaches and officials at a national level within their geographies. The NOC for the United States is the United States Olympic & Paralympic Committee.
SAC	Special Agent in Charge. SAC is the highest ranking criminal investigator in each region.

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USAG

United States of America Gymnastics. USAG is the national governing body for the sport in the United States. It gets this designation from the U.S. Olympic Committee and the International Gymnastics Federation. Based in Indianapolis, the organization is committed to creating a culture that empowers and supports its athletes and focuses on its highest priority, the safety and well-being of the athletes. USAG sets the rules and policies that govern the sport of gymnastics, including selecting and training the U.S.A. Gymnastics Teams for the Olympics and World Championships; promoting and developing gymnastics on the grassroots and national levels, as well as a safe, empowered and positive training environment; and serving as a resource center for members, clubs, fans and gymnasts throughout the United States. USAG also provides continuing education resources for new and experienced coaches, instructors and professional members. USAG encompasses six disciplines: women's gymnastics, men's gymnastics, trampoline and tumbling, rhythmic gymnastics, acrobatic gymnastics and gymnastics for all (aka group gymnastics)."

U.S. Center for SafeSport

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 codified the U.S. Center for SafeSport as the nation's safe sport organization. It gave SafeSport the authority to resolve abuse and misconduct reports for more than 11 million individuals throughout the U.S. Olympic and Paralympic Movement. The Act also charged Safe Sport with developing and enforcing policies, procedures, and training to prevent abuse and misconduct. It is also charged with ensuring that all Olympic NGBs in the U.S. adhere to its prevention policies.

USOPC

The United States Olympic & Paralympic Committee. USOPC was founded in 1894 and headquartered in Colorado Springs, Colorado. It is responsible for protecting, supporting and empowering America's Olympic athletes and is responsible for fielding U.S. teams for the Olympic, Paralympic, Youth Olympic, Pan American and Parapan American Games. A federally chartered nonprofit corporation, the USOPC does not receive federal financial support (other than for select Paralympic military veteran programs).

EXECUTIVE SUMMARY

The Game Over Commission to Protect Youth Athletes is proud to produce this Report and Case Study on the institutional failures to protect athletes from Larry Nassar. Our overarching conclusion is that systemic, institutional failures left girls at extreme risk of sexual abuse. Many institutions should have provided a buffer protecting the girls, including the United States Olympic and Paralympic Committee (USOPC), USA Gymnastics (USAG), Michigan State University (MSU), gymnastics training centers (e.g., Twistars and the Karolyi Ranch), the Federal Bureau of Investigation (FBI), and many others. This was a perfect storm of institutional failures that entrapped hundreds of girls and left them traumatized.

CHILD USA formed the Game Over Commission in 2018 to launch the only independent investigation by leading experts to study how it was possible for one man to harm the lives of so many girls. There have been at least five other reports on aspects of this case, but they have not been entirely independent.²

The nationally recognized experts on the Commission contributed their time and expertise pro bono to serve the public interest in understanding how Nassar could harm so many girls and women and so many institutions can let them down.

CHILD USA is deeply grateful for the support of Oak Foundation, the Foundation for Global Sports Development, National Children's Alliance, and White Law PLLC for their generous support of the Commission.

This case-study was prompted by the following question: how could every institution and person who should have protected girls from Larry Nassar fail so miserably? The answers are divided into six findings.

Finding I, with respect to athletes abused, the Olympic system is structured to create an environment where abuse and exploitation can thrive. The competitive and financial pressures on elite and Olympic athletes make them especially vulnerable to exploitation and abuse. The USOPC and National Governing Bodies (NGBs), like USAG, have established a system that is built on the backs of gifted athletes, including children.

Finding II, the data gathered from a survey of the victims and their families reveals that elite athletes are forced to endure physical harm, ignore their physical and emotional needs, and are given precious little infor-

mation on sexual abuse, assault, and reporting.

Finding III, the current policies across Olympic and sports institutions are insufficient to protect athletes from sexual abuse. There was no institution the Commission examined as part of this Case Study that has adequate procedures to prevent this from happening in the future.

Finding IV, law enforcement failed on multiple counts to protect these children. Across agencies, multiple procedural and investigative failures allowed persistent and repeated sexual abuse to go unchecked for decades. Despite reports from at least eight victims, ages 14-17, law enforcement – including the Federal Bureau of Investigation – and MSU turned their backs on the victims by denying them justice and subsequently allowed the abuse of hundreds more girls.

Finding V, the legal system failed the victims. The statutes of limitations posed serious barriers and the bankruptcy system, used by USAG, is cruel for victims. The law fails to make institutions accountable to vulnerable children and athletes, and it has an unconscionable number of loopholes for perpetrators.

Finding VI, the Professional and Medical Boards failed to protect the girls from a predatory doctor. Nassar's license was not summarily revoked in Michigan until April 2017, months after he was arrested by the FBI and indicted on federal charges, and was not permanently revoked until April 2018, after he had already been sentenced to federal prison on child pornography charges.³

The Commission's recommendations, which appear at the end of the Report, are tailored to each of these findings. The Commissioners conclude that changes need to be made by Congress, law enforcement, and others to ensure the sports culture is no longer dangerous to young athletes. This groundbreaking case-study not only sets a new standard for understanding systemic child sexual abuse, but also provides recommendations with the hope this can be prevented in the future.

INTRODUCTION

This is the Final Report of CHILD USA's Game Over Commission to Protect Youth Athletes, which was established for two reasons.

First, there was a need to preserve the historical record regarding Dr. Larry Nassar's unchecked abuse of hundreds of victims. We established a [database](#) and CHILD USA will continue to add materials as they become available in the future. The database is free and open to the public. The purpose of such a repository is to lay a foundation of facts that will deter historical revisionism by responsible entities.

Second, CHILD USA gathered an interdisciplinary group of leading experts in the United States to do a case-study and make recommendations to put an end to the permissive culture of abuse in the Olympic movement. This is an extraordinary gathering of brilliant thinkers in the field of child sex abuse, and they have delivered the following case study and recommendations that are world-changing. They were not paid consultants, and they came to this project solely because they believe in the importance of this mission. The synergy within this group has led to a set of recommendations for Congress, law enforcement, insurers, state and federal governments, sports organizations, and state medical licensing boards.

The "independent" investigations to date have been law firms or others hired by one of the responsible institutions, e.g., MSU or the USOPC. While those investigators and report authors may have performed a valuable service to the entity, the public deserves a fully indepen-

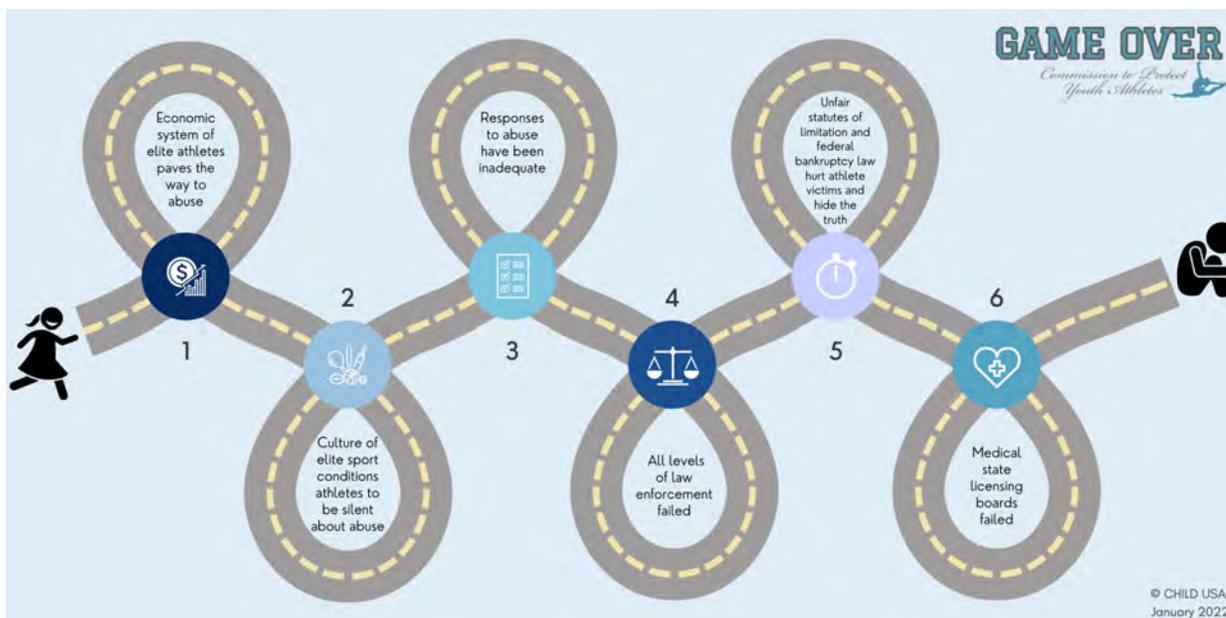
dent set of experts to weigh in on what happened and what needs to be fixed. That is what the Commission provides.

The Commission has set forth six separate findings revealing a sporting world that is dangerous for children and young adults, and permissive and supportive of predators including Nassar. These are our findings:

- (1) The economic incentives in sports make athletes vulnerable to coercion and abuse.
- (2) The culture of sports conditions athletes to ignore pain, their own emotional needs and to submit to authority.
- (3) The policies in response to Nassar's abuse were and are inadequate.
- (4) Every level of law enforcement failed to prevent hundreds of cases.
- (5) The legal system blocked fair justice by imposing unfairly short statutes of limitations and funneling claims through the federal bankruptcy system.
- (6) Medical state licensing boards fail to keep medical predators from abusing children.

This is yet another chapter in the history of institutions that have served up child victims to serial predators through institutional self-interest and lax procedures. It is simply a fact in this space that adults prefer and protect adults, and often treat children as mere collateral damage to their own interests in image and dollars. The Commission is an important part of CHILD USA's larger mission of establishing civil rights for children.

Figure 1: Summary of the Game Over Commission's Findings



THE HISTORY OF THE GAME OVER COMMISSION TO PROTECT YOUTH ATHLETES



The first Game Over Commission Hearing held in Philadelphia, PA. **Source: Game Over Commission Hearing (2019, November 4).**

A. BACKGROUND INFORMATION

On April 25, 2018, the Game Over Commission to Protect Youth Athletes was launched at CHILD USA's Athletes and Abuse Symposium at the University of Pennsylvania. The Commission's purpose was to investigate what led to the abuse of hundreds of girls by Dr. Larry Nassar, and to make recommendations to prevent such a tragedy in the future. The Larry Nassar abuse case is one of the most complex in modern history, involving many institutions and individuals – all of whom failed to protect hundreds of children from sexual abuse. It is of note that the Game Over Commission is the only truly independent investigation of the Larry Nassar abuse case. To conduct this investigation, the Commission was not paid by any party involved in the systemic failures. Rather, the mission of the Game Over Commission is fact-finding, public education, and information-sharing to enact change to the broken systems that enabled Larry Nassar's abuse of children.

Between April 2018 and October 2021, the Game Over Commission conducted its investigation, which included: (1) Holding hearings with victims and experts, (2) Creating a permanent database of the case, and (3) Convening a total of 17 Commission meetings to dis-

cuss the findings and recommendations.

With the consultation of the Commissioners, CHILD USA's Social Science Department conducted surveys and drafted findings and its Legal Department performed research and analysis. CHILD USA Staff drafted the vast majority of the Report, with copious feedback from the Commissioners. CHILD USA's Executive Director Jillian Ruck was Project Manager and CEO, Professor Marci Hamilton, was the Chair.

B. MEETINGS

The Game Over Commission held hearings on November 4, 2019 (in Philadelphia, PA) and October 1-2, 2020 (virtually, due to the Covid-19 pandemic). Throughout these three full days, leading experts, professionals, and advocates in the field of child protection, along with some of the victims, shared their knowledge with the Commission. A complete list of the panelists who testified is available at www.childusa.org/panelist-biographies/, and the transcripts of their statements and the Commissioners' questions are available at www.childusa.org/game-over-hearings/.

C. DATABASE

[*CHILD USA's Database of the Institutional Failures Contributing to Larry Nassar's Abuse of Youth Athletes*](#) is a comprehensive collection of news articles and reports relating to the Larry Nassar case. The purpose of this database is to ensure that the public has access to a permanent compilation of relevant information regarding the case, the numerous actors, the victims, and the institutions involved.

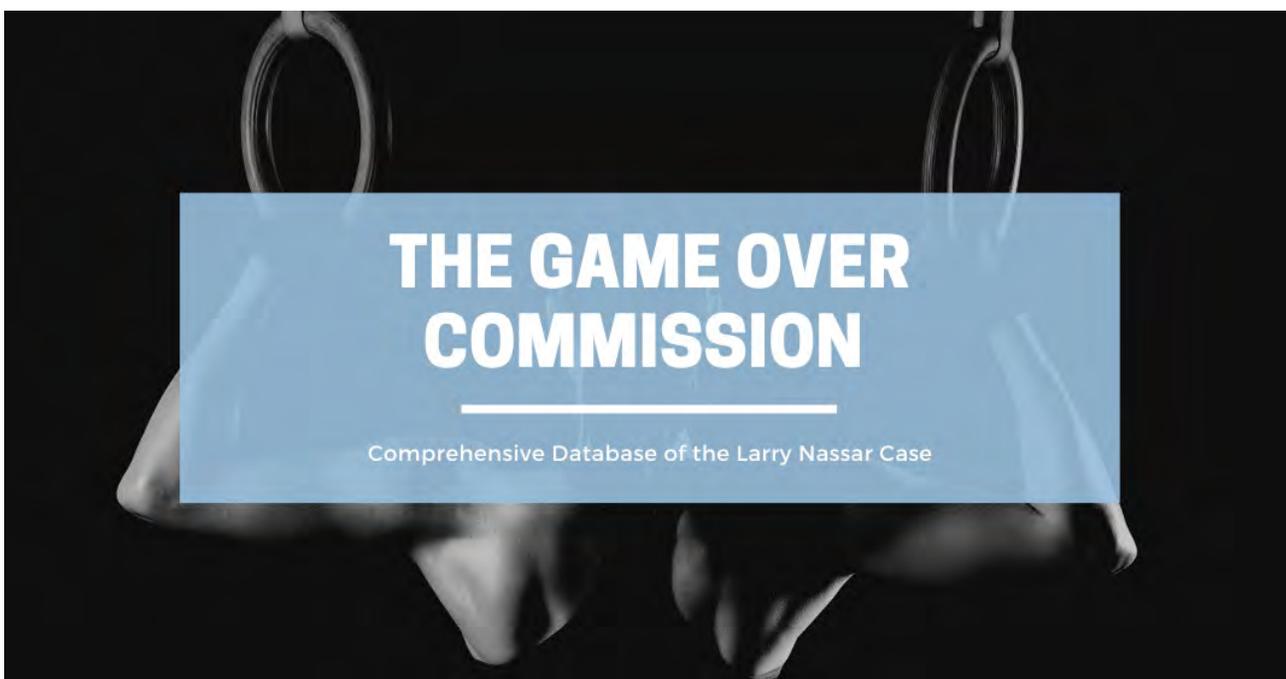
The database was constructed and maintained by CHILD USA staff, fellows, and interns who use Metro Monitor, a television news, online news, and social media monitoring corporation that provides custom media intelligence services to track stories of interest. Specifically, Metro Monitor compiles news coverage containing key terms such as "Nassar," "USOC," "MSU," "USAG," and "victims." Then, CHILD USA team members go through these news reports and determine whether they are related to the focus of the database. If the news report is relevant and has not already been uploaded to the database, it is added. When uploading the article, any key topics contained within the article are flagged so that people using the database can filter through articles easily. The categories of topics are extensive and include "USAG and USOC," "Topics of Interest," "Research," "Individuals," "Institutions," and "Competitions." Within these categories are more specific subcategories. For instance, the "Institutions" category includes "International Gymnastics Federation (FIG)," "AAU," "Child Protective Services," "Karolyi Ranch," and many others. In addition to news articles, the CHILD USA staff has worked to gather oth-

er documents and reports regarding the case that have also been uploaded to the database. Within these subcategories, there are also other sections so that searches within the database can be as specific and useful as possible. This database will continue to be updated by the CHILD USA staff even after the Game Over Commission comes to an end to ensure the information is as up-to-date as possible.

D. PROCEDURES

The Commission engaged in the following procedures to collect and analyze information:

1. Conducted hearings with testimony from athletes representing a variety of sports. The Commissioners interviewed some of Nassar's survivors, coaches, investigative reporters, and other stakeholders
2. Reviewed numerous newspaper articles, professional articles, media events, federal hearings, reports, and documentaries relevant to the topic
3. Surveyed Nassar's victims and their families to examine the various circumstances around his abuse
4. Analyzed and evaluated policies put in place by athletic organizations after the abuses of Larry Nassar came to light.
5. Met 17 times as a Commission to hear testimony, analyze, and synthesize the data collected in addition to many other meetings of sub-sections of the Commission⁴



E. MEMBERS OF THE COMMISSION



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Appendix A.

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BACKGROUND ON THE CASE

Summary: *The crimes committed by doctor Larry Nassar comprise one of the largest sexual abuse cases in sports history. Over 500 women have accused Nassar of sexual abuse.⁵ He abused girls in each of his posts from the MSU athletic doctor to USAG's team doctor. Nassar was accused of molesting girls for years under the guise of giving them examinations or medical treatment for athletic injuries. Nassar was ultimately convicted and sentenced to 40-175 years in prison after more than 150 young women provided victim impact statements to the court.*

Larry Nassar received an undergraduate degree in kinesiology from the University of Michigan in 1985. In 1988, he began working with John and Kathryn Geddert⁶ who later open Gedderts' Twistars USA Gymnastics Club in Dimondale, Michigan.

In 1993, Nassar graduated with his osteopathic medical degree from MSU.⁷ According to a 2016 lawsuit, Olympic gymnast Jamie Dantzscher alleged Nassar began to sexually abuse her in 1994 when she was 12 years old.⁸ According to the lawsuit, the abuse continued for six years and took place in the United States and internationally.⁹

In 1997, Nassar completed a primary care sports medicine fellowship and then became a team physician and assistant professor in MSU's Department of Family and Community Medicine in the College of Human Medicine.¹⁰ In the same year, Larissa Boyce, then 16, and another gymnast, age 14, reported Larry Nassar's sexual abuse to MSU head gymnastics coach, Kathie Klages.¹¹ Her response, according to the victims, was to advise the victims not to report the abuse.¹²

Throughout the years, Nassar abused hundreds of young female athletes. He groomed the girls, their families, and numerous other adults into believing that he was not only a world-renowned doctor, but also an advocate who cared deeply for his patients' physical well-being and mental and emotional health.¹³ He cultivated a caring demeanor with the girls, many of whom found him to be a refuge from the pressures of elite athletics.

In 2014, MSU police interviewed Larry Nassar about allegations made by MSU graduate student Amanda Thomashow, who reported that he touched her inappropriately during a medical examination.¹⁴ His recorded interview is a master course in manipulation — a 20-min-

ute clip of the two-hour interview reveals how Nassar deployed his claim.¹⁵ He became defensive, shrouded himself in his professional accolades, and cited his website "GymnasticsDoctor.com" and educational videos as evidence that his actions could not possibly be criminal.

In another MSU police interview in 2016, Nassar again explained his process of internal manipulation in scientific detail, using anatomical terms to detail the body parts he was touching and penetrating.¹⁶ He initially fooled law enforcement, the FBI, and his victims, many of whom believed that his treatments must be legitimate by virtue of his professional title and endorsement by MSU and USAG.

Nassar would limit the amount of information he gave the athletes as he treated them, instead choosing to massage closer to the pelvic area or breasts and gradually desensitizing them to his advances by beginning with massaging less private areas.¹⁷ When he eventually digitally penetrated his victims, he claimed to need to "realign" them internally.¹⁸ Sometimes the athletes' parents were even in the room during these procedures, though Nassar strategically positioned himself to obscure the adult's view of the "treatment," while the athlete assumed that her parent would raise the alarm if the treatment was inappropriate.¹⁹ He further ensured the athlete's compliance by playing the role of the "nice guy," often showering athletes with gifts and treats.²⁰ Athletes sometimes noticed that Nassar was receiving some sort of sexual gratification during the "treatments".²¹

There were numerous investigations into claims against Nassar, the first of which was conducted by Meridian Township (Michigan) Police in 2004, but Nassar's reputation and medical justifications were accepted, and no meaningful action was taken for years. It was only after the Indianapolis Star published an investigative report in September 2016, and numerous additional survivors came forward with allegations of abuse against Nassar, that a serious investigation was launched by the Michigan Attorney General's Office in October 2016 (at the request of MSU police).

On November 21, 2016, Nassar was arrested and charged with three counts of first-degree criminal sexual conduct, including one with a person under 13 years-old. On December 16, 2016, the FBI arrested Nassar for

Figure 2: Structure of the Olympic System



possession of child pornography, on federal charges related to the 37,000+ child pornographic images and videos that they found in Nassar’s home.

On July 11, 2017, Nassar pled guilty in federal court to (a) receiving child pornography in 2004, (b) possession of pornographic images of children dating from 2004 to 2016, and (c) tampering with evidence by destroying and concealing the images. On November 22, 2017, Nassar pled guilty in Michigan state court to seven counts of first-degree criminal sexual conduct with minors under the age of sixteen. On November 29, 2017, he pled guilty in state court to three additional counts of first-degree criminal sexual conduct.

Between January 16 and February 2, 2018, 204 victims (or a representative on their behalf) read their victim impact statements to the court.²²

As of October 2021, over 500 girls and women have accused Nassar of sexually abusing them.²³

A. PRIOR SEXUAL ABUSE IN USA GYMNASTICS

Before Nassar, USAG was no stranger to claims of abuse.²⁴ By 2018, at least 368 child gymnasts had alleged sexual assault by gym owners, coaches, and staff

working for gymnastics programs across the country according to an investigation by the IndyStar. The investigation found that during the last two decades, sexual abuse was widespread and top officials at USAG did not alert police to many allegations of sexual abuse. Several people interviewed by IndyStar described the culture fostered by USAG as one obsessed with winning, protective of coaches, and dismissive of sexual assault charges leveled by athletes.²⁵

The IndyStar investigation found that predatory coaches were allowed to move from gym to gym, undetected by a lax system of oversight, or detected and ignored by USA Gymnastics-certified gyms. USAG has entered confidentiality agreements as part of settlements in negligence cases involving abuse.²⁶ These agreements served to further silence victims.

These cases along with that of Nassar underscore the need for further investigation into how Nassar was able to sexually assault hundreds of young girls for years even after first being reported for abuse.

A comprehensive timeline of the Nassar case that details the numerous allegations against him over the years can be found in **Appendix D**.

B. ATHLETIC ORGANIZATIONS AND INSTITUTIONS

This section will detail the structure of the Olympic athletic system to establish the context within which athletes find themselves (Figure 2).

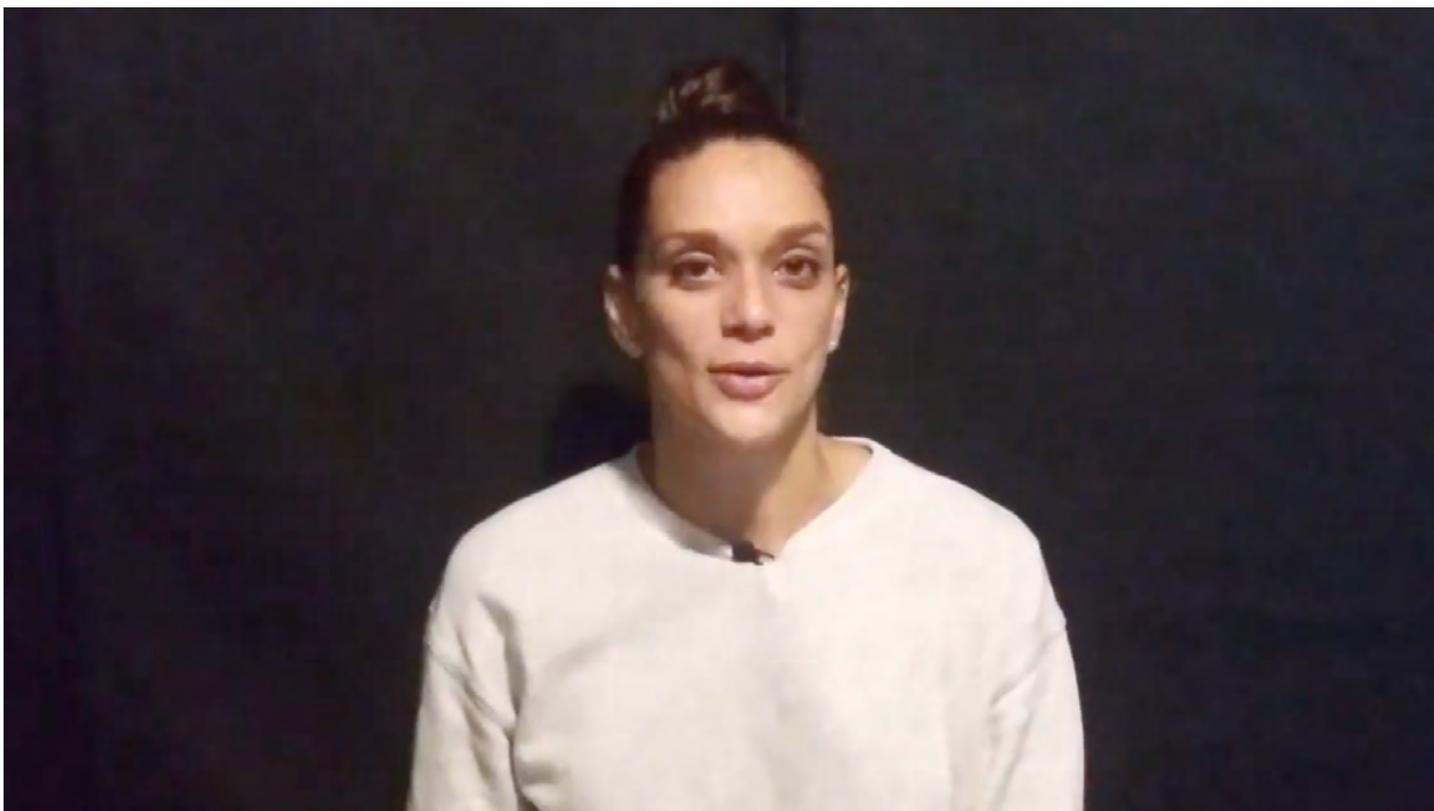
In 2019, 36 million children ages 6 to 17 played a sport in the United States.²⁷ Whether a child is enrolled in their local gym or competing at the Olympic level, their safety relies on the robustness of that organization's child protection policies. Understanding the missions of and relationships between the organizations involved in the Larry Nassar abuse case – in particular, the United States Olympic and Paralympic Committee (USOPC) and USAG – is crucial to analyzing how these organizations failed to protect their athletes from Nassar's abuse.

The top organization in the youth sports hierarchy is the International Olympic Committee (IOC).²⁸ The mission of the IOC is to promote Olympism throughout the world and to lead the Olympic Movement. The IOC is

a non-governmental sports organization that oversees the global Olympic movement. Each sport in the Olympics has an **International Federation (IF)** that is recognized by the IOC and that administers sports at the international level. An example of an IF is the International Gymnastics Federation.

Each country that participates in the Olympics has a **National Olympic Committee (NOC)**, which is subject to the control of the IOC and responsible for organizing the participation of their people in the Olympic Games. There are 206 NOCs recognized by the IOC.²⁹ The United States' committee is called the United States Olympic & Paralympic Committee.

National Governing Bodies (NGBs) are organizations that govern individual sports within the United States. NGBs are responsible for the training, competition, and development of their sports. NGBs are also responsible for nominating athletes to the U.S. Olympic and Paralympic teams. USAG is the national governing body for gymnastics in the United States.



Former USA Gymnast Terin Humphrey testifies to the Game Over Commissioners about the real life consequences of bankruptcy proceedings for victims of child sex abuse. **Source: Game Over Commission Hearing (2021, October 1).**

FINDING I: THE ECONOMIC SYSTEM FOR ELITE ATHLETES AND OLYMPIC SPORTS MAKES ATHLETES VULNERABLE TO EXPLOITATION AND ABUSE

Summary: *The economic system of sports places athletes at risk of abuse. Because the U.S. Olympic system is a monopoly (the sole seller of a good/ service) and also a monopsony (the sole acquirer of labor in a market), athletes in every sport lack the power and freedom to guard their health, well-being, and safety. The lack of monetary benefits that amateur athletes receive from sports organizations and the overwhelming cost of competition puts athletes at risk of abuse and exploitation. The executives at the top control the athletes who have no power or economic resources to continue in the sport without succumbing to abuse or exploitation.*

Introduction

As the Game Over Commission's investigation developed, it became clear that the structure of the system in which these athletes were forced to function is deeply flawed and is an important factor in how Nassar was able to continually abuse girls for decades without any accountability. This system must fundamentally change for athletes to be safe and successful. This section outlines the way the system is set up to exploit athletes and the lack of power each athlete has to protect themselves within the system.

Two former elite athletes, Eli Bremer and John-Michael Lander, submitted reports to the Commission to educate about the inner workings of how athletes are treated by the **U.S. Olympic and Paralympic Committee (USOPC)** and **National Governing Boards (NGBs)**. This section is largely based on their reports, which can be found in **Appendices B and C**. The athletic system in the United States, and perhaps internationally, is structured to disempower athletes and make them vulnerable to those with power who surround them. In order to protect athletes moving forward, there need to be safeguards that place the well-being of athletes above the medals and achievement of the organizations in which they operate as well as reform to the governance structure of the United States Olympic system.

Additionally, CHILD USA surveyed elite athletes in sports outside of gymnastics. The results of this survey make clear that this was not an anomaly that occurred within **USA Gymnastics (USAG)**, but that it is a problem with a system that does not value the athletes who make it function. Athletes are given no power or agency to protect themselves from exploitation or abuse.

It is within this system that Nassar was able to thrive. And while Nassar was a serial predator and may have abused young girls no matter where he was, he chose this system in particular because of the access to young girls and the lack of accountability and oversight for the adults in the system.



Former USA Diver John-Michael Lander in pike position at Countryside YMCA, Lebanon, Ohio.

Source: John-Michael Lander (1979)

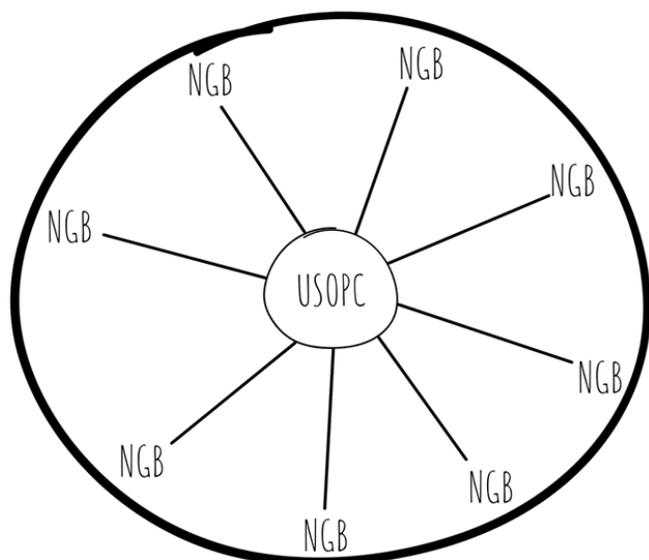
A. THE OLYMPIC ORGANIZATION FUNCTIONS AS A MONOPOLY/MONOPSONY

Eli Bremer is a modern pentathlete who competed for the United States at the 2008 Summer Olympics in Beijing, China. Bremer is also a graduate of the United States Air Force Academy, where he majored in Economics and studied contracts and acquisitions. Bremer provided testimony to the Game Over Commission on how the Olympic system functions as a monopoly and monopsony with no oversight and no accountability to the athletes it serves, and this testimony is in **Appendix B**. Bremer noted that the Nassar abuse case was not only predictable, but also a logical outcome of the system.

Bremer explained how he arrived at his conclusions. During his 12 years of training at the U.S. Olympic Training Center in Colorado Springs as a Resident Athlete, he became disillusioned with the governance of the US Olympic system. Bremer noted that because of his academic and business background, he became the “go-to guy” for the governance problems many athletes faced in their own sports.

Eventually, Bremer realized that nearly all the problems were the same: athletes were treated like chattel while administrators could be incompetent or corrupt and still reap substantial financial benefits. He wondered why he was hearing about the same problems in nearly every Olympic sport when they were all administered by supposedly autonomous **National Governing Bodies (NGBs)**.

Figure 3: Drawing of the Olympic Monopoly/Monopsony by Eli Bremer



He realized that rather than being truly autonomous, each was like a department in the USOPC – which functions as a monopoly as it has no competitors. It was authorized by Congress as the sole organization for U.S. athletes to compete in the Olympics. Because athletes have no other alternative, the USOPC is also a monopsony (**Figure 3**).

While a monopoly is the sole seller of a good or service, a monopsony is the sole acquirer of labor in a market. Athletes are required to compete inside their NGB, which faces no competition for the athletes’ “labor.” In professional sports, athletes have some ability and discretion to switch teams inside the system in limited competition. The athletes are further protected by a union that counterbalances the interests of the owners. But switching countries to compete in the Olympics is so difficult that it is nearly impossible. Therefore, athletes who want to compete in the Olympics have only one organization through which they can access the sporting marketplace.

Bremer notes that while both monopolies and monopsonies are dangerous, joining the two is nothing short of horrific. Having both monopoly and monopsony power over individuals creates a dynamic of complete control. There is no incentive to treat athletes well since each athlete is viewed as expendable.

Even in the face of a catastrophic failure – such as the Larry Nassar abuse case – a monopoly/monopsony will not self-regulate, because it is not considered in the best economic interest of the system. The well-being of individual athletes is considered less important than the preservation of the system itself. Thus, the system will go to extreme efforts, including covering up Nassar’s abuse and exerting control over law enforcement, to maintain the status quo. Abusers, such as Nassar, are protected by the monopolistic system that prioritizes self-preservation over the well-being of athletes.

In the following section there are examples of how Stephen D. Penny, former President and Chief Executive Officer of USAG, inserted himself into and interfered with the FBI investigation of Nassar by taking on the role of coordinating FBI interviews with victims. In July of 2021, the Inspector General of the FBI released a scathing report on the FBI’s handling of the Larry Nassar abuse case. The report displays the influence that the USOPC and USAG exerted on the FBI.

Bremer warned that organizations with a monopoly/monopsony structure are incapable of reforming them-

selves. Reform must come from the outside and be forced on the organization. Bremer’s full report can be found in **Appendix B**.

training and equipment. Over a third received funding from the NGB, 29% from the USOPC, and 46% from a university or school sports organization.

1. The steep costs of competition and the athlete’s dependency on outside financial help deter reporting abuse and exploitation

Because the Olympics functions as a monopoly, Olympic hopefuls must compete for a spot in an Olympic sport, and they have no place else to succeed. If they are mistreated, there is no alternative organization. Athletes are required to compete inside their NGB, each of which is the only body for their respective sport capable of sending athletes to the Olympics.

The Amateur Sports Act of 1978 established the U.S. Olympic Committee,³⁰ which can charter the NGBs for each Olympic sport. The Act requires athletes who want to compete in the Olympics to maintain an “Amateur Athlete Status.” The Act described an amateur athlete as one who competes in the sport for personal satisfaction and not monetary gain and provided strict sponsorship guidelines.³¹ Thus, athletes must fund themselves or find sponsors until they achieve elite status, at which point the USOPC provides uniforms, transportation, entry fees, and sometimes stipends.

As a result, athletes are usually dependent on sponsors, sports organizations, and others for funding. The Elite Athlete Study by CHILD USA provides information on sources of funding for elite athletes’ training. The survey instrument prompted respondents to select from a list of possible benefactors who paid for training and equipment (**Table 1**). Most of the athletes surveyed had a sponsor who contributed to the cost of the athlete’s

2. A detailed account of an athlete’s personal story of exploitation in the athletic system

Former athlete John-Michael Lander helped Commissioners understand the challenge to the athletes through his own story of enduring abuse as a young athlete whose economic vulnerability made him a target. Lander’s report (see **Appendix C**) shows how an athlete’s economic situation can be a factor that leads to predatory manipulation and abuse.

As a teen, Lander was sex trafficked by a group of wealthy men who provided financial support for his athletic career. The abuse resulted in Post-Traumatic Stress Disorder, depression, anxiety, and suicide attempts. The effects felt by Lander are consistent with the findings of the Elite Athlete Study (**Appendix E**) which found 1 in 3 athletes to be suffering from diagnosed mental illness, within a culture characterized by high levels of emotional, physical, and sexual abuse. Additionally, the Elite Athletes Study reveals that half of elite athletes reported an environment of emotional abuse, another stat emphasized by Lander’s story. In his report, Lander explains how predators took advantage of his vulnerable economic situation as a young athlete, paying the expenses of springboard and platform diving, but in turn grooming him and forcing him to endure years of emotional, physical, and sexual abuse.

Lander notes that as a teen, all his time was focused on pursuing his dreams of becoming an Olympic athlete. When he started competing, Lander’s family had to pay

Table 1: Sources of Funding for an Elite Athlete’s Training

Source	Athletes Receiving Funding
Family or Self	79%
University or School Sports Organization	46%
Sports Organization	39%
National Governing Body (NGB)	36%
U.S. Olympic Committee (USOC)	29%
Local, state, or community organization	14%
Other	3%

Source: CHILD USA’s Elite Athlete Study

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

for his coach, practice time, swimsuit, travel to meets, lodging, etc. His family was struggling financially, and his participation hinged on finding the funds to pay for expenses related to training and competing. The higher he went in the sport, the more expensive it became. He had to find funding or leave the sport and end his dreams of college scholarships and the Olympics.

When he was 15 years-old, he finished eighth at the Junior Olympics in Lincoln, Nebraska. A lawyer approached his mother and promised to set up a fund at a local bank where people could make donations. He would manage the money and pay for Lander's sports-related costs in a manner that would allow Lander to maintain his amateur status. The lawyer convinced Lander's mother that this was the only way for Lander to remain in the sport. The lawyer indicated that he knew other professionals who wanted to help, and that they would provide Lander's family with free professional services, such as medical care.

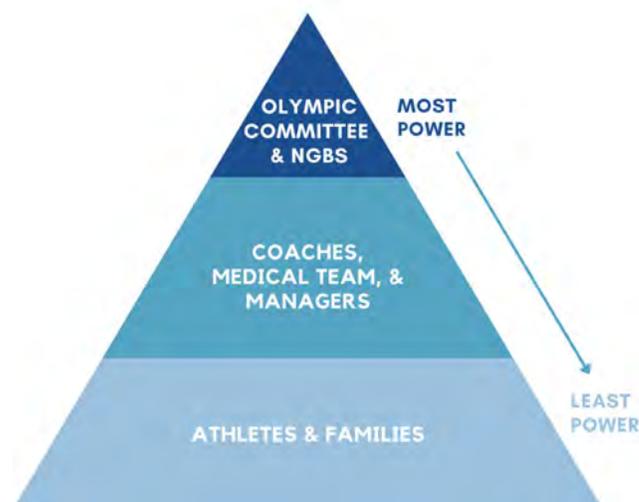
The lawyer said that in return, Lander had to have dinner with him and his friends. The lawyer turned out to be part of a secret sex ring of rich professionals who preyed upon young athletes and students who needed financial assistance. Lander responded to the abuse with confusion, shame, and depression. When he tried to tell his mother, she slapped him and accused him of lying. She told him if we wanted to be a diver, he had to go with the lawyer and his friends.

Lander's coach also groomed and abused him. "He informed me that my diving career was not possible without him, and he was the only one who believed in me enough to get me to the Olympics. He made me promise that although his coaching methods may seem odd, I was not to let anyone know about them," says Lander.

