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Athlete Perceptions of Governance-Related Issues to Sexual Abuse in Sport

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Abstract: Cases of abuse in sport have emerged with frightening regularity over the past two decades. Scholarship has identified risk factors that can help facilitate abuse in sport and has explored athletes' experiences with sexual abuse. However, less is known about athletes' perceptions of the systematic organizational-level problems that fail to curtail sexual abuse. This article, therefore, explores what athletes believe to be the key issues in governance that facilitate sexual abuse in sport. An analysis of the lawsuits that athletes filed against US sport organizations and the testimonies they provided to the US Congress from 2017 to 2022 show four primary ways in which organizational culture, decisions and policies helped permit misconduct in sport. Athlete perspectives suggest governance issues related to monopolistic power structures, a lack of athlete representation, conflicts of interest, and commercialization facilitated an abuse-prone culture within Olympic and Paralympic sport in the United States. These findings show that athletes feel that the adjudication mechanisms that remain connected to sport bodies do not always curtail abuse.

Keywords: safe sport; abuse; sexual assault; governance



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1. Introduction

Cases of sexual abuse in sport have emerged with frightening regularity over the past two decades. Researchers have, therefore, identified risk factors that can help facilitate abuse in sport in an effort to remedy them. These include the prioritization of performance over athlete well-being (Parent and Demers 2010), coach influence and authority over athletes (Stirling and Kerr 2009), limited guardian or parental oversight of training (Stirling and Kerr 2009), and unequal gender dynamics (Messner 1990). Cense and Brackenridge (2001) also suggest that the authoritarian leadership culture of sport creates a system with potential for abuse.

More recently, scholars have identified links between abuse and governance, or the “exercise of power and authority in sport organizations” (Hums and MacLean 2018, p. 4). For example, Edelman and Pacella (2019) posit that the inability of USA Gymnastics to identify and detect the sexual abuse of hundreds of gymnasts over several decades at least partially stemmed from the organization’s failures in governance, including internal power inequities and a lack of adequate reporting channels. Nite and Nauright (2020) similarly argue that organizational practices, such as hierarchical structures, disciplinary practices, the valorization of leaders, and the silencing of victims, can also perpetuate sexual abuse. Such studies suggest that governance is another important consideration in detecting and preventing abuse.

Yet, what remains less explored is athletes’ understanding of the governance-related issues that facilitate sexual abuse in sport. Scholarship that includes athletes’ views most often focus on their experiences of (Bisgaard and Stöckel 2019), coping mechanisms for (Kavanagh et al. 2017), and effects of abuse (Wilinsky and McCabe 2021). Research has also

emerged on the rise of athletes speaking out against the current governance mechanisms in Olympic sports and their demands for increased representation (Seltmann 2021a). However, questions remain in terms of what athletes believe to be the systematic problems in sport, and how its organizations exercise power and authority in handling sexual abuse. This paper therefore asks: what do athletes perceive to be the key issues in governance that facilitate sexual abuse in sport?

To answer this question, we analyzed the lawsuits athletes filed against US sport organizations and the testimonies they provided to the US Congress. From 2017 to 2022, hundreds of athletes filed lawsuits against thirteen National Governing Bodies (NGBs) for failing to protect them from sexual abuse. During that same period, Congressional committees and subcommittees held seven hearings to rectify rampant sexual abuse in sport and invited athletes to share their experiences. Taken together, athlete insights demonstrate links between breaches of governance and the facilitation of sexual abuse. Athletes identify four primary ways in which organizational culture, decisions, and policies helped permit misconduct in sport. Governance issues related to monopolistic power structures, a lack of athlete representation, conflicts of interest, and commercialization helped facilitate an abuse-prone culture within Olympic and Paralympic sport in the United States. These findings show that athletes feel that the adjudication mechanisms that remain connected to sport bodies do not always curtail abuse. We therefore call for an outsourcing of abuse allegations, as well as for the establishment of an independent body to represent athletes, in order to prevent and resolve sexual misconduct in sport more effectively.

2. Literature Review

Many people tout the virtues of sports participation; however, evidence suggests that sport can also induce various types of harm. Along with other pervasive problems such as sexism, racism, and violence, issues of abuse are omnipresent in sport. Based on definitions by the World Health Organization, researchers have identified four primary forms of abuse: psychological abuse, physical abuse, neglect, and sexual abuse (Krug et al. 2004). Studies suggest that all four types of abuse remain prevalent in sport, despite an array of remedial efforts. For example, Hartill et al.'s (2021) study of abuse in six European countries found that 65 percent of children experienced psychological violence, 44 percent experienced physical violence, 37 percent experienced neglect, 35 percent non-contact sexual violence, and 20 percent experienced contact sexual violence. Similar trends hold true in other countries. Vertommen et al. (2016) found that 38 percent of Dutch and Belgian children experienced psychological violence, 14 percent experienced sexual violence, and 11 percent experienced physical violence. In Germany, 38 percent of athletes reported experiencing at least one sexual violence situation (Ohlert et al. 2017). Though psychological abuse, physical abuse, and neglect are serious problems that continue to harm athletes, academics and sport organizations have most frequently focused on sexual abuse (Kerr and Kerr 2020).