The coach also groomed Lander's mother. "He approached my mother and told her that I had the potential for the Olympics and a college scholarship, but he had noticed a change in my attitude. He explained to her that he would step in and that I needed to listen and do everything he said. He informed her that he would have to take me on overnight trips to practice with the OSU diving team. He wanted absolute control over my practices and diet and needed my trust without outside interference, especially from her."

The coach threatened Lander to silence him. Lander notes that "he advised me that no one would believe me since he was a well-known and respected coach. He explained that I would lose my financial support, he

Figure 4: The Unequal Power Dynamic of the Current Olympic System



would not be able to coach me, and my dreams of a college scholarship and the Olympics would end. He also informed me that no one would ever want to coach me."

When Lander joined an **Amateur Athletic Union (AAU)** team, the predatory lawyer met with the team's board and created a sponsorship that allowed the lawyer to bring professionals to practice and to have access to Lander at any time. The lawyer also made the same arrangement with some Ohio State University athletes. Lander notes:

All of us felt the fear of coming forward because we were afraid of losing scholarships, the chance to represent our country in international competitions, and the Olympic dream. We felt shame because of society's belief that sexual abuse can't happen to males, and that we were not real men because we let this happen. It was reinforced in each of us that we were just numbers and that there were many more waiting to take our place and to take advantage of this incredible offer. Fear led us to be silent.

As the athlete progresses in the sport, the upper-level teams become fewer and more controlled. Producing national, international, World, and Olympic Champions translates into money for both the coach and organization. Hopeful athletes will pay to be on a team that has produced an Olympian. This prestige allows coaches and organizations to name their price. They do not need to be concerned about an athlete's well-being as long as the athlete pays the bill, because hundreds are waiting to take that athlete's place. Lander concludes, "We need to help our athletes maintain safety and encourage financial support without any ties or conditions

connected.” Lander currently advocates for fellow survivors of abuse and educates athletes, parents, guardians, coaches, teachers, officials, and organizations on identifying signs of grooming and manipulation. Lander’s full report can be found in **Appendix C**.

3. Abusers are protected by the monopolistic system that prioritizes institutional self-preservation over the well-being of athletes

Bremer notes that one of the problems with monopolies is that once entrenched, they move away from running a quality business and focus instead on self-protection. Through the process of internal – instead of external – salary benchmarking, the USOPC and NGBs began substantially over-compensating senior staff. The staff became resistant to outside pressure or oversight since they wanted to keep their overpaid jobs. Additionally, they promulgated a culture of “see no evil, hear no evil” inside the system since people who rocked the boat were subject to ejection from the system and a resulting substantial cut in compensation.

Whistleblowers are not welcome as they represent the potential to disrupt the system. Bremer details how, in 2011 – several years before the Nassar abuse case became public – he gave a presentation to the Athletes Advisory Council (AAC) of the USOPC and predicted that the US Olympic system was at risk of catastrophic failure due to abuse of athletes.

Bremer notes that unregulated monopolies can become so paranoid about maintaining their power that they will go to extreme ends to preserve themselves. He

experienced this reality. The leadership of the USOPC responded to Bremer’s warnings by destroying his business, which provided tours of the Olympic training center and much-needed funding to athletes. Bremer further noted that monopolies are not content to simply control their business and those inside of it. As they grow, they continue to expand their influence to any entity that might disrupt their power.

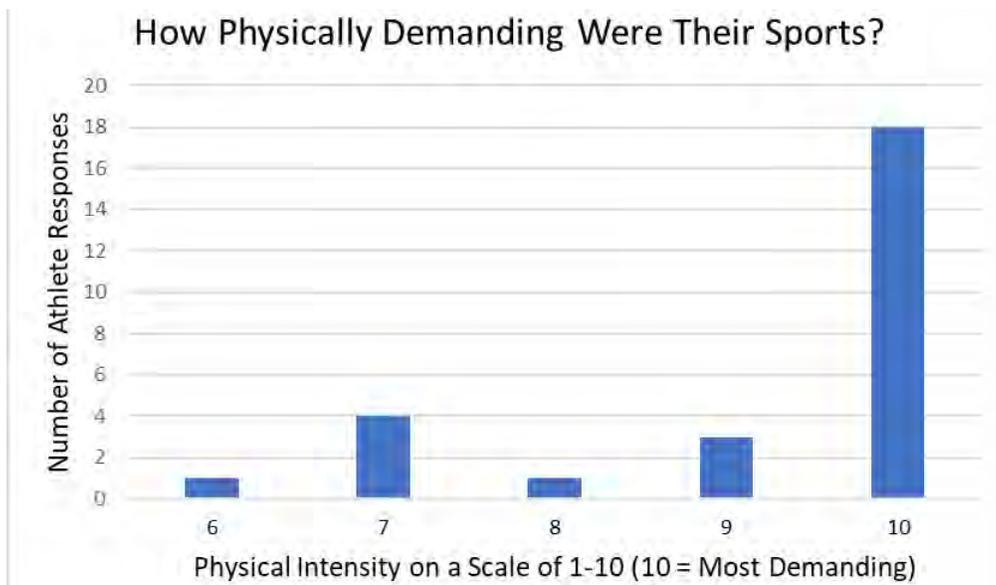
The current Olympic system is not organized to prioritize athletes. Each athlete is simply viewed by those at the top as a cog in the system, easily replaceable and expendable. Until the system itself is fixed to prioritize athlete well-being over the business interests of those at the top, the problems of abuse and exploitation will persist (**Figure 4**).

B. THE ELITE SPORTS CULTURE PLAYED A ROLE IN THESE CRIMES³²

The opportunity to successfully commit these crimes against vulnerable athletes was facilitated by the culture of elite athletics. There was a culture where a coach controls almost every aspect of an athlete’s life and the athletes had little expectation of privacy.

Eighty-nine percent of athletes who filled out these questions reported that their coach routinely made decisions for them about their lives and how to spend their free time. For 96%, this led coaches acting as decision-makers for their eating patterns, lives, friends, and schedules. 58% of the athletes stated that coaches had permission to enter their rooms, and 64% said their

Figure 5: Physical Intensity of Athletes’ Sports



Source: CHILD USA’s Elite Athlete Study

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

trainers and coaches would be with them alone.

These athletes were frequently isolated from the normal activities of their peers as they often practiced daily (70%) or several times a day (11%). Almost half had no friends outside of the sport and 59% routinely missed normal activities like family vacations or proms, and 85% routinely missed school.

Coaches had extreme influence in their lives. Most athletes thought monitoring food by inspecting diets (78%) and even withholding water (67%) was normal coach behavior. Sixty-three percent reported that maintaining a certain weight was a key aspect of their sport.

Also, athletes said that the criteria for which they were (or were not) chosen for teams was sometimes not even related to athletic ability. One athlete was not even given any criteria to strive for to join the team. Others identified “politics within the sport,” “who my coach was,” “how my hair looks,” and “how my face/makeup looks” as criteria for making the team. These indicate, at minimum, a demeaning culture within elite sport, where athletic ability does not reign supreme.

Athletes were largely ignorant about what constituted sexual assault and misconduct in sports. They also had no knowledge about where to report assault or misconduct, and what steps should be followed after such a report.

C. ATHLETES SUFFERED INJURIES AND MEDICAL NEGLECT

The athletes rated their sport as physically demanding, giving it an average of 9.2 on a scale of 1 to 10 (**Figure 5**). Most suffered extreme trauma to their bodies, which was normalized during their training, so they learned a pattern of neglecting attention to their own pain and

discomfort. This interfered with their ability to promote their own self-care.

All of the athletes reported sustaining an injury, and nearly half sometimes opted not to report their injury. Eighty-two percent indicated that they were often fearful to report an injury to their coach, and 85% reported they hid injuries from coaches or teammates. Eleven percent reported that when they did report an injury it was not taken seriously and more than half reported that they were denied medical attention after reporting injuries. Ninety-three percent stated that it was common practice to continue to perform when injured.

These athletes were accustomed to pain and 63% experienced it daily. Eighty-five percent had long-lasting injuries due to their sport. Just as accommodation to pain became a norm, 44% reported becoming accustomed to touches from coaches to their bodies that felt uncomfortable or inappropriate.

These athletes ended their sport career at the average age of 28. Four ended their careers due to injuries. Only 32% of these athletes indicated that they felt they had accomplished their goals in the sport.

While the economic and cultural pieces are not specific to Nassar, they are specific to the system in which he thrived. In this system, athletes are disempowered financially and disempowered to control their own bodies. They are taught from the beginning that the only thing that matters is winning to provide those in power a reason to keep investing in their careers. And when these athletes do finally gain some power or begin to push back, their careers suffer like what happened to Bremer and many of the anonymous athletes in CHILD USA’s Elite Athlete Study. If we can change the system to hold the adults in power accountable to their actions and give the athletes more of a say, we can stop predators like Larry Nassar from thriving in the system.

Game Over Commission’s Recommendations

1. Insurance carriers should build in effective child sex abuse prevention principles as a prerequisite to coverage.
2. Congress must remove financial incentives that tempt the USOPC and NGBs to prioritize their financial strength over the well-being of athletes.
3. NGBs must provide non-conditional financial support for athletes and those exiting their sport.
4. Congress must create an independent Federal Agency responsible for the regulation and oversight of the US Olympic system, with athlete well-being as its foremost mandate.

FINDING II: A STUDY OF NASSAR'S VICTIMS AND THEIR FAMILIES REVEALS A CULTURE IN SPORTS OF ENDURING PHYSICAL PAIN, IGNORING THEIR EMOTIONAL NEEDS, QUESTIONING THEIR INSTINCTS, AND SUBMITTING TO AUTHORITY

Summary: *The Commission's investigation revealed that the girls were immersed in a culture where their needs are secondary and little attention is paid to the athlete's physical boundaries. There were a variety of reasons that Nassar's victims didn't report abuse when it occurred. Most of the victims were confused by what happened and too embarrassed, ashamed or fearful to report the abuse they suffered. Many were unsure if what they experienced was sexual assault, believing Nassar's assurances that he was performing a legitimate medical procedure tailored to athletes. Some believed that what had happened was not a serious enough problem to report, while others worried they would not be believed or there would be repercussions against them if they reported what happened. While reporting abuse was very difficult, those who did eventually report the abuse indicated that the consequences were often punitive and ineffective. Often, no investigation was ever conducted. Three of these victims say they were retaliated against for reporting the abuse.*

Introduction

This section is based on research conducted by CHILD USA's Social Science Department in consultation with the Game Over Commission in a survey entitled "Studying the Contextual and Systemic Factors that Surround LN's Abuse Crimes," which surveyed an anonymous cohort of Nassar's victims and their families. The Game Over Commission also held two sets of hearings where they heard directly from Nassar survivors about their experiences. The hearings and survey showed that athletes are immersed in a culture where their needs are secondary and little attention is paid to their physical boundaries. It is a culture of winning above well-being.



A. SURVEY OF NASSAR’S VICTIMS AND THEIR FAMILIES

To further explore the range of attitudes and beliefs that sustained an environment conducive to the abuse of multiple victims, the Game Over Commission conducted a survey of Larry Nassar victims. The purpose of this survey (The Contextual and Systemic Factors of Larry Nassar’s Abuse Crimes)³³ was to begin to understand from the survivor’s perspective how decisions about reporting and understanding of their own victimization were affected by their beliefs about the environment in which they practiced and performed. As far as we are aware, this is the only survey of the beliefs and attitudes of Nassar victims and their families.

1. Objectives and Methods

This study had three primary objectives:

- I. To evaluate factors that influenced victims not to report or prevented them from reporting within the duration of abuse.
- II. To evaluate demographic, organizational, contextual, and other systemic factors pertaining to victims and their families of abuse of Larry Nassar.
- III. To evaluate the scope of location & circumstance of abuse, oversight and/or lack thereof of these locations.

2. Summary of Survey Results

A total of 31 victims completed the online questionnaire and were an average age of 29 at the time of completion of the survey.³⁴ Seventy-seven percent were gymnasts and the remainder competed in other sports including dance, diving, field hockey, volleyball, soccer, and cross country. The average age that they began to learn their sport was slightly under five years old. A summary of the findings is below.

- All of the athletes were abused by Larry Nassar, and the average age of abuse was 13. All but one athlete reported being abused multiple times. Forty-two percent reported they were abused more than 10 times.
- Eighty-eight percent of the women surveyed indicated they didn’t tell because they were unsure if what they experienced was an assault, and 31% believed that what had happened was not serious enough to report. Ninety-two percent believed that Nassar must have been do-

ing a legitimate medical procedure, and 27% believed there would be repercussions against them if they reported what happened.

- Fifty-eight percent felt too confused by what had occurred to report. Thirty-eight percent of athletes felt too embarrassed, ashamed, or fearful to report the abuse they suffered. More than a quarter of the sample expressed the belief that there were norms in the training and competition culture that made it difficult for people to believe victim-survivors, such as “blame the victim,” or “side with the abuser.”
- Ninety-three percent stated a dominant emotion following the abuse was confusion, which created a barrier to report. Nearly 10% of the young athletes reported the event immediately, while the large majority delayed reporting (58%). Nearly a third did not report at all (**Figure 6**).

While reporting abuse was very difficult due to the factors enumerated above, when these athletes did report, the consequences were often punitive or ineffective.

- While 68% of the victims did eventually report the abuse, only 11% reported that some action was taken to help correct problems about the issues they reported (19% were unsure whether or not some action was taken). Only 23% of the women reported that they were sure an investigation was ever conducted.
- Twenty-two percent said no effort was made to make changes that led to the abuse and 11% indicated that they were subjected to some form of retaliation for having made a report.

Figure 6: Delayed Disclosure of Reporting



Source: CHILD USA’s Nassar Survey

3. Impact of Victims' Relationship with Larry Nassar

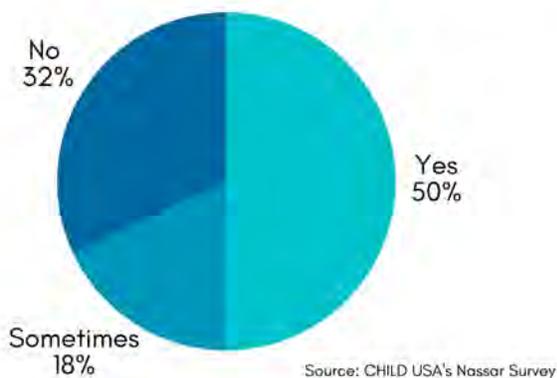
To understand the hesitancy about reporting and the confusion that the athletes felt, it is helpful to analyze how they perceived their relationship to Larry Nassar. For 63% of the athletes their initial meeting with Nassar was after an injury. The others met him as part of the professional support of their sport team. Seventy-eight percent of the athletes reported that they saw him as an authority figure and doctor, while 18% saw him as a friend or caregiver, and 4% as a colleague.

Fifty-seven percent of the athletes met with Larry Nassar alone, and 45% believed that no one could see what Nassar was doing to them. Nineteen percent of the athletes reported that Nassar was allowed to routinely enter their room while sleeping or dressing. The combination of viewing Nassar as an authority figure and being isolated from others when with him, left these women particularly vulnerable to his actions. For 22% of these athletes, abuse from Nassar occurred even at competitions, further normalizing these events and ensuring silence.

The normalization of abuse for the athletes and their families and community is highlighted by the fact that 68% of the athletes indicated some one else was there in the room while the abuse occurred (**Figure 7**).

Figure 7: Presence of Witnesses During the Abuse

Was Anyone Else in the Room?



4. Implications of Nassar Survey

While these 31 athletes represent a small sample of the total number of Nassar's victims, the information they provided reveals a culture that has not built in safe-

guards to protect vulnerable children from abuse or exploitation. The girls became accustomed to letting others take over responsibility for their physical body, were fearful of the consequences of honesty about their own body and were lacking in knowledge about boundaries and abuse.

These athletes lacked a feeling of autonomy about their body, their ownership of it, and their right to decision-making. The athletes reported being immersed in a culture where they could not openly report injuries to their own body, were forced to compete while injured, and often received no medical care following injuries. These findings starkly describe young girls being inducted into a culture where their responsibility for their own body and its wellness has been taken from them.

The tragedy of competing through pain accompanied with emotional abuse is described by one survivor who stated,

"I was forced to compete on a broken back for 6 months. I was given narcotics for the pain and was told my back hurt because I was fat."

Another athlete said,

"The environment of club gymnastics was the most abusive and most demanding situation I have ever been in. My physical and emotional health is permanently damaged due to the failings of adults to protect me."

The athletes were not trained to recognize grooming or abuse, or to report such events. It is striking that 96% of the athletes surveyed reported that they lacked knowledge of what sexual assault or misconduct was and 100% had no knowledge of what would happen, or was supposed to happen, if a report was made (**Figure 8**). This lack of knowledge about abuse was summarized by one athlete who stated,

"I think the biggest reason I was susceptible is that I didn't know any better and I had no idea that what was going on was wrong."

This is the kind of environment in which abuse and exploitation can thrive, causing lasting harm. One victim athlete stated,

"The long-term lasting effects that I deal with on a daily basis in personal relationships, boyfriend and males in general is saddening."

The results of this survey, as well as a survey of elite athletes conducted by CHILD USA discussed in Finding I, suggest that the culture of elite athletics is a critical

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factor that must be confronted; elite athletes are in a culture where attention to their own physical boundaries is diluted, and where there are significant barriers that prevent confronting the risks of abuse, exploitation, and coercion. Empowering young athletes with information about appropriate boundaries and how to recognize and report abuse are also important factors that must be addressed in order to change the dynamics that leave young athletes vulnerable to predators such as Larry Nassar.

We must do better on behalf of these talented young people. As Simone Biles so aptly stated during the 2021 Olympics when she was criticized for her withdrawal from several events, “I am a human being, not entertainment.” We must work to ensure that every athlete has that deep knowledge of their own human value, the right to autonomy of their bodies, and freedom from injury, abuse, and exploitation.

B. RECOMMENDATIONS FROM THE TWO STUDIES

The results of the Study of Nassar Victims and the Elite Athlete Study (discussed in **Finding 1**) lead the Game Over Commission to the strong recommendation of the need for an intensive educational program which teaches athletes about the rights to decisions about their bodies; how to identify abuse and exploitation; how to

determine injury; and the importance of a safe environment for reporting to trusting adults accurately about what they are experiencing with their body.

What we learned from the hearings and athlete surveys is that they are saturated in a culture where attention to their own physical boundaries is diluted, and where there are many barriers that prevent confronting the risks of abuse, exploitation, and coercion from others in multiple ways. To combat this problem, there needs to be a cultural shift, where awareness of their ownership of their bodies and rights for self-determination must be honored and fostered. The following proposal identifies key points in the environment where shifts need to occur: where to target interventions with the end of providing a safer culture for athletes; one that promotes excellence in their sport, excellence in their own emotional well-being, and the ability to maintain healthy boundaries where their safety is protected.

1. Adoption of Educational Programs for Athletes and Parents

As evidenced by the results of the survey of Nassar victims and their families, there is a complete lack of education in the sport world.

Training and education are essential for athletes and parents to know what to expect and how to report abuse

Figure 8: Athletes' Knowledge of Sexual Misconduct Policies and Procedures in Sport



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if it occurs. For a detailed protocol for athlete training, see **Appendix F**. The Game Over Commission will address parental training in more detail in Phase Two of the Commission's work.

2. Development of a Standard for Athlete Health and Well-Being

Athlete health and well-being must be the primary concern for any program that works with children. Various organizations have worked to develop these standards for athletes under the headings of "Athlete Bills of Rights," a summary of which you can find in **Appendix G**.

Although there are numerous Athlete Bills of Rights, there are no nationally-established standards or clear statements being delivered to the youth athletes and their parents and coaches. The athlete ultimately has the right to be safe. This means that youth have the right to expect all youth sporting institutions and clubs to have strong child protection policies, including basic measures such as comprehensive background screenings, child abuse education for children and adults, a code of conduct for staff and volunteers, supervisory safety procedures, and a strong reporting policy. In addition, an Athlete Bill of Rights should cover the needs of abused athletes, including access to legal representation, information, mental health resources, and emotional closure within the organization for the athletes.

Game Over Commission's Recommendations

1. Gyms and other athletic institutions must adopt effective and routinely updated educational programs for athletes and parents
2. State and federal lawmakers need to develop enforceable standards for athlete health and well-being



Survivor Trinea Gonczar (right) and her mother Dawn Homer (not pictured) testify about the challenges of coping with abuse as a family and answer questions from Commission Chair Marci A. Hamilton (left). **Source: Game Over Commission Hearing (2021, October 2).**

FINDING III: THE RESPONSES TO THE ISSUES RAISED BY THE NASSAR CASE HAVE BEEN INADEQUATE

Summary: Each year, 60 million children in the United States are engaged in sports.³⁵ The Commissioners identified systems within elite athletics that failed to protect child athletes from abuse. Whether a child is enrolled in their local gym or competing at the Olympic level, their safety depends on the robustness of that organization's child protection policies. When safeguarding policies and procedures are poor, a foundation is laid for the type of catastrophic abuse found in the Larry Nassar case. This section looks at athletic systems that led to Nassar's widespread abuse and how current policies need to be strengthened to protect athletes going forward.

Introduction

This section is based on research that examined the current policies and systems of athletic organizations including U.S.A. Gymnastics (USAG), **U.S. Olympic Committee (USOC)**, National Governing Bodies (NGBs), **International Olympic Committee (IOC)**, and **U.S. Center for SafeSport**. The Commission found them woefully lacking in the basics needed to protect children from abuse and exploitation.



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Following approximately 60 sexual assault accusations against Larry Nassar,³⁶ USAG engaged former federal prosecutor Deborah Daniels on November 3, 2016 to conduct a review of USAG's policies, procedures, and bylaws regarding sexual misconduct matters. Daniels issued a report on June 26, 2017, concluding that USAG "needs to undergo a complete cultural change" and adopt a culture in which the organization's "top priority is the safety and well-being of its athletes, not just their success on the field of play."³⁷

In 2018, the USOC Directors engaged prominent law firm, Ropes & Gray LLP, to conduct an independent investigation "into the decades-long abuse by Larry Nassar to determine when individuals affiliated with USAG or the USOC first became aware of any evidence of Nassar's abuse of athletes, what that evidence was and what they did with it."³⁸ The investigation found that Nassar's ability to abuse athletes and patients for nearly three decades was a manifestation of the failures of the USOC to adopt and enforce appropriate child-protective policies and procedures to ensure a culture of safety.

Each NGB in the Olympic movement has its own policies on child protection. In their investigative report, Ropes & Gray stated, "Patterns of inadequate policies and practices emerged across the NGBs, including overly formalized complaint processes, lack of sufficient training for employees handling sexual abuse matters, and inadequate attention to the risk of retaliation against athletes and others for raising complaints."³⁹

The USOC, and USAG in particular, have a history of internal policies and procedures that place children at risk. According to Ropes & Gray's report, USAG erected numerous procedural obstacles in the sexual abuse and assault complaint resolution process that kept USAG from effectively addressing serious, credible allegations of child sexual abuse. These obstacles included requiring a complaint to come from a survivor or a survivor's parent; refusing to investigate complaints where the reporting party wished to remain anonymous to the perpetrator; refusing to investigate complaints where the reporting party did not submit a signed, written complaint; limiting available sanctions if the alleged conduct was not "criminal" in nature; failing to follow up on complaints of misconduct; and losing track of important information about accused coaches.⁴⁰

A sports organization lacking in athlete protection policies and procedures is an organization at risk for abuse.

During Nassar's sentencing hearing, in her victim im-

pact statement, Rachael Denhollander referred to the 156 tearful victims present and said⁴¹:

*This is what it looks like when the adults in authority do not respond properly to disclosures of sexual assault. This is what it looks like when institutions create a culture where a predator can flourish unafraid and unabated, and this is what it looks like when people in authority refuse to listen, put friendships in front of the truth, fail to create or enforce proper policy, and fail to hold enablers accountable.*⁴²

A. RESPONSES BY CONGRESS AND IOC TO THE NASSAR ABUSE CASES

A number of initiatives have been launched to address maltreatment of youth in sports. In 2016, the International Safeguards for Children in Sport was enacted by IOC. All Olympic Games have athlete safeguarding policies and procedures including a reporting mechanism for allegations of abuse and a Safeguarding Officer.

In 2018, in response to the allegations of sexual abuse by Dr. Larry Nassar at USAG, Congress passed the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017" (the Safe Sport Act), which established the U.S. Center for Safe Sport to deal with abusive coaches and expanded mandated reporter laws to include all youth sport organizations and any adult who is authorized to interact with youth athletes participating in international or interstate sporting events.⁴³ The law has a three-pronged approach:

- A. Any adult interacting with amateur athletes in the program has a duty to report abuse and/or suspected abuse to the authorities within a 24-hour period⁴⁴
- B. The statute of limitation for a minor victim of a human trafficking or federal sex offense is extended for up to 10 years after a victim realizes he or she was abused
- C. Limits an athlete under the age of 18 from being alone with an adult who is not their parent

In 2019, the IOC expanded their mission "to promote safe sport and the protection of athletes from all forms of harassment and abuse."

In 2019, U.S. Center for SafeSport, an organization controlled by the USOPC and tasked with preventing abuse in sports, required the NGBs to adopt their Minor Athlete Abuse Prevention Policies. These policies and procedures were developed for implementation by governing

bodies or paralympic sports organizations to prevent abuse of any amateur athlete.⁴⁵ NGBs and paralympic sports organizations were required to implement “reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult... at a facility under the jurisdiction of a NGB or paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances.”⁴⁶ In terms of implementation, while the USPOC and NGBs were required to follow the policies, they were “strongly recommended” for National Member Organizations and Local Affiliated Organizations.⁴⁷ The NGBs, at a maximum, could require said organizations to follow the Minor Athlete Abuse Prevention Policies, which includes requirements for adults to complete mandatory SafeSport Training and annual refresher courses.⁴⁸

In October 2020, S.2330 - Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020 was passed.⁴⁹ The Act was passed in response to the findings of systemic abuse within the US Olympic movement and establishes safeguards to protect amateur athletes from abuse, including sexual abuse, by coaches and employees in U.S. Olympic and Paralympic sports. The Act:

- Established a duty of care that USOPC owes to amateur athletes, including protecting athletes by requiring it to ensure that any allegation of child abuse of an amateur athlete who is a minor is immediately reported to law enforcement.
- Prohibits the USOPC and the NGBs from interfering in or attempting to influence the outcome of an investigation.
- Prohibits retaliation against protected individuals (including amateur athletes, coaches, and trainers) because of disclosures pertaining to sexual abuse or harassment.
- Established a legislative mechanism by which Congress can dissolve the Board of Directors of the USOPC and decertify NGBs.

B. THE ACTIONS TAKEN TO DATE ARE INADEQUATE TO PROTECT YOUTH ATHLETES

The U.S. Center for SafeSport 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; criminal charges or dispositions involving child abuse or sexual misconduct; misconduct related to reporting, where the underlying allegation involves child abuse or sexu-

al misconduct; aiding and abetting, when it relates to the Center’s process; misconduct related to the Center’s process; and other inappropriate conduct.”⁵⁰ It may also take discretionary jurisdiction over other forms of abuse, including bullying, harassment, and emotional abuse, or instead direct the allegation to the appropriate NGB.⁵¹ SafeSport’s mission is, directly, “to make athlete well-being the centerpiece of our nation’s sports culture through abuse prevention, education, and accountability.”⁵² The stated mission, when combined with the organization’s parameters of jurisdiction, is limited and consequently ambiguous. This results in the organization being ineffective in ultimately protecting athletes from abuse.

1. The Abuse Prevention Policies of the US Center for SafeSport

The U.S. Center for SafeSport opened in March 2017. Within 15 months of opening, SafeSport received 1,000 complaints. The vast majority (81%) of these were current complaints, i.e., not based on past abuse. A majority (65%) were complaints against coaches. Three months later, the number of complaints had nearly doubled.⁵³

The Minor Athlete Abuse Prevention Policies created by U.S. Center for SafeSport, while a step in the right direction, require strengthening. For example, current policies permit coaches to travel alone with children if they have parental permission.⁵⁴ This permission is provided “at least annually,” so a parent may not be aware of each specific meeting.⁵⁵ This policy also allows coaches to interact with children outside of program activities, including at their homes, restaurants and other locations, with parent/guardian consent.⁵⁶

The policy is dangerous and will do little to prevent abuse. Sports activities often include numerous other factors that increase the risk of abuse. These include overnight trips, changing in locker rooms, travel to practices and games where an athlete may be driven by a coach or volunteer, and staying overnight in hotel rooms.

Most child abuse prevention training and code of conduct policies are centered on limiting isolated one-on-one situations between adults and youth. Requiring parental permission prior to being alone with a child violates the letter and spirit of this principle and will do little to deter a motivated perpetrator. In fact, this policy would not have prevented most of abuse cases that we know about. For example, research into the causes

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and context of priest abuse by researchers at John Jay College of Criminal Justice found that priests would often build relationships with the families of the victims in order to gain their trust prior to abusing a child. Most abuse between priests and minors took place in situations where the parent had provided permission. This included school, church, and the child's own home.⁵⁷ Thus, parental permission is not a sufficient way to prevent abuse. And because most victims of child sexual abuse do not disclose the abuse when it is occurring, abusers often continue to exploit the trust of their victim's family and continue to abuse.⁵⁸ Thus, to protect children from abuse, opportunities for abusers to have access to the child alone must be curtailed.

More information on policies for youth serving organizations can be found in **Appendix H** titled CHILD USA's *Gold Standard Policy Recommendations*.

While there have been some steps taken to attempt to address the abuses of Larry Nassar, they have been woefully inadequate. Nassar was not just a bad apple, he was set up for success by a system that lacks accountability and transparency. The following recommendations issued by the Game Over Commission will provide more accountability, transparency, and independent oversight to the athletic system.

Game Over Commission's Recommendations

1. Congress should pass a law to give the US Center for SafeSport independence from the Olympic hierarchy system
2. CHILD USA's Evidence-based Gold Standard Child Protection Policies should be mandatory for gyms and other athletic organizations (**Appendix H**)
3. Congress should fund intervention studies to determine the effectiveness of abuse prevention strategies in athletics
4. Congress should fund and task the Department of Justice with the creation of a national database of all persons associated with sports who have been accused of misconduct with a child



FINDING IV: INVESTIGATIVE AND PROCEDURAL FAILURES BY LAW ENFORCEMENT ENDANGERED HUNDREDS OF GIRLS

Summary: *Over more than two decades, many girls reported Nassar’s abuse to coaches, trainers, and the authorities, only to find their voices silenced and credible reports ignored by the very people ostensibly charged with their protection (for timeline of key events, see **Appendix D**). Nassar’s reputation and medical justifications for his criminal behavior were credited time and again over the first-hand accounts of his victims. Investigative failures by law enforcement at the state and federal levels allowed the abuse of girls by Nassar to continue unchecked, resulting in hundreds of young girls being abused. The multiple procedural failures included: improper forensic interviewing; conflicts over jurisdiction; no follow-up; blocking of investigations; acceptance of Nassar’s self-justifying denials; using people for investigation and expertise with clear biases and conflicts of interest (some under investigation themselves); failure to follow their own procedures (such as appropriate forensic interviewing); not seeking corroborative information; “passing the buck” among organizations, departments, and jurisdictions (“it’s someone else’s job”), and misreporting evidence in reports.*

Introduction

Over the years that Nassar abused hundreds of girls, law enforcement agencies and other legal institutions had ample notice and opportunity to investigate and stop the abuse, but they failed to do so. Due to the inaction of these institutions, hundreds more girls were abused by Nassar. The following section examines the failings in the law enforcement of **Michigan State University (MSU)**, Ingham County (Michigan) Police, the office of The Michigan State Attorney General’s Office, Eaton County (Michigan) Police, the Texas Rangers, the Federal Bureau of Investigation, and the U.S. Department of Justice. The Commissioners made recommendations based on this history.



Figure 9: Entities with Institutional Failures in Investigating Complaints of Larry Nassar’s Abuse



Even after law enforcement officials received direct reports of Nassar’s abuse, and MSU conducted a full-scale Title IX investigation, no action was taken. Nassar’s reputation and medical justifications for his criminal behavior were credited over the first-hand accounts of his victims. Beyond leadership deficiencies and failures of oversight, the individuals at the top engaged in callous efforts to protect their institutional interests, concealing the true dangers presented by Nassar and sacrificing the safety of countless young girls and women.

It was only after the IndyStar published an investigative report on August 4, 2016,⁵⁹ and numerous additional victims came forward with allegations of abuse against Nassar, that serious investigation by the MSU police department was undertaken.⁶⁰ The police found child pornography in Nassar’s possession — 30 years and more than 500 victims later. As one of Nassar’s victims stated, “It took 37,000 pornographic images for people to believe,” despite an avalanche of girls and women reporting his abuse.

A. OVERVIEW OF INVESTIGATIVE FAILURES INTO COMPLAINTS AGAINST NASSAR IN VARIOUS JURISDICTIONS

See **Figure 9** for an overview of the entities with institutional failures in investigating complaints of Nassar’s Abuse

1. The Meridian Township and Michigan Police Investigation of the First Known Report

On September 17, 2004, Brianne Randall-Gay, a high school soccer and tennis player, went to Meridian Township police after her second visit with Larry Nassar for back pain due to scoliosis.⁶¹ She reported that during the first visit, her mom and a medical student were present, and it was a routine appointment. She then reported that, during the second visit, she went to the appointment alone and no one else was in the room with her during the exam. Randall-Gay reported that, at this appointment, Nassar tried to penetrate her vagina, massaged her back and crotch, including the outer area of her vagina, for about 20 minutes, and then rubbed and squeezed her breasts. She was 17 years-old.

Despite the seriousness of Randall-Gay’s complaint, police closed the case three weeks later on October 1,

2004.⁶² In 2018, when the extent of Nassar's crimes was revealed, however, Randall-Gay requested the township conduct an investigation into what happened with her case.⁶³

The final investigative report, prepared by private investigator Kenneth Ouellette, was published in March 2019 and is 88 pages in length.⁶⁴ Randall-Gay chose Ouellette, a former East Lansing police lieutenant, to conduct the investigation. The report focused only on the complaint filed by Randall-Gay in 2004. Ouellette concluded that one individual, Sgt. McCready, then a detective, concluded that Nassar had performed a legitimate medical procedure, after Nassar showed him a 26-page PowerPoint presentation about his "technique."⁶⁵ The investigation revealed that McCready did not consult his supervisor or anyone else in the department as to whether the procedure could have been, in fact, legitimate, or whether there were any other options to proceed with the investigation. Instead, McCready simply believed Nassar that the procedure was legitimate, trivialized her concerns, and concluded there could be no crime.

McCready also said that he did not seek a medical expert to review Nassar's technique.⁶⁶ The report states that McCready's excuse for not speaking to an expert is because Meridian Township purportedly did not have the money to do so. He further stated that it was not the responsibility of the police department to "obtain expert witnesses," and said that it was the reseponsibility

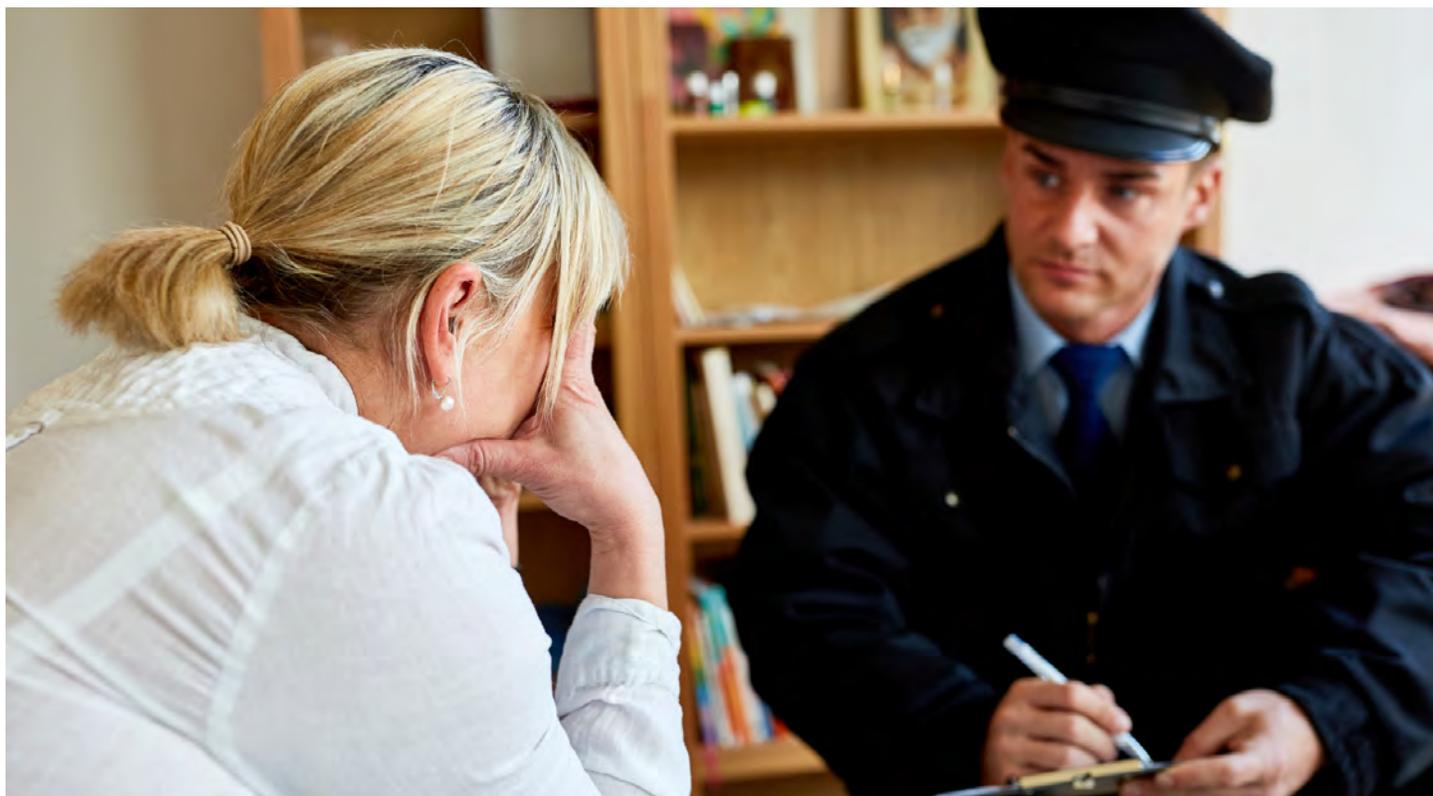
of the prosecutor's office to do so if deemed necessary for court.

Randall-Gay responded to the report in a written statement, in which she said that, since McCready was a new detective, his supervisor should have reviewed his cases and stepped in if basic investigative work was not taking place.⁶⁷ She also faulted Township Police for not forwarding the case to the prosecutor's office, which would have been a standard practice in such cases.

2. The Michigan State University and Ingham County (Michigan) Police Investigations of Larry Nassar

In 1993, Nassar graduated with his osteopathic medical degree from MSU.⁶⁸ In 1997, Nassar completed a primary care sports medicine fellowship and then became an assistant professor at MSU.⁶⁹ Reports of his misconduct began almost immediately.

In Nassar's first year at MSU, Larissa Boyce, then 16, and another gymnast, aged 14, reported Larry Nassar's sexual abuse to MSU's head gymnastics coach, Kathie Klages.⁷⁰ Klages warned Larissa about the negative consequences of making a report at MSU. Larissa backed down, thinking she was the problem, and Nassar continued to abuse her for the next four years. In the same year, a parent of a gymnast raised sexual abuse con-



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cerns about Nassar with John Geddert, who coached the 2012 US Olympics Gymnastic team, but Geddert did not notify police, according to a lawsuit filed in 2017.

In 1998, a student–athlete at MSU reported concerns about Nassar’s behavior to trainers or coaches, but the university “failed to take any action,” a lawsuit later claimed.⁷¹ Again, in 2000, a student–athlete at MSU reported concerns regarding Nassar to trainers or coaches, but the university “failed to take any action,” according to a lawsuit filed in 2017.

In April 2014, Amanda Thomashow, who was a MSU graduate student, reported Nassar to MSU police for sexually assaulting her during a medical examination.⁷² This report triggered a Title IX inquiry, led by Kristine Moore, an attorney for MSU.⁷³ In Thomashow’s account, she alleged that Nassar had massaged her breasts and vagina, without wearing gloves, and was “extremely close” to digitally penetrating her vagina before “she told him to stop and that he was hurting her.”⁷⁴ MSU investigated and cleared Nassar of any wrongdoing three months later.⁷⁵

Moore conducted her investigation and cleared Nassar, finding that he did not violate any sexual misconduct policies.⁷⁶ In rendering her determination, she relied on four medical expert opinions, all of whom worked for MSU and all of whom had close connections to Nassar.⁷⁷ Two of the experts were found to have been among 11 employees that had been told about Nassar’s sexual abuse in the past and had not reported the information to law enforcement. One expert, Dr. Brooke Lemmen, was recommended to Moore by Nassar himself; Dr. Lemmen even disclosed to Moore that she was “very good” friends with Nassar. Prior to Moore’s interview of Thomashow, Nassar had given Lemmen information on his sham medical procedure and explained how he had previously done the treatment without any complaints.

Thomashow received a report from MSU, authored in part by Kristine Moore, that failed to contain the complete conclusions from the MSU internal investigation.⁷⁸ The report she received indicated no sexual intent in Nassar’s “physical therapy.” However, in the full report given to Nassar and his boss, Dean William Strampel, safeguards were to be put in place when Nassar engaged in his “innovative” medical procedures.

After interviewing Thomashow, MSU police submitted a warrant request to the Ingham County’s prosecutor of office, and Steve Kwasnik, a lawyer in the crimes against children unit, was assigned to the case.⁷⁹ Kwasnik de-

clined to prosecute the case because he “determined that [his office] would not be able to sustain [its] burden at trial,” meaning he did not think he would be able to meet “beyond a reasonable doubt” standard to convict Nassar. MSU police claimed that on three separate occasions, they requested Ingham County’s prosecutor’s office to bring criminal sexual conduct charges against Nassar in response to Thomashow’s report. Each time, their request was denied.

On August 29, 2016, former gymnast Rachael Denholander filed a criminal complaint against Nassar with MSU Police, alleging that in 2000, at age 15, she was sexually abused by Nassar in front of her mother during treatments for lower back pain from a gymnastics injury.⁸⁰ On August 30, 2016, MSU fired Nassar from clinical and patient duties and on September 20, 2016, MSU fired Nassar from his position as an associate professor.⁸¹ Not long after, on October 4, 2016, MSU Police Chief Jim Dunlap met with then interim Ingham County Prosecutor Gretchen Whitmer to discuss prosecuting Nassar.⁸² Dunlap took the case to Michigan Attorney General Bill Schuette and to the US Attorneys because of jurisdictional issues.⁸³

On October 6, 2016, about three weeks after the IndyStar’s first report on Nassar, MSU police and the Michigan Attorney General opened their official investigation into Nassar.⁸⁴ Nassar was finally charged on November 21, 2016 with three felony counts of first-degree criminal sexual conduct against a child.⁸⁵ The charges were brought by AG Schuette, and prompted by the initial MSU police complaint.

On January 18, 2018, a Detroit News investigation determined that at least 14 MSU representatives in the two decades before his arrest had received reports of Nassar’s sexual misconduct, with at least eight women reporting his abusive actions.⁸⁶

3. The Michigan Office of the Attorney General Investigation of Larry Nassar

On January 26, 2018, the office of the Michigan Attorney General launched an investigation into MSU and its handling of sexual abuse allegations against Nassar.⁸⁷ The investigation was intended to examine how Nassar was able to abuse over 150 female patients, and how and when the university was aware of his actions. The investigation led to multiple charges against Nassar and resulted in charges against three former school officials, including then MSU President Lou Anna K. Si-

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

mon, William Strampel, Dean of the College of Osteopathic Medicine at MSU, and MSU gymnastics coach Kathie Klages.⁸⁸

Dr. Simon was charged with two felonies and two misdemeanor counts for lying to the police about her knowledge of sexual abuse committed by Nassar; however, an Eaton County judge dismissed the charges against Simon in 2020.⁸⁹ The Attorney General's office is currently appealing that decision. Klages was convicted in February 2020 of two counts of lying to a police officer and was sentenced to 90 days in jail. Her appeal is currently pending in the Michigan Court of Appeals. For his role in the cover-up, Strampel, who was Nassar's supervisor, was convicted of willful neglect of duty for failing to properly oversee Nassar and was sentenced to one year in prison, which he has not appealed.⁹⁰

MSU ultimately thwarted the investigation by the Michigan Attorney General's Office. In March 2021, the Attorney General's Office and 47 Michigan State House and Senate members requested approximately 6,000 documents, but MSU refused, claiming attorney-client privilege.⁹¹ The AG was forced to close the investigation without resolving all issues, leaving the victims and the MSU community in the dark.⁹²

4. The Eaton County Sheriff's Investigation of Twistars USA Gymnastics Club

In addition to his work at MSU, Nassar also treated young gymnasts at Twistars Gym in Lansing, Michigan, which was owned and operated by Olympic coach John Geddert. Many of the victims that have spoken out about their abuse have stated that they were abused by Nassar in a back room at Twistars, and at least three of Nassar's ten sexual assault convictions are related to abuse that occurred while Nassar was treating athletes there.⁹³

While Nassar was sexually abusing gymnasts in the back of Twistars Gym, Geddert was subjecting young athletes to verbal, emotional, and physical abuse. Former gymnasts have stated that it was Geddert's abuse that often led them to seek emotional comfort from Nassar.⁹⁴

Nassar and Geddert were longtime friends who worked together for nearly two decades, often defending one another from complaints of misconduct. As early as 1997, Geddert received reports of Nassar's abuse and failed to take any action.⁹⁵ Even after USAG and MSU

fired Nassar for sexual misconduct, Geddert continued to privately and publicly support him. During his tenure with Twistars, Nassar protected Geddert as well—often discouraging the parents of gymnasts from reporting Geddert's abusive behavior to law enforcement.⁹⁶

In 2013, USAG commissioned an internal investigation into complaints of verbal and physical abuse by Geddert.⁹⁷ While the findings of that investigation corroborated the allegations of abuse, Geddert was still permitted to continue coaching for four years before finally being suspended by USAG in 2018.

Shortly after Nassar was sentenced to prison, the Michigan State Police and Eaton County Sheriff's Department announced it was launching a criminal investigation into complaints against Geddert.⁹⁸ A year later, in January 2020, the Attorney General's office, with the assistance of Michigan State Police and the Grand Ledge Police Department, executed search warrants at Twistars Gym and at Geddert's Eaton County home. Geddert was ultimately charged with fourteen counts of human trafficking, including: forced labor resulting in injury; six counts of human trafficking of a minor for forced labor; and one count each of continuing criminal enterprise, first-degree criminal sexual conduct, second-degree criminal sexual conduct and lying to a peace officer during a violent crime investigation. The latter was the only charge against Geddert linked to the Nassar investigation.⁹⁹ That incident stemmed from Geddert knowingly giving false information to an MSU police officer regarding Nassar. Geddert took his own life after news of the criminal charges were made public.¹⁰⁰

5. The Texas Rangers Investigation of the Karolyi Ranch

Bela and Marta Karolyi were the former USAG national team coordinators and owners of the Karolyi Ranch.

In November 2016, two months after the IndyStar investigative report was released and six months after the FBI opened an investigation into Nassar, the Texas Rangers, the state's top criminal investigative unit, attempted to access the Karolyi Ranch, the U.S. Olympic training facility where Nassar treated athletes. They were briefly turned away while they obtained a search warrant.¹⁰¹ In the hours-long period before they returned, USAG's then CEO, Steve Penny, called the ranch and ordered an employee to collect and remove medical documentation and transport it to USAG headquarters in Indianapolis, where Penny himself awaited its receipt. Penny's ac-

tions occurred amid mounting pressure from the IndyStar investigation, which had revealed that Penny and his predecessors failed to contact police or child protection officials after receiving complaints of Nassar's abuse.

The incident led to congressional questions, and nearly one week after Nassar was sentenced to prison, the Walker County Sheriff's Office announced an investigation into misconduct at the Karolyi Ranch.¹⁰²

The Rangers' investigation led to six additional charges against Nassar for second-degree sexual assault of a child.¹⁰³ One additional charge was also brought against former trainer Debbie Van Horn, who worked alongside Nassar, for the same reason. That charge was later dismissed.¹⁰⁴

The Karolyi's were charged with failure to report child sexual abuse, but the statutes of limitations had expired. Regardless, they have been sued by a number of gymnasts who say that they fostered a culture of fear and intimidation that enabled Nassar's abuse to continue.¹⁰⁵

USAG CEO Penny was also apprehended in October 2018 by the United States Marshals Smoky Mountain Fugitive Task Force after a grand jury in Walker County, Texas indicted him for tampering with evidence related to the removal of documents from the Karolyi Ranch.¹⁰⁶ The allegations against Penny, which are still pending, highlight the ways in which those at the very top of USAG were involved in covering up Nassar's criminal behaviors.¹⁰⁷

6. The FBI Investigation of Larry Nassar

The Federal Bureau of Investigation is tasked with "provid[ing] a rapid, proactive, and comprehensive ability to counter all threats of abuse and exploitation to children."¹⁰⁸

On July 27, 2015, Stephen D. Penny, then President and Chief Executive Officer of USAG, notified FBI agents at the Indianapolis office about the allegations of sexual misconduct against Nassar and requested a meeting with agents for the following day. On July 28, 2015, the FBI was briefed by Penny, the Vice-Chair of USAG's

Board, and legal counsel to USAG.¹⁰⁹

In that meeting, Penny provided the agents with the PowerPoints and videos that Nassar had previously shared with USAG, a memo that USAG had prepared laying out a timeline of events, and contact information for the three victims who had come forward with allegations of abuse against Nassar.¹¹⁰ Officials in the Indianapolis office failed to conduct interviews with the three victims referred to them before transferring the case to the FBI's Detroit office, which they thought would be the appropriate office to handle the investigation moving forward. There is also no evidence to suggest that agents at the Detroit office interviewed any witnesses or investigated allegations during the period from September 2015 through April 2016.

Meanwhile, Penny maintained contact with officials in multiple jurisdictions, often asking agents for advice in managing Nassar and the media. In at least one instance he asked for favors in how the FBI presented and handled the case, including asking agents to withhold information from potential victims.¹¹¹

After Penny notified agents in early September 2015 that Nassar would be retiring from USAG, from then there were no discussions between USAG and the FBI regarding steps to ensure the safety of athletes during the pendency of the investigation.¹¹² Nassar thus

remained employed by MSU and continued to have access to girls at Twistars Gym and Holt High School for 420 days after the FBI first received credible allegations of abuse by Nassar.¹¹³

The FBI did not open a full investigation until May 2016 when USAG contacted agents at the Los Angeles office to re-report athlete concerns regarding Nassar's treatments. No public action was taken for four months until the *IndyStar* published its investigative report on September 12, 2016.¹¹⁴

At no time during the nearly fifteen-month period from July 28, 2015, when USAG officials first contacted FBI agents at the Indianapolis office about Nassar's abuse of young athletes and September 12, 2016, when the *IndyStar* published an article detailing the allegations of sexual assault did the FBI initiate a substantive crimi-

nal investigation into the credible reports of abuse by Larry Nassar.¹¹⁵ While the FBI sat idle, Nassar abused at least 70 additional young athletes—though the number of victims during this period is likely higher.¹¹⁶ FBI under scrutiny for its role in Larry Nassar investigation. MLive. https://gameover.childusa.org/wp-content/uploads/FBI-under-scrutiny-for-its-role-in-Larry-Nassar-investigation-mlive.com_.pdf). Ultimately, the IndyStar article triggered a series of investigations and arrests leading to Nassar’s ultimate conviction and imprisonment on federal child pornography and Michigan state sex crimes.¹¹⁷

Despite being aware of Nassar’s alleged criminal conduct for over a year, the FBI only initiated a formal criminal investigation through its Lansing Residence Agency on October 5, 2016, and only after learning of Nassar’s possession of child pornography once MSUPD executed a search warrant at Nassar’s residence as part of its investigation.¹¹⁸ A survivor succinctly stated, “It took 37,000 pornographic images for people to believe,” despite an avalanche of women reporting his abuse.¹¹⁹ This is a searing indictment applicable to the FBI itself. Instead of taking swift action to protect the girls and women coming forward to report Nassar’s conduct, the FBI only chose to meaningfully involve itself once a clear-cut, slam-dunk child pornography case was presented on its doorstep through the investigative footwork of another law enforcement agency.

The FBI’s excuses for this inaction were myriad, and each was an attempt to shift blame away from the agency itself. First, the FBI claimed it could not act to stop Nassar because agents could not ascertain the true nature of the allegations due to difficulty interviewing the complaining victims.¹²⁰ They also claimed the evidence provided by USAG regarding Nassar’s purported “treatments” was “innocuous” and “underwhelming.”¹²¹ Notably, however, the victims were not contacted for interviews by the FBI directly — they were only contacted by USAG official Steve Penny, who took on the role of coordinating and scheduling the FBI interviews himself.¹²² Any scheduling challenges that the parties encountered could have been mitigated by using a Children’s Advocacy Center (CAC) — an independent, trauma-informed organization that coordinates a multidisciplinary, community-based response to child abuse allegations — to conduct victim interviews.¹²³ Second, the FBI played jurisdictional hot potato by shifting responsibility for the investigation to local law enforcement and various FBI field offices without proper referral or follow-up as is required by their roles as mandatory reporters.¹²⁴ Recently, FBI Director Christopher Wray similarly attempt-

ed to shift the blame for the mishandling of the Nassar case onto individual agents, whose behavior he asserts fell far below agency standards and therefore was not representative of the Bureau as a whole.¹²⁵ This sentiment may be true, but it does not address the fact that the procedural failures of the FBI as a whole ultimately acted as a force-multiplier, compounding the effects of these individual agents’ actions.

The FBI’s failures with respect to the Nassar investigation are well documented in the reports by the OIG and Senators Moran and Blumenthal, but there are three areas of inaction that are particularly instructive and thus worth highlighting. First, the FBI ignored protocol that required agents to quickly and effectively interview the three gymnasts who originally reported Nassar’s abuse to USAG in July 2015, including Maggie Nichols, who was a juvenile at the time the FBI became aware of the allegations.¹²⁶ Second, the FBI failed to utilize a multidisciplinary approach to assess the legitimacy of Nassar’s “medical treatments,” losing a critical opportunity to identify his criminal actions as such early on in the investigation. Finally, the FBI failed to establish proper jurisdiction and/or to delegate responsibility to the appropriate law enforcement agency so that they could promptly investigate the allegations.¹²⁷

Despite holding itself out as the premier law enforcement agency in the United States, the FBI failed to take swift and decisive action upon first being notified of Nassar’s behavior in July of 2015 and allowed the allegations to percolate and languish in investigatory purgatory while at least 70 athletes were subsequently sexually abused by Nassar. Sadly, it took the Indianapolis Star report and the discovery of 37,000 pornographic images of children in late 2016 to firmly establish that Nassar was abusing children for his own sexual gratification under a veil of medical jargon and charisma that seemingly also managed to fool the nation’s top law enforcement agency.

a. The FBI’s Failure to Interview Victims Promptly and Appropriately

Crimes against children, especially when sexual in nature, are both insidious and notoriously difficult to investigate. A child’s initial disclosure and interview is the most important step in an investigation. These crimes are most often committed in silence, with only two people in the room — the child and perpetrator. Adult perpetrators rely on the inherent naiveté of a trusting child, particularly if that adult holds a position of authority rel-

b. The FBI's Attempts to Interview Gymnast Victims

ative to the child. Because these crimes frequently happen outside the presence of an objective third party, the child has no external frame of reference to readily identify the perpetrator's behavior as criminal. These crimes often leave little to no physical evidence and proving that a crime was even committed often boils down to relying primarily on a child's statements.¹²⁸ Use of a trauma informed forensic interview model to obtain an accurate and complete disclosure of a child victim's statement is critical to successfully stopping sexual predators.

The FBI failed to deploy well-established law enforcement forensic interviewing protocol to stop Nassar, and missed the first opportunity to assess the true extent of Nassar's crimes. Conveniently, Nassar abused young athletes in the course of providing medical "treatment," so the fact that he was alone in a room with his victims comes as no surprise, nor does the fact that his victims did not immediately register his "treatments" as abuse. Though he did on occasion abuse athletes while their parents were present observing his "treatments," he was careful to obfuscate the sexual nature of his actions by relying on the inherent trust patients have in their doctors – fooling both the athletes and their unwitting parents. When Nassar's victims eventually did disclose their abuse to USAG officials, who in turn told the FBI, they were met with incompetence at every turn. The FBI agents tasked with questioning these young victims about the trauma they endured not only failed to gather vital evidence of Nassar's abuse, but also further compounded the trauma already experienced by these young athletes.

The FBI first became aware of Nassar's sexual assault of athletes on July 28, 2015, during a meeting at the FBI's Indianapolis Field Office with Stephen D. Penny, then President and Chief Executive Officer of USAG.¹²⁹ Penny told the FBI that USAG had conducted its own internal investigation into reports made by three gymnasts (Gymnasts 1, 2, and 3), all of whom alleged Nassar sexually assaulted them under the guise of medical treatments.¹³⁰ While all three were minors at the time of the alleged assaults,¹³¹ Gymnast 2, later identified as Maggie Nichols,¹³² was still a minor at the time Penny reported Nassar's behavior to the FBI.¹³³

Upon receiving this report from Penny, the **Special Agent in Charge (SAC)** of the Indianapolis Field Office, W. Jay Abbott, attempted to coordinate the interviews of the three gymnasts.¹³⁴ The FBI relied on Penny to schedule the interviews, using him as a liaison for coordinating interview locations and communicating with the athletes and their parents.¹³⁵ The first interview was not conducted until September 2, 2015, when the FBI interviewed McKayla Maroney (Gymnast 1) via telephone over a month after receiving the initial report from USAG.¹³⁶ Maggie Nichols (Gymnast 2) and Aly Raisman (Gymnast 3) were never contacted by anyone from the Indianapolis Field Office and were not interviewed until nearly a year after the July 2015 meeting with the FBI.¹³⁷

The FBI asserted that attempts to interview the three



gymnasts were hampered by Penny's lack of cooperation, claiming that in-person interviews could not be conducted because Penny scheduled and re-scheduled the planned interviews based on the reticence of the gymnasts to travel for interviews and because of their "comfort level."¹³⁸ Many of these excuses were outright fabrications; for example, the FBI claimed that Raisman cancelled her interview, but Nichols and Raisman confirmed that neither of them was ever even contacted by the FBI's Indianapolis Field Office to schedule an interview in the first place. In fact, Raisman specifically, and repeatedly, requested that the FBI contact her.¹³⁹ The FBI initially claimed that the in-person interview scheduled with Maroney had to be changed to a telephonic interview because of her "travel complications."¹⁴⁰ However, in reality, the FBI decided to conduct a telephonic interview of Maroney because they viewed it as a "complaint intake interview," not a "forensic interview" looking for a "disclosure."

c. The FBI's Failure to Use Best Practices to Interview Nassar Victims

"I remember sitting on my bedroom floor for over three hours, as I told them what happened to me. I hadn't even told my own mother about these facts, but I thought that as uncomfortable and as hard as it was to tell my story, I was going to make a difference in protecting others from the same abuse. I answered all of their questions honestly and clearly and I disclosed all of my molestations I had endured by Nassar to them in great deal.... I began crying at the memory over the phone, and there was just dead silence.

I was shocked at the agent's silence and disregard for my trauma, and after a minute he asked 'is that all?'"

-McKayla Maroney's statement to the Senate Judiciary Committee

During her testimony before the Senate Judiciary Committee, McKayla Maroney conveyed the devastating impact of a mishandled child victim interview. She described that "[the words 'is that all?' were] one of the worst moments of this entire process for me,"¹⁴¹ because they amounted to "hav[ing] my abuse be minimized and disregarded by the people who were supposed to protect me." In the course of the Office of the Inspector General's Investigation, the Indianapolis Supervisory Special Agent admitted that telephonic interviews of juvenile victims are rare, and that a Child/Adolescent Forensic Interviewer (CAFI) is usually present – for good

reason.¹⁴² The trauma Maroney suffered from Nassar's abuse was compounded by the FBI's inexcusable failure to adhere to well-established trauma-informed forensic interviewing protocol.

i. Details of the FBI's 2015 Memorandum of Understanding with the National Children's Alliance

On March 11, 2015, just four months before the FBI was notified by USAG of Nassar's abuse, the FBI signed a Memorandum of Understanding (MOU) with the National Children's Alliance, recommending, but not mandating, use of Children's Advocacy Centers (CACs) to conduct forensic investigative interviews of children aged 0-18.¹⁴³ This was driven in part by the Attorney General's guidelines stating that "wherever possible, interviews of child victims and witnesses should be conducted by personnel properly trained in the techniques designed to best elicit truthful information from a child while minimizing additional trauma to the child."¹⁴⁴ This MOU ensures that the FBI has access to facilities designed to accommodate forensic interviews as well as access to trained forensic interviewers in the event the FBI's own CAFIs are unable to conduct their own interviews.¹⁴⁵ Children's Advocacy Centers are community-based, child-focused centers that provide access to multidisciplinary resources for children and families affected by child abuse, including resources such as child protective services, law enforcement, prosecution, medical treatment, mental health, and victim advocacy. They function as an interagency coordinated response center and house a multidisciplinary team (MDT) comprised of representative professionals from across allied disciplines, all of whom function to provide a coordinated response to child abuse allegations.¹⁴⁶ The FBI's MOU effectively created a nationwide network of CACs,¹⁴⁷ ensuring that children or adolescents under age 18 could access the services of a CAC regardless of geographic location – including the ability to be interviewed in person by an FBI CAFI or other trained forensic interviewer without having to travel a great distance. Although the MOU created a nationwide network of CACs, it took at least a year for all of the individual CACs to sign onto the MOU, and about the same amount of time for the FBI to train its agents in the existence and scope of the agreement. The CACs nearest to the victims may not yet have been signatories to the MOU at the time of the reports, but the MOU's existence should nonetheless have prompted the FBI to seek trauma-informed solutions for interviewing the victims.

Chief among the goals of any CAC forensic interviewing program is to minimize the continued trauma to the child in the aftermath of abuse while simultaneously eliciting a detailed and thorough statement of facts surrounding the allegation of abuse.¹⁴⁸ In doing so, the forensic interviewer will gather information necessary not only for the immediate protection of the child and prosecution of any crimes that may have been committed, but will also determine whether any medical treatment, counseling, or other services may be necessary to help the child heal. These interviews are conducted in a neutral, child-friendly setting at the CAC, and are often recorded to minimize the need for the child to retell his or her story repeatedly to various members of the multidisciplinary team that may be assigned to the child's case.¹⁴⁹ Interviewers are specifically trained to conduct interviews in a non-leading and developmentally appropriate manner to further minimize trauma to the child.¹⁵⁰

Best practices also dictate that a forensic interview should be scheduled as soon after the initial disclosure of abuse as possible, keeping in mind consideration of the child's physical and mental well-being as well as the potential impact of delays on the child's ability to recall events.¹⁵¹

ii. The FBI Failed to Utilize its 2015 Memorandum of Understanding

The unfunded MOU between the FBI and the National Children's Alliance outlines the FBI's intent to adhere to many of the established best practices guiding every Children's Advocacy Center – many of which the FBI ignored in the course of the Nassar investigation. This, in part, was because individual CACs were still signing onto the MOU when Nassar's victims began to report their abuse and in part because federal agents were still being trained on the MOU's existence. Among the enumerated "responsibilities" the FBI agreed to follow are:

- Collaborating with NCA members to develop evidence-based forensic interviews and to provide follow up support services;
- Triaging all FBI victim cases by FBI CAFIs, Agents and/or Task Force Officers (TFOs) to identify the best interviewer, location, and time for a forensic interview of a particular case;
- Following the FBI interviewing protocol, includ-

ing recording interviews;

- Only having interviews conducted by FBI Special Agents or Task Force Officers who have completed an FBI forensic interviewing class or a nationally recognized training;
- Utilizing a FBI victim witness specialist to work with CAC staff to make sure services are provided for the family as needed.¹⁵²

The FBI did not adhere to the recommendations set forth in its own MOU when responding to the Nassar victims who were juveniles at the time the FBI became aware of the allegations, like Maggie Nichols. This was likely because the FBI needed to train every federal agent on the existence and scope of the MOU after it was signed, which took multiple months. It also took about a year for all the CACs who joined the MOU to sign on, so it is difficult to tell whether the CACs nearest to juvenile vic-

tims like Maggie Nichols would have been available for the FBI's use had they been fully trained. Had the FBI been more quickly trained, and the MOU entered into earlier, the FBI could have quickly ascertained the extent of Nassar's crimes and potentially prevented him from abusing seventy additional athletes, not to mention reducing the continued trauma inflicted on the three gymnasts who originally reported Nassar's abuse.

While the FBI maintains no formal policy regarding telephonic

interviews of adults who were victims of sexual abuse as children,¹⁵³ and as such was not strictly bound by the policies and procedures governing treatment of juvenile victims when investigating allegations made by McKayla Maroney and Aly Raisman, no such excuse for its lack of compliance is available with respect to Maggie Nichols. Maggie Nichols, Gymnast 2, was 17 at the time her abuse was reported to the FBI by USAG, and as such, the response to her allegations clearly falls within the parameters of the FBI's child abuse response protocol. Nevertheless, Nichols was not interviewed for nearly a year after the FBI's July 2015 meeting with USAG.¹⁵⁴

Despite being over the age of 18 at the time the FBI became aware of McKayla Maroney's allegations against Nassar, Maroney also should have been interviewed in person by a trained forensic interviewer due to the nature of Nassar's abuse, Maroney's relative youth, logis-

tics, and the high profile of the case.¹⁵⁵ Instead, Maroney was interviewed via phone by an agent who lacked the necessary training and compassion to properly conduct such an interview.

One of the agents who interviewed her guessed that Maroney was uncomfortable talking about the allegations over the phone due to the sensitivity of the topic and the fact that she was talking to two strangers.¹⁵⁶ Not only was Maroney not interviewed face to face in a safe, comfortable, and neutral location, her interview was not even documented accurately in writing, much less by video recording as is recommended best practice. While the agent may have seen this as a simple “complaint intake interview to determine whether there was a federal violation,”¹⁵⁷ the reality is that in order to make that determination, the agent had to ask Maroney very probing and personal questions better suited to a forensic interview setting.

The FBI’s excuse for this telephonic interview, namely, scheduling difficulties and the reticence of Maroney to travel to be interviewed,¹⁵⁸ ring similarly hollow. In 2015 Maroney resided in California, and FBI agents originally contemplated interviewing her near her home in Southern California.¹⁵⁹ USAG eventually arranged to fly Maroney to Indianapolis for an interview at the FBI’s field office however the day before the interview was scheduled, the FBI changed the interview to be conducted telephonically.¹⁶⁰ The FBI claimed this was in the interest of preventing Maroney from having to travel unnecessarily and because the case would soon be transferred to the Detroit office of the FBI because Detroit would have “prosecutorial venue” and ultimate ownership of the case.

Adding insult to injury, the Indianapolis Supervisory Special Agent then used Maroney’s telephone interview as an excuse for failing to follow through on investigating the Nassar allegations, claiming that because Maroney did not disclose “significant sexual abuse” during her interview, a forensic interview and follow up was not necessary.¹⁶¹ This excuse ignores the fact that Maroney would have felt more comfortable disclosing this personal information in a forensic interview setting with a CAFI near her residence. Given the nature of the allegations, the FBI should have made efforts to conduct in-person interviews, preferably through qualified CACs where possible.

iii. The FBI Failed to Properly Investigate Allegations of Abuse by Nassar in the Context of Medical Treatment

In July 2015, USAG provided the FBI with a thumb drive containing PowerPoint slides and videos created by Nassar and given to USAG to establish the legitimacy of his purported medical “treatments.”¹⁶² These videos showed Nassar placing his ungloved hands under a towel covering the groin and buttocks of the athletes as they lay face down on tables.¹⁶³ One of the PowerPoint presentations regarding his pelvic adjustment methodology contained an opening caption stating “To Boldly Go Where No Man Has Gone Before (in most of our young gymnasts – hopefully).” In other presentations, he referred to the female anatomy as “Houtchie,” “Koutchie,” “WhoHaa,” and other terminology not consistent with medical treatment. The Indianapolis Supervisory Special Agent described these files as “innocuous” and “underwhelming.”¹⁶⁴ But Nassar presented a convincing front in other ways – using models and textbooks to legitimize the procedures and relying on the naiveté of the young athletes who were unlikely to question the medical judgment of a physician.

Indeed, law enforcement officers are not medical professionals, nor should they be expected to act as such, so the fact that the FBI initially believed Nassar’s explanations is not in itself surprising. However, the FBI had a duty to not simply take Nassar’s explanation at face value, and to consult with other medical experts who were not being accused of misconduct. If they had, they would have found that Nassar’s practice of conducting osteopathic adjustments through vaginal penetration was not legitimate medical practice.¹⁶⁵ In cases such as Nassar’s, consulting with experts from other disciplines is critical to prosecuting and preventing child abuse.

In September 2015, upon determining that the Indianapolis FBI Field Office did not have jurisdiction to charge Nassar, the matter was referred to the Detroit, Michigan field office to determine whether the Eastern District of Michigan would be a proper venue for investigation.¹⁶⁶ In the course of reviewing the materials, the Detroit Supervisory Special Agent observed that the “training video” of Nassar’s purported medical technique “muddied the waters pertaining to this particular matter, because [Nassar] was very vocal about his procedure and how effective it was.”¹⁶⁷ He claimed that nothing in the presentations “stood out” as concerning, but admitted to only giving the materials a “ cursory look.”

In addition to the thumb drive, Nassar provided a robust

Figure 10: Six FBI Entities Were Aware of the Allegations Against Nassar, and Each Failed to Take Meaningful Action to Stop Him



set of justifications to the FBI for his treatment methodology. He explained that the procedure was “intended to alleviate pain caused by a strained nerve,” and that touching in “sensitive areas” was necessary to address back problems and “stress urinary incontinence,” focusing particularly on the sacrotuberous ligament to establish the need for vaginal or rectal penetration.¹⁶⁸

The FBI reported that they felt the information was “odd,” but questioned whether there had been a federal crime or whether Penny was simply conducting a “dump and run” by giving just enough information to satisfy his reporting duties without actually giving the FBI enough information to conduct an investigation.¹⁶⁹

Either way, the FBI appeared unconvinced a serious crime had taken place, as judged by their assessment of the thumb drive contents as “underwhelming,” and their lackadaisical response to the USAG report and the information about the medical “procedure” gleaned from their interview with McKayla Maroney in September 2015.

iv. Six FBI Entities Were Aware of the Allegations Against Nassar, and Each Failed to Take Meaningful Action to Stop Him

FBI agencies routinely collaborate on multi-jurisdictional investigations in order to efficiently gather information and protect victims from multiple interviews. However, the FBI failed to share all of its evidence and to collaborate across jurisdictions in this multi-victim, multijurisdictional case. After meeting with USAG officials, the FBI conducted its cursory and traumatizing phone interview of Gymnast 1, McKayla Maroney,¹⁷⁰ which confirmed their conclusion that the Indianapolis Field Office did not have jurisdiction to investigate the allegations because none of the potentially criminal activity occurred in the Southern District of Indiana.

In September 2015, the Southern District of Indiana Assistant United States Attorney (AUSA) recommended transferring the matter to the Lansing Resident Agency in Michigan and made a call to an AUSA in the Eastern District of Michigan. The Eastern District of Michigan AUSA was known for being a “subject matter expert” in crimes against children and requested that the Southern District of Indiana AUSA have the Indianapolis Field Office forward “whatever information” about the Nassar allegations to both the Eastern District of Michigan AUSA’s office and a Supervisory Special Agent (SSA) in the FBI’s Detroit Field Office. Eventually, but not immediate-

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ly, the Detroit Field Office's SSA and Eastern District of Michigan AUSA determined there was no venue in the Eastern District of Michigan, and that instead the Western District of Michigan would be the appropriate venue since Nassar practiced out of Lansing.¹⁷¹

Both the Southern District of Indiana AUSA and the Detroit SSA instructed the Indianapolis SSA to transfer the Nassar materials to the FBI's Lansing Resident agency for further investigation.¹⁷² The Indianapolis SSA never did so.

The FBI's Violent Crimes Against Children Unit (VCACU) was also made aware of the Nassar allegations in 2015, but failed to ensure that the FBI conducted a thorough investigation.¹⁷³ This Unit is located at FBI headquarters, and is tasked with the mission to "provide a rapid, proactive, and comprehensive ability to counter all threats of abuse and exploitation to children when those crimes fall under the authority of the FBI; identify, locate and recover child victims; and strengthen relationships between the FBI and federal, state, local, tribal, and international law enforcement partners to identify, prioritize, investigate, and deter individuals and criminal networks exploiting children."¹⁷⁴

The Indianapolis SSA was the supervisor of the Indianapolis Field Office VCACU Squad, and claimed he notified the VCACU about the Nassar allegations and his intent to transfer the investigation to the Detroit Field Office in August 2015. A Special Agent with VCACU reported only hearing about the Nassar case in passing and remembered the Indianapolis SSA stating that the Indianapolis Field Office was conducting the investigation.¹⁷⁵ The VCACU claimed to have followed up with the Indianapolis SSA twice about the allegations over the next few months.

The Indianapolis SSA claimed he referred the Nassar allegations to the Lansing Resident Agency, but no evidence exists to establish that any referral was ever made.¹⁷⁶ In fact, no evidence exists in any FBI database or case management system to prove that any complaint form related to Nassar was generated in 2015.¹⁷⁷ The SSA stated that he did not think any further communication with the Lansing Resident Agency was necessary, because Indianapolis SAC Abbott told him that the Detroit SAC had been informed of the referral, and the Detroit SAC supervises the Lansing Resident Agency.¹⁷⁸ The SSA had multiple opportunities to promptly share what information he had with the Lansing Resident Agency and the VCACU, yet he failed to do so.

On September 4, 2015, SAC Abbott told USAG President Steve Penny that relevant interviews were complete and the results were forwarded to the FBI and US Attorney's Offices in Detroit.¹⁷⁹ Abbott also claimed in subsequent interviews that he had also referred the case to the Los Angeles Field Office.¹⁸⁰ Despite multiple investigations into the FBI's botched response to the Nassar allegations, no evidence has ever been found to support Abbott's claims regarding referrals to Los Angeles or follow up with the Detroit SAC.¹⁸¹ The Indianapolis SSA conducted no follow up with any of the other offices to ensure the relevant materials had been received, in part because he believed that Maroney had not made a "disclosure of significant sexual abuse" in her telephonic interview, so he did not think a forensic interview was necessary.¹⁸² Abbott chalked up the communication failures to multiple "administrative errors" within the FBI's electronic systems, but no evidence of these "errors" has ever been found.¹⁸³

An FBI Special Agent in the Portland, Maine, Resident Agency also received notification of the allegations against Nassar in late 2015 – yet did nothing.¹⁸⁴

Finally, in May 2016, after seven months of inaction by the FBI offices in Indianapolis and Detroit, the Los Angeles Field Office formally opened a full investigation into Nassar, after USAG made another report.¹⁸⁵ USAG made this subsequent report because one of the gymnasts was from Southern California and because there had been no movement on the investigation by the Indianapolis agents, despite the assertion that the Detroit office had received the referral.¹⁸⁶ The Los Angeles Field Office was also concerned about venue issues since some of Nassar's actions had occurred overseas while at competitions, leading them to contemplate child sex tourism charges, which they ultimately decided against pursuing.¹⁸⁷

In the course of the Los Angeles Office's initial inquiry, Penny informed a Special Agent in May 2016 that several incidents involving Nassar occurred at the USAG National Team Training Center in Texas, and two additional women alleged abuse by Nassar at the National Team Training Center.¹⁸⁸ This Special Agent did not reach out to Texas authorities until late 2016 or early 2017 because he wanted to make sure the allegations were "legitimate" before "going out and potentially wrongfully accusing somebody of something," despite believing that the offenses alleged in initial interviews were "going to be a criminal offense" that "warranted further investigation."¹⁸⁹ This agent claimed to not know whether there was a protocol requiring the FBI to con-

tact local law enforcement. This is another example of a failed opportunity to promptly coordinate across districts, focusing on the accused instead of the victims.

Meanwhile, Nassar continued to treat patients, abusing about 100 more girls while the FBI waited to make a finding or share its information with local authorities. The FBI took no further action to investigate or stop Nassar before the MSU Police Department received a sexual assault complaint against Nassar on August 20, 2016, leading to Nassar's prompt suspension from clinical and patient duties at MSU.¹⁹⁰

See **Figure 10** for an overview of the 6 FBI Entities that were aware of the allegations against Nassar and failed to take meaningful action to stop him.

v. FBI Agents Failed to Adhere to the FBI Mandatory Reporting Policy and to Mandatory Reporting Laws

The FBI Agents who became aware of the Nassar allegations were required to report suspected child abuse to the appropriate law enforcement agency once they determined they did not have jurisdiction over the case. On July 28, 2015, the FBI agents who met with USAG at the Indianapolis Field Office became responsible for ensuring the allegations against Nassar were either adequately investigated by the FBI or referred to the appropriate law enforcement agency if the allegations fell outside the FBI's jurisdiction. The FBI failed to do either in a timely manner.

The Domestic Investigation Operations Guide (DIOG) outlines the FBI's Internal Mandatory Reporting policy, which requires "all FBI employees to report suspected child abuse, neglect and/or sexual exploitation to the state, local, or tribal law enforcement agency or child protective services agency that has jurisdiction to investigate such reports or to protect the child."¹⁹¹ This mandate applies to all FBI employees, regardless of their duties under corresponding state law. Once FBI agents decided they did not have jurisdiction to investigate the allegations against Nassar, they immediately should have reported the suspected abuse to the authorities who had jurisdiction.

Broad federal and state mandatory reporting laws put all FBI agents in this case on notice of their duty to immediately report suspected abuse to the local law enforcement agency with jurisdiction to investigate the abuse. Under federal law, any law enforcement agent

who, "while engaged in a professional capacity...on Federal land or in a federally operated (or contracted) facility," learns of "facts that give reason to suspect that a child has suffered an incident of child abuse," including sexual abuse or exploitation, "shall as soon as possible make a report of the suspected abuse" to the appropriate law enforcement agency with the jurisdiction to investigate and protect the child, even if the abuse did not occur on federal land or in a federal facility.¹⁹² Moreover, Indiana, Michigan, and Maine have broad mandatory reporting statutes that require the FBI to report suspected child abuse so it is funneled to the local law enforcement agency with jurisdiction to investigate.¹⁹³

Agents tasked with investigating the Nassar allegations failed to adhere to FBI mandatory reporting policy and violated mandatory reporting laws on countless occasions. As the first agency to receive the report, the Indianapolis agents should have taken the initiative to ensure some agency – any agency – was treating these allegations with the expediency needed, even if there is no formal FBI policy requiring the first agency receiving the report to do so. Indianapolis agents made various efforts to foist responsibility on other entities such as the U.S. Attorney's offices and other field offices, but repeatedly failed to follow through to make sure the relevant information was forwarded to these other actors.

While the Indianapolis Field Office and its affiliated agents may have been the most problematic actors, blame cannot be placed solely at their feet. Four other FBI offices learned of the allegations against Nassar, and none followed through to make sure either the FBI was pursuing the investigation or that the investigation had been referred to a state or local law enforcement agency, even acknowledging that it can take the FBI an extended time to determine whether it has jurisdiction in a given case. Both Indianapolis and Detroit agents opined that the Lansing Resident Agency would be the appropriate FBI agency to spearhead the investigation, based on the location of Nassar's practice. However, neither agency ever ensured the Lansing agents received the referral, though the Indianapolis agents had myriad pitiful excuses for this lapse. Additionally, the Portland Resident Agency and Los Angeles Field Office failed to stop Nassar or notify the law enforcement agency they believed would have jurisdiction if they concluded his actions did not violate federal law. In all of these cases, the FBI had the opportunity to collaborate with other state and/or federal law enforcement entities, and they failed to do so.

The FBI's Violent Crimes Against Children Unit (VCA-

While Nassar is ultimately responsible for his decades-long abuse of young female athletes, it was the collective failure of high-level officials and institutions that allowed one of the most prolific serial child sexual abusers to avoid criminal charges for so long.

CU) located at FBI Headquarters even failed to make an effort to satisfy their most basic mandates – namely, “counter[ing] all threats of abuse and exploitation to children” and “strengthen[ing] relationships between the FBI and federal, state, local, tribal, and international law enforcement partners to identify, prioritize, investigate, and deter individuals and criminal networks.”

They effectively hid behind an elaborate game of “nose knows,” each proclaiming that the Nassar case was not their problem while expecting some other agency to pick up the ball and run. This created a jurisdictional hot potato, with each agency avoiding responsibility for investigation by claiming that they either did not have jurisdiction or that the crimes alleged were not violations of federal law. Either way, relevant authorities should have been notified formally, whether they were another FBI office or local law enforcement in Michigan or Texas, where the FBI had been informed crimes were committed.

vii. The Department of Justice Investigation of the FBI

The Office of the Inspector General (OIG) for the Department of Justice launched an investigation in response to the allegations that the FBI had failed to quickly and effectively address complaints made in 2015 against Nassar.¹⁹⁴ Over the 14-month period that the FBI was aware of the allegations of abuse but failed to take protective action, including failing to notify local authorities in Michigan or contacting the medical board, at least 70 additional victims were abused by Nassar.¹⁹⁵

Nearly three years after the OIG official leading the investigation told parties in the case that the report had been forwarded to the Justice Department’s Public Integrity Section for review, the report had still not been released to the public.¹⁹⁶ More than 120 survivors as well as ranking members of Congress called upon the DOJ to release the report and on July 14, 2021, the DOJ finally made the results available to the public.¹⁹⁷ On September 15, 2021, the Senate Judiciary Committee held

an oversight hearing on the FBI’s “dereliction of duty” in its handling of the Nassar investigation during which survivors testified, calling for criminal accountability for those agents who effectively enabled Nassar’s abuse.¹⁹⁸

While Nassar is ultimately responsible for his decades-long abuse of young female athletes, it was the collective failure of high-level officials and institutions that allowed one of the most prolific serial child sexual abusers to avoid criminal charges for so long. Officials at both the USAG and the USOC knew of Nassar’s abuse and failed to stop him. Multiple law enforcement agencies and the FBI failed to respond quickly and effectively intervene, even when presented with opportunities to do so. Beyond leadership deficiencies and failures of oversight, the individuals at the very top engaged in affirmative efforts to protect their institutional interests, concealing the true dangers presented by Nassar and sacrificing the safety of countless young girls and women.

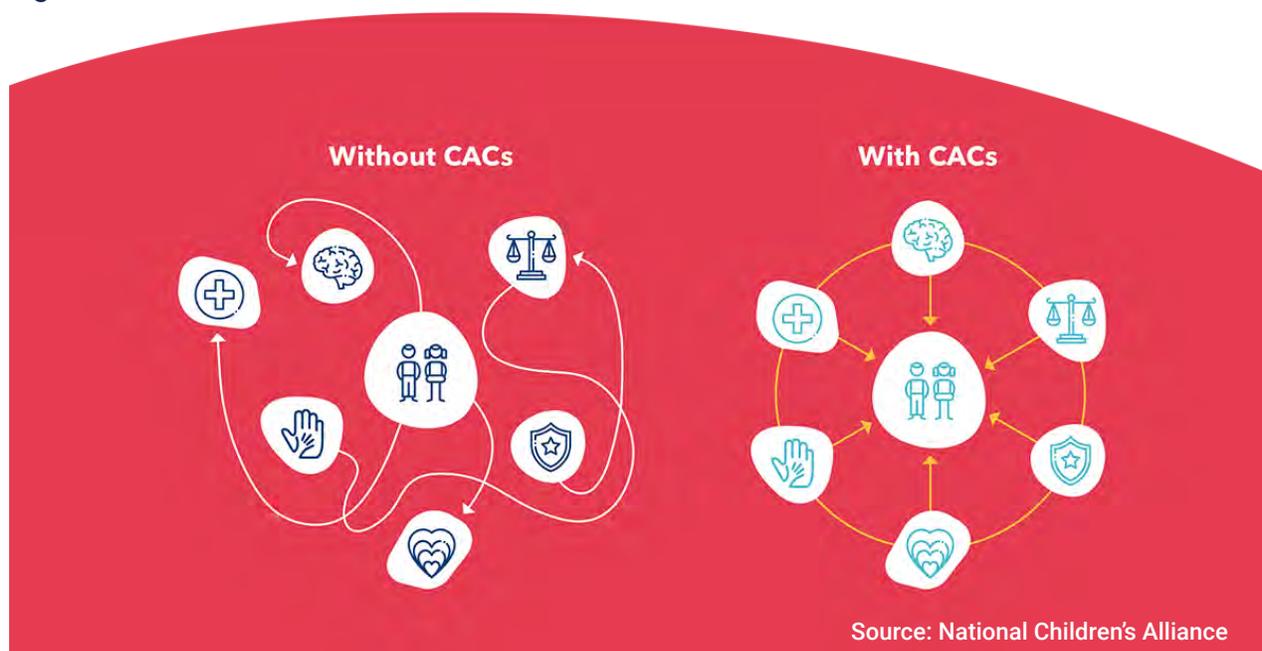
B. GAME OVER COMMISSION LAW ENFORCEMENT RECOMMENDATIONS

The following section outlines practical areas for legal reform identified by the Game Over Commission’s investigation of how the FBI handled the Nassar case, and generally the investigative framework for child sexual abuse. The Game Over Commission also recommends that all law enforcement offices investigating crimes against children should use child-centric and trauma-informed procedures by utilizing various services and experts within their jurisdictions, but especially Child Advocacy Centers.

1. Recommendations Based on the FBI’s Failure to Comply with Forensic Interview Best Practices

All athletes abused by Nassar should have been offered the benefit of a prompt, recorded forensic interview to minimize the trauma of disclosing and retelling the

Figure 11: How The CAC Model Works



story of their abuse, regardless of their age at the time of reporting the abuse. Although some athletes were young adults at the time of disclosure and/or abuse, the context in which the abuse took place and the nature of the abuse warranted treatment with the sensitivity only trained interviewers could provide.¹⁹⁹ The Office for Victim Assistance should have offered each athlete robust access to resources, including mental health treatment and information regarding the criminal justice system, as required by law in conjunction with the forensic interview process.²⁰⁰

Recording forensic interviews would have made transfer of the case and evidence between FBI field offices and other jurisdictions easier and less onerous on the athletes. A recorded interview could be played in lieu of needing to conduct new interviews by other allied professionals or service providers, and could have served to relay the content of the athlete's statement quickly and accurately.²⁰¹ This method ensures that the investigative process remains victim-centered and mindful of trauma-informed practices without undercutting the efficacy of the investigation. Instead of recording Maroney's interview, the OIG Report revealed that the FBI agents failed to even rudimentarily document their initial telephonic interview with Maroney,²⁰² and even went so far as to falsify the contents of this interview almost two years later.²⁰³ Following best practices would have encouraged the FBI to schedule interviews with the athletes as soon as possible, which could have been facilitated further by use of the network of NCA accredited CACs pursuant to the 2015 FBI MOU. The FBI's appar-

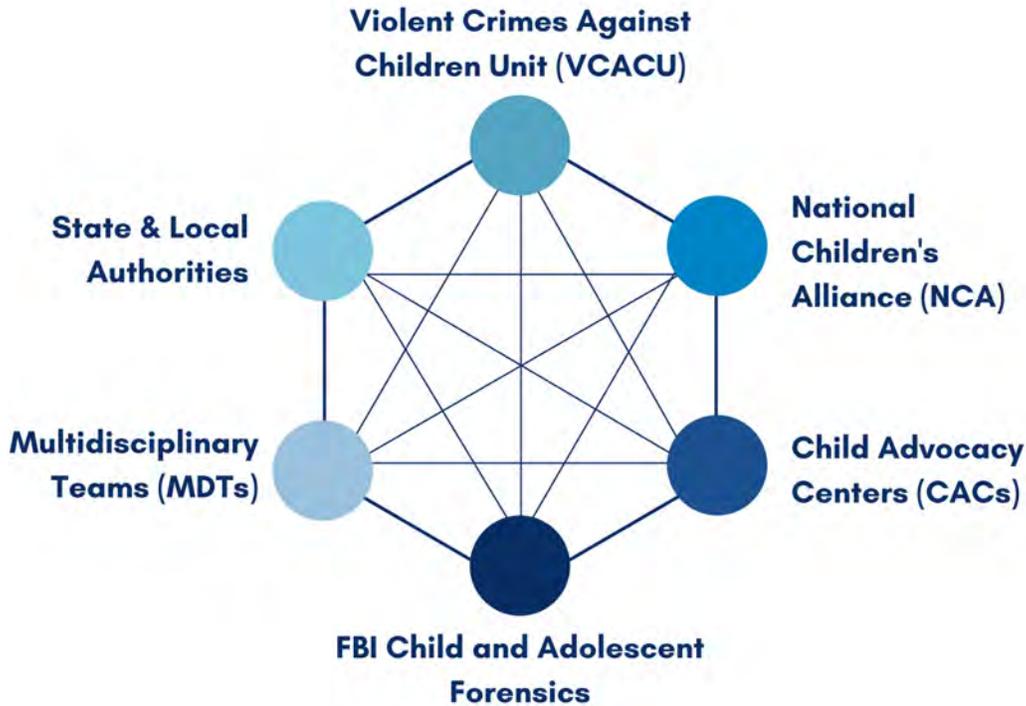
ent lack of urgency in conducting these interviews, and their failure to then accurately share the interviews with the appropriate jurisdictions, was arguably the primary contributing factor enabling Nassar to continue abusing athletes for over a year after the initial report to the FBI.

All wrap-around support services that exist for children who receive a multidisciplinary team (MDT) response should be made available to adult survivors of sexual violence, so they are equipped with the medical care, mental healthcare, and victim advocacy services they may need. The FBI should develop or negotiate the use of services for adult survivors that already exist for children and youth. Finally, there should be legislation mandating that the FBI use Child Advocacy Centers for children and youth whose abuse is investigated, absent exigent circumstances.

2. Recommendations Based on the FBI's Failure to Use a Multidisciplinary Approach to Investigate the Veracity of Nassar's Medical "Treatment"

The FBI must use MDTs when feasible to leverage the expertise of allied professionals, ensuring the most effective response to crimes against children in light of the complex and sensitive nature of child abuse investigations.²⁰⁴ Teams often incorporate experts from fields such as prosecution, law enforcement, child protective services, and medical care,²⁰⁵ and are generally associated with improved outcomes in criminal justice and mental health.²⁰⁶ The FBI's Crimes Against Children Pol-

Figure 12: Need for a Multidisciplinary Response when Children Report Sexual Abuse



icy requires field offices to maintain contact with Children’s Advocacy Centers (CACs) and to request assistance and guidance of relevant experts when necessary **(Figure 11)**.²⁰⁷ The FBI’s MOU with the National Children’s Alliance (NCA) also contemplates collaboration with community-based multidisciplinary professionals through the NCA’s network of partner agencies representing these various fields.²⁰⁸ While CACs and MDTs may all differ slightly in order to meet the individual needs of their respective communities, they all reflect the belief that “combined wisdom and professional knowledge of professionals of different disciplines will result in a more complete understanding of case issues...”²⁰⁹

The FBI failed to fully comprehend the case issues at the heart of Nassar’s abuse, in part because it did not use multidisciplinary resources that would have countered Nassar’s attempts to legitimize the abuse as medical treatment. Agents involved in the investigation repeatedly wrote off Nassar’s abuse as either trivial or as legitimate medical treatment. No effort seems to have been made to consult an expert in the field. As part of a multidisciplinary team, medical providers are not only available to conduct medical examinations of victims, but are also available for consultation on medical evaluations and to help interpret medical findings.²¹⁰ Had FBI agents consulted other physicians when evaluating whether Nassar’s “treatments” were criminal in nature,

the FBI would likely have better understood that Nassar’s explanations were a desperate attempt to cover up his crimes.

Open conversation about cases within an MDT allows members to provide and debate alternative interpretations of case findings, effectively synergizing the expertise of a variety of disciplines. A law enforcement officer could not be expected to independently evaluate the legitimacy of a medical treatment without specialized training, and certainly child victims cannot either. Law enforcement participation in a robust MDT case review process will provide an extra safeguard against predators who rely on the naiveté of children to commit their crimes.

3. Create a Central Coordinating Body to Ensure a Multi-jurisdictional Response where Appropriate

The factors underlying the FBI’s jurisdictional shuffling and reticence to pursue a full investigation into the Nassar case are multifold, and include, among other things, a serious conflict of interest by one of the FBI Agents charged with spearheading the investigation. However, any functional investigative entity should not collapse based on one weak link – Agent Abbott cannot be held solely responsible for the FBI’s failures.

During the course of the Senate Judiciary Committee hearing regarding the Nassar case on October 15, 2021, Ranking Member Chuck Grassley suggested leveraging the Violent Crimes Against Children Unit (VCACU) at FBI Headquarters to create a central coordinating role overseeing investigations being run by individual field offices.²¹¹ Establishing such a command center to coordinate responses to child abuse allegations would help provide multiple redundancies in order to prevent investigations from foundering due to a single point of failure in the system. A central coordinating body could ensure state and local authorities are expediently notified of potential crimes, oversee a coordinated multidisciplinary response, and provide oversight to identify and eliminate any individual biases impacting the progress of an investigation.

4. Expediently Notify State and Local Authorities to Pursue Parallel Investigations if Necessary

Time is of the essence in cases involving child abuse, even if the complaining victim is no longer being abused themselves. Nassar continued abusing victims until he was arrested. The Nassar investigation languished in the FBI's investigative purgatory for over a year while various field offices dickered over details of jurisdiction. Local law enforcement should have been notified and involved much sooner — especially since agents questioned whether Nassar's conduct violated state law. As mandatory reporters, each agent involved in the Nassar case was responsible for ensuring that their state and local counterparts were apprised of the investigation, but the FBI offices also should have coordinated with state and local law enforcement agencies by sharing any evidence potentially related to violations of state or local law. As FBI Director Christopher Wray noted during the Senate Judiciary Hearing, there should have been a parallel investigation by state and local authorities during the pendency of the FBI investigation, ensuring no aspect of the investigation fell through the cracks.²¹² Local authorities would have been better positioned to connect victims with resources in their communities and would have been able to help determine whether Nassar's actions violated state laws in addition to Federal laws. By mandating collaboration with their state and local counterparts, FBI agents will not be able to engage in turf wars to maintain control of investigations at the expense of children who continue to be abused.

5. Coordinate a Multidisciplinary Response

A centralized and coordinated response through the VCACU could facilitate connections between local field offices and community-based Multidisciplinary Task Forces. Not only will this help develop alliances between federal law enforcement agents and children's advocacy centers, but this will also provide a natural connection between FBI Child and Adolescent Forensic Interviewers and their community-based counterparts. By coordinating responses through VCACU, agents at FBI Headquarters will be able to access relevant case files to ensure communication and transmission of critical evidence between field offices. VCACU could ensure each FBI agent investigating cases involving children has access to subject-matter experts, potentially avoiding future failures resulting from lack of specialized knowledge such as was the case with Nassar's medical jargon that fooled FBI agents. Finally, VCACU would also be best positioned to oversee coordination of victim services, which would prevent children from being left without resources or information about the status of the investigation (**Figure 12**).

6. Neutralize any Potential Biases of Investigators or Field Offices

We may never know the full story behind the FBI's myriad failures in the Nassar case, but many of the cracks are traceable to one agent: Indianapolis Supervisory Special Agent Jay Abbott. Abbott's failures were far reaching. As outlined in sections above, he failed to transmit information between field offices, and he failed to notify local authorities in places Nassar was suspected to have committed crimes. While these failures may have been due in part to sheer laziness, Abbott's insidious connections with USAG betray a more sinister explanation — bias. Investigator bias is a potential risk in any law enforcement operation because law enforcement officers are often deeply connected to the communities in which they serve, so the onus is on the overall law enforcement entity to mitigate the risk of bias by providing sufficient oversight.

The FBI failed to provide any oversight of SSA Abbott during the Nassar investigation. Throughout the investigation, Abbott maintained a personal relationship with the very entity he was tasked with investigating — USAG. Steve Penny, President of USAG, contacted Abbott about potential employment with the U.S. Olympic Committee in September 2015, during the early days of the investigation into Nassar. Abbott eagerly replied

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

with interest in the position, and the two arranged to have a beer and discuss the job further.²¹³ When confronted with evidence of this interaction during the Office of the Inspector General's investigation, Abbott lied and claimed he had asked his supervisor whether this would be an appropriate meeting. The two men continued discussing the job opportunity in 2016 and 2017, while the FBI continued to overlook the gravity of the allegations. Abbott then lied to cover up his conflicts of interest and ongoing role in the FBI's botched investigation.²¹⁴

Monitoring and investigative coordination via a central response team from VCACU Headquarters could mitigate the risk posed by an arguably rogue agent such as Abbott. SSA Abbott was effectively tasked with spearheading the entire investigation and initial referral process through the Indianapolis and Detroit area offices, which set the whole investigation up to fail due to the inaction of one individual. Instead of pushing the investigation forward, Abbott allowed it to languish while he cozied up with the subject of his investigation – USAG. In the future, oversight by a centralized unit or task force through FBI Headquarters could provide more oversight and coordination throughout an investigation, especially if that investigation crosses jurisdictional borders. A centralized team could assist in sharing information across state and local boundaries as well, in order to mitigate the risk of an investigation falling through the

cracks between jurisdictions. As much as the FBI may attempt to paint Abbott as the scapegoat, Abbott's actions were the product of a system that lacked coordination and oversight. Abbott fell through the cracks like the athletes who were victimized while the FBI languished – he was the single point of failure that highlighted an entire flawed system of investigation. Yet Abbott escaped with his job and retired without consequence, while the young athletes Nassar abused as Abbott effectively turned the other way will bear their scars for life.

The various investigations conducted after complaints about Nassar, as well as MSU's internal response to student reports, highlight multiple failures by those responsible for keeping children, students, and athletes safe. Overall, those tasked with the responsibility of investigating Nassar failed to act, allowing those who knew about the abuse to continue to cover it up or ignore it. Individuals did not communicate well within police departments or within MSU. No one treated the reports of victims with the kind of immediate action needed for effective investigation in cases of sexual violence. Those with responsibilities to investigate Nassar's behavior failed to fulfill their duties. The current state of the law allowed many of these failures to persist, showing Nassar that he could continue his abuse with impunity.

Game Over Commission's Recommendations

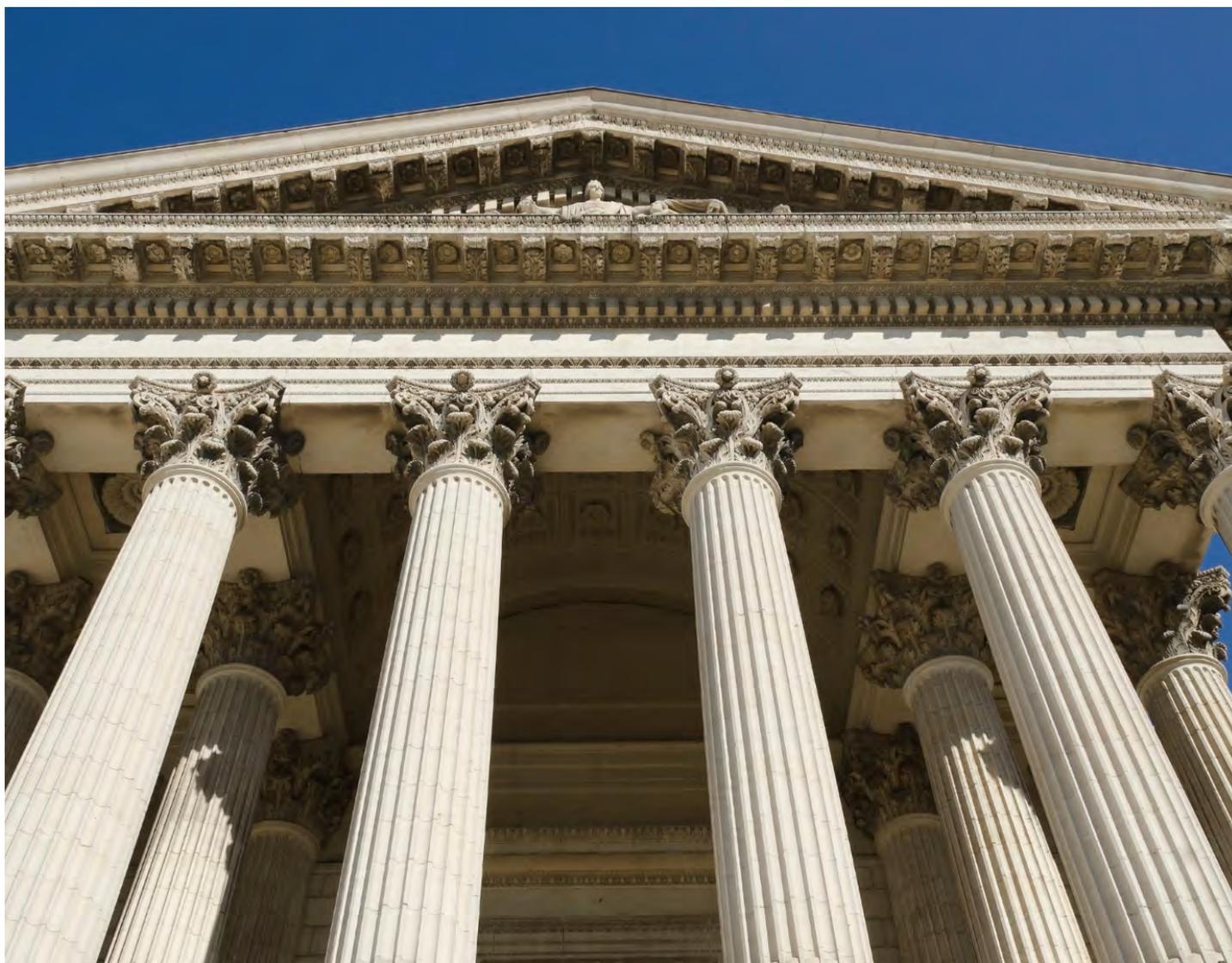
1. Law enforcement agencies, including the FBI, investigating crimes against children should use a child-centric and trauma-informed investigation model, as exemplified by Children's Advocacy Centers, and should be required to assess the ongoing threat to children.
2. Law enforcement agencies, including the FBI, should coordinate a multidisciplinary response in order to parse and digest complex technical or medical information when assessing the veracity of a child victim's complaint in comparison to an adult suspect's explanation of their actions.
3. Law enforcement agencies, including the FBI, should expediently notify state, local, and federal authorities to pursue parallel investigations when presented with a case of child sexual abuse.
4. The FBI should neutralize any potential biases or conflicts of interest of investigators or field offices.

FINDING V: THE LEGAL SYSTEM FAILED TO DETER ABUSE AND BLOCKED ACCESS TO JUSTICE

Summary: *The Nassar case exposes numerous gaps in the legal framework addressing child sexual abuse and athlete abuse. Statutes of limitations limit access to justice for victims and prevent courts from holding abusers accountable. The bankruptcy system shields institutions complicit in abuse in a system that is not trauma-informed. Mandatory reporting laws are confusing and impose invisible penalties. Targeted reforms to current state and federal laws can fix these laws that retraumatize victims and keep the truth from the public.*

Introduction

Over the years that Nassar abused young girls, law enforcement agencies and other legal institutions had ample opportunity to investigate and stop the abuse and failed to do so. Based on their failures, we consider the reforms that need to be taken to increase justice for victims and to hold perpetrators and their enablers accountable.



A. CREATING ACCESS TO JUSTICE FOR VICTIMS OF LARRY NASSAR

Statutes of limitations historically have blocked the vast majority of sexual abuse and assault claims. Additionally, the federal bankruptcy system has become a procedural weapon to short-circuit discovery and public disclosure.

1. Reform Statutes of Limitations

There is a vibrant national and global movement for statutes of limitation reform for child sexual abuse.²¹⁵ Statutes of limitations, or SOLs, are judicial housekeeping rules: they set the deadline for pressing criminal charges or filing a civil lawsuit. For too long, SOLs have been unfairly short, preventing victims from obtaining justice, naming their perpetrators publicly, and warning the public. Historically, most victims missed the SOL deadlines because of the delayed disclosure that is common among child sexual abuse victims.²¹⁶ SOLs have silenced victims, endangered children, favored perpetrators, and held reckless institutions unaccountable. But change is happening.

Before Larry Nassar's abuse of young girls was widely publicized, Michigan had the shortest civil SOL in the country. Hundreds of Nassar's victims were out of statute and were blocked from accessing any justice for his crimes at the time: age 19. Michigan responded to the pressure by extending its criminal and civil SOLs in 2018 and opening a novel and restrictive revival window for expired civil claims.²¹⁷ The 90-day window was narrowly tailored to apply only to victims of Larry Nassar's abuse and was limited to post-1996 offenses where the perpetrator was a physician who had been convicted of sexual misconduct under the guise of a medical procedure.²¹⁸ The extremely limited window created some justice for victims in terms of compensation for their injuries, but it did not lead to any meaningful discovery of the details of who knew what and when, which is critical information the victims and their families needed to heal, and the public needs to understand how to prevent this type of abuse from ever happening again. It is years later, and the public is still — and will remain — in the dark, as Michigan AG Dana Nessel announced on March 26, 2021 she was forced to close the independent investigation into MSU's handling of Nassar's abuse because the University refused to hand over documents needed

SOLs have silenced victims, endangered children, favored perpetrators, and held reckless institutions unaccountable.

for the investigation.²¹⁹

In general, the SOL applicable to a claim is the law of the state where the victim was sexually abused (**Figure 13**). The result is that justice has been available only to some Nassar victims who were abused in states with longer SOLs or open revival windows. After Michigan opened its window, 332 Nassar survivors reached a \$500,000,000 settlement, but many in a second wave of over 100 survivors who missed the short window are still fighting for justice.²²⁰ Since Nassar pled guilty in 2017, 16 U.S. States and Territories have passed window laws for survivors of child sexual abuse who were blocked by short SOLs — Arizona, Arkansas, California, Colorado, Hawaii, Kentucky, Louisiana, Maine, Montana, Nevada, New Jersey, New York, North Carolina, Northern Mariana Islands, Vermont, and Washington D.C.²²¹ Survivors abused by Nassar in these jurisdictions may have had some avenue to justice available to them via one such window. Some states, like Colorado, Louisiana, and New Hampshire, have recently eliminated their civil SOLs for child sexual assault and thus survivors

abused in those states may be able to pursue their claims as well. The states and territories that have revived all expired claims and eliminated SOLs moving forward — Maine, Vermont, Guam and Northern Mariana Islands — have done the most to ensure access to justice for survivors abused there. Unfortunately, in Texas, home of

Karolyi Ranch where Nassar sexually abused many gymnasts, there is no window and survivors are still shut out of court.

B. CHAPTER 11 BANKRUPTCY IS ILL-SUITED FOR VICTIMS

In December 2018, USAG voluntarily filed for Chapter 11 bankruptcy in the U.S. Bankruptcy Court for the Southern District of Indiana amid lawsuits from more than 500 victim athletes.²²² The court set April 29, 2019 as the bankruptcy claims bar date, the last day for filing claims against USAG.²²³ The bankruptcy process effectively placed Nassar victims' lawsuits on pause; so too did the filing postpone — perhaps permanently — any depositions and discovery related to USAG's role in covering-up Nassar's decades long abuse of young athletes. On September 1, 2021, USAG put forth a plan for a \$425 million settlement, and a proposal was filed

Figure 13: Why Statute of Limitations Reform Serves the Public Interest

Statute of Limitations Reform Serves the Public Interest Because It:

- 

Identifies hidden child predators and the institutions that endanger children
to the public, shielding other children from future abuse.
- 

Shifts the cost of abuse
from the victims and taxpayers to those who caused it.
- 

Educates the public
about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.

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with the joint approval of the Survivors' Committee that represented the hundreds of USAG survivors in the organization's bankruptcy proceeding.²²⁴ Ultimately, on December 13, 2021, an amended plan consisting of a \$380 million settlement, largely from insurance proceeds, was confirmed by the bankruptcy court.²²⁵ In addition to the financial resolution, the plan's provisions contain various nonmonetary commitments from SAG, which includes strengthening SafeSport policies related to complaint processing and club member involvement, and having at least one survivor serving on USAG's Board of Directors, SafeSport Committee, and Athlete Health and Wellness Council.²²⁶ Regarding the settlement, Rachael Denhollander told the Associated Press, "It's not about money, it's about change."²²⁷

Forcing victims into bankruptcy proceedings before their claims have expired under state law unfairly immunizes bad actors while retraumatizing victims. Many youth-serving institutions are aware of abuse and actively hide it, fostering continued abuse and creating a welcoming haven for predators. Organizations such as the Catholic Church, Boy Scouts of America, USA Gymnastics, and others have remained complicit in sexual assault of children by maintaining policies that fail to deter abuse and sweep assault under the rug.²²⁸ Organizations like these are in a position to institute strict internal policies to protect children, but historically fail to do so, leaving the children they serve vulnerable to attacks by predators who snake their way into posi-

tions of power in welcoming institutions. Unfortunately, youth-serving institutions regularly dodge one of the most effective methods to persuade institutions to establish protective policies — civil liability — using the bankruptcy system as protection from victims' civil claims.

Chapter 11 of the Bankruptcy Code is designed to provide a debtor reprieve from debilitating debt; it enables organizations to remain operational through structured debt consolidation and repayment plans. Absent a streamlined process through which to collect, organize, and discharge debts, debt-ridden individuals and businesses would be without a method of climbing out of debt and avoiding irreversible failure or dissolution. The original Bankruptcy Act dealt only with contractual obligations and not-yet proven tort claims were not subject to discharge or restructuring plans.²²⁹ Unproven tort claims came under the purview of the Bankruptcy laws via the Chandler Act of 1938. This Act "gave the court the authority to consider tort claims in reorganizations, regardless of their provability."²³⁰ Congress expanded bankruptcy purview to include tort claims "to facilitate rehabilitation of embarrassed corporations by a scaling or rearrangement of their obligations and shareholders' interests, thus avoiding a winding up, a sale of assets, and a distribution of the proceeds."²³¹ Since that time, it has become a common practice for institutions to petition for bankruptcy when their tortious conduct has invited numerous potential tort claims.²³²

1. The Bankruptcy System Was Designed for Honest Debtors, Not for Those Businesses That Endanger Children through Their Own Bad Acts

The bankruptcy system is ill-suited to dealing with child sexual abuse victims. Bankruptcy proceedings with an end goal of business reorganization differ from liquidation proceedings in that the goal of debt discharge for business reorganization “is to restructure a business’s finances so that it may continue to operate, provide its employees with jobs, pay its creditors, and produce a return for its stockholders.”²³³ Further expansion of bankruptcy laws via the Bankruptcy Reform Act of 1978 created Chapter 11 bankruptcy and retained permissible consideration of tort claims and was designed to make reorganization “a quicker, more efficient procedure.”²³⁴ Chapter 11 bankruptcy assists the business to emerge from the proceedings operational as opposed to moving through liquidation proceedings and dissolving the organization, which Congress believed was preferable as it “benefits the debtor, the creditors, and the economy as a whole.”²³⁵

This process, however, was intended to offer relief from the consequences of “business misfortunes” to an “honest debtor.”²³⁶ The protection of an “honest debtor” principle is further exemplified where debts incurred via “false pretenses, a false representation, or actual fraud,” are exempted from discharge.²³⁷ Bankruptcy laws are designed to give an “honest but unfortunate debtor...a

new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt.”²³⁸ Rather than prioritizing the interests of creditors, business reorganization bankruptcy procedures are

“oriented toward assisting a company whose poor business performance has placed it in a precarious financial position. Consideration of tort claims remains only incidental to the task of restoring viability to the financially distressed firm. Comprehensive relief requires comprehensive consideration of claims against the debtor, and out of that need, tort claims are allowed a role.”²³⁹

Prioritizing business continuation over the interests of creditors may be appropriate in some contexts, but it is a perversion of the bankruptcy process to offer such protection to guilty organizations. Institutions that foster sexual assault are undeserving of protection of their business practices, and public interest is best served if they are allowed to suffer the natural dissolution consequences of their harmful conduct. Conversely, sexual assault victim “creditors” are victims of institutional abuse of power and are owed the full protections of their state’s civil claims statutes.

2. Youth-Serving Organizations That Endanger Children Do Not Deserve the Reprieve the Bankruptcy System Provides

Childhood sexual abuse within institutions has been



rampant, and many of those institutions maintain cultures and internal policies that foster and fail to deter such abuse. There is a nationwide movement to turn the tide on child sexual abuse, and federal law is unwittingly throwing barriers in front of victims seeking justice. This abuse is enormously costly to survivors and to the public, both as a quantifiable monetary cost and a social and moral price. As such, the law allows survivors to seek civil redress not only from their individual assailants, but also from the institutions that offered those assailants permission to prey on innocent children.

Many institutions, including USA Gymnastics (USAG), have a history of internal policies and procedures that place children at risk. According to a report investigating how such widespread sexual assault could thrive within the organization,

“USAG erected numerous procedural obstacles in the complaint resolution process that kept USAG from effectively addressing serious, credible allegations of child sexual abuse. These obstacles included requiring a complaint to come from a survivor or a survivor’s parent; refusing to investigate complaints where the reporting party wished to remain anonymous to the perpetrator; refusing to investigate complaints where the reporting party did not submit a signed, written complaint; limiting available sanctions if the alleged conduct was not ‘criminal’ in nature; failing to follow up on complaints of misconduct; and losing track of important information about accused coaches.”²⁴⁰

The same report identified an “acute danger of sexual misconduct” within gymnastics, noting that USAG was uniquely positioned to protect its child athletes, but elected not to do so.

Many Catholic dioceses,²⁴¹ the Boy Scouts, and USAG, have involved Chapter 11 in order to deal with numerous child sexual abuse claims. Chapter 11 bankruptcy allows organizations to avoid dissolution while they shift attention to the organization’s needs and away from the crimes they have inflicted on children.

In creating the bankruptcy system, Congress intended to assist honest businesses who had incurred overwhelming business debts, but youth-serving organizations have exploited it to limit their exposure to civil claims from the adult survivors of the sexual assault the organization made possible, to avoid in-depth discovery regarding their bad acts, and to force victims to come forward regardless of their legal rights or whether they are psychologically prepared to do so. Permitting this practice to continue not only offers undue protection

to negligent organizations, it also usurps a historically state-held power and permits a federal system to curtail efforts to make responsible institutions accountable by setting bankruptcy bar dates without reference to the relevant state SOLs.

Those dates are too often geared to benefit the organization; they short-circuit the justice intended for the victim to the larger public. Those bar dates that blindly nullify state SOLs for child sexual abuse in effect permit the federal system to set SOLs rather than the states, and often to devalue claims. This is a violation of federalism and an irrational federal policy: it permits the secrecy that endangers children to fester and results in less justice and more trauma for victims.

3. Denying Victims Bankruptcy Claims Untimely Violates Victims’ Due Process Rights Where the Victim has a Live State Claim

The bankruptcy process has effectively stopped survivors from pursuing their claims against the institutions that enabled Nassar to sexually assault young athletes for decades under the guise of “medical treatment.” The filing has placed an automatic stay on victim lawsuits and most important, on any pretrial discovery processes that would illuminate for victims and the public how such crimes were able to occur and what role USAG had in enabling these crimes. By requiring survivors to bring their claims in bankruptcy court by April 19, 2019, even if their claims would otherwise be timely under state SOLs well beyond that date, the process leaves victims and the public in the dark for an indefinite period of time and denies victims the opportunity to seek redress for the harms they suffered and to hold USAG accountable for their part in what happened.

State tort claims give victims who have incurred significant damages an opportunity to seek redress from defendants who sanctioned their abuse, and there is a movement toward expanding applicable statutes of limitations to comport with the best science regarding the timing of disclosures. The bankruptcy system was not intended to thwart the state statutes of limitations for child sexual abuse crimes when it enacted the Bankruptcy Code, nor has it legislated in a way that makes it impossible to honor Congress’ intent and states’ desires to give victims the time they need to file a claim for child sexual abuse. Courts must defer to the timeframes set forth in state law to evaluate whether those claims are timely for the purposes of the bankruptcy.

When the bankruptcy system shortens the amount of time a state has granted to victims to bring a civil claim, it preempts state statute of limitations for child sexual abuse. Not allowing those claims to proceed thwarts the purposes of state laws. For example, Terin Humphrey, a survivor of abuse by Larry Nassar, sought to bring a claim against USAG after it filed for bankruptcy. Terin’s claim ought to have been governed by Virginia law, which sets its SOL at 20 years after accrual, meaning that she had until 2040 to bring a claim under the law set by Virginia.²⁴² However, the federal bankruptcy court entered an order in February of 2019, setting a bar date for two months from that order for general claims and claims asserting sexual abuse. Terin brought a claim after that bar date – but well before expiration of the state SOL – which was denied by the bankruptcy court as untimely.²⁴³ Virginia state law provides Humphrey with a 20-year period to bring a claim, and she brought a claim within that timeframe. But federal law usurped Virginia’s SOL determination and denied an otherwise viable claim. This amounts to a violation of Humphrey’s procedural due process rights, and she is far from alone in this injustice.

accept federal funding, many states have more expansive definitions of the conduct that constitutes abuse and neglect for purposes of mandatory reporting.²⁴⁴ The circumstances under which a mandatory reporter is required to report therefore varies by state. Typically, a report must be made when the reporter, “in his or her official capacity, suspects or has reason to believe that a child has been abused or neglected.”²⁴⁵ Another common standard that triggers the reporting requirement includes situations where “the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child.”²⁴⁶ While CAPTA permits states to limit reporting to “recent” acts, most states do not establish a time limit for purposes of triggering the mandatory reporting requirement. What has emerged is a confusing web of state laws that are unenforced, subject to short SOLs, and impose de minimis penalties. Mandatory reporting laws—like SOLs—are evolving in the states as well as the federal level, but it is clear that existing reporting laws provided no protection for Nassar’s victims.

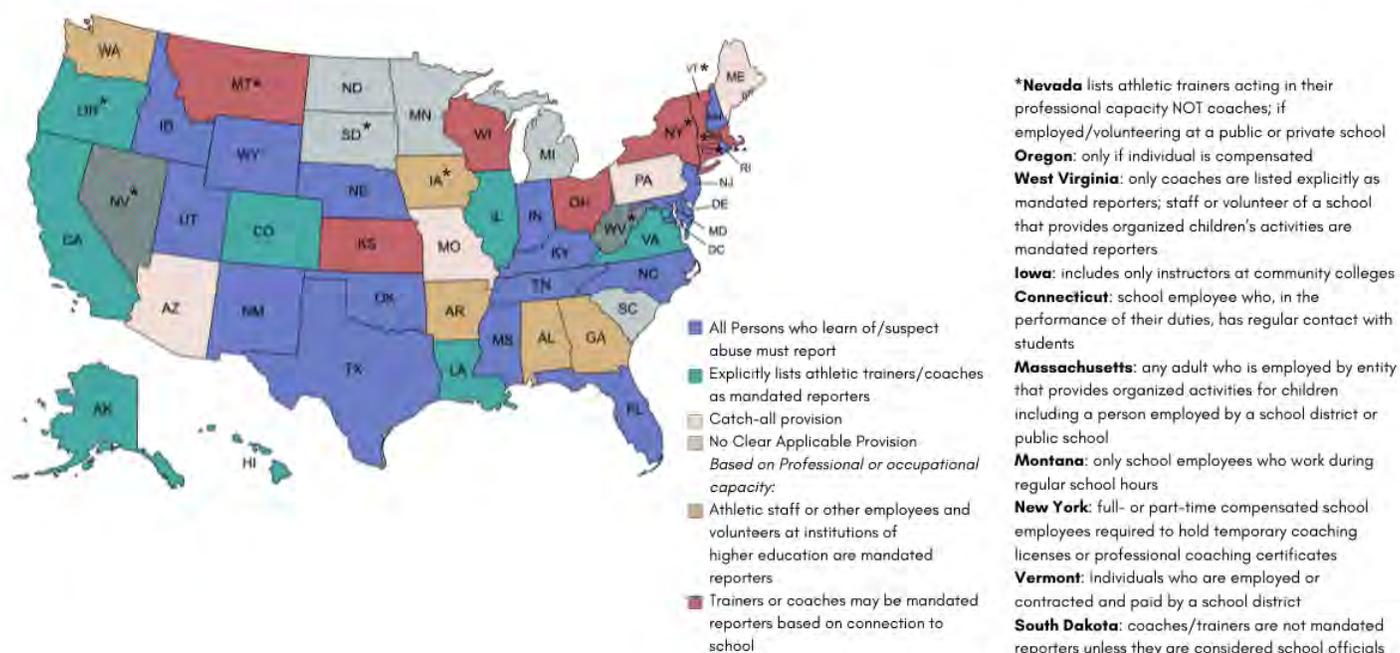
C. MANDATED REPORTING OF CHILD SEXUAL ABUSE

While the Federal Child Abuse Prevention and Treatment Act (CAPTA) sets the minimum standards for defining child abuse and neglect for those states that

1. State Reporting Requirements

CAPTA) requires States to have policies or procedures requiring certain individuals to report known or suspected instances of child abuse and neglect in order to receive federal grants.²⁴⁷ Most states have statutes identifying mandatory reporters of child maltreatment.²⁴⁸ Typically, individuals designated as mandated reporters are those who have frequent contact with children. The

Figure 14: Provisions Governing Mandated Reporting of Child Abuse for Coaches and/or Trainers



professionals most commonly enumerated in states' mandated reporter statutes include: social workers; teachers, principals and other school personnel; physicians, nurses, and other health care workers; counselors, therapists, and other mental health professionals; child care providers; medical examiners or coroners; and law enforcement officials.²⁴⁹ Additional professional groups required to report in some states include, but are not limited to, commercial film or photograph processors,²⁵⁰ directors, employees, and volunteers at entities that provide organized activities for children such as camps, and recreation centers,²⁵¹ court-appointed special advocates,²⁵² members of the clergy,²⁵³ and faculty, administrators, athletics staff, including coaches, or other employees and volunteers at public and private institutions of higher learning.²⁵⁴

In approximately 18 states and Puerto Rico, any person who suspects child abuse or neglect is considered a mandatory reporter; of those, 15 states and Puerto Rico specify certain professionals who must report but also require all persons to report suspected abuse or neglect regardless of profession.²⁵⁵ Only three states — Indiana, New Jersey, and Wyoming — do not enumerate specific professional groups as mandated reporters but require all persons to report.²⁵⁶ Beyond any statutory requirements, certain professionals have their own professional codes of conduct or rules of ethics that they must follow and which may affect when and how an individual must or may report. Also, in 2018, Congress passed a law expanding mandatory reporting requirements in the sports context. See 3. *Federal Reporting Requirements in the Sports Context* 41.

2. Institutional Reporting Requirements

Organizations that should have protected young female athletes from sexual assault by Nassar repeatedly dropped the ball. MSU, USA Gymnastics, the US Olympic Committee, and the FBI all had opportunities to stop Nassar but failed to do so. These institutions knowingly concealed abuse by Nassar and as a result, hundreds of additional young women and girls went on to be sexually abused by Nassar.

Institutional reporting applies to situations wherein a mandated reporter is working for, or volunteering with, an institution such as a school or hospital at the time they learn of or suspect that abuse has occurred.²⁵⁷ Many institutions have internal policies that require a mandated reporter to notify the head of the institution or another designated person of known or suspected

abuse that needs to be reported to child protective services or local law enforcement — this is referred to as “chain-of-command” reporting. Statutes in 31 states, the District of Columbia, and the Virgin Islands, also set forth “chain-of-command” procedures as they apply to an employee’s position.²⁵⁸ In 18 states, the District of Columbia, and the Virgin Islands, any staff member who suspects abuse must notify the head of the institution when they feel that the maltreatment or suspected maltreatment should be reported to an appropriate authority.²⁵⁹ In nine states, the District of Columbia, and the Virgin Islands, the staff member reports to the head of the institution first and then the head of the institution or its designee makes the report.²⁶⁰ In nine states the individual staff member is required to make a report to the appropriate child protection authority first and then notify the institution that a report has been made.²⁶¹ In terms of child protection, chain of command reporting, by itself, is never sufficient and most state statutes make clear that mandated reporters are not relieved of their duty to report regardless of any applicable internal policies or procedures.²⁶²

3. Federal Reporting Requirements in the Sports Context

Created in direct response to the allegations of sexual abuse by Larry Nassar, Congress passed the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017” (the Safe Sport Act) in 2018, which, among other things, expanded mandated reporter laws to include all youth sport organizations that participate in international or interstate sporting events.²⁶³ Since it is broadly written, the law impacts not only NGBs like USA Gymnastics and other NGBs but also summer camps, public and private schools, collegiate sports, community organizations, and sports facilities in every state.²⁶⁴ In essence, the law creates a mandatory reporting obligation across the full spectrum of youth sports. While the law came too late for the victims in this case study, it should help victims in the future.

The Safe Sport Act modifies Section 226 of the Victims of Child Abuse Act of 1990 and expands the list of mandatory reporters by requiring certain individuals to report suspected abuse of an amateur athlete regardless of whether they are considered mandatory reporters by their state.²⁶⁵

Under the Act, a covered individual²⁶⁶ — broadly defined as an adult authorized to interact with minor or amateur athletes — is considered a mandated reporter of

child abuse and must report suspected abuse to the appropriate state and local authorities within 24 hours.²⁶⁷ There is an additional requirement to report suspected abuse to the US Center for Safe Sport if the organization is governed by a “National Governing Body” or “Paralympic Sports Organization.”²⁶⁸

The primary benefit to addressing child abuse at the federal level is the breadth of coverage of such legislation. While most states implicitly require coaches and trainers to report suspected child abuse, very few state statutes explicitly enumerate athletic trainers and coaches as among the groups of mandated reporters.²⁶⁹ Among those states that explicitly include language regarding coaches and/or athletic trainers, the list of individuals considered mandated reporters may be further limited based on the context in which the individual exercises his or her duties as a coach or trainer (**Figure 14**). For example, in Arkansas only athletic coaches at public and private schools are considered mandated reporters; short-term volunteers and coaches of recreational and community-based teams are not covered under the state’s statute.²⁷⁰ The Safe Sport Act thus goes beyond most states’ requirements to include all coaches, parent volunteers, team officials, and athletic trainers.

4. Reforms Needed in Mandated Reporting Statutes

States must continue to rectify the weaknesses in laws that only require individual staff members to report suspected abuse to their supervisor, because it was these weaknesses that enabled individuals to evade a responsibility to escalate reports of abuse to the proper channels in the case of Larry Nassar. Although all adults ide-

ally should be mandatory reporters, states are acting to clarify and widen the scope of mandatory reporting laws. Pennsylvania, for example, strengthened its mandatory reporting laws in the wake of the Penn State University sexual abuse case.²⁷¹ The previous law only required an individual staff member who suspected abuse to report it to a supervisor. The new law now requires that most anyone working with children in the state report any suspected abuse to the state’s child abuse hotline. Other states should take similar measures to prevent the kind of internal secrecy fostered by chain-of-command reporting that compounds the crimes of serial abusers such as Nassar. States should make clear that the duty under mandated reporter statutes can only be satisfied by making the report to the appropriate law enforcement and child welfare authorities.

Beyond expanding groups of reporters, states should provide greater clarity regarding the existing categories of mandated reporters. For example, states that include school employees among those required to report suspected abuse should specify that this group includes staff at all public, private, and community colleges and universities as well as all K-12 schools. States should consider the ways in which clarifying and/or reorganizing enumerated groups could help individuals identify whether they are mandated reporters and increase awareness regarding their legal responsibilities to report to abuse to child welfare authorities. Similarly, states should amend their existing statutes where necessary to explicitly define language such as “direct contact,” “official capacity,” and in the “performance of” their services for purposes of triggering the reporting mandate.

Game Over Commission’s Recommendations

1. State governments should reform their statutes of limitation for child sexual abuse.
2. State governments should reform mandated reporting of abuse statutes to ensure all persons who know or reasonably suspect abuse are required to report said abuse.
3. Congress should reform the bankruptcy system for victims of child sexual abuse.

FINDING VI: REGULATIONS AND OVERSIGHT OF MEDICAL STATE LICENSING NEED REFORM TO PROTECT CHILDREN FROM MEDICAL PREDATORS

Summary: *In light of reports made about him, Nassar should never have received a medical license and, after he did, it took too long to revoke it. The medical licensing system needs serious reform to weed out doctors who pose a risk of child sexual abuse and assault. The duty to report physician sexual misconduct came to the nation's attention like never before as a result of the Nassar abuse case. Between 1992, when the first allegations were brought against Nassar while he was still a medical school student, and 2016, when the first criminal complaint was filed against him, there were at least eight instances when relevant officials became aware of alleged misconduct but did not report it to the proper authorities.²⁷² Among those individuals were physicians and other medical professionals on staff who failed to report the allegations to the state medical board as required by the Medical Code of Ethics.²⁷³ There was Dr. Gary Stollak, the psychologist who learned of Nassar's abuse from a former victim 14 years prior to Nassar's conviction but failed to report it; Dr. William Strampel, former Dean of MSU College of Osteopathic Medicine who imposed cer-*

tain restrictions on Nassar's contact with patients including that Nassar be chaperoned while performing sensitive examinations, but failed to enforce, let alone report the same; and Dr. Brooke Lemmen who failed to report to MSU officials after learning that Nassar was under investigation by USA Gymnastics.²⁷⁴

Introduction

In addition to his connections to the US Olympic system that afforded Nassar continued access to young girls, his position as a doctor provided him unchecked authority and repute that made victims question their instincts and trust him with their bodies, and also deterred law enforcement inquiry. Abuse by doctors in the sports world is common (for example, Dr. Strauss at Ohio State University, Dr. Anderson at the University of Michigan, etc.) and needs to be better regulated. This section will outline how Nassar maintained his license despite reports of misconduct.



Despite his pattern of misconduct, Nassar was repeatedly given access to young athletes including by and through his role at the famed Karolyi Ranch, where USA Gymnastics permitted Nassar to treat gymnasts even though he was not licensed to practice medicine in the state of Texas.²⁷⁵ According to the Texas Medical Board, practicing without a license – as Nassar did for years – is a third degree felony, though state board officials have acknowledged that the law is rarely enforced.²⁷⁶ According to the Texas medical board, a physician found to be practicing without a license is generally issued a “cease and desist” letter from the licensing agency – that Nassar never received such a letter indicates that the physician was unknown to the board.²⁷⁷ Nassar eventually was convicted of practicing without a license in Texas, but not before Nassar had the opportunity to abuse young girls at the Karolyi Ranch, including former US gymnast Mattie Larson, for more than 15 years.²⁷⁸

Similarly, in the 20 years since Nassar began abusing young athletes, no one ever filed a complaint with the Michigan Board of Medicine.²⁷⁹ In January 2017, the Michigan State Attorney General’s office did file a complaint alleging that between 1998 and 2005 Nassar sexually abused a minor under the age of 13.²⁸⁰ As a result, on April 25, 2017, the Michigan Department of Licensing and Regulatory Affairs summarily revoked Nassar’s license for three years and ordered him to pay a \$100,000 fine in order to apply for reinstatement in the future.²⁸¹ It was nearly a year later, after the Attorney General’s office filed a second complaint against Nassar, that the Michigan Board of Osteopathic Medicine and Surgery’s disciplinary board permanently revoked Nassar’s medical license and fined him \$1 million, the largest fine ever issued in its history.²⁸² By then, however, more than 160 victims had come forward with allegations of abuse by Nassar.²⁸³

It was not just Nassar but also those who enabled him that escaped scrutiny for too long by the licensing board. In May of 2018, however, the Michigan State Attorney General’s Office filed an administrative complaint against former Dean of the College of Osteopathic Medicine at MSU, Dr. William Strampel, alleging that Strampel violated the Public Health Code based in part on his failure to appropriately supervise Nassar and to report Nassar’s public health code violations.²⁸⁴ The complaint

also alleged that Strampel failed to enforce the protocols established to protect potential patients following allegations against Nassar at the MSU Sports Medicine Clinic in violation of Michigan’s standards of practice for a health professional. In August 2018, Strampel’s license was suspended until the disciplinary board permanently revoked his license in December of 2019 and ordered him to pay a \$35,000 fine to the state.

Despite a decades-long pattern of inappropriate behavior, both USA Gymnastics and MSU failed to decisively intervene, thus enabling Nassar to victimize countless young athletes under the guise of medical treatment. It is particularly devastating when a physician uses his or her position of trust and authority to prey on vulnerable patients and thus it is especially important for the medical field to take actions to identify, appropriately respond to, and prevent such egregious violations of medical ethics.

According to the Texas Medical Board, practicing without a license – as Nassar did for years – is a third degree felony, though state board officials have acknowledged that the law is rarely enforced.

A. GAME OVER COMMISSION’S RECOMMENDATIONS TO ADDRESS NASSAR’S CONTINUED MEDICAL LICENSING

1. Reform How Professional Boards Respond to Reports of Professional Misconduct

The [Federation of State Medical Boards \(FSMB\)](#) represents the state medical and osteopathic regulatory boards – commonly referred to as state medical boards – within the United States, its territories, and the District of Columbia. FSMB supports its member boards in the proper licensing, disciplining, and regulation of physicians.²⁸⁵ FSMB provides a wide database of physicians called the Physician Data Center (PDC), a centralized database of license and sanction information of physicians and physician assistants in the United States, that allows hospitals or health care organizations to verify credentials of physicians and physician assistants. A list of U.S. physicians accused of child sexual abuse between 2002-2019 is available in [Appendix I](#). These profiles also include basic information such as state board sanctions, federal sanctions, and licensure verification. Furthermore, they also offer information on revocations and suspensions, loss of license, probation restrictions of disciplinary and non-disciplinary actions, licensure denials, reinstatements, consent orders, administrative actions (fines, warnings, etc.), and Medicare/Medicaid

exclusions or reinstatements.

In light of Nassar’s case, in April 2016 FSMB adopted a formal Position Statement on Duty to Report,²⁸⁶ and in May of 2017, Patricia King, Chair at the time of the FSMB, created and led a Workgroup on Physician Sexual Misconduct to further collect and review regulations and barriers of sexual misconduct in a medical setting. Then, in May of 2020, the FSMB issued a set of updated guidelines for the prevention of sexual misconduct that called upon state medical boards to improve how they respond to information related to professional misconduct to enhance accountability and public safety.²⁸⁷

While the updated FSMB guidelines are an important step in the right direction, they are not binding on state medical boards nor are they sufficiently aggressive to address the gaps in prevention. Therefore, professional boards such as the FSMB are, in removing barriers to reporting, creating consistent protocols for responding to instances of serious misconduct, increasing transparency of the disciplinary process, and enhancing cross-systems collaborations for the prosecution/adjudication of sexual misconduct.

2. Adopt Consistent Terminology and Clear Coding Processes

The definition of “sexual misconduct” by medical boards is unclear and has largely been used by institutions as a catch-all term for a variety of different behaviors. The FSMB’s latest policy defines “sexual misconduct” as, “[any] behavior that exploits the physician-patient relationship in a sexual way,” which is no more illuminating.²⁸⁸ The updated policy does provide examples of sexual misconduct that the FSMB describes as taking place along a continuum of increasing severity, beginning with grooming behaviors and ending with sexual assault.²⁸⁹

In its previous reports, the FSMB divided sexual misconduct into two distinct categories: 1) sexual impropriety – “behavior, gestures, or expressions that are seductive, sexually suggestive, disrespectful of patient privacy, or sexually demeaning to a patient”; and 2) sexual violation – “physical sexual conduct between physician and patient, or engaging in any conduct with a patient that is sexual or may reasonably be interpreted as sexual.”²⁹⁰ It is unclear from the 2020 policy whether the FSMB has rejected these explicit categorizations. However, the policy’s language draws similar distinctions between acts of misconduct that involve physical contact and

those that do not.²⁹¹

The Board of Physical Therapy offers yet another interpretation of the term “sexual misconduct.” According to the board, sexual misconduct includes: “engaging in or soliciting sexual relationships,” regardless of consent, while a therapist/patient relationship exists; “making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;” and “intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is unrelated to diagnosis or treatment under practice standards.”²⁹² Acts of sexual misconduct are grounds for denial of a license or disciplinary action by the state regulatory board.

The term “sexual misconduct,” therefore, requires clarification, elaboration, and, perhaps most importantly, unification across boards, hospitals and health care facilities, and institutions that employ licensees. Using specific terms such as “sexual harassment,” “sexual assault,” and “sexual abuse” should be used where such language would better convey the nature of the misconduct. Specifically, the term “sexual misconduct,” as it has historically been used in the medical community, should be replaced with the term “sexual abuse,” when referring to conduct that involves any of the following behaviors:

- 1) sexual intercourse or other forms of physical sexual relations between the physician and a patient;
- 2) touching, of a sexual nature, of a patient by the physician; or
- 3) other behavior of a sexual nature by the physician toward a patient.²⁹³

Moving forward, behaviors that do not amount to sexual abuse but are nevertheless inappropriate (i.e. sexual comments) might be better categorized as “sexual misconduct” or “sexual harassment”; such behaviors may warrant state sanction though not necessarily to the same degree as acts that constitute sexual abuse.

By adopting more precise language, state medical boards can and should implement coding processes for board actions that clearly link objective behaviors to disciplinary actions. Boards and the National Practitioner Data Bank too frequently use vague and uninformative categories such as “disruptive physician behavior,” “boundary violation,” and even “other” where a label of “sexual misconduct” would be the more appropriate label.²⁹⁴ Consistent terminology will promote public safety and enable better tracking of trends, outcomes, and the impacts of policy reforms.

3. Expand Acts Requiring Mandatory Disciplinary Action

State medical boards, health care facilities, and institutions should expand the list of acts of sexual misconduct that result in mandatory disciplinary action. A single act of sexual abuse, as defined above, should presumptively provide the basis for permanent revocation of one's professional license. For acts of sexual misconduct that do not amount to sexual abuse, the board and/or employer should seek a licensing sanction against the licensee commensurate with the severity of the conduct, as a sanction creates a disciplinary record for the individual physician.²⁹⁵ Relatedly, boards should advocate for legislative reforms that would permit them to review prior complaints and previously dismissed cases as part of their investigative authority, as these are not a part of a more accessible disciplinary record. This would allow the board to identify potential grooming behaviors or other patterns of concerning behavior so that they can take action before a licensee engages in additional dangerous behaviors.

4. Increase Transparency of Disciplinary Processes

The FSMB Report proposes reforms aimed at increased transparency of the disciplinary process. The purpose was to raise public confidence in the boards' ability to appropriately address instances of professional mis-

conduct.²⁹⁶ For example, the Reports calls for an end to private agreements or letters of warning in cases of sexual misconduct. It also suggests increased information sharing among state medical boards. It also recommends state medical boards make the details of investigative findings and disciplinary actions, including sufficient facts to justify a regulatory decision, publicly available on their websites.

Where the ability to disclose such information is limited by confidentiality laws or other statutes, state medical boards should pursue legislative change. New York state recently proposed a bill that if adopted would, among other things, require physicians found guilty of sexual misconduct to provide a disclosure statement to all patients setting forth the penalties and duration of penalties imposed as a result of the misconduct, along with guidance on how patients can find additional information about the physician's history of misconduct.²⁹⁷ This bill would also require the state medical board to make all information required for such a disclosure available on their website.

State medical boards should also consider innovative approaches that would enhance communication with the public regarding concerns of physician misconduct. For example, in 2018 the Medical Board of California introduced a mobile application (called "Medical Board of California") that allows patients to receive updates about their physician's licensure status.²⁹⁸ The Medical Board of California also requires that patients be noti-



fied of license stipulations and/or restrictions related to sexual misconduct at the time of scheduling an appointment and requires patients to verify receipt of such a notification.

5. Broaden Requirements of Reporting Misconduct to Medical Boards

Because research shows that repeated minor violations, when permitted to go unreported, frequently lead to more egregious ones, early reporting to medical boards is critical to the prevention of sexual misconduct.²⁹⁹ Unfortunately, the ethical duty to report has proven insufficient to alert state medical boards to potentially abusive physicians and to prevent licensees from engaging in sexual misconduct as the Nassar case confirms. Therefore, alternative approaches are needed. First, hospitals and health care facilities should be required to share the results of peer-review processes with state medical boards for all cases involving sexual misconduct. Second, hospitals and other health care facilities should be required to report to state medical boards instances where physicians have been terminated or forced to resign due to concerns related to sexual misconduct, and state medical boards should, if they do not already, have the ability to levy fines against institutions for failure to report.³⁰⁰ Third, physicians who fail to report known instances of sexual misconduct should be liable for sanction by their state medical board for the breach of their professional duty to report. Equally, those who report sexual misconduct in good faith to medical boards should be allowed to remain anonymous, where not prohibited by law, and afforded protections from retaliation.

A California law which took effect in January 2021 serves as a modest example of reporting reforms.³⁰¹ The new state law requires health care facilities and other entities, including post-secondary educational institutions, to report any written allegation that a licensee has sexually abused or engaged in sexual misconduct with respect to a patient. The law also requires health care leadership to report any actions which deny, restrict for 30 days or more in a 12-month period, or terminate clinical privileges for disciplinary reasons or cause. Institutional failure to report may result in significant fines from \$50,000 per violation, and up to \$100,000 per violation if the failure is willful.

Similarly, Delaware, which has some of the nation's strongest patient-protection laws, requires every health care institution to report any change in privileges and

any reasonably substantiated incidents involving violence, threat of violence, or abuse or neglect toward any person.³⁰² Additionally, every licensed professional is required to report colleagues whom they reasonably believe are or may be guilty of unprofessional conduct and may be subject to revocation of their license for failure to report.³⁰³

State medical boards should also work closely with local law enforcement to clarify the circumstances under which law enforcement is required to notify the board of instances of physician sexual misconduct. Currently, only 22 of the 71 medical boards require that state or local law enforcement agencies notify the boards about possible physician misconduct.³⁰⁴ Delaware is among those states that require law enforcement agencies to report new or pending investigations of suspected criminal conduct related to the practice of medicine and within 30 days of the close of a criminal investigation or arrest of a physician to the state medical board.

6. Broaden Requirements for Medical Boards to Report Misconduct to Law Enforcement

Despite variability among state laws with respect to when state medical boards are required to report instances of sexual misconduct to law enforcement, best medical practices dictate that boards have a duty to do so anytime they become aware of sexual misconduct or instances of criminal behavior.³⁰⁵ For example, Delaware's state medical board, which has one of the nation's strictest standards, is required to notify law enforcement upon receipt of a complaint involving potential criminal conduct.³⁰⁶ At a minimum, guidelines and laws should provide a clear directive that acts amounting to child sexual abuse or sexual assault should be reported to law enforcement immediately; this includes an obligation on the part of the institution, individuals, and the board members themselves.

7. Require Criminal Background Checks for Sex-Related Offenses for Maintaining Licensure

Although criminal background checks are considered the floor in terms of prevention, 14 states still do not require them for medical license applicants.³⁰⁷ In comparison, Texas state law requires doctors to undergo rigorous criminal background checks both before they're licensed and while they are practicing, too.³⁰⁸ An

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

applicant is ineligible for licensure if they are currently restricted, suspended for cause or revoked by another jurisdiction, if an investigation or a proceeding is pending, or if a prosecution is pending for any offense under Texas law that would be either a felony or misdemeanor involving moral turpitude.³⁰⁹ In Delaware, all physicians are required to undergo a criminal background check with fingerprints at initial application with reviews completed at least every six months thereafter.³¹⁰

In 36 states there is no law prohibiting physicians convicted of felony sexual offenses from practicing medicine.³¹¹ Texas law, though, requires the board to revoke a physician's license for final felony convictions and those who are on deferred adjudication for offenses related to sexual abuse or assault of a child; however, revocation is not permanent.³¹² In Delaware, permanent revocation is mandatory for physicians convicted of felony sexual offenses but the board maintains discretion when it comes to physicians convicted of crimes related to the practice of medicine and those with revoked or denied licenses in another state.³¹³ Minnesota, on the other hand, is among the few states where physicians who are convicted of felony sexual offenses have their licenses automatically and permanently revoked.³¹⁴

Both MSU and USA Gymnastics (USAG) conducted a

preliminary criminal background check on Nassar, and he had no criminal history to speak of. Although the allegations against Nassar date back to 1992 while Nassar was still a medical school student, there is no evidence that MSU or USAG had access to this information when they hired Nassar, nor would such knowledge have precluded Nassar from employment with the organizations. Yet had the existing law barred Nassar from obtaining his medical license in the first place while he was still the subject of an ongoing investigation into sexual misconduct, it is possible that he would have been ineligible for employment as a physician at the time he was hired by MSU and USAG. Likewise, had Nassar been practicing in a state where an applicant is ineligible for licensure if they are currently restricted in their ability to practice or under active investigation for misconduct, perhaps Nassar's license could have been suspended several times during his tenure, at the very least while he was under criminal investigation, and countless potential victims spared from his abuse. Finally, upon knowledge of his felony conviction for child pornography, the licensing board should have automatically and permanently revoked Nassar's license to practice medicine -- however, because Michigan law did not so require, Nassar maintained a license to practice for several months before finally being permanently revoked by the board in April 2018.

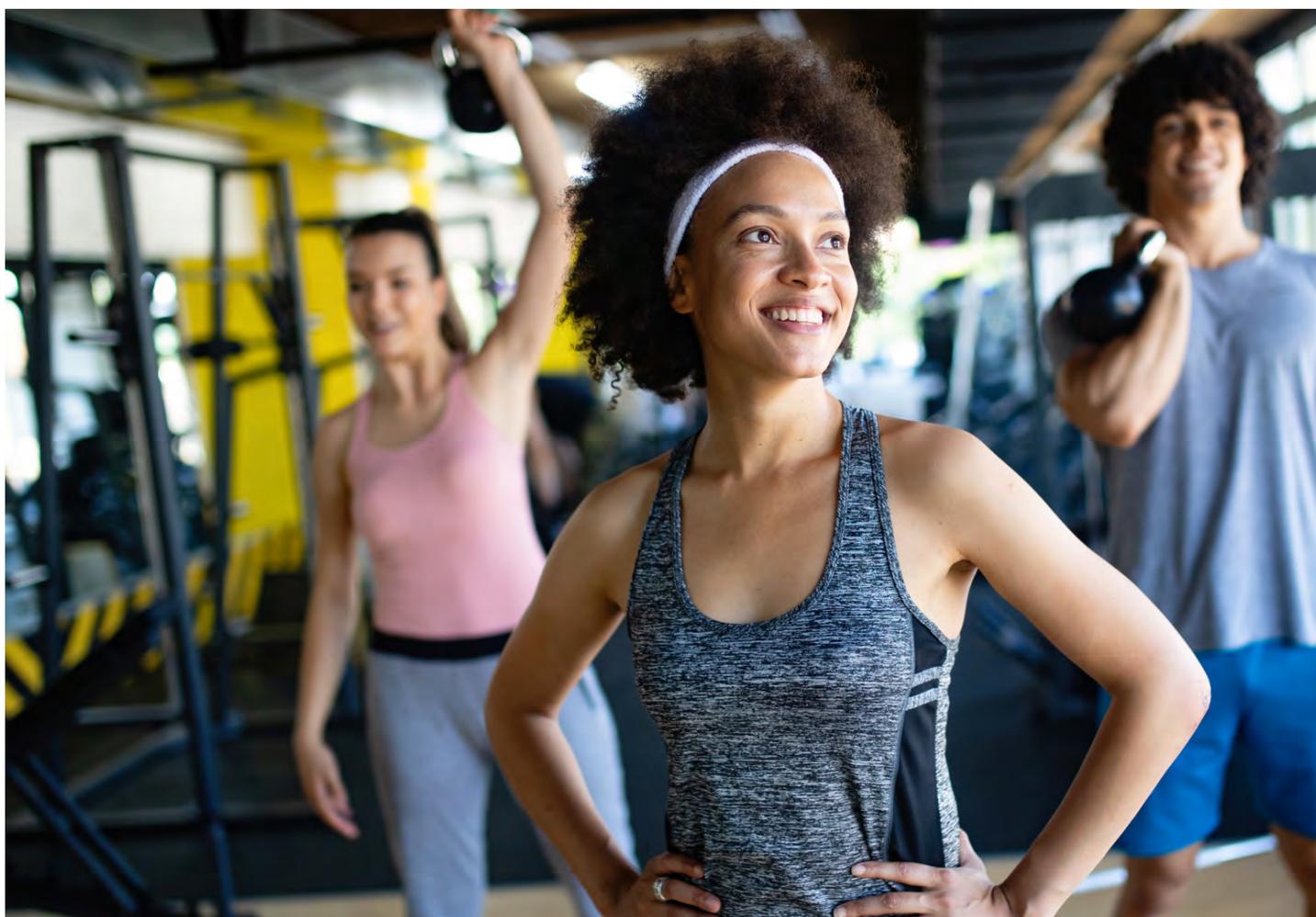
Game Over Commission's Recommendations

1. State Medical Boards should adopt consistent terminology and clear coding processes.
2. State Medical Boards should increase the transparency of their disciplinary processes.
3. State Medical Boards should require criminal background checks for sex-related offenses for maintaining licensure.
4. State Medical Boards should hold liable for sanction any physician who fails to report known instances of sexual misconduct for the breach of their professional duty to report.
5. State medical boards, health care facilities, and institutions should expand the list of acts of sexual misconduct that result in mandatory disciplinary action.
6. State governments should require healthcare organizations and those that employ healthcare professionals to share the results of peer-review processes with state medical boards for all cases involving sexual misconduct.
7. State governments should require hospitals and other health care facilities to report to state medical boards instances where physicians have been terminated or forced to resign due to concerns related to sexual misconduct.
8. State governments should give state medical boards the ability to levy fines against institutions for failure to report sexual misconduct.
9. State governments should provide a clear directive that acts amounting to child sexual abuse or sexual assault should be reported by medical boards to law enforcement immediately; this includes an obligation on the part of the institution, individuals, and the board members themselves.

CONCLUSION

Each child abused by Dr. Larry Nassar has suffered in their own way, and this Report shows that we as a society are responsible. We should all be ashamed of a sports culture that has carved so many paths to abuse. While athletes thrill us with their wondrous achievements and inspire us with their extraordinary work ethic, we have let our love of their excellence take precedence over the well-being of too many children. The paradigm of treating children as pawns in a system intended to enrich and glorify adults must be broken, and replaced with a focus on health and well-being, as well as achievement.

We ask Congress, state and federal law enforcement, insurers, state and federal governments, sports organizations, and state medical licensing boards to take action immediately. The bottom line is that the Nassar case establishes that he was a cog in a system that needs reform. Not a single institution in this story deserves praise, and everyone needs to start treating children as rights-holders, not vessels for adult goals and needs. We have examined many institutions that failed children. We now call on all of them and lawmakers to act quickly to protect the children and young adults now at risk in sports.



THE GAME OVER COMMISSION'S RECOMMENDATIONS TO PREVENT ABUSE IN ATHLETICS

All recommendations are viewed by the Game Over Commission as necessary and valuable. Therefore, no conclusions should be drawn based on the order of the recommendations.



Recommendations for Congress:

1. Congress should remove financial incentives that tempt the USOPC and NGBs to prioritize their financial strength over the well-being of athletes.
2. Congress should create an independent Federal Agency responsible for the regulation and oversight of the US Olympic system with athlete well-being as its foremost mandate.
3. Congress should pass a law to make the US Center for SafeSport Congressionally funded and completely independent from the Olympic hierarchy system.
4. Congress should fund intervention studies to determine the effectiveness of abuse prevention strategies in athletics.
5. Congress should fund and task the Department of Justice with the creation of a national database of all persons associated with sports who have been accused of misconduct with a child.
6. Congress should reform the bankruptcy system for victims of child sexual abuse.
7. Federal lawmakers should develop enforceable standards for athlete health and well-being.



Recommendations for Law Enforcement:

1. Law enforcement agencies, including the FBI, investigating crimes against children should use a child-centric and trauma-informed investigation model, as exemplified by Children's Advocacy Centers, and should be required to assess the ongoing threat to children.
2. Law enforcement agencies, including the FBI, should coordinate a multidisciplinary response in order to parse and digest complex technical or medical information when assessing the veracity of a child victim's complaint in comparison to an adult suspect's explanation of their actions.
3. Law enforcement agencies, including the FBI, should expediently notify state, local, and federal authorities to pursue parallel investigations when presented with a case of child sexual abuse.
4. The Federal Bureau of Investigation should neutralize any potential biases or conflicts of interest of investigators or field offices.



Recommendations for the Insurance Industry:

1. Insurance carriers should build in effective child sex abuse prevention principles as a prerequisite to coverage.



Recommendations for the States:

1. State governments should reform their statutes of limitation for child sexual abuse.
2. State governments should reform mandated reporting of abuse statutes to ensure all persons who know or reasonably suspect abuse are required to report said abuse.
3. State governments should require healthcare organizations and those that employ healthcare professionals to share the results of peer-review processes with state medical boards for all cases involving sexual misconduct.
4. State governments should require hospitals and other health care facilities to report to state medical boards instances where physicians have been terminated or forced to resign due to concerns related to sexual misconduct.
5. State governments should give state medical boards the ability to levy fines against institutions for failure to report sexual misconduct.
6. State governments should provide a clear directive that acts amounting to child sexual abuse or sexual assault should be reported by medical boards to law enforcement immediately; this includes an obligation on the part of the institution, individuals, and the board members themselves.



Recommendations for the National Governing Bodies (NGBs), Gyms, and Other Athletic Institutions:

1. NGBs should provide non-conditional financial support for athletes and those exiting their sport.
2. NGBs, gyms and other athletic institutions should adopt educational programs for athletes and parents.
3. NGBs, gyms and other athletic institutions should develop a standard for athlete health and well-being.
4. CHILD USA's Evidence-based Gold Standard Child Protection Policies (**Appendix H**) should be mandatory for gyms and other athletic institutions.



Recommendations for State Medical boards, Health Care Facilities, and Institutions:

1. State medical boards, health care facilities, and institutions should expand the list of acts of sexual misconduct that result in mandatory disciplinary action
2. State Medical Boards should adopt consistent terminology and clear coding processes.
3. State Medical Boards should increase the transparency of their disciplinary processes.
4. State Medical Boards should require criminal background checks for sex-related offenses for maintaining licensure.
5. State Medical Boards should hold liable for sanction any physician who fails to report known instances of sexual misconduct for the breach of their professional duty to report.

APPENDIX A: BIOGRAPHIES OF THE GAME OVER COMMISSIONERS

The Game Over Commission is comprised of the following 14 experts in the field of child protection:



Marci Hamilton, Esq.
Chair of The Game Over Commission
Fox Professor of Practice, University of
Pennsylvania | CEO & Academic Direc-
tor of CHILD USA

Marci A. Hamilton is the Robert A. Fox Leadership Program Professor of Practice, and Fox Family Pavilion Resident Senior Fellow in the Program for Research on Religion at the University of Pennsylvania. She is also the founder, CEO, and Academic Director of CHILD USA, www.childusa.org, a 501(c)(3) nonprofit academic think tank at the University of Pennsylvania dedicated to interdisciplinary, evidence-based research to prevent child abuse and neglect. Before moving to the University of Pennsylvania, Professor Hamilton was the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University.

Hamilton is the leading expert on child sex abuse statutes of limitations and has submitted testimony and advised legislators in every state where significant reform has occurred. She is the author of *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press), which advocates for the elimination of child sex abuse statutes of limitations. She has filed countless pro bono amicus briefs for the protection of children at the United States Supreme Court and the state supreme courts. Her textbook, *Children, and the Law*, co-authored with Martin Gardner, was published Fall 2017 by Carolina Academic Press, formerly Lexis/Nexis.

Hamilton has been a vocal and influential critic of extreme religious liberty, advocating for the vulnerable about overreaching. Hamilton successfully challenged the constitutionality of the Religious Freedom Restoration Act ("RFRA") at the Supreme Court in *Boerne v. Flores* (1997), and defeated the RFRA claim brought by the Archdiocese of Milwaukee against hundreds of child sex abuse survivors in *Committee of Unsecured Creditors v. Listeki* (7th Cir. 2015). She has represented numerous cities dealing with church-state issues as well as claims brought under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). The author of *God vs. the Gavel: The Perils of Extreme Religious Liberty* (Cambridge University Press), which was nominated for a Pulitzer Prize, she is also a columnist for Verdict on Justia.com.

Hamilton has been honored with the 2018 Pennsylvania State University Department of Philosophy Distinguished Alumni Award, the 2017 University of Pennsylvania Law School Louis H. Pollak Public Service Award, the 2016 Voice Today, Voice of Gratitude Award; the 2015 Religious Liberty Award, American Humanist Association; the 2014 Freethought Heroine Award; the National Crime Victim Bar Association's Frank Carrington Champion of Civil Justice Award, 2012; the E. Nathaniel Gates Award for outstanding public advocacy and scholarship, 2008; and selected as a Pennsylvania Woman of the Year Award, 2012, among others. She is also frequently quoted in the national media on child abuse and neglect, statute of limitations, constitutional, RFRA, RLUIPA, and First Amendment issues.

Hamilton clerked for United States Supreme Court Justice Sandra Day O'Connor and Judge Edward R. Becker of the United States Court of Appeals for the Third Circuit. Professor Hamilton is a graduate of Vanderbilt University, B.A., summa cum laude; Pennsylvania State University, M.A. (English, fiction writing, High Honors); M.A. (Philosophy); and the University of Pennsylvania School of Law, J.D., magna cum laude, where she served as Editor-in-Chief of the University of Pennsylvania Law Review. She is a member of Phi Beta Kappa and Order of the Coif.

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar



Steven Berkowitz, MD
*Professor, Department of Psychiatry,
University of Colorado Anschutz Medical
Campus Director START Center*

Steven Berkowitz, MD is a Child and Adolescent Psychiatrist at The Children's Hospital of Philadelphia and an Associate Professor of Clinical Psychiatry at the University of Pennsylvania. His main focus has been on the development of interventions for children living in psychosocial adversity, especially in the area of childhood trauma, crisis response and early intervention. He was involved in the development of guidelines on how parents and children could deal with the aftermath of the 9/11 attacks. He currently co-chairs the Task Force on School Violence for the American Academy of Child and Adolescent Psychiatry.

Dr. Berkowitz is the primary investigator and developer of a secondary prevention intervention, the Child and Family Traumatic Stress Intervention (CFTSI) for youth at risk of developing PTSD. In a randomized clinical trial, it reduced PTSD in children ages 7-17 by 69 percent. CFTSI has been implemented at approximately 60 sites across the country including several in Philadelphia. A version for younger children is currently being piloted.

In addition, Dr. Berkowitz is a nationally recognized expert on police-mental health collaborations and was one of the architects of the Child Development-Community Policing Program, a model that was replicated in 15 communities throughout the U.S. He has written, lectured and taught extensively in the area of childhood trauma and its treatment. He is a contributor to the Psychological First Aid Manual for Disaster Response sponsored by SAMHSA and a co-author of the published *Skills for Recovery Manual*, which is intended to be used in the weeks and months after a Disaster. In addition, he was a developer of the In-home Intensive Child and Adolescent Psychiatry Service (IICAPS), which was designed for children and youth at high risk of institutionalization due to multiple risk factors including chronic adverse experience. This program (PHIICAPS) is currently employed in Philadelphia.



Pat Ciarrocchi
Former CBS3 Philadelphia news anchor who has covered the sex abuse crisis in depth

Pat Ciarrocchi is an Emmy Award winning and Pennsylvania Association of Broadcasters Hall of Fame TV News journalist. She made her broadcast home at CBS 3 in Philadelphia as a news anchor and reporter for more than 33 years.

Some of her most memorable work involved six overseas assignments at the Vatican. Ciarrocchi capped off her career coverage of the Catholic Church with more than 16 hours, broadcasting live during Pope Francis' historic visit to Philadelphia in September, 2015.

Her work covering the Philadelphia clergy sex abuse crisis in the Catholic Church won her awards and recognitions.

Since leaving CBS 3, Pat's regional public speaking engagements have focused on women's empowerment in the workplace and the role of women in the Catholic Church, even offering to regional diocesan priests a greater insight into the contemporary Catholic woman.

Pat serves on the Board of Mission Kids – the Montgomery County child advocacy agency, focused on helping children who have been sexually abused. And she serves on the board of Gaudenzia, Inc. – a multi-state, regional agency which provides treatment and recovery services for individuals with Substance Use Disorders.

Pat earned a Bachelor of Arts degree in American Studies from Rosemont in 1974. Subsequently, in light of her professional and community accomplishments and contributions, Pat was awarded four honorary doctorate degrees -- from La Salle University in Philadelphia, Neumann University in Aston, Cabrini College in Radnor and her alma mater, Rosemont College.

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar



Sharon Cooper, MD, FAAP
Developmental & Forensic Pediatrician

Dr. Sharon Cooper is a Developmental and Forensic Pediatrician who cares for children and select adults with different abilities as well as those who have been victims of maltreatment. Dr. Cooper retired from the United States Army with the rank of Colonel and holds adjunct faculty positions at the University of North Carolina at Chapel Hill School of Medicine and the Uniformed Services University of Health Sciences at Bethesda, Maryland. She has provided numerous lectures to medical, nursing, mental health, judicial, social science and investigative agencies, including the National Judicial College, the Federal Bureau of Investigation, the Australian Federal Police, and INTERPOL. Her primary areas of expertise include all areas of child maltreatment, child torture and child sexual exploitation.

Dr. Cooper has published numerous chapters on the subject of child sexual exploitation and is the lead editor of one of the most comprehensive texts in the U.S., on this subject. She works with victims and families of children who have been the prey of all types of online and offline exploitation. She is a Board member and consultant to the National Center for Missing and Exploited Children and has taught several thousand special victim unit and vice investigators for over a decade, on the victim vulnerability, health impact and the diverse forms of exploitation in sex trafficking. Dr. Cooper has served as an expert witness in several hundred cases of child maltreatment and numerous cases within the past several years on behalf of sex trafficking victims. Dr. Cooper served as a Task Force Member for the U.S. Attorney General on Defending Childhood, Children Exposed to Violence, was an invited speaker to the White House Summit on The United State of Women and recently presented at the World Congress on Child Dignity in the Digital World, sponsored by the Vatican. She has provided testimony before the U.S. Congress, the Italian Senate, the Russian Parliament (Duma), and the Ottawa House of Commons on child sexual exploitation.

In 2011, Dr. Cooper was selected by Newsweek magazine as one of the 150 women who shake the world. She continues to serve on an International Working Group on the victim impact for survivors of child sexual abuse imagery, sponsored by the Canadian Centre for Child Protection. She recently produced the first American documentary entitled Not Just Pictures, which provides insight into the ongoing extraordinary impact of the victimization of children whose abusive images are in cyberspace.



David L. Corwin, MD
Professor and Director of Forensic Services, Pediatrics Department, University of Utah School of Medicine

Dr. Corwin is Professor and Director of Forensic Services at the University of Utah Department of Pediatrics. He is board certified in Psychiatry and Child Psychiatry and has lectured throughout North America, Europe, and Asia. He is a co-founder of five professional societies addressing child maltreatment and other types of interpersonal violence. He produced the Academy on Violence and Abuse (AVA) Adverse Childhood Experiences Study DVD (2012). He is a past president of the American Professional Society on the Abuse of Children and the AVA, both of which he helped found.

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Kathleen Faller, MSW

Marion Elizabeth Blue Endowed Professor Emerita of Children and Families in the School of Social Work at the University of Michigan | Director, Family Assessment Clinic

Kathleen Faller, Ph.D., A.C.S.W., D.C.S.W., L.M.S.W. is Marion Elizabeth Blue Professor Emerita of Children and Families in the School of Social Work at the University of Michigan. She is also Co-Director of the Family Assessment Clinic at Catholic Social Services of Washtenaw County.

She is involved in research, clinical work, teaching, training, and writing in the area of child welfare, child sexual abuse, and the child welfare workforce. Over the course of her career, she has received over 10 million dollars in funding to support her training, research, and practice related to child welfare, including six grants from the USDHHS Children's Bureau. She has been a pioneer in trauma-informed, evidence-based practice for interviewing children who may have been sexually abused, focusing on complex cases. She conducts case record reviews of child welfare cases involved in civil litigation.

She is the author, editor, or co-editor of 10 books: *Social Work with Abused and Neglected Children* (The Free Press, 1981); *Child Sexual Abuse: An Interdisciplinary Manual for Diagnosis, Case Management, and Treatment* (Columbia University Press, 1988); *Understanding Child Sexual Maltreatment* (Sage Publications, 1990); *Child Sexual Abuse: Intervention and Treatment* (U.S. Department of Health and Human Services, 1993); *The American Professional Society on the Abuse of Children Study Guide: Interviewing Children Suspected of Having Been Sexually Abused* (Sage Publications, 1996); *Maltreatment in Early Childhood: Tools for Research-based Intervention* (Haworth Press, 2000); *Understanding and Assessing Child Sexual Maltreatment, Second Edition* (Sage Publications, 2003); *Interviewing Children about Sexual Abuse: Controversies and Best Practice* (Oxford University Press, 2007); *Seeking Justice in Child Sexual Abuse: Shifting Burdens and Sharing Responsibilities* (Columbia University Press, 2010) and *Contested Issues in Child Sexual Abuse Evaluation* (Routledge 2014). She has also published over 100 book chapters and research and clinical articles. She has conducted over 300 juried conference presentations at international, national, and state conferences and provided over 250 workshops.



Teresa Huizar

CEO, National Children's Alliance

Teresa Huizar has been the CEO of National Children's Alliance, the national association and accrediting body for more than 930 Children's Advocacy Centers (CACs) in the US, since 2008. CACs provide comprehensive services to child victims of abuse including: forensic interviews, victim advocacy, medical evaluations, and mental health treatment. Children's Advocacy Centers coordinate the multidisciplinary team as it carries out its investigative, prosecutorial, and treatment functions. In 2020, CACs served over 338,000 child victims of abuse, and provided prevention education to more than 2 million individuals.

She is also the host of One in Ten podcast, which highlights research and innovation in child abuse response. Teresa has been a leader in the field of child abuse prevention and intervention for more than 25 years. She is particularly interested in the intersection of federal public policy and child abuse. Teresa has testified at Congressional hearings and briefings and regularly consults on child abuse and child welfare legislation.

She has served on numerous state, local, and national boards, including: the Public Policy Committee of ASAE; the Public Policy Committee of the National Center for Child Traumatic Stress (NCTSN); and the Steering Committee of the National Coalition to End Child Abuse Fatalities. She is currently a Commissioner for the Game Over Commission, and an Advisory Board member of the NCTSN, among other advisory board roles. Teresa is a trusted source for media and has been interviewed by NPR, the *Wall Street Journal*, the *Washington Post*, the *New York Times*, CNN, Fox, and numerous other national, regional, and local media outlets on topics of child abuse prevention and intervention. Her current professional interests include increasing consumer voice in child abuse intervention strategies and the use of telehealth to extend access.

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James R. Marsh, Esq.
Attorney | Chair CHILD USA

A University of Michigan Law School graduate, James represents victims of sex abuse in schools, colleges, churches, and government and military institutions; campus sexual assault and rape, online sexual exploitation; child pornography; sextortion, and revenge porn.

His case on compensation for victims of child pornography in federal criminal restitution proceedings was recently decided by the United States Supreme Court. That case, *United States v. Paroline*, led to the Amy and Vicky Child Pornography Victim Restitution Improvement Act which was recently passed by the Senate 98-0 and is pending in the House.

James founded the nationally recognized Children's Law Center in Washington, DC, and is an experienced trial attorney, and frequent commentator, lecturer, and author on legal issues affecting children and victims of sex abuse and exploitation. He now leads Marsh Law Firm in New York which is recognized worldwide for its work helping sexually abused victims obtain justice and rebuild their lives with dignity and respect.



Daniel Pollack, MSW, JD
Professor at Wurzweiler School of Social Work, Yeshiva University | Expert witness in Child Welfare lawsuits

Daniel Pollack, MSSA (MSW), Esq., is a professor at Yeshiva University's School of Social Work in New York City. He has also been retained as an expert witness in numerous child welfare lawsuits across the country. Among his publications are "Understanding Sexual Grooming in Child Abuse Cases" and "How to Banish Child Sexual Groomers."

Professor Pollack was previously the Executive Assistant to the Governor of Ohio, Executive Assistant to the Director of the Ohio Department of Human Services, Deputy Director of the Maryland Social Services Administration, and Assistant General Counsel of the Ohio Department of Youth Services.

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Monica was a scholastic All-American high school swimmer, 2002 Pan American Champion- Modern Pentathlon, USOC Athlete of the Year – Modern Pentathlon, and 7 time World Championship Team Member. She served two terms on the Athletes Advisory Council to the USOC, was vice- chair of the Governance Committee, and served on the Ted Stevens Olympic and Amateur Sports Act Task Force. Monica served on the Board of Directors for USA Pentathlon from 2004-05 and again from 2009-2018 as the organization went through governance reform. In addition to her work with Olympic constituents Monica is currently the Executive Director of Texas Pentathlon and coaches a group of youth and junior athletes in San Antonio, Texas.



Monica Rowland

COO, Rowland Holdings | Modern Pentathlon Coach | Former President, Athletes Advisory Council to the USOC



Philip Scribano, DO, MSCE

Physician | Section Chief, Safe Place: The Center for Child Protection and Health at The Children's Hospital of Philadelphia

Philip Scribano, DO, MSCE is Professor of Clinical Pediatrics at the Perelman School of Medicine, University of Pennsylvania, Section Chief of Safe Place: Center for Child Protection and Health and holds an endowed chair for vulnerable populations at CHOP.

Dr. Scribano obtained his medical degree at the University of Medicine and Dentistry of NJ- School of Osteopathic Medicine and Master of Science degree in Clinical Epidemiology at the University of Pennsylvania. He is board certified in General Pediatrics and Child Abuse Pediatrics.

Dr. Scribano has devoted his scholarly efforts in the areas of epidemiology and prevention of child maltreatment and intimate partner violence, technology use in healthcare, and health services to children in foster care. His current efforts focus on addressing social needs in vulnerable populations as a key maltreatment prevention strategy. He has published over 95 original articles and book chapters and has been funded for multiple program and research grants from the Agency for Healthcare Research and Quality, the Centers for Disease Control, U.S. Administration on Children and Families, and U.S. Department of Justice, as well as generous private foundations for this work. He has served in various roles on multiple national and international committees and organizations, and is currently serving on the board of directors of Prevent Child Abuse America.

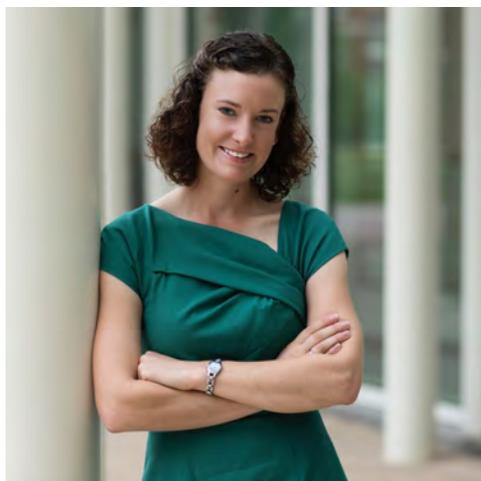
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Joyanna Silberg, PhD
Owner, Childhood Recovery Resources/ President, Leadership Council on Child Abuse & Interpersonal Violence/ Author

Joyanna Silberg, PhD was the Senior Consultant for Child and Adolescent Trauma at Sheppard Pratt Health System in Baltimore Maryland and currently serves as the Executive Vice President of the Leadership Council on Child Abuse & Interpersonal Violence. Her psychotherapy practice specializes in children and adolescents suffering from dissociative symptoms and disorders, and her forensic practice specializes in child sexual abuse. She has served as an expert witness in 27 states.

She is past-president of the International Society for the Study of Trauma & Dissociation (ISSTD) and contributing editor to the society's journal, the *Journal of Trauma and Dissociation*. She is the recipient of the 1992 Walter P. Klopfer Award for her research, 1997 Cornelia Wilbur Award for clinical excellence, and the 2011 William Friedrich Award for work on Child Sexual Abuse. Silberg is the editor of *The Dissociative Child* (Sidran Press) and co-editor of *Misinformation Concerning Child Sexual Abuse and Adult Survivors* (Haworth Press). She has presented nationally and internationally on child abuse, psychotherapy, and protecting abused children in family court. She has been the consultant for DVLEAP's Custody and Abuse Project with Office on Violence Against Women, and her project involves an analysis of cases in which judicial decisions that imperil children are reversed by later judicial decisions. She also served as a consultant for the National Child Traumatic Stress Network grant through Northwestern University's Feinberg Medical Centers's Child Trauma Assessment and Service Planning Center. Her newest book, *The Child Survivor: Healing Developmental Trauma and Dissociation*, was released by Routledge Press in 2021. Dr. Silberg is the 2013 recipient of the Champion for Children Award from the Domestic Violence and Legal Empowerment Appeals Project (DVLEAP), and the 2013 recipient of the Written Media Award for her book, *The Child Survivor*, awarded by the International Society for the Study of Trauma and Dissociation.



Elysse Stolpe, Esq.
Assistant Commonwealth Attorney for the City of Waynesboro, VA

Elysse Stolpe has served as an Assistant Commonwealth's Attorney for the City of Waynesboro, Virginia since 2015. In this role she primarily prosecutes cases involving child abuse and exploitation, sexual assault, and homicide. Over her career she has prosecuted a wide variety of misdemeanors and felonies in General District, Juvenile and Domestic Relations, and Circuit Courts. Prior to joining the Commonwealth's Attorney's Office, Stolpe practiced law in Washington, D.C., as a litigation associate in the fields of international arbitration and complex commercial litigation at the international law firm Dentons. Stolpe is an adjunct professor at the University of Virginia School of Law, where she teaches Trial Advocacy to second- and third-year law students. She currently serves as a member of the Hollins University Alumnae Board and as the Chair of the Board of Directors for New Directions Center, a nonprofit dedicated to assisting survivors of domestic violence and sexual assault. In spring 2014, Stolpe published her note "MS-13 and Domestic Juvenile Sex Trafficking: Causes, Correlates, and Solutions" in the *Virginia Journal of Social Policy and the Law*, the journal for which she also served as senior executive editor. Stolpe graduated *summa cum laude* with honors from Hollins University in 2010, where she was elected to Phi Beta Kappa and earned a B.A. in history and international studies, and a certificate in leadership studies. She earned her J.D. from the University of Virginia School of Law in 2014.

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Steven Ungerleider, PhD
Sports Psychologist | Author | Consultant

Steven Ungerleider was appointed to USOC sports med council in 1984, has worked with USADA (chief mediator in Lance Armstrong case), had official appointment at WADA under Richard Pound, is on cultural commission under President Thomas Bach, who helped establish the Munich Memorial, and most recently was appointed to the IPC executive board under Sir Philip Craven.

Ungerleider recently left the USOC due to his concerns over the safety of us athletes and the pervasive culture and practice of sexual assault embraced by Olympic officials.

Trained as a clinician, Ungerleider went back for a post doctorate in evaluation research in the early 1980's. This led to his love of research and understanding how to work with large archives and create a special story line. Ultimately this passion led to his writing of six books, including Faust's Gold which received significant international attention and accolades.

Ungerleider's East German Doping research is the subject of a one-hour documentary by the Canadian Film Company, as well as a one-hour special by ABC's 20/20, and NOS of Dutch Television. Ungerleider's work and his GDR archives were the subject of a PBS documentary entitled, *Doping for Gold*, which was nominated for an Emmy award.

Prior to the 2006 Torino Winter Games, Ungerleider was appointed to the International Society for Olympic Historians (ISOH). He has served as a founding trustee of Global Sports Development (GSD) which encourages mentoring and fair play at all levels of sport. GSD is the sponsoring agency of the Culture, Education, Drug-Free Sport and Ethics (CESEP) program. Ungerleider has also served on the education and ethics committee of WADA; World Anti-Doping Agency and was recently appointed to the national advisory panel of the American Psychological Association.

Since 1984, Dr. Ungerleider has served on the United States Olympic Committee Sport Psychology Registry and has consulted with a number of international sport federations.

In 2009, Ungerleider was a co-founder of the Texas Program in Sports and Media (TPSM) at the University of Texas, Austin. This program, under the umbrella of the UT school of communication, will house the largest repository of sports research material including a major International Olympic collection, an East German Doping collection, and all files related to the recent BALCO drug scandal. Ungerleider is presently working on a manuscript that will articulate many components of this unique collection.

Ungerleider is the proud father of two very accomplished daughters: one a physician practicing internal medicine as a hospitalist in San Francisco, and the youngest a lawyer/MBA practicing commercial law in San Francisco.

APPENDIX B: THE MONOPOLY/MONOPSONY OF THE U.S. OLYMPIC SYSTEM CREATES AN ABUSIVE ENVIRONMENT FOR ATHLETES

Eli Bremer is a modern pentathlete who competed for the United States at the 2008 Summer Olympics in Beijing, China. Bremer is a graduate of the United States Air Force Academy where he majored in Economics and studied contracts and acquisitions. During his 12 years training as a Resident Athlete at the US Olympic Training Center in Colorado Springs, Colorado, Bremer heard stories of abuse from fellow athletes and began to question why athlete abuse plagued so many different sports. In the following essay, Bremer uses his Economics background and firsthand experiences as an Olympian to demonstrate how the US Olympic monopoly/monopsony system creates an environment where the abuse of athletes is rampant. Bremer explains that in the year 2011, he warned the United States Olympic Committee Athlete Advisory Council of the systemic problems within the US Olympic system, advising them that a catastrophic failure was bound to happen in regard to abuse of athletes. Years later it came to light that USOPC leadership was aware of ongoing systemic abuse related to the Nassar abuse case when Bremer presented them with his findings and suggestions of reform.

In the summer of 2016, the story of Dr. Larry Nassar began circulating in the national media. It was a salacious tale of a top sports physician who used his position of trust to sexually assault hundreds of young girls in the sport of gymnastics. At first, it seemed like an impossible proposition... maybe just a misunderstanding by young girls who didn't understand a complicated and obscure medical treatment.

As the story of Nassar unfolded, the details became more and more stunning. He seemed to almost enjoy the challenge of carrying out the assaults in front of parents while also manipulating training camps, treating them as sexual fantasy playgrounds for his perversion. With more details emerging, more questions arose. How did this perpetrator go unnoticed for nearly two decades? Why did adults not see what, in hindsight, was clearly right in front of their eyes? Were there administrators at USA Gymnastics or the US Olympic Committee who knew and covered up Nassar's crimes?

While the tactical failings surrounding Nassar are important and worthy of discussion, the strategic reasons

why Nassar occurred are much more substantial. The Nassar abuse case was not only predictable, but it was also a logical outcome of the system that created him and many other predators who preyed on children.

Nearly half a decade before Nassar became a household name, I became disillusioned with the governance of the US Olympic system. An Olympian myself, I trained at the US Olympic Training Center (OTC) in Colorado Springs as a Resident Athlete for 12 years. During this time, I became friends with Olympians in many sports. Because of my substantial academic and business background, I also became the go-to guy for governance problems many athletes faced in their own sports. Eventually I realized that nearly all the problems were the same: athletes were treated like chattel while administrators could be incompetent or corrupt and still reap substantial financial benefits. I began to ask myself, why am I seeing the same problems in nearly every sport in the Olympics?

For years, I had been one of the top VIP tour guides at the Olympic Training Center and had even developed a substantial business around providing Olympic experiences for visiting corporate travelers. The first stop on all tours was the wall of sponsors where I would proudly announce that the US Olympic Committee (USOC) received no government funding. Instead, Congress granted the USOC a monopoly over the Olympics and its marks thus generating substantial private revenue. I was not alone. Every tour going through the Olympic Training Center began the same way at the wall of sponsors. Additionally, USOC officials would consistently tout that they received no government funding and had to earn every dollar through private contributions.

As I struggled to try to understand why athletes were treated so badly in the Olympics, I began to think about monopolies. I studied monopolies at the US Air Force Academy where I majored in Economics. Additionally, the US Air Force had put me through substantial training in contracts and acquisitions to make sure the government did not fall prey to monopolies that could exploit taxpayers or jeopardize national security. I remembered that monopolies behave differently than normal businesses in a free-market system. They tended to pro-

vide lower-level services but at a higher price than their market-competitive cousin businesses and in turn are more profitable. But wasn't the purpose of the Congressionally established monopoly to provide the USOC with a means of financing aside from taxpayers? Didn't that explain why the USOC is the only major National Olympic Committee (NOC) that survives and thrives without substantial government support? Sure, a monopoly could drive up the cost of sponsorships, but why were athletes harmed in the process?

Most athletes shared stories with me that focused on how they were being mistreated in their respective sport's National Governing Bodies (NGBs). Change the name of the sport, and the stories were remarkably similar. This begged another question in my mind: each sport is run by independent and autonomous organizations (not the USOC monopoly), so why are they all experiencing the exact same problems? While doodling on a napkin, everything began to fall into place as I began to truly understand how the system worked.

It started at the dining hall of the OTC while looking at a diagram of the USOC at the center of a system. I drew in NGBs that "autonomously" run each sport around the central hub of the USOC. After staring at it, I had an epiphany. I drew a circle around all the "independent" organizations, and I finally saw one business organism. Nearly fifty entities were effectively one ecosystem and were in fact interdependent on, not independent from, each other.

Before that time, I had struggled to understand how individual sport NGBs and the USOC could be so poorly run and yet survive in an environment where they competed with each other for employee talent. Seeing it as one entity, I realized it really looked more like employees shifting between departments of the same company rather than moving between competitors. Much like the **National Collegiate Athletic Association (NCAA)**, the monopoly was a system not a single entity.

But this still did not completely describe why the system was so abusive toward athletes. At that point, an obscure term from my economic studies a decade earlier entered my brain: monopsony. While a monopoly is the sole seller of a good or service, a monopsony is the sole acquirer of labor in a market. Mathematically, the two mirror each other in how to exploit those subject to their systems for oversized profits of the offending entity.

Looking at the Olympics as a monopsony clarified everything. Athletes are required to compete inside their

NGB which faces no competition for the athletes' "labor." In professional sports, athletes have some ability and discretion to switch teams inside the system in limited competition. Effectively, professional sports function as an oligopoly/oligopsony - or an environment of limited competition. The athletes are further protected by a union which counterbalances the interests of the owners in the oligopoly. But in the Olympics, switching countries to compete in the Olympics is so difficult that it is nearly impossible. Therefore, athletes who want to sell their wares and compete in the Olympics have only one organization through which they can access the sporting marketplace.

Monopolies are bad and so are their rarer cousin the monopsony. But joining the two business models is nothing short of horrific. As I stared at my diagram on the napkin at the OTC, I began to think of where combination monopoly-monopsony companies had existed. Railroads in the United States in the 1800s had employed that model. They brought in immigrants who were paid in railroad money which was only good at the railroad-owned stores. Effectively, the model enslaved these poor souls who came to the United States seeking freedom. More recently, communist governments like North Korea have set up economies that are monopoly-monopsony marketplaces. Having both monopoly and monopsony power over individuals creates a dynamic of complete control and enslavement. Literally in every instance where these two business models intersect, you see human rights atrocities. For the duration of this essay, I will use the term "monopoly" when referring to both a monopoly and monopsony for ease of writing.

I was equally stunned and enlightened upon this understanding. Based on history, this system could not help but cause abuse to those involved inside of it. Suddenly the commonalities of problems inside individual sports began to make sense; these were all cogs in an abusive system.

Shortly after my epiphany on the structural dangers of the monopoly/monopsony setup, a teammate of mine qualified for the Olympics at the Pan American Games. The week he returned home, he was told he was being kicked out of the OTC, leaving him with no training venues in which to prepare for the Olympics. The reason given for his removal was that they could no longer justify an athlete of his "low" caliber at the OTC due to budgetary reasons. On its face, this made zero sense, as the marginal cost of housing an athlete at the OTC is extremely low. Furthermore, one would assume supporting athletes who would be competing in the upcoming Olympics would be a high priority.

Such behavior is a classic example of how a monopoly makes decisions. Even though the marginal cost of the athlete training was low, the USOC made the decision that it would prefer to retain those monies for themselves rather than expend them on an athlete from a non-marquee sport. (Notably, the USOC took similar action to remove taekwondo from the resident program at the OTC forcing several females to train at a private taekwondo facility in Texas. Several years later, reports surfaced of systemic sexual abuse at that facility largely enabled by the requirement that young females train there.)

In response to the USOC action against my teammate, I contacted the Chairman of the USOC Athletes Advisory Council (AAC) who invited me to fly to Las Vegas to present my concerns to the AAC. But instead of discussing the case of my teammate, I used my presentation to warn of the dangers of combining a monopoly/monopsony business and why I believed it caused systemic problems. My presentation focused on skyrocketing bureaucratic growth, which I blamed for the supposed budget problems leading to defunding athletes training for the upcoming Olympics. As a solution, I proposed the USOC should move to a more regulatory board model of governance as is considered best-practice for monopolies and benchmark salaries on similar non-profit organizations.

A USOC Board member was in attendance and forcefully declared that I was mistaken. She asserted that the USOC already benchmarked their salaries on other organizations. I asked which organizations they used for benchmarking, and she responded they used the larger NGBs. In turn, I asked the athlete representatives in the room who was on their NGB compensation committee, and around five hands went up. I asked each representative who they used for benchmarking, and each person said the USOC and other NGBs.

One of the problems with monopolies is that once entrenched, they move away from running a quality business and focus instead on self-protection. While a competitive business must please its customers to stay alive, a monopoly's top priority is to preserve its monopolistic power. Through the process of internal instead of external salary benchmarking, the USOC and NGBs began substantially over-compensating senior staff. The staff became resistant to outside pressure or oversight since they wanted to keep their overpaid jobs. Additionally, they promulgated a culture of "see no evil, hear no evil" inside the system since people who

rocked the boat were subject to ejection from the system and a resulting substantial cut in compensation. In turn, this toxic culture resulted in lower-level and front-line staff (who were not overcompensated) not raising concerns of warning signs they saw. When a desk clerk at the OTC saw two female teenage taekwondo athletes check in with a middle-aged male coach who requested adjacent rooms, no questions were raised. Years later, the athletes would sue the coach for sexual misconduct at the OTC.

During this period of my training, I was running a small business that serviced corporate travelers coming to Colorado Springs. My company was the sole vendor to Destination Services Corporation (DSC) to provide Olympic athlete experiences for incoming business conferences. We conducted VIP tours of the OTC, held sports demonstrations at local resorts, and offered keynote speaking and various skills trainings for corporate events. The demand for my company's services were so high that I was financially supporting 15-20 OTC Olympians and Olympic hopefuls with routine and lucrative contract work that surpassed the stipends they made as athletes. Following my presentation to the AAC, my business immediately dried up without any explanation. I contacted DSC and was told that they could no longer work with me. They told me I had upset someone extremely high at the Olympic Committee, and the Broadmoor resort informed DSC they would lose their contract with the Broadmoor if they did not cut ties with me. The connection was obvious. The CEO of the Olympic Committee was a former employee and current friend of the owners of the Broadmoor.

Unregulated monopolies become so paranoid about maintaining their power that they will go to extreme ends to protect themselves and their business. Whistleblowers are not welcome as they represent the potential to disrupt the system. Though the questions I had raised were centered on finance and governance, the idea of an athlete speaking out was viewed as an existential threat to the system and deserving of severe punishment. The fact that I was fulfilling the mission of the organization by financially supporting so many athletes was not a significant factor in my punishment. It is no wonder that when victims of physical, psychological, and sexual abuse see punishment of whistleblowers who reported lesser sins, the victims are rightfully fearful as well of reprisals. The documentary 'Athlete A' gave a stunning view into how the system can inflict punishments on athletes at many levels.

Notably in my presentation to the AAC, I predicted that

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the Olympic system in the United States was at risk of catastrophic failure due to abuse of athletes. Instead of heeding my warnings, the leadership of the USOC, in particular the CEO, went on a mission to destroy me personally. Several years later, investigations revealed that USOC leadership was aware of ongoing systemic abuse when I made that prediction. My punishment was not because I was wrong. It was because they knew I was right.

By the fall of 2016, Larry Nassar was a household name. I received a call from Nancy Hogshead-Makar, a three-time Olympic Gold Medalist and the top women's sport attorney in the country. Nancy had read about me and wanted to connect to see if I could assist her efforts to end systemic sexual abuse in Olympic sports. Outside of reading about Nassar and USA Gymnastics, I had no knowledge of sexual abuse in the sporting world. Nancy explained that she had spent years trying to get the USOC to adopt rules to protect female athletes from predatory coaches. When she concluded, I had one comment: sexual abuse is not the problem in the Olympics, it is the symptom. The problem is that the governance structure is set up in a way that can only lead to abuse.

Over the next year, I learned of horrific stories of athletes being abused sexually, physically, emotionally, and financially inside the Olympic system. In every case, the administrative class covered up the abuse and the athlete was left with the scars. Abuse was an epidemic inside the Olympics, and yet the senior leadership refused to take any substantive action to correct the problem.

Of course, that is to be expected. Never will a monopoly or monopsony self-regulate. It is simply not a logical outcome. Organizations with this structure are incapable of reforming themselves even in the face of catastrophic failure. Reform must come from the outside and be forced on the organization.

There is no greater example of the mindset found inside the Olympic system than the presentation CEO Scott Blackmun made to the AAC in the fall of 2017. Athletes were furious that Operation Gold, a program that paid cash bonuses for medals, had been unchanged in two decades while staff had begun to see substantial cash bonuses for Olympic medals. Responding to a question from the track and field AAC Representative, Blackmun was indignant when he explained that staff should get substantial compensation since he had to reward the people responsible for winning the medals. His blunder served as a turning point for many athletes who sud-

denly began to see clearly that they were simply cogs in a system designed to produce financial rewards for those over them.

Blackmun's statement to the AAC serves as one of the most significant points in understanding how abuse is perpetrated and covered up by the system. Athletes are viewed as transient and insignificant pieces in a sports enterprise. When the athlete performs, they are rewarded with a small token as an incentive to continue further performing. When the athlete fails to perform, they are blamed and punished. This begins by reducing the athlete to an input into a system that is valued over the individual. The individual then becomes expendable because preserving the system is paramount. Notably this mentality is similar to how dictators who inflicted mass murder on their populations justified their abhorrent actions. A precursor to systemic abuse is a diminishment of the importance of the individual.

In July of 2021, the Inspector General of the FBI released a scathing report on the FBI's handling of the Larry Nassar abuse case. While it will take many years to unpack the various mistakes made by the government in failing to properly and timely investigate Nassar, one overarching concern stands above all else: the influence the USOC and USA Gymnastics exerted on the FBI. At first blush, there should be no connection between the sports organizations and law enforcement. Yet the FBI report shows a substantial known effort on the part of the Olympic monopoly to exert influence on the FBI.

In October of 2020, the President signed legislation led by Senators Moran and Blumenthal in response to the Nassar scandal. One of the key parts of the legislation was a congressional commission co-sponsored by Congresswoman Diana DeGette and Senator Cory Gardner. This aspect of the legislation was heavily supported by Judge Rosemary Aquilina, the judge who sentenced Larry Nassar, along with hundreds of Olympians who demanded reform. The commission was to be named in a bi-partisan and bi-cameral fashion to enable a thorough investigation of the Olympic monopoly and how its activities facilitate abuse.

Despite receiving unanimous support in the US House and Senate, the commission has languished and not launched. Though fully appointed in early 2021, the government has to date (July 2021) refused to provide the funding the commission needs to begin its work. In a highly unusual move, the appropriation, estimated at \$5-10M, appears to have been blocked in Congress, thus stalling or ending the efforts of a comprehensive

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reform. While the Olympic monopoly has spent a reported \$100M in legal fees over the past five years largely defending itself from athlete abuse claims, Congress cannot spend 5% of that to determine how to reform a dysfunctional organization it created. Key members of Congress are rumored to have financial and family connections to the monopoly.

Monopolies are not content to simply control their business and those inside of it. As they grow, they continue to expand their influence to any entity that can disrupt

their power. Historically, monopolies have attempted to influence governments to keep their power in the marketplace. This includes law enforcement, political, and regulatory arms of the government. In the US, monopolies historically attempted to influence law enforcement and Congress to preserve their monopolistic powers. This comes in the form of political favors and financial contributions, offers of future employment, employment of family members, or other perks as an incentive to support the monopoly.

APPENDIX C: SURVIVOR REPORT - PREDATORS TOOK ADVANTAGE OF MY ECONOMIC SITUATION AS AN ELITE CHILD ATHLETE TO MANIPULATE AND ABUSE ME

John-Michael Lander is a former athlete who competed in international springboard and platform diving competitions.³¹⁵ As an athlete, Lander endured abuse from coaches, medical teams, and benefactors, which lead to years of Post-Traumatic Stress Disorder, Depression, Anxiety, and suicide attempts. Lander now advocates for fellow survivors of abuse and educates athletes, parents, guardians, coaches, teachers, officials, and organizations on identifying signs of grooming and manipulation. In the following essay, Lander explains how predators took advantage of his vulnerable economic situation as a young athlete, paying the expenses of springboard and platform diving but in turn grooming him and forcing him to endure years of emotional, physical, and sexual abuse.

Individuals in positions of power have the opportunity to exploit the situation by abusing those less powerful than them. In sport, athletes who lack financial means are vulnerable to physical, psychological, and sexual exploitation by those with wealth and power.

To understand how economics affects athletes, it is important to consider how an institution works as an organization and to look at a sport as a pyramid. The pyramid's peak contains the institution, the organization, the Olympic Committee, and the sport's National Governing Body. The pyramid widens out to include the coaches, the medical teams, and the managers. It finally comes down to the bottom level: the athletes and their families.

Generally speaking, the organization focuses on maintaining its brand and appearance through sponsorship, support, and endorsements, providing an excellent individual salary for its leaders. The coaches are interested in developing champions so they can increase their monetary value and asking price. Athletes are interested in the opportunity to achieve their dreams of going to college or to the Olympics and bettering their lives.

Many athletes struggle with finances and do not have the means to pursue their sport. These athletes are either forgotten about or pushed aside. Are our elite athletes determined by their financial capabilities and not their athletic abilities? Imagine how many potential national, World, or Olympic champions never had the chance to fulfill their dreams because of economics.

As an Amateur Athlete, I could not accept any outside financial support directly connected to my athletic abilities. When I started competing, I had to pay for my coach, practice time, swimsuit, travel to meets, lodging, etc. The initial investment was challenging because my parents were struggling financially. Living in an old farmhouse in rural Southwestern Ohio with six children meant we were barely making ends meet.

I started my career as a struggling athlete. I was extremely grateful for the opportunities provided by springboard and platform diving, such as a potential college scholarship and possibly the opportunity to compete at the Olympics. The sport became my avenue in which I focused and invested all my time. As I pursued the sport, climbed the ranks, and earned elite coaches' attention, I realized that I could make a mark in the sport. I committed to focusing more time and energy, and this demanded more money. I faced the dilemma of funding myself or leaving the sport.

As a beginner athlete, the local AAU team that I joined at the Countryside YMCA in Lebanon, Ohio, saw me as an immediate money transaction and was not concerned about my future potential. That was too much of a long-term investment. They wanted to see direct financial results. The organization's terms focused on the number of young athletes providing sustainability to the organization with membership and insurance fees aligned with the National Governing Body of the sport at that time, AAU Diving. It was the local organization's responsibility to determine how to manage the team as a business. The higher the number of athletes, the more financial support for that organization.

The Olympic Sports Act of 1978 organized the US Olympic Committee, which re-established the National Governing Bodies for each Olympic sport. The Act established legal protection for individual athletes and the requirement of maintaining an Amateur Athlete Status. The status described an amateur athlete as one who competes in the sport for personal satisfaction and not monetary gain and provided strict sponsorship guidelines. Today, athletes still must provide their means of finances until they achieve the elite status where the Olympic Committee provides uniforms, swimsuits,

transportation, entry fees, and sometimes stipends.

When I was fifteen years old, I finished eighth at the Junior Olympics in Lincoln, Nebraska, and a lawyer approached my mother and proposed an offer she could not refuse. He promised to set up a fund at a local bank where people could make donations. He would manage the money and pay the diving costs in alignment with the legalities to keep my amateur status. He indicated that he knew other professionals who wanted to help and provide my family with their professional expertise. What the lawyer failed to tell my mother was that there was a cost for this transaction.

The lawyer groomed my mother to the point where she decided this was the only way for me to remain in the sport. She handed me over to the lawyer and his professional friends. All I had to do was have dinner with them, so they said. The agreed arrangement led to sexual abuse, where the lawyers, doctors, optometrists, and pharmacists passed me off to other professionals.

These professionals were part of a secret group based out of Columbus whose members earned six-figure incomes. The groups looked for athletes and students who needed financial assistance. The group helped many athletes from fourteen different sports at Ohio State University and several other colleges and universities. I was the first high school student assisted after appearing on the group's radar when the lawyer read about me in the local newspaper.

Confusion, shame, and depression littered my teenage mind as I tried to comprehend what the professionals represented. I tried telling my mother about the abuse. As a black Towncar drove up the driveway to our farmhouse, I told her that I did not want to go. When she asked why not, I tried to explain that the professionals were touching me. I thought this would be the end of it. My mother looked at me and then slapped me. She said that these men were professionals, highly respected by the community, and helping the family with medicine, exams, and treatments. She sternly told me that it was a sin to make up lies about people, and if I wanted to continue to dive, I would have to do my part. She handed me my coat and escorted me out the door. I quickly learned that if my mother did not believe me, no one would. I somehow figured out a way to disassociate the abuse and present myself to function in everyday life. I told myself if I could excel in diving, I could pretend that none of this had happened.

The coach noticed a change in me and started asking

questions. He said he was worried that whatever was happening could affect my potential and interfere with my upcoming international competitions. He seemed very concerned and expressed that I could tell him anything. He approached my mother and told her that I had the potential for the Olympics and a college scholarship, but he had noticed a change in my attitude. He explained to her that he would step in and that I needed to listen and do everything he said. He informed her that he would have to take me on overnight trips to practice with the OSU diving team. He wanted absolute control over my practices and diet and needed my trust without outside interference, especially from her. He even extended a payment plan, which she assumed the family could manage with assistance from the lawyer and the professionals. My mother agreed to this arrangement.

Only after gaining my mother's trust did the coach implement his subtle and inconspicuous grooming methods on me. The coach acted as if he knew my secret, and it didn't change how he felt about me. He wanted us to become close. He whispered diving corrections in my ear so the other divers could not hear. He informed me that the teammates were jealous because I would compete in the Norway Cup and Canadian Cup. He began complimenting me on my diving and physical appearance. He touched me more and more while giving corrections. He started hugging me after a good dive or after a good performance. He asked me about school and family issues and encouraged me to only talk with him about anything.

All this played in normalizing his actions and making me feel special. He informed me that my diving career was not possible without him, and he was the only one who believed in me enough to get me to the Olympics. He made me promise that although his coaching methods may seem odd, I was not to let anyone know about them. He did not want his coaching techniques used by other coaches. His grooming elevated to overnight trips to practice with the university team, where he introduced me to alcohol and eventually to sex. He always confessed that he was not able to remember anything because of the drinking. We spent more and more alone time together when I was not with the professionals. He stated how special our relationship was and that we needed to protect it by keeping it a secret. He told me that no one would understand. He told me that if anyone ever found out, it would ruin everything. He advised me that no one would believe me since he was a well-known and respected coach. He explained that I would lose my financial support, he would not be able to coach me, and my dreams of a college scholarship and the

Olympics would end. He also informed me that no one would ever want to coach me.

My internal battle was raging. I convinced myself that the coach was different from the professionals. How? I was not sure. The coach saw something in me and did not want to pass me on to someone else. He thought that I could do incredible things, and he encouraged me to be my best. I trusted the coach.

I did not know that the lawyer had set up a private meeting with the coach and arranged to increase the coach's salary if he provided more attention to me. The lawyer also influenced the coach to introduce him to the Countryside AAU Diving team's board of directors. I am not clear if the Countryside AAU Diving team was affiliated directly with the Countryside YMCA, or just an entity that rented the space. The lawyer met with the Countryside AAU team's board and created a sponsorship, which allowed the lawyer to bring professionals to practice and to have access to me at any time, just like they were doing with the athletes at Ohio State University. These men became known as sponsors. The AAU team's main interest was to make a profit. They did not inquire about the professionals' intentions. They only noticed the stream of sponsorship monies supporting the organization, the coach, and an athlete. The AAU team did not contact the National Governing Body of Diving in fear of losing the sponsorship.

I am unaware of any other diver on my team offered this arrangement. But I did meet several Ohio State University athletes who experienced the same opportunity. All of us felt the fear of coming forward because we were afraid of losing scholarships, the chance to represent our country in international competitions, and the Olympic dream. We felt shame because of society's belief that sexual abuse can't happen to males, and that we were not real men because we let this happen. It was reinforced in each of us that we were just numbers and that there were many more waiting to take our place and to take advantage of this incredible offer. Fear led us to be silent.

The abuse continued throughout my college years since the professionals continued to support me. I convinced myself that I could handle it, but the effects became apparent later in life with depression, PTSD, anxiety, and even suicide attempts.

Athletes' economics are unique and individualized depending on the families they come from, the methods of their coaches, and the organizations in which they

are involved.

Organizations on the lower level of sports are assumed to be governed by the National Governing Body of that sport, but that is not always the case. Many starting sports teams develop bylaws to help build their brand.

As the athlete progresses in the sport, the upper-level teams become fewer and more controlled. Producing national, international, World, and Olympic Champions translates into money for said coach and organization. Hopeful athletes will pay to be on a team that produced an Olympian. This prestige allows coaches and organizations to name their prices, figuring in their salaries. Again, they are not concerned about the athlete as long as the athlete can pay the bill (however they can), because hundreds are waiting to take that athlete's place.

The elite athletes named to the National Team are fewer, and the people in power are fewer. It is at this level that some financial support is provided to the athletes. The power and control become more evident, as we have seen with the USA Gymnastics Team. What does not seem to change, and may even grow, is the income for the top leaders in the specific sport. As athletes struggle to remain in tip-top physical and mental shape, the sports leaders are living comfortably. Michael Phelps has stated that once an athlete is no longer listed in the world rankings, that athlete no longer has any financial support from the US Olympic Committee or the NGB of that particular sport. Michael had to support himself when he decided to return to swimming. The amount of support provided to athletes in each sport varies. The monthly stipend barely provides the needed support to focus and prepare for international competition, let alone any physical or mental injuries. The inequality of the endorsements, sponsorships and the amount of money paid to football, basketball, and baseball athletes is astronomically different than the support athletes in other sports receive. The ideology that football, basketball, and baseball are short-lived careers is understandable, but the career of an Olympian is even shorter.

An athlete's economic situation could be a factor that leads to predatory manipulation and abuse, as it was in my case. My springboard and platform diving participation hinged on finding the funds to support and pay for the sport's costs. The higher I proceeded in the sport, the higher the fees became. I had to face the choice of finding a way to continue or exit the sport and end the dreams of college scholarships and possibly the Olympics. Although my family and I experienced relief from the help the lawyer and the professionals provided, we

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were not prepared for the grooming, consequences, and long-term effects. Many athletes struggle with the issue of economics.

I want to clarify that predators are always lurking in the shadows and constantly evaluating, changing, and adapting their means of grooming. There is no set formula that a predator follows to groom a prey. Each predator's approach and process are unique and individualized. The predator will pursue who they are attracted to and use their expertise to manipulate the situation and the victim. The one thing that they all have in common is the ability to excuse their actions convincingly. As in my case, the lawyer learned about my financial situa-

tion, expertly devised a plan to provide a solution to my needs and introduced me to other professionals. The doctors provided free medical exams and prescriptions for everyone in my family. The coach used his power and knowledge of the sport to groom me to trust him and fear exposure.³¹⁶

We need to help our athletes maintain safety and encourage financial support without any ties or conditions connected. We need to consider the athlete's economic status and well-being and make them the main focus in sports. Without athletes, there is no need for organizations or coaches.

APPENDIX D: TIMELINE OF THE NASSAR CASE

A narrative timeline of the Nassar case is available [here](#).

	<p>1992 - According to a 2017 lawsuit, Nassar assaults a 12-year-old girl while he's a medical student at MSU. - Nassar allegedly rapes a 17-year-old and MSU police and athletic department cover it up.</p>
<p>- A parent complains to gymnastics coach John Geddert about Nassar's treatments yet Geddert does not investigate and continues recommending him. - Larissa Boyce reports Nassar's abuse to a coach who instructs her to tell MSU gymnastics coach Kathie Klages.</p>	<p>1997</p>
	<p>1998 - MSU fails to take action after a student-athlete raises concerns about Nassar.</p>
<p>- A coach dismisses an MSU cross country athlete's report that Nassar sexually assaulted her.</p>	<p>1999</p>
<p>- Brianne Randall-Gay has a rape kit processed and reports Nassar's abuse to the police. Nassar defends his actions and the police decide his actions were a legitimate medical procedure. - Nassar solicits and receives child pornography.</p>	<p>2000 - MSU again fails to take action after another student-athlete raises concerns to coaches about Nassar.</p>
	<p>2004</p>
<p>July 28, 2015 - USAG officials, including President and CEO Steve Penny, meet with FBI officials to report allegations against Nassar.</p>	<p>2014</p> <p>- Amanda Thomashow is the first woman to file an official Title IX complaint against Nassar. MSU President Lou Anna Simon is made aware of a Title IX complaint & that a police report was filed against an unnamed physician. - MSU allows Nassar to continue to see patients for 16 months while he is under criminal investigation. MSU concludes that Nassar's methods were "medically appropriate."</p>
<p>August 4, 2016 - <i>The Indianapolis Star</i> publishes the first public coverage on USA Gymnastics' failure to report allegations of sexual abuse.</p>	<p>2015</p>
<p>August 29, 2016 - Rachael Denhollander files a criminal complaint against Nassar with the MSU police, alleging that Nassar sexually assaulted her in 2000 when she was 15.</p>	<p>2016</p> <p>September 20, 2016 - MSU fires Nassar. MSU police execute a search warrant at Nassar's residence, discovering more than 37,000 images of child pornography. October 6, 2016 - The Michigan Attorney General's Office accepts MSU's request that it investigate the Nassar allegations. November 21, 2016 - Nassar is arrested and charged with three counts of first-degree criminal sexual conduct, including one with a person under 13. December 16, 2016 - Nassar is arrested by the FBI and indicted on federal child pornography charges. December 21, 2016 - Former MSU student Tiffany Michelle Thomas Lopez files a lawsuit against Nassar and MSU.</p>
<p>August 30, 2016 - Michigan State University relieves Nassar of all clinical and patient duties.</p> <p>September 8, 2016 - A former Olympic medalist files a civil lawsuit in California against Nassar. The lawsuit also names USAG and the past three USAG presidents, including current president Steve Penny, for negligence.</p> <p>September 12, 2016 - Denhollander and an unnamed Olympic medalist accuse Nassar in <i>The Indianapolis Star</i>. Following this, MSU police receive dozens of complaints.</p>	



2017

January 10, 2017 – 18 women file a federal lawsuit against Nassar, MSU, USAG, and Twistars Gymnastics Club.

January 24, 2017 – Nassar’s medical license is suspended.

February – March 2017 – 19 more plaintiffs are added to the federal lawsuit against Nassar.

February 7, 2017 – Federal prosecutors add another child pornography-related charge against Nassar.

February 13, 2017 – MSU gymnastics coach Kathie Klages is suspended after two women claim in court records that Klages discouraged them from filing sexual assault complaints against Nassar. Klages retires the next day.

February 19, 2017 – Jeanette Antolin, Jessica Howard, and Jamie Dantzschler expose Nassar’s abuse on *60 Minutes*.

February 22, 2017 – Nassar faces 22 new sexual assault charges.

March 2017 – MSU Title IX investigator concludes that Nassar sexually assaulted a 15-year-old girl during appointments in 2000.

April 6, 2017 – Nassar’s medical license is revoked.

April 27, 2017 – A Lansing State Journal story reports that 3 more MSU Title IX investigations found Nassar violated MSU policy.

June 30, 2017 – 23 more women and girls join a federal lawsuit against Nassar.

July 11, 2017 – Nassar pleads guilty to three child pornography charges.

September 8, 2017 – MSU president Lou Anna K. Simon announces Title IX review initiative.

October 18, 2017 – McKayla Maroney comes forward as a Nassar survivor in a #MeToo post on Twitter.

November 10, 2017 – Aly Raisman accuses Nassar of abuse.

November 20, 2017 – Nassar pleads guilty to 7 counts of first-degree criminal sexual conduct in Ingham County Court. There were 115 alleged victims.

November 21, 2017 – Gabby Douglas alleges that Nassar abused her.

November 29, 2017 – Nassar pleads guilty to 3 counts of first-degree criminal sexual conduct in Eaton County Circuit Court.

December 7, 2017 – Nassar is sentenced to 60 years in federal prison on child pornography charges.

December 20, 2017 – A lawsuit filed against USAG on McKayla Maroney’s behalf claims that USAG paid her to sign a non-disclosure agreement in 2016 so she would not talk about Nassar’s abuse.

2018

January 10, 2018 – Aly Raisman tweets that USAG is “100% responsible” for the abuse by Nassar.

January 15, 2018 – Simone Biles alleges that Nassar abused her.

January 16–24, 2018 – In an 8-day sentencing hearing in Ingham County Circuit Court, 156 women read Victim Impact Statements.

January 22, 2018 – USAG announces that its board of directors executive leadership all resigned, effective January 21, 2018.

January 23, 2018 – The NCAA opens an investigation into MSU’s handling of Nassar allegations.

January 24, 2018 – Judge Rosemarie Aquilina sentences Nassar to 40-to-175 years in prison on seven counts of criminal sexual assault in Ingham County Circuit Court.

January 26, 2018 – MSU Athletic Director Mark Hollis retires.

January 27, 2018 – Attorney General Bill Schuette launches an investigation into MSU’s handling of Nassar allegations.

January 31, 2018 – USAG announces that all members of its Board of Directors have resigned.

February 5, 2018 – Judge Janice Cunningham sentences Nassar to 40 to 125 years in prison on three charges of criminal sexual misconduct in Eaton County Circuit Court.

March 27, 2018 – Nassar’s former boss and former Dean of the College of Osteopathic Medicine at MSU, William Strampel, is arrested for felony misconduct in office and fourth-degree criminal sexual conduct with 2 counts of willful neglect of duty.

April 13, 2018 – At an MSU board meeting, a Nassar survivor accuses interim president John Engler of trying to coerce her into accepting a settlement and dropping her civil case against MSU.

May 1, 2018 – Former USAG coaches Bela and Martha Karolyi file a lawsuit against USAG for over \$1 million in damages.

May 16, 2018 – MSU agrees to a \$500 million settlement with hundreds of Nassar survivors who filed a class-action lawsuit against the university for failing to protect them from Nassar.

June 29, 2018 – Nassar and former USA Gymnastics director of sports medicine services Debbie Van Horn are indicted in Texas.

August 23, 2018 – Former MSU gymnastics coach Kathie Klages is charged with two counts of lying to police.

August 30, 2018 – The NCAA clears MSU of any violations in how it handled the Nassar allegations.

September 10, 2018 – A lawsuit filed on behalf of Erika Davis claims that in 1992 Nassar drugged, raped, videotaped, and impregnated her when she was a 17-year-old athlete at MSU.

October 18, 2018 – Steve Penny is indicted and arrested in Tennessee for tampering with evidence.



2019:

2019 – The Justice Department is looking into the FBI’s handling of allegations against Nassar.

January 16, 2019 – After interim president Engler is quoted implying that some of Nassar’s victims are “enjoying” the “spotlight” as a result of being abused, the MSU Board of Trustees announces it will discuss Engler’s future.

March 15, 2019 – 51 women file a suit against the USOC for failing to prevent sexual abuse by Nassar and other coaches.

July 30, 2019 – The Senate Subcommittee releases its report *Senate Olympics Investigation: The Courage of Survivors, A Call to Action*.

July 31, 2019 – A report implies that former MSU president Lou Anna Simon will still receive a \$2.45 million retirement package.

2021:

February 25, 2021 – Former USAG coach Geddert kills himself amidst an array of charges including 20 counts of human trafficking and forced labor, one count of first-degree sexual assault, one count of second-degree sexual assault, racketeering, and lying to police.

July 14, 2021 – The U.S. Department of Justice Office of the Inspector General releases its investigation on the FBI’s handling of allegations against Nassar.

September 15, 2021 – Aly Raisman, Simone Biles, McKayla Maroney, and Maggie Nichols testify at a Senate Judiciary Committee hearing on the FBI’s handling of the Nassar case.

October 5, 2021 – Deputy AG Lisa O. Monaco announces that the Justice Department is reviewing its decision not to charge FBI agents who failed to properly investigate Nassar allegations.

December 13, 2021 – USA Gymnastics and the USOPC reached a \$380 million settlement with over 500 survivors of Nassar’s abuse in U.S. Bankruptcy Court for the Southern District of Indiana. In addition to the financial resolution, the plan’s provisions contain various nonmonetary commitments from SAG, including strengthening SafeSport policies related to complaint processing and club member involvement among others.

November 20, 2018 – Former MSU President Lou Anna Simon is charged with lying to state police during a probe into Nassar.

December 5, 2018 – USAG files for bankruptcy.

December 21, 2018 – A report from the Michigan AG’s office names 11 MSU staffers who failed to report allegations.

2020:

January 17, 2020 – A child sexual assault charge against Debbie Van Horn was dismissed by a Texas judge.

February 14, 2020 – Kathie Klages was found guilty of two counts of lying to police. Klages was the second former MSU employee who was found guilty in connection to the Nassar abuse case, along with William Strampel.

March 3, 2020 – Nassar’s defense team fought for a second appeal, arguing that Judge Aquilina was “biased” in her sentencing.

March 23, 2020 – William Strampel was released early from Ingham County Jail, after spending 7.5 months in jail. He had been sentenced to one year but was released early for good behavior and the release of inmates due to coronavirus spread in jails.

May 13, 2020 – The criminal case against former MSU President Lou Ann K. Simon was dismissed after Eaton County Circuit Judge Maurer determined there was not enough evidence to bring the case to trial.

August 4 2020 – Former MSU Gymnastics coach Kathie Klages was sentenced to 90 days in jail and 18 months of probation for lying to police.

APPENDIX E: CHILD USA'S ELITE ATHLETE STUDY

CHILD USA Survey of Maltreatment in Elite and Olympic Athletes³¹⁷

CHILD USA conducted a survey of Olympic sports besides gymnastics to determine how prevalent abuse is in elite athletes across different team sports. A survey was also conducted of some of the survivors of Nassar's abuse to understand contextual factors associated with their abuse.

1. Introduction

Child Maltreatment is a Major Global Issue. In the U.S. alone, the lifetime cost of maltreatment is estimated to be between nearly half a trillion dollars and \$2 trillion.³¹⁸ Abuse and maltreatment has been associated with many negative health effects. For example, those who have suffered child maltreatment are over two times more likely to die between the ages of 16 and 33 than those who did not experience child maltreatment.³¹⁹ Furthermore, those who experienced early childhood physical abuse were 2.1 times more likely than the general population to score in the clinical range on a variety of mental health disorders.³²⁰ Similarly, adults suffering substance use disorders report more severe childhood maltreatment than matched controls.³²¹ Survivors of physical abuse also suffer physiological problems, such as increased risk of cardiac arrest,³²² and other problems that stretch well into adulthood.³²³ Victims of contact abuse often suffer debilitating developmental effects, such as post-traumatic stress and increased substance misuse.³²⁴

Also, many survivors of childhood sexual abuse do not disclose their experiences until years after it occurred³²⁵ – sometimes decades after childhood³²⁶ – presumably because of difficulty processing the trauma and the experience. Indeed, researchers have found that approximately half of survivors delay discussing abuse by more than 5 years.³²⁷ Male victims in one study delayed disclosure by an average of 21.38 years.³²⁸ In another study, 44.9% of male victims and 25.4% of female victims delayed disclosure by more than 20 years.³²⁹

Other social processes beside trauma may cause delays too. For example, it in many cases of (typically sexual) abuse a predator may groom the victim, including bonding behaviors, often repeatedly and systematically, in order to prepare the victim for abuse.³³⁰ Similarly, a form of maltreatment may be normalized, such that the behavior is seen as normal within a particular sociocultural milieu. Put another way, a group may tolerate cer-

tain behaviors to the point that such behaviors cause no alarm when employed within that group.³³¹ Therefore, a disclosure may be delayed because a survivor has yet to reinterpret their beliefs and realize that their previously normalized behavior (such as being disciplinarily slapped as a child) is not normal, but rather deeply harmful behavior.³³²

While there are many groups or subcultures that may socialize members with harmful behaviors, one type stands out: athletes. Recent scandals in sport, including the discovery of serial child sexual abusers like Larry Nassar of USA Gymnastics and Jerry Sandusky of Pennsylvania State University, have brought to the forefront the issue of athlete treatment and well-being.

Athletes, especially elite athletes,³³³ are vulnerable to sexual abuse, physical abuse, and emotional abuse. The hierarchical social structures in competitive sports carry risks for the misuse of power. Competing at the national or international level requires a significant time commitment with specialized training, expert coaching, and travel to sporting competitions. Coaches exert a great deal of power over their athletes, especially those at or approaching the elite level, as athletes are reliant on their coach to progress within the sport.

Elite athletes are put in high stress environments often from a young age and may think that various forms of child abuse are normal; they are just the price to pay for success.³³⁴ These athletes may also be coerced and intimidated by coaches or officials into participating in undesired activities. They may perceive no pathway for help and fear that no one will take their claims seriously. Research into the culture of sport has further suggested that concealment of abuse is not only possible in current sport systems, but sociologically encouraged.³³⁵

2. Survey

This is the first study, to our knowledge, that so far has assessed the prevalence rates of child sexual abuse, sexual assault, emotional maltreatment, and physical maltreatment among U.S. elite athletes.³³⁶ The survey also examined perceptions of abuse, mental and physical health, and other factors related to the elite athlete culture.

2.1. Methods

The survey consisted of 128 questions that were pre-tested and refined. Both the pre-test and the final

survey were approved by the University of Pennsylvania Internal Review Board.³³⁷ The survey took about an hour and 15 minutes to complete and was online.³³⁸ The authors developed the survey tool from two main sources: the American Association of Universities (AAU) 2015 Campus Climate Survey and the National Survey of Children's Exposure to Violence (NatSCEV).³³⁹ The full survey tool is available upon request.³⁴⁰

The survey asked about an athlete's sports experiences in three major areas: (1) physical assault, (2) sexual assault or abuse and (3) emotional abuse and psychological risk factors. The survey also asked about substance use, physical health, perceptions and beliefs about abuse and reporting, and abuse history. For space and clarity, this section focuses only on key findings from the physical, sexual, and emotional maltreatment data. The survey was delivered electronically to members of the Team USA Athletes Advisory Council who in turn sent letters of recruitment to all Olympic sports teams except gymnastics.³⁴¹ These representatives then sent letters of recruitment to a total of 1,175 elite athletes in the 10 Olympic teams that agreed to participate.

2.2. Characteristics of the Sample

A total of 473 participants from six elite sports took the survey. The sports represented were Track and Field (39.6%), Synchronized swimming (17.4%), Swimming (non-synchronized) (12.3%), Judo (10.4%), Ski and Snowboard (8.9%), Luge (3.2%), Table Tennis (2.8%), Rowing (2.3%), Goal Ball (2.1%), and Fencing (0.9%). The average response rate per sport was 26.4% after cleaning the data.

All respondents competed in at least one of eleven different elite sporting events (e.g., 47.8% competed in NCAA tournaments, 87.3% in Nationals, and 49.7% in World Championships, 47.1% in Summer Olympics, etc.). The mean age at which an elite athlete had their first coach or trainer (other than a parent) was 10.6 years (SD = 4.85 years, Range 1-32, n = 449).³⁴²

2.3. Prior Studies³⁴³

The prevalence of child sexual abuse or peer assault has not previously been assessed in U.S. athletes. Research from other countries has found the prevalence rates of child sexual abuse or peer assault (including noncontact forms abuse) in elite athletes to be 3% in Swedish athletes³⁴⁴; 13.3% in Australian athletes³⁴⁵; and 10% in an international sample.³⁴⁶ In a Danish study, 8.1% of elite athletes reported an intimate relationship with their coach prior to age 18.³⁴⁷

For the purposes of this survey, child sexual abuse was defined as sexual activity that is nonconsensual (i.e., the victim is a minor, is inebriated, or does not consent in another way) or attempted rape (the attempt of one person to insert a sex organ into the vagina, anus, or mouth of another person) while the victim is under the age of 16. Noncontact forms of abuse (e.g., exhibitionism, exposure to sexual acts, sexual harassment) were not included.

2.4. Results

3.8% of Elite Athletes Were Sexually Abused as Children Of the 473 athletes surveyed, 39 (8.8%) were sexually assaulted in the sport context. Eighteen (3.8%) reported

Table 2: Child Sexual Activity of Elite Athletes (n = 472)

Type of Abuse	Under the age of 16
Sexual Things (including kissing, touching grabbing), marked nonconsensual by respondent	2.5%
Oral Sex	1.3%
Sexual Penetration	2.1%
Unsuccessful Attempted Sexual Penetration or Oral	1.7%
Sex or Attempted Sex while Inebriated	0.8%
At least one of the above categories*	3.8%
Other	3%

*When unsuccessful attempted abuse is removed from this general CSA measure, the rate remains at 3.8%.

being abused as minors (see **Table 2**). (It is important to note that athletes from USA Gymnastics were not included in the survey).

All of the athletes who reported abuse as minors were female. Most (61%) reported being abused by an adult authority figure. Nine of the women reported being abused by a coach. One indicated she was also abused by an assistant coach. Two indicated their coach was a parent. Two women indicated that they had been raped by an adult connected to sports; one by a sportscaster who was doing a story about her and another by a sports mentor. Most (78%) of the women who reported sexual abuse by a coach indicated the abuse happened more than once.

Of athletes reporting abuse as a minor, eight (44%) reported being assaulted by a peer. One athlete was assaulted by both a coach and a peer. Most (75%) of those assaulted by a peer indicated that the assault happened more than once.

The majority (62.2%) were not knowledgeable of where to report and only 56% considered it very or extremely likely that sports officials would take a report of sexual misconduct seriously. Respondents also did not voice much confidence that they would be protected if they reported a sexual assault. Only 45.8% of respondents were confident that sport officials would protect the safety of one who reports sexual assault and only 38.4% were confident action would be taken against the offender.

This sexual abuse was correlated with mental health problems. Fourteen of the 18 (77.8%) CSA victims in this sample had at least one mental health diagnosis. A Fisher's exact test of independence was performed to examine the association between sexual abuse as a minor and mental disorder diagnosis. The relation between these variables was significant ($p < .001$). This means that elite athletes who reported having been sexually abused as minors were more likely to have a mental disorder diagnosis.

3. Physical Abuse in Athletics³⁴⁸

While sexual abuse is a pressing issue among athletes today, physical abuse may be just as pressing.³⁴⁹ Globally, physical abuse seems to be prevalent at rates of 17.7-22.6%.³⁵⁰ The prevalence of physical abuse of athletes is reported to be 12-19% in Canada,³⁵¹ 11-24.9%, in Germany, the Netherlands, and Belgium,³⁵² and 18% in Sweden.³⁵³

In sport, physical demands are often high, and success is prized above all else. Elite athletics represents the extreme of this continuum: Olympic-level athletes compete for gold on the world stage and make intense physical sacrifices, both in the stadium and at the training halls, toward the goal of winning gold. And, being the peak athletes of the world, they may be seen as the very image of health. Such a backdrop is ripe for the normalization of physical maltreatment: in this social context any physical problems, discomfort, or suffering can be explained away as (a) a useful or necessary means to an end (winning) or (b) trivial in light of the peak physical health the athletes (will) enjoy. Thus, a coach, trainer, teammate, or so on, may inflict physical harm in the sport context in ways different from and at rates higher than are seen in the general population.

3.1. What is Physical Abuse?

For the purposes of this study, we adopt the World Health Organization's definition of child maltreatment to describe physical abuse:

"All forms of physical...abuse, neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to the child's [or adult's] health, survival, development or dignity, in the context of a relationship of responsibility, trust or power."³⁵⁴

We amended this definition to only refer to physical and non-sexual behaviors and to better fit the sport context by including sport-situation-specific behaviors which coaches, teammates, and others in sport contexts may routinely use to manipulate the physical body of the athlete. Thus, we included water and food deprivation and forced overeating in our definition of physical abuse, alongside more typical physical abuse behaviors such as slapping, pushing, punching, kicking, and choking.

3.2. Results

18% of Elite Athletes Suffered Physical Maltreatment Findings revealed that 18.3% ($n = 447$) of elite athletes reported experiencing at least one form of physical abuse by a sport official and/or peer. These included being deprived of water or liquids (7.4%), being deprived of food (8.9%), being forced to eat more than they wanted (5.8%), being slapped or pushed (5.8%), and being punched, kicked or choked (2.9%). Of the physically maltreated athletes, 45.1% ($n = 82$) experienced multiple forms of physical maltreatment.

This physical abuse was correlated with mental health problems. There was a significant relationship between reporting having been physically abused and having a

mental health diagnosis ($X^2 [1, N = 447] = 9.5, p = .002$). In fact, nearly half (48.4%) of those who had experienced physical assault (punching, kicking, choking, slapping, or pushing) reported being diagnosed with a mental health disorder – most commonly with depression and/or anxiety. Almost 16% reported having received multiple diagnoses.

4. Emotional Abuse in Athletics³⁵⁵

Past studies have analyzed prevalence rates of emotional abuse in elite athletics in countries other than the United States. For example, a study of 6,000 athletes and former athletes in the United Kingdom found that 75% of respondents had experienced some form of emotionally harmful treatment as children in sport and the incidence of such treatment became more common as children rose toward the elite level.³⁵⁶ Current and former national team athletes in Canada participated in a large study (N = 1001) and researchers found that 58.6% of current athletes and 61.6% of retired athletes had experienced emotional harm.³⁵⁷

4.1. What is Emotional Abuse?

Definitions of emotional abuse often differ based on whether the definition focuses on behavior or the outcome of a behavior.³⁵⁸ We adopt the following definition of emotional abuse in sport:

A pattern of deliberate non-contact behaviors by a

person within a crucial relationship role that has the potential to be harmful. Acts of emotional abuse include physical behaviors, verbal behaviors, and acts of denying attention and support. These acts have the potential to be spurning, terrorizing, isolating, exploiting/corrupting, or deny emotional responsiveness, and may be harmful to an individual's affective, behavioral, cognitive, or physical well-being.³⁵⁹

Here, we can see space for the experiences of athletes who are emotionally abused by coaches, other sporting officials, and peers. The description of “deliberate, non-contact” behavior encompasses this study’s two primary behaviors that we consider to be emotionally abusive: intimidation and body weight control.

Thus, using Fortier et al.’s (2020) taxonomy of athlete-abusive behaviors,³⁶⁰ and considering definitional trends in the emotional abuse literature, we examine behavioral domains which indicate emotional abuse of elite athletes. These are (1) intimidation and (2) body weight control factors.³⁶¹

4.2. Results

Over Half of Elite Athletes Experienced Emotional Abuse
The emotional abuse measure included intimidation, threatening violence, verbal abuse, deprivation of water or food, and forced eating. Of the athletes sampled,

Table 3: Psychiatric Diagnoses Received by Elite Athletes (n = 472)

Diagnosis	
Anxiety Disorder	16.9%
Depression	17.1%
ADD or ADHD	6.6%
Other Psychiatric Disorder	4.4%
PTSD	4.8%
Learning Disorders	2.9%
Bipolar Disorder	1.5%
Substance/Alcohol Related Disorder	1.3%
ODD or CD	0.7%
Autism, PDD, or Asperger’s	0.9%
Developmental Delay	0.9%
Multiple Personality Disorder or personality disorder	0.2%

56.7% (N = 448) reported experiencing at least one form of emotional abuse. This emotional abuse was correlated with mental health problems. In a chi-square analysis, we also found a statistically significant relationship between experiencing at least one form of emotional abuse and having received a mental health diagnosis, $\chi^2(1, N = 448) = 9.318, p < .01$.

4.3. Mental health disorders

In this sample, 31.9% of the athletes had been diagnosed with a mental health disorder at some point prior to taking the survey. Nearly half (41.3%) of elite athletes were evaluated or received counseling for emotional, behavioral, or developmental problems at some point in their life. Twenty-one point one percent of elite athletes

were evaluated or received counseling for emotional, behavioral, or developmental problems within the year prior to taking the survey. The five most common mental health diagnoses that elite athletes received were depression (17.1%), anxiety disorders (16.9%), attention deficit disorder or attention deficit hyperactivity disorder (ADD/ADHD) (6.6%), other psychiatric disorders not listed (4.4%), and post-traumatic stress disorder (PTSD) (4.8%) (Table 3). Sixteen percent of elite athletes (n = 455) had only one diagnosis while 15.8% received multiple diagnoses.

There were significant relationships between experiencing any form of maltreatment (sexual, physical or emotional abuse) and having a psychiatric diagnosis.

APPENDIX F: THE NEED FOR INTENSIVE PSYCHOEDUCATION FOR ELITE YOUNG ATHLETES

Goal: *To establish an ongoing self-sustaining protocol for gymnastic athletes to be aware of the external and internal pressures which are sources of risk for exploitation, coercion or abuse, and to know how to combat these by providing abundant internal resources and external resources.*

This protocol should change the culture from one where commodification and objectification is replaced with respect and encouragement of self-determination.

Key Interventions Points:

1. Self-Awareness and Psychoeducation.
2. Bill of Rights
3. Safety Valves in the Culture
4. Provide OUTSIDE INDEPENDENT professionals, medical doctors, counselors to monitor, and problem-solve.

What Training Should Cover

I. Self-Awareness and Psychoeducation:

The program for athletes will involve key learning components with the following themes:

1. Your body is your own.
2. Dealing with pain, knowing when it is your signal to stop.
3. What are the elements of privacy: your body, your medical records, any film or still memorialization of you.
4. What is good coaching? Positive Coaching? Assessment Checklist to be developed
5. What is appropriate medical care? Assessment Checklist to be developed
6. What are appropriate teammate relationships: Assessment Checklist to be developed
7. What are the elements of unhealthy relationships?
 - What is abuse?
 - What is coercion?
 - What is exploitation?
 - What is objectification?
 - How do you know if you are being used or valued?
 - What does an appropriate medical exam look like?
8. Elements of healthy relationships
 - Feelings about self.
 - Feelings about others.

- Expectations in relationships with peers, vs. adults.
- What is empowerment? Are you free to communicate?
- Sexuality, healthy boundaries.
- Unequal power: finding your power.

II. Define Rights of Athletes

1. Determine what your own body can do and should do.
2. Free from all Exploitation.
3. Free from all Abuse.
4. Free of Coercion.
5. Free of pressure to do things against your judgment or parents' judgment.
6. Trustworthy adult to talk to about confidential matters.
7. To keep up with grade level schoolwork.
8. To learn skills in a positive environment.
9. To be your best.
10. To eat in a healthy manner and to have a healthy body weight.
11. To access appropriate medical care and be healthy in body.
12. To access appropriate psychological care and to feel well in mind.
13. The right to refuse to participate in something that feels wrong or inappropriate.

III. Safety principles become embedded in the culture through:

1. Psychoeducation seminars with case study method of teaching.
2. Written materials available.
3. Written materials posted.
4. Knowledge of these widely known by all participants.
5. Booster Sessions.
6. Self-assessments.
7. Peer Assessments
8. Open communication culture where these issues are addressed.
9. Openness counters secrecy

IV. Safety Assurances

1. Availability of totally outside agency providing confidential counselors and people to report to at any time and for monitoring at least twice yearly.

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2. Availability of totally separate outside medical doctors to monitor healthy body weight, eating, nutritional health at least twice yearly.
3. Any videography automatically sent to parents.
4. Mentors assigned of older athletes to monitor safety.
5. Self-monitoring tools provided.
6. Peer monitoring tools provided.
7. Culture where it is acceptable to show concern about other athletes, coaches, doctors, others and to tell.

APPENDIX G: SUMMARY OF THE ATHLETE BILL OF RIGHTS

The International Safeguards for Children in Sport describes what organizations need to put in place if they are providing sports activities to children.³⁶² The aim is to create a safe sporting environment for all children, in all parts of the world and at all levels of competition. Rights mentioned include:

- Children have the right to have their voices heard in any organization in which they are involved. This includes involving children in the design, implementation and evaluation of safeguards
- Children have the right to be protected from all types of harm and adults have a responsibility to reduce the likelihood of harm occurring.
- Children have a right to be safe during sport
- Children have the right equal rights to protection
- Children have the right to information about their rights and about who they can turn to if they are worried, in a process that empowers them.

In November of 2017, World Players Association launched the Declaration on Safeguarding the Rights of Child Athletes which places the best interests of the child as the guiding principle for any involvement of children in sport.³⁶³ It sets out key principles and action areas in which sport's stakeholders must work together to ensure sport is always a safe space for children. Rights mentioned include:

- Protect children's human and labor rights
- Design specific programs for child athletes informing them of their rights and all risks associated with a sporting career
- Uphold the [United Nations Convention on the Rights of the Child](#)

In October 2020, S.2330 - Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020³⁶⁴ was passed:

- This bill establishes safeguards to protect amateur athletes from abuse, including sexual abuse, by coaches and employees in U.S. Olympic and Paralympic sports. The bill establishes (1) legislative mechanisms by which Congress can dissolve the Board of Directors of the U.S. Olympic and Paralympic Committee (USOPC) and decertify national governing bodies; and (2) a duty of care that USOPC owes to ama-

teur athletes, including protecting athletes by requiring it to ensure that any allegation of child abuse of an amateur athlete who is a minor is immediately reported to law enforcement.

- The bill provides for an annual amateur athlete survey conducted anonymously and an Athletes' Advisory Council.
- The bill revises duties of the Office of the Ombuds regarding the pursuit of abuse claims by the U.S. Center for SafeSport, confidentiality, and retaliation against an employee or member for disclosing information or seeking assistance in mediation. The USOPC and the national governing bodies shall not interfere in or attempt to influence the outcome of an investigation. The center shall report to Congress within 72 hours of an attempt to interfere in, or influence the outcome of, an investigation.
- The bill establishes within the legislative branch the Commission on the State of U.S. Olympics and Paralympics to study matters relating to the state of U.S. participation in the Olympic and Paralympic Games.
- The bill prohibits retaliation against protected individuals (including amateur athletes, coaches, and trainers) because of disclosures pertaining to sexual abuse or harassment.

In December 2020, Senator Booker introduced the College Athletes Bill of Rights,³⁶⁵ a legislation to expand and protect the rights of college athletes. The College Athlete Bill of Rights would provide:

- Fair and equitable compensation
- Enforceable evidence-based health, safety, and wellness standards
- Improved educational outcomes and opportunities
- Establish a Medical Trust Fund
- Accountability across college sports
- Freedom for college athletes to attend the institution of their choice
- Establish the Commission on College Athletics

USA Gymnastics also introduced the Athlete Bill of Rights in December 2020.³⁶⁶ Created in collaboration with members of the Athletes' Council, the Athlete Bill of Rights aims to support athletes who use their voice in public platforms. The 8 rights included in the Bill of Rights include:

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1. Participate in gymnastics
2. Train and compete safely
3. Have their personal health and wellness prioritized
4. Be treated with dignity and respect
5. Receive proper instruction
6. Provide input on matters that directly affect them
7. Voice opinions on issues that affect the gymnastics community
8. Integrity and transparency

In May 2021, Project CARE (Census of Athlete Rights Experiences)³⁶⁷ was created by a collaboration between World Players association, its affiliates and Loughborough University. The goal of the project is to ensure that the rights of child athletes are respected throughout the world of sport. It developed the following RIGHTS:

R – Remedy: Establish truth commissions to look into non-recent abuse and well-resourced and independent safe sport centers to manage cases. Refer abuse cases to law enforcement for criminal investigation, and where appropriate, apprehension and detention. Ensure survivors of abuse and harassment in sports have access to remedial justice, including a public apology, acknowledgement and compensation.

I – Inform: Collect on-going data regarding athlete rights experiences and identify trends over time. Disseminate promising practice regarding the promotion and protection of athlete rights and how to safely report abuse in sports. Educate and empower athletes to know and realize their rights.

G – Govern: Engage and advocate with national governments to adopt and implement law explicitly banning all forms of abuse against child athletes in organized sport. Develop, adopt and enforce compliance with formal policies to protect child athletes from abuse. Ensure effective, adequately resourced, trauma-centered and survivor-led systems and procedures are in place to support and receive cases of abuse and harassment in sports.

H – Harness the athlete’s voice: Organize and engage with athletes who have lived experience of abuse in sports in sustainable and safe ways. Ensure that the athlete voice is represented throughout sport. Invite, hear and respond to a range of child athlete voices regarding the realization of their rights.

T – Train: Require and conduct child wellbeing, safeguarding and protection training. Develop child-focused structures and programs within player associations. Provide guidance and training to player managers on how to exercise their duty of care for athletes who disclose abuse, harassment, or trauma in sport.

S – Support: Provide sensitive and supportive approach, guided by each individual’s preferences throughout. Ensure free, ongoing, professional psychological, social, medical and legal support services for child athletes who have experienced abuse. Analyze and ensure holistic security (physical, mental and digital) is made available to whistleblowers and people that disclose abuse in sport.

On July 31 of 2021, the Coalition of Empowered Athletes, a partnership between Army of Survivors and CHILD USA, introduced a Child Athlete Bill of Rights which outlined that every youth-serving athlete organization should not only have an Athlete Bill of Rights, but also should be responsible in educating the child and youth athletes. There are four main pillars that should be considered in every Athlete Bill of Rights known as S.A.F.E.:

S is for SAY – Every athlete has a right to say no to unwanted situations.

A is ACT – Every athlete has a right to act when something doesn’t seem right.

F is for FEEL – Every athlete has the right to express their feelings and emotions and receive support.

E is for EDUCATION – Every athlete has a right to understand what abuse is and how to report it.

APPENDIX H: CHILD USA'S GOLD STANDARD POLICY RECOMMENDATIONS

Although no policy can guarantee complete prevention of all child sexual abuse (CSA), sufficient literature on the topic exists to outline better prevention practices for athletic organizations. The following section consolidates some of the best research on prevention practices.

Part of the cultural change we are recommending at USA Gymnastics must involve a commitment to err always on the side of protecting the young athletes in its charge.

There are two primary domains youth athlete organizations should consider when working to stop CSAs from occurring in sports: prevention and response. Youth athletic organizations must work to create safe environments for children, but they must also have policies in place to respond appropriately and ethically when abuses do occur, so that victims are not silenced and other children are not placed at risk.

1. Prevention

The focus of the prevention domain is providing a safe environment for children and protecting them from abuse.

1.1. Background Screening

Prevention starts with thorough background checks. The main goal of background screening is to screen out individuals who have sexually abused youth or are at risk of offending. Athletic organizations must conduct formalized background checks on all potential employees and volunteers as a minimum effort to prevent potential sex offenders from working with children. This includes the following types of background checks:

- Verifying identity
- State and National background checks (fingerprinting preferred)
- National sex offender registry
- State child protective services database
- SafeSport disciplinary database³⁶⁸

Formal background checks are just one aspect of background screening for youth-serving organizations. In fact, studies have found that background checks are often rated as less important to employers' sense of thoroughness in screening out potential CSA perpetrators when compared to the collection of "soft infor-

mation,"³⁶⁹ which includes knowledge about applicants collected through direct inquiry into their personal and professional history.

For example, first, reference checks should be conducted through direct contact with previous employers and should include specific questions related to past concerns about the applicant's suitability to work with children. Second, structured employment interviews must take place in which athletic administrators assess an applicant's motivations for working with child athletes, their qualifications, and their understanding of child-safe behavior. Finally, administrators should verify credentials and critically examine any gaps in an individual's employment or educational history to determine whether inappropriate sexual behavior contributed to those gaps, or if an individual is unqualified to work with youth.

1.2. Providing a Safe Physical Environment

Opportunities for sports personnel to isolate athletes in closed spaces present risks for sexual abuse. Training facilities, gymnasiums, medical treatment rooms, locker rooms, and offices need to be assessed for risks.

However, best practice in sexual abuse prevention is moving toward prohibition of isolated one-on-one interactions.³⁷⁰ All one-on-one interactions should be in an area that is visible to others. Installing video surveillance systems in training facilities can help mitigate environmental risk. Another method involves increasing the use of "natural surveillance." For example, youth athlete organizations should install clear windows with a view into training rooms and offices where absolute seclusion is not necessary for the privacy of child athletes.³⁷¹ Parents and family members should be encouraged to drop in to watch practice at any time without notice. Similarly, administrators should apply special scrutiny to accommodations during travel for competitions.

The final recommendation for assessing physical environments relates to adequate supervision. Adequate team and facility staffing allows for coaches or trainers to have a second adult in the room if one-on-one training sessions are necessary for an athlete's development. When meeting with the child for a private conversation, office doors should be left open, and only closed if there is a window providing visibility.

1.3. Code of Conduct

Creating an organizational culture that prioritizes child safety starts with a strong code of conduct. The main purpose of conduct codes is to provide a detailed description of what types of behavior are expected when interacting with minors. These policies are important starting points for laying out the behavioral expectations of coaches, trainers, volunteers, and athletes.

Youth organizations should detail the prohibited activities and behaviors that will result in disciplinary consequences and should encourage personnel to report violations so that risky behaviors can be stopped before they progress to child abuse. The following are examples of potential prohibited behaviors:

- Inappropriate physical contact (e.g., kissing, touching private body parts, sitting on laps, etc.)
- Sexualized conversations, making sexually suggestive comments, or exposure to pornography
- One-on-one interactions between children and adults in unmonitored areas
- Grooming behaviors such as forming special relationships or giving children special gifts or privileges
- Adult personnel sharing sleeping quarters with athletes during travel for competition
- Transporting children to and from practices without others present
- Engaging with children online outside of the organization's regular communication methods

Each employee or volunteer should be given a copy of the codes of conduct and be asked to read and sign it. The code should also be included in training materials used during employee or volunteer training to make it clear that personnel understand the code and to emphasize that the youth athletic organization is committed to CSA prevention.

1.4. Reporting Misconduct

Historically, large scale child sexual abuse has occurred because of silence and inaction in the face of suspicious activity. The success of a code of conduct is largely dependent on the willingness of personnel to report violations. A policy should be in place that details how to report any misconduct by another member of the organization. The policy should detail how to report violations and assure that there will be no negative repercussions for doing so. An option to report confidentially should be provided. The policy should also state that no form of retaliation will be tolerated and that anyone who retaliates against someone who reports misconduct will face disciplinary action.

Members of the organization then should sign a state-

ment acknowledging they have received, read, and understand the code of conduct and agree to abide by it prior to beginning work with athletes. The code should be reviewed and re-signed as a part of renewing the personnel's child abuse prevention training.

1.5. Child Abuse Prevention Training

Training and education are a core element of any organization's child sexual abuse prevention efforts. Two overarching goals of any prevention training program should be to: 1) Promote the health and safety of children, and 2) Promote a healthy organizational culture and sense of professionalism. Youth athletic organizations should provide training to everyone involved with their programs, including administrators, staff, volunteers, parents and guardians, and youth participants. As much as possible, curricula should be evidence-based and evaluated for effectiveness.

1.6. Staff and Volunteer Training

Comprehensive and repeated training for staff and volunteers is needed to teach them about the dynamics of child sexual abuse, perpetration, and children's responses to abuse. Training is also needed to reinforce the content of abuse policies and to aid in their implementation. Administrators should receive extra training on reporting requirements, preserving evidence for civil authorities' investigations, and how to protect whistleblowers who raise concerns about red-flag behaviors. The following topics should be included in training programs for adult staff and volunteers in youth athletics:

- Nature and scope of child abuse
- Signs, symptoms, and consequences of child abuse
- Appropriate physical and emotional boundaries when working with children
- Grooming techniques and the methods perpetrators use to gain access to their victims
- Types of abuse disclosures and how to respond appropriately if abuse is suspected or disclosed
- Laws, policies, and procedures to report abuse allegations
- Civil reporting procedures and mandated reporting requirements
- Policies and procedures to prevent child abuse by employees, volunteers, and others coming into contact with youth athletes
- Policies and procedures to prevent child abuse at athletic events and activities in off-site locations, including competitions and tournaments
- Appropriate versus inappropriate forms of electronic communication with minors

Grooming behaviors should be given special attention. Perpetrators commonly adopt a pattern of escalating behaviors as part of the grooming process to desensitize victims to sexual contact. Therefore, youth athletic organizations must encourage personnel to recognize and report concerning behaviors that are inappropriate though they may not rise to the level of abuse.

1.7. Youth Training

Annual child abuse prevention training should be provided to children participating in athletics. The training should be age appropriate and should have been evaluated for effectiveness prior to use. While children are not responsible for preventing abuse, they should be aware of what constitutes inappropriate behavior by an adult or other child and what to do if someone treats them inappropriately. For example, children should be told that it is inappropriate for an adult to ask them to keep secrets, contact them privately on social media, or to ask to meet them outside of scheduled events. They should be encouraged to tell their parents or guardians about all their activities in sports and to invite their caregivers to come to their practices and athletic competitions. Finally, children should be told that if they report inappropriate behavior they will be believed and protected.

When athletes know the policies regarding appropriate and inappropriate interactions between adults and youth, and that those policies are taken seriously by the organization, they will be more likely to report violations. Athletes should know what contact is permitted between coaches and other personnel/members and athletes and how to express concerns.

1.8. Caregiver Training

Caregivers of children act as the primary line of defense against CSA, and research shows that child abuse prevention training for children is most efficacious when parents also receive training. Training programs for caregivers must teach common signs of child abuse and encourage them to become involved in youth athletic activities. Because abusers do not just groom individual victims, but also groom the child's family, education on the tactics abusers commonly use to target vulnerable youth is also crucial. Caregivers are typically in the best position to recognize grooming tactics such as gift giving or the development of special relationships between their children and athletic program staff or volunteers.

The following topics should be included in parental training:

- Signs, symptoms, and consequences of child abuse
- Common tactics of abusers, including special relationships and giving of gifts, privileges, etc.
- The organization's policies on child protection and how to report personnel who violate these policies
- Civil reporting procedures and mandated reporting requirements staff must follow,
- Types of abuse disclosure and how to respond appropriately
- Discussing personal boundaries and sexual behavior with children
- Monitoring off-site contact between children and staff
- Monitoring communications (e.g., texts, emails, social media) between children and staff

1.9. Special Training for Young Elite Athletes

Competing at the national or international level requires a significant time commitment with specialized training, expert coaching, and travel to sporting competitions. Coaches exert a great deal of power over their athletes, especially those at or approaching the elite level, as athletes are reliant on their coach to progress within the sport. For children who are training at the elite level the coach-athlete relationship is central, and parents are often marginalized. The child also becomes inculcated with what Coakley and Pike (2009) define as the "sport ethic." The primary norms in this ethic are that athletes must (1) give the sport priority over all other things, and (2) always be committed to improving and achieving perfection. This can lead to social isolation and dependency on sporting relationships which can make the child more susceptible to grooming and normalization of the abuse.

The desire to succeed and reach the elite level may make it even harder for the child to resist inappropriate behavior by a person in authority—particularly when there is stiff competition for placement on a team. One of the keys to providing a safer culture for athletes involves creating an environment where athletes understand healthy boundaries and are empowered to maintain them. Young elite athletes need special ongoing training that focuses on their ownership of their bodies, developing healthy boundaries, attending to their emotional and physical needs, and their right to say no if they feel uncomfortable with anything asked of them. See *The Need for Intensive Psychoeducation for Elite Young Athletes* in **Appendix F**.

2. Response

2.1. Mandatory Reporting to Civil Authorities

Policies mandating proper reporting to civil authorities contribute to prevention by making sure that child sex offenders are not permitted to continue working within a youth athletic organization to abuse more victims. Youth-serving organizations should have a policy making it mandatory that all employees and volunteers report suspected abuse directly to the civil authorities, whether or not they are required to do so by state law.

The policy should cover:

- Who must report
- What is to be reported
- Timeframe for reporting
- Methods of reporting
- Protections for those who report
- Consequences for failure to report
- Processes following a report

Reporting policies should outline applicable state laws including civil immunity for good faith reporting and the legal ramifications of failing to report. The policy should also provide phone numbers for calling the appropriate civil authorities and detail the type of information to include in a report. The policy should also include assurances of freedom from any employment related retaliation for good faith reporting.

The allegations should also be forwarded to the US Center for SafeSport which maintains a disciplinary database of individuals connected with the U.S. Olympic & Paralympic Movements.³⁷² SafeSport should be notified if an individual is either subject to certain temporary restrictions pending investigation by the Center or is subject to certain sanctions after an investigation found them in violation of the SafeSport Code.

2.2. Cooperation with Independent External Investigations

Athletic organizations should let civil authorities handle the investigation and hire an independent outside investigator with expertise in child sexual abuse if further investigation is warranted. Civil authorities are better

equipped to handle any existing evidence in CSA cases and to properly interview victims. In addition, conflicts of interest are less likely to arise in investigations conducted by independent civil authorities.

Athletic organizations should also have a policy that states that all personnel will cooperate with an investigation. In addition, the policy should prohibit preempting or interfering with civil or criminal investigations of accused staff members. Any evidence should be preserved with a timely transfer of evidence to investigators.

The policy should make it clear that personnel who cover up abuse will be terminated. The policy should also prohibit providing any employment recommendations or facilitating transfers for anyone under investigation for abuse. There should also be protections for alleged victims and other minors. During the investigative process, the accused should be placed on a leave of absence.

2.3. Protections for the Victim

The alleged victim should be protected from further contact with, and intimidation by, the accused and his or her supporters. The victim and his or her family should be supported and provided counseling. Victim should be recognized to have rights, including access to legal representation, information about any investigations, mental health resources, and emotional closure within the organization.

2.4. Review and Revise Policies to Prevent Future Abuse

Whenever a child is abused in an organization, a review must occur to examine how the event occurred and how similar events can be prevented in the future. As part of the review, current policies need to be reviewed for adequacy and whether there are problems with implementation. Any problems discovered should trigger further child abuse prevention education of personnel with emphasis on the importance of reporting small problems before they become big ones.

APPENDIX I: LIST OF U.S. PHYSICIANS ACCUSED OF CHILD SEX ABUSE 2002-2019

2019

- Dr. George R. Tyndall, USC, CA (patient)
- Dr. Richard Strauss, Ohio State, OH (patient)
- Dr. Reginald Archibald, Rockefeller University Hospital, NY (patient)
- Dr. Stanley Weber, Indian Health Service, SD, MT (patient)
- Dr. Johnnie Barto, Laurel Pediatric Associates, PA (patient)
- Dr. Ernesto Torres, MD (patient)
- Dr. William R. Vollmar, Conestoga Valley School District, PA (patient)
- Dr. Kerry Evans, TX (non-patient)
- Dr. Matthew S. Miller, MO (non-patient)
- Dr. Albert Aiad-Toss, OH (non-patient)
- Dr. Jonathon Cavins, IN (patient)
- Dr. Ogechukwu Adekweh, Grand Itasca Clinic and Hospital, MI (non-patient)

2018

- Dr. Larry Nassar, MI (patient)
- Dr. Hisham Shawish, PA (non-patient)
- Dr. Mark Barnhardt, TX (unknown)
- Dr. Stuart Copperman, NY (patient)

2017

- Dr. Earl Bradley, BayBees Pediatrics, DE (patient)
- Dr. Benjamin Shettell, Fusion Health Care and Silhouette Medspa, CA (patient)
- Dr. James Kohut, Palo Alto Medical Foundation and Dominican Hospital, CA (non-patient)
- Dr. Richard Martin Roberts, TX (patient)
- Dr. Binh Minh Chung, NV (non-patient)
- Dr. Marc Eichler, ND (non-patient)

2016

- Dr. William Almon, Fort Gordon's Dwight D. Eisenhower Medical Center, Augusta Jail, and WellStar's East Paulding Primary Care Center, GA (patient)
- Dr. Clifford Merchant, Providence Alaska Medical Center, AK (non-patient)
- Dr. Patrick Clyne, Santa Clara Valley Medical Center, CA (patient)

2015

- Dr. Jeffrey Joel Abrams, CA (patient)

2013

- Dr. Samuel J. Bracken Jr., WV (non-patient)
- Dr. Kassem Hallak, Charlotte Medical Center and Urgent Care, NC (patient)

2010

- Dr. Ashok Alur, KY (patient)
- Dr. Rakesh Punn, NY (patient)

2009

- Dr. Michael Roy Sharpe, TN, AL (patient)

2004

- Dr. Cris Cole, University of Southern Alabama's Children's and Women's Hospital, AL (unknown)
- Dr. Marden Lee Brown, SD (unknown)

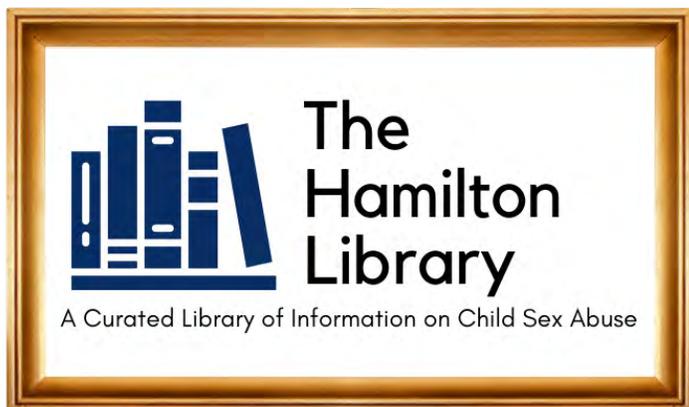
2003

- Dr. Taranath Shetty, RI (patient)
- Dr. Donald Eugene Russell, CA (non-patient)

2002

- Dr. Gregory Villabona, DE, MD (non-patient)
- Dr. Robert Francis Marion Jr., Parkwood Pediatrics, SC (patient)

RESOURCES



The following is a brief introduction to CHILD USA's Hamilton Library, and a compilation of some key resources from it that may be of use for continued education on topics covered in the Game Over Commission and regarding Child Sex Abuse at large.

[The Hamilton Library](#) is a free, expert-curated collection of materials on child sex abuse, and is meant for everyone. The Library is stocked with key information and supports for victims and survivors, parents, teachers, clergy, researchers, attorneys, doctors, the media, and youth-serving organizations. For survivors, there is an additional well-being section. The Hamilton Library is continually updated and free and open to the public. Like CHILD USA, the Library incorporates a trauma-informed model to its design and all decisions regarding inclusion of materials; all resources are reviewed for appropriateness, legitimacy, and sensitivity.

Marci Hamilton, CEO & Founder of CHILD USA, established the Library in 2020 to be a welcoming and comforting space for education on these difficult, yet critical subjects. Because knowledge is power, the Library serves as a key component to the mission of CHILD USA: to empower children now, and those who were harmed as children.

*****Some materials may be triggering for survivors, and it is advised to explore in a manner that is conscious of one's own well-being.*****

Overview of The Hamilton Library

Areas & Offerings:

The Hamilton Library is broken down into nine sections. Each section contains pertinent media, research, and resources tailored to the specific demographic, area, and/or function. The sections are as follows:

- Sports & The Arts
- Finances
- Legal
- Well-Being
- For Survivors & General Interest
- Families & Caregivers
- Schools
- Religious
- Hotlines

Some sections contain different educational materials for workshops, continued education, and abuse recognition and prevention within these different settings. Further, this list includes child-directed educational materials, such as Who Do You Tell?, a program designed for children from kindergarten through grade six, which can be found within the Schools page.

Resources By Kind:

By kind, the resources available in the Hamilton Library range across many mediums, with a plethora of work for different audiences. These resources include:

- Books
- Films & Documentaries
- Research Publications
- News Media
- Legal Documentation
- Connections to various Alliances, Societies, and Resource Networks
- Toolkits, Meditations, Strategies, and Supports

Specifically Regarding Sports:

As noted above, the Hamilton Library contains a considerably large body of work – and the only of its kind – focused on sports and the arts. As this section of the Library is specifically pertinent to the Game Over Commission, a detailed breakdown of its resources can be found below:

- A large collection of books regarding cases, lived experiences, and resilience. This includes titles such as:

A Case-Study of Systemic Abuse in Sports Perpetrated by Larry Nassar

- Chalked Up, by Jennifer Sey
- The Penn State Report, by Louis Freeh
- A large collection of articles, reports, and research on relevant subjects, including:
 - An archive of CHILD USA's letters and reports to Safe Sport about athlete abuse
 - Sexual Abuse in Sport: A Model to Prevent and Protect Athletes, by Parent & Demers
- A large collection of Documentaries & Videos that pertain to abuse within sports and the arts, including connections to titles such as:
 - *Silent No More*, by Adam Berger
 - *Surviving R. Kelly*
- The Game Over Commission: Commission to Protect Youth Athletes
 - [About the Game Over Commission](#)
 - [The Game Over Commission Database](#)
 - [The National Game Over Commission Hearings](#)

Statutes of Limitation (SOLs):

Notable is the Library's wealth of information regarding SOLs. These include:

- [The Sean P. McIlmail Statute of Limitations Research Institute at CHILD USA](#)
- Legal Information By-State
- Ranking Systems By-State
- Annual, National-Level Summaries
- Documentation of Testimonies given by CHILD USA, available at <https://childusa.org/testimony/>

Toolkits & Materials for Survivors:

The Hamilton Library contains numerous resources tailored to survivors, spanning from well-being to assistance with navigating statutes of limitation. Below are a few offerings from the Library:

- Understanding Your Rights, By-State, for Survivors
- Terminology Glossaries
- Guided Meditations
- Strategies and Materials on Mental Health
- Survivor Toolkits, available at <https://childusa.org/toolkits/>

Hotlines:

The Library contains direct access to a number of relevant hotlines, including:

- [RAINN](#) (Rape, Abuse, & Incest National Network)
 - [The National Sexual Assault Telephone Hotline](#): 1-800-656-4673
- [The National Suicide Prevention Hotline](#): 1-800-273-8255
- [The National Center for Victims of Crime \(NCVC\)](#)
- [The National Center for Missing and Exploited Children](#)
- [#MeToo's Library of Healing Resources](#)
- [The Crisis Text Line](#)

Visit The Hamilton Library at www.childusa.org/library

To learn more about the Nassar case, take a look at:



Source: Athlete A (2020)

[Athlete A](#), a film by Jennifer Sey on athlete abuse



Source: NPR (2018)

[Believed](#), from NPR



Source: HBO (2019)

[At the Heart of Gold: Inside the USA Gymnastics Scandal](#), produced by David Ulich and Steven Ungerleider

Endnotes

1 Ann Kolasa is the co-owner of Gymland School of Gymnastics and the Head Coach of the girls' USAG team for Arena Gymnastics in Hamilton, NJ. Suspended USAG coach, Maggie Haney, trained gymnasts, including Olympian Laurie Hernandez, at Kolasa's gym; See Reid, S. (2020, May 8). Special report: Families detail Maggie Haney's abuse of young gymnasts. Los Angeles Daily News. <https://gameover.childusa.org/reader.php?path=/wp-content/uploads/Special-report-Families-detail-Maggie-Haneys-abuse-of-young-gymnasts.pdf>; Baker, S. (2016, July 25). Laurie Hernandez Won't Let You Look Away. The Ringer. <https://gameover.childusa.org/reader.php?path=/wp-content/uploads/Laurie-Hernandez-Won%e2%80%99t-Let-You-Look-Away-The-Ringer.pdf>

2 See Report of the Independent Investigation, conducted by Ropes & Gray, who was hired by the USOPC. McPhee, J., & Dowden, J. P. (2018). *The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes*. Ropes & Gray. <https://gameover.childusa.org/wp-content/uploads/Executive-Summary-1.pdf>; Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes, conducted by Deborah J. Daniels, Managing Partner of Krieg DeVault LLP with assistance from Praesidium, who was hired by USA Gymnastics. Daniels, D. (2017, June 26). *Report to USA Gymnastics on Proposed Policy and Procedural Changes for the Protection of Young Athletes*. https://gameover.childusa.org/wp-content/uploads/ddreport_062617.pdf; Nassar and Beyond: A Review of the Olympic Community's Efforts to Protect Athletes from Sexual Abuse, prepared by the Majority Staff of the Energy and Commerce Committee in the U.S. House of Representatives. The Energy and Commerce Committee (2018, December 20). *Nassar and Beyond: A review of the Olympic Community's Efforts to Protect Athletes from Sexual Abuse*. <https://gameover.childusa.org/wp-content/uploads/EC-USOC-Report-12.20.18-Final-REV.pdf>; The Courage of Survivors: A Call to Action, spearheaded by Senator Jerry Moran and Senator Richard Blumenthal. Moran, J., & Blumenthal, R. (2019). *The Courage of Survivors: A Call to Action*. <https://gameover.childusa.org/wp-content/uploads/courage-of-survivors.pdf>; Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar, conducted by the U.S. Department of Justice Office of the Inspector General. U.S. Department of Justice Office of the Inspector General (July 2021). *Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*. <https://gameover.childusa.org/wp-content/uploads/DOJ-OIG-Releases-Report-of-Investigation-and-Review-of-the-FBI%E2%80%99s-Handling-of-Allegations-of-Sexual-Abuse-by-Former-USA-Gymnastics-Physician-Lawrence-Gerard-Nassar.pdf>

3 The Department of Licensing and Regulatory Affairs. (2018, April 6). *LARA Permanently Revokes Nassar's Medical License, Issues Largest Fine in Department History*. Michigan.Gov. <https://gameover.childusa.org/wp-content/>

[uploads/SOM-LARA-Permanently-Revokes-Nassars-Medical-License-Issues-Largest-Fine-in-Department-History.pdf](https://gameover.childusa.org/wp-content/uploads/SOM-LARA-Permanently-Revokes-Nassars-Medical-License-Issues-Largest-Fine-in-Department-History.pdf)

4 For a list of individuals providing testimony, see CHILD USA. (n.d.). *Game Over Hearings*. CHILD USA. <https://childusa.org/game-over-hearings/>

5 At least one man has alleged abuse by Nassar. Also, some victims have come out as transgender, genderqueer or gender-non-conforming since the abuse (see the results of CHILD USA's Survey of Nassar' Victims and their Families at **Findings II**.

6 The chronology in this section is an elaboration of one that appeared in the *Lansing State Journal*. *Who is Larry Nassar? A timeline of his decades-long career, sexual assault victims and prison sentences* (2021). Lansing State Journal. Retrieved October 4, 2021, from <https://gameover.childusa.org/wp-content/uploads/Who-is-Larry-Nassar-Timeline-of-his-career-prison-sentences-Lansing-State-Journal.pdf>

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9 Complaint, Jane JD Doe v. Doe et al., Case No. 34-2016-00200075

10 That same year, a parent of a gymnast raised sexual abuse concerns with John Geddert, the head of Twistars USA Gymnastics, about Nassar, but Geddert did not notify police, according to a lawsuit filed in 2017.

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17 McPhee, J., & Dowden, J. P. (2018). *The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes* (pp. 40). Ropes & Gray. <https://gameover.childusa.org/wp-content/uploads/Executive-Summary-1.pdf>

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19 McPhee, J., & Dowden, J. P. (2018). *The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes* (pp. 42). Ropes & Gray. <https://gameover.childusa.org/wp-content/uploads/Executive-Summary-1.pdf>

20 Office of the Inspector General. (2021). *Investigation and review of the Federal Bureau of Investigation's handling of allegations of sexual abuse by former USA Gymnastics physician Lawrence Gerard Nassar*. (pp. 24). <https://gameover.childusa.org/wp-content/uploads/DOJ-OIG-Releases-Report-of-Investigation-and-Review-of-the-FBI%E2%80%99s-Handling-of-Allegations-of-Sexual-Abuse-by-Former-USA-Gymnastics-Physician-Lawrence-Gerard-Nassar.pdf>

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24 Other US teams have also had sexual abuse

cases. An investigation revealed numerous cases of sexual misconduct of various adult authority figures within USA Swimming (USAS). At least 252 swim coaches and officials were arrested, charged by prosecutors, or disciplined by USAS for sexual abuse or misconduct against individuals under 18. Those coaches and officials had a total of at least 590 alleged victims, and an investigation showed that the abuse was known about and ignored for decades. Reid, S. M. (2018, February 16). 100s of USA swimmers were sexually abused for decades and the people in charge knew and ignored it, investigation finds. *The Orange County Register*. <https://gameover.childusa.org/wp-content/uploads/100s-of-USA-swimmers-were-sexually-abused-for-decades-and-the-people-in-charge-knew-and-ignored-it-investigation-finds-%E2%80%93-Orange-County-Register-2.pdf>

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30 The United States Olympic Committee was renamed on June 20, 2019 to the "United States Olympic and Paralympic Committee"

31 Amateur Sports Act, Pub. L. No. 95-606, 92 Stat. 3045 (1978).

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initials LN, for Larry Nassar. IRB approval was granted by the University of Pennsylvania (Protocol ID 844475: Social and Physical-Environmental Contexts of the Larry Nassar Abuses).

CHILD USA disseminated the survey across various social media platforms (e.g., Twitter, Instagram, Facebook, Email Newsletter). Respondents were also encouraged to share the survey with their families (who could fill out separately) and any of their friends who were also Nassar survivors. CHILD USA also purchased advertisements for the survey from the podcast Gymcastic and posted links to the survey on their website. The Army of Survivors, a non-profit specifically affiliated with Nassar survivors, also advertised the survey on behalf of CHILD USA on their website and social media platforms. Of the 31 victims who gave complete responses, 28 were female, two were transgender, genderqueer, or gender-non-conforming, and one did not reveal their gender.

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250 12 States plus Guam and Puerto Rico: Guam Ann. Code Tit. 19, § 13201; Puerto Rico, Ann. Laws Tit. 8, § 446; Alaska Stat. §§ 47.17.020; 47.17.023; California, Penal Code § 11165.7; Colorado, Rev. Stat. § 19-3-304; Georgia, Ann. Code §§ 19-7-5; 16-12-100; Illinois, Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2; Iowa, Ann. Stat. §§ 232.69; 728.14; Louisiana, Children's Code Art. 603(17); Maine, Rev. Stat. Tit. 22, § 4011-A; Missouri, Rev. Stat. §§ 210.115; 352.400; 573.215; Oklahoma, Ann. Stat. Tit. 10A, § 1-2-101; Tit. 21, § 1021.4; South Carolina, Ann. Code § 63-7-310; and West Virginia, Ann. Code § 49-2-803.

251 13 States: California, Penal Code § 11165.7; Hawaii, Rev. Stat. § 350-1.1; Illinois, Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2; Louisiana, Children's Code Art. 603(17); Maine, Rev. Stat. Tit. 22, § 4011-A; Nevada, Rev. Stat. § 432B.220; New York, Soc. Serv. Law § 413; Ohio, Rev. Code § 2151.421; Oregon, Rev. Stat. §§ 419B.005; 419B.010; Pennsylvania, Cons. Stat. Tit. 23, § 6311; Vermont, Ann. Stat. Tit. 33, § 4913; Virginia, Ann. Code § 63.2-1509; and West Virginia, Ann. Code § 49-2-803.

252 11 States: Arkansas, Ann. Code § 12-18-402; California, Penal Code § 11165.7; Louisiana, Children's Code Art. 603(17); Maine, Rev. Stat. Tit. 22, § 4011-A; Montana, Ann. Code §§ 41-3-201; 15-6-201(2)(b); Ohio, Rev. Code § 2151.421; Oregon, Rev. Stat. §§ 419B.005; 419B.010;; South Carolina, Ann. Code § 63-7-310; Virginia, Ann. Code § 63.2-1509; Washington, Rev. Code § 26.44.030; and Wisconsin, Ann. Stat. § 48.981.

253 28 States and Guam: Guam, Ann. Code Tit. 19, § 13201, Alabama, Ala. Code § 26-14-3; Arizona, Rev. Stat. § 13-3620; Arkansas, Ann. Code § 12-18-402; California,

Penal Code § 11165.7; Colorado, Rev. Stat. § 19-3-304; Connecticut, Gen. Stat. §§ 17a-101; 53a-65; Georgia, Ann. Code §§ 19-7-5; 16-12-100; Illinois, Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2; Louisiana, Children's Code Art. 603(17); Maine, Rev. Stat. Tit. 22, § 4011-A; Massachusetts, Gen. Laws Ch. 119, § 21; Michigan, Comp. Laws § 722.623; Minnesota, Ann. Stat. § 626.556, Subd.3; Mississippi, Ann. Code § 43-21-353; Missouri, Rev. Stat. §§ 210.115; 352.400; 573.215; Montana, Ann. Code §§ 41-3-201; 15-6-201(2) (b); Nevada, Rev. Stat. § 432B.220; New Hampshire, Rev. Stat. § 169-C:29; New Mexico, Ann. Stat. § 32A-4-3; North Dakota, Cent. Code §§ 50-25.1-03; 25-01-01; Ohio, Rev. Code § 2151.421; Oregon, Rev. Stat. §§ 419B.005; 419B.010; Pennsylvania, Cons. Stat. Tit. 23, § 6311; South Carolina, Ann. Code § 63-7-310; Vermont, Ann. Stat. Tit. 33, § 4913; Virginia, Ann. Code § 63.2-1509; West Virginia, Code § 49-2-803; and Wisconsin, Ann. Stat. § 48.981.

254 11 States: Alabama, Ala. Code § 26-14-3; Arkansas, Ann. Code § 12-18-402; California, Penal Code § 11165.7; Georgia, Ann. Code §§ 19-7-5; 16-12-100; Illinois, Comp. Stat. Ch. 325, § 5/4; Ch. 720, § 5/11-20.2; Iowa (includes only instructors at community colleges), Ann. Stat. §§ 232.69; 728.14; Louisiana, Children's Code Art. 603(17); Oregon, Rev. Stat. §§ 419B.005; 419B.010; Pennsylvania, Cons. Stat. Tit. 23, § 6311; Virginia, Ann. Code § 63.2-1509; and Washington, Rev. Code § 26.44.030.

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256 IN Ann. Code § 31-33-5-1; NJ Ann. Stat. § 9:6-8.10; WY Ann. Stat. § 14-3-205.

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6; 26-8A-7; Tennessee, Ann. Code § 37-1-40In3; Texas, Fam. Code §§ 261.101; 261.110; Vermont, Ann. Stat. Tit. 33, § 4913; Virginia, Ann. Code § 63.2-1509; West Virginia, Ann. Code § 49-2-803; Wisconsin, Ann. Stat. § 48.981; and Wyoming, Ann. Stat. § 14-3-205(b); D.C., Ann. Code § 4-1321.02; Virgin Islands, Ann. Code Tit. 5, § 2533.

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260 Georgia, Ann. Code § 19-7-5; Idaho, Ann. Code § 16-1605; Indiana (applies staff of a licensed hospital), Ann. Code §§ 31-33-5-2; 31-33-5-2.5; 31-33-5-3; 31-33-5-5; Kentucky, Rev. Stat. § 620.030(1); Maine, Rev. Stat. Tit. 22, § 4011-A; South Dakota, Ann. Laws §§ 26-8A-6; 26-8A-7; Virginia, Ann. Code § 63.2-1509; Wyoming, Ann. Stat. § 14-3-205(b); D.C., Ann. Code § 4-1321.02; Virgin Islands, Ann. Code Tit. 5, § 2533.

261 California, Penal Code § 11166(h)-(i); Connecticut (the commissioner of Children and Families makes the notification to the institution upon receiving a report), Gen. Stat. §§ 17a-101b(d); 17a-101e(a); Hawaii, Rev. Stat. § 350-1.1; Illinois, Comp. Stat. Ch. 325, § 5/4; Indiana (applies to staff of a school or other institution), Ann. Code §§ 31-33-5-2; 31-33-5-2.5; 31-33-5-3; 31-33-5-5; Michigan, Comp. Laws § 722.623; New York, Soc. Serv. Law § 413; Pennsylvania, Cons. Stat. Tit. 23, § 6311; Tennessee, Ann. Code § 37-1-40In3; and West Virginia, Ann. Code § 49-2-803.

262 This includes 17 states – Alaska, California, Florida, Indiana, Iowa, Kentucky, Maine, Michigan, Missouri, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, West Virginia, and Wyoming – plus D.C. and the Virgin Islands.

263 *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, Pub L. No. 115-126, 132 Stat. 318 (2017).

264 *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*, Pub L. No. 115-126, 132 Stat. 318 (2017).

265 34 USC § 20341.

266 The term 'covered individual' means an adult who is authorized by a national governing body, a member of a national governing body, or an amateur youth sport organization that participates in interstate or international amateur athletic competition, to interact with a minor or

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amateur athlete at an amateur sports organization facility or at an event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization. 34 USC § 20341(a)(9).

267 34 U.S.C.A. § 20341(c)(12).

268 36 U.S.C.A. § 220542(2)(A)(ii).

269 See, e.g., Pennsylvania's statute which implicitly includes coaches and trainers vis-à-vis the following language: "Any person, paid or unpaid, who, on the basis of the person's role in a program, activity, or service, is a person responsible for the child's welfare or has direct contact with children" (23 Pa. Stat. and Cons. Stat. Ann. 23, § 6311); compare Arkansas (Ark. Code Ann. § 12-18-402); California (Cal. Penal Code § 11165.7); Colorado (Colo. Rev. Stat. Ann. § 19-3-304); Connecticut (Conn. Gen. Stat. Ann. §§ 17a-101; 53a-65); Hawaii (Haw. Rev. Stat. Ann. § 350-1.1); Illinois (325 Ill. Comp. Stat. Ann. 5/4; Ch. 720, § 5/11-20.2); Louisiana (La. Child. Code Ann. art. 609); New York (Soc. Serv. § 413); and Virginia (Va. Code Ann. § 63.2-1509) statutes which explicitly include coaches and/or athletic trainers.

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315 * 9th at the Jr. Olympics, Lincoln, Nebraska on 3-meter springboard.

* 4-year Finalist at the YMCA Nationals on 1-meter and 3-meter springboard

- * 2 gold and bronze medals at Norway Cup, Tonsberg, Norway on springboard and platform
- * 2 gold and silver medals at Danish Cup, Copenhagen, Denmark on springboard and platform
- * 8th at Canada Cup, Toronto, Canada on 3-meter springboard
- * 8th at the AAU Age-Group Nationals on platform

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331 It should be noted that normalized behaviors are not necessarily healthy behaviors, though they may be interpreted as healthy or health-neutral by group members.

332 Some memory researchers postulate that such re-evaluations can also explain the recovered memory phenomenon, in that a recovered traumatic memory is one that was not perceived as traumatic at the time – due to the child not having the proper social context to interpret the abusive behavior – and so it never came up; but upon re-evaluation as an adult, the abusive behavior is clearly seen to be traumatic, sometimes giving rise to symptoms of post-traumatic stress-disorder post-re-evaluation. Engelhard, I. M., McNally, R. J., & van Schie, K. (2019). Retrieving and modifying traumatic memories: Recent research relevant to three controversies. *Current Directions in Psychological Science*, 28(1), 91-96. <https://doi.org/10.1177/0963721418807728>

333 Elite refers to those who compete at the regional, national, or international levels, and are members of a USA Sport.

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Winter Olympic Trials, (9) Winter Olympics, (10) World Championships, or (11) Pan Am Games.

337 Penn IRB Protocol number 832597; A National Survey of Elite Athletes with Abuse.

338 The survey was administered from February through May 2019. The survey included para-athletes and gender-diverse athletes and excluded minors (under the age of 18). Data was cleaned in SPSS. Researchers Carter E. Timons and Janella S. Kang created a codebook to cipher the cleaning and create easier analysis. All statistics were calculated in SPSS.

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341 We did not invite the U.S. Olympic gymnastics team to participate in the current study as it would likely skew the results because of the hundreds of victims by a single perpetrator.

342 772 athletes initially responded to the survey. Respondents who revoked consent (n = 2), were under the age of 18 (n = 89), or who did not complete enough of the survey (2%) to indicate their primary sport or athlete status (n = 208) were excluded from analysis, leaving the study with a final sample of 473. The mean age of participants was 29 (SD = 9.8949 years) and the range was 18 years to 71. Most participants (69.8%) were female, and one participant identified outside the gender binary. Two participants were assigned female gender in competitions, though one identifies as male and the other as neither male nor female. 6.8% percent of the sample identified as multiracial, 11.6% as Black or African American, 4.2% as Asian, 0.4% as American Indian or Alaska Native, 2.5% as other, and 74.4% as white. 5.5% percent of the athletes competed as para-athletes. Most (64.8%) respondents were single.

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