As a result, research on sexual abuse in sport often strives to identify the characteristics of sport that help foster an abuse-prone culture. Sexual abuse in this article is defined as “any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given” (Mountjoy et al. 2016, p. 1021; Koontz et al. 2021, p. 132). While no single explanation is sufficient on its own (Brackenridge and Rhind 2014; Bowling and Beehr 2006), scholars often categorize identifiers into three interconnected realms: individual factors, sporting culture, and structures and procedures (Roberts et al. 2020). Studies show an assortment of behavioral, contextual, and motivational influences for those who commit acts of sexual abuse (Messner 1990; Cheever and Eisenberg 2022). Cense and Brackenridge (2001) outlined a model to help identify potential risks in sport, which identified perpetrators' sex, age, status, and previous record of sexual crimes, among others, as potential factors. Other studies confirm that most acts of sexual violence in sport are conducted by men (Vertommen et al. 2016), who oftentimes have high status in the sport community (Bisgaard and Støckel 2019).

The culture of sport itself has also received significant attention as a contributing factor for sexual abuse. Numerous studies argue that the power imbalance between athletes and coaches or administrators can help facilitate sexual abuse (Brackenridge et al. 2008; Stirling and Kerr 2009; Roberts et al. 2020; Wilinsky and McCabe 2021; Gaedicke et al. 2021). Coaches assume guardian-like supervisory responsibilities over young athletes (Ecorys and Vertommen 2019); therefore, they not only hold significant authority, but also form close relationships with dependency. Some abusers use this influence to “groom” athletes, which entails gaining trust, developing isolation, initiating sexual abuse, and ensuring secrecy (Bjørnseth and Szabo 2018; Gaedicke et al. 2021). Scholars have identified that power relations are a significant factor of abuse in numerous cultures, including German sport (Gaedicke et al. 2021), Portuguese sport (Alexandre et al. 2022), Turkish sport (Çetin and Hacisoftaoğlu 2020), and US sport (Eiler et al. 2018). Moreover, the prioritization of athletic success over athlete well-being has been identified as an additional contributing factor, particularly when abusers are renowned individuals in the sport community (Parent and Demers 2010).

Finally, burgeoning research illustrates the role of organizational culture in the facilitation of abuse. Mountjoy et al. (2016) note that “sexual harassment and abuse in sport stem from abuses of power relations facilitated by an organisational culture that ignores, denies, fails to prevent, or even tacitly accepts such problems” (p. 1020). Roberts et al.’s systematic review of relevant scholarship found that organizational tolerance oftentimes precedes abuse. The authors identified four interrelated beliefs that encourage sport organizations to tolerate misconduct: the lack of punishment for abusers, the abusive treatment of reporters of abuse, the silencing of victims and bystanders, and the lack of clarity about the forms of behavior that constitute abuse. The in-depth case studies by Nite and Nauright (2020) provide further insights into systemic, governance issues. They explored how organizational practices within three US universities permitted and legitimized abuse. First, power imbalances between the universities and the victims meant that the former had the ability to control investigations to their benefit. Second, universities mobilized their extensive resources to silence victims, oftentimes valorizing the individuals identified as abusers. Third, administrators colluded to protect themselves from scrutiny. Only after external sources exposed abuses did the institutional structures protecting the abusers break.

Despite the importance of organizational culture in the facilitation of sexual abuse, remedies in this area are oftentimes not considered as solutions. Kerr and Kerr (2020) show that most initiatives target individual-level factors (i.e., athletes) through educational programs and the athletes’ entourage (i.e., families, teachers, coaches). Sport organizations implement protective policies, but oftentimes do not consider how organizational governance perpetuates abuse. This paper, therefore, analyzes athletes’ understanding of the links between sexual abuse and US NGB organizational decision-making processes to identify common breaches of governance that helps facilitate sexual abuse in sport.

3. Conceptual Framework: Organizational Governance

Despite its importance, defining sport governance has proven elusive and confusing. The term first gained prominence during the 1990s, when traditionally self-governed sport organizations increasingly engaged with commercial and political stakeholders. Since then, sport scholars have outlined a range of definitions. For example, Ferkins et al. (2009) define sport governance as “the responsibility for the functioning and overall direction of the organization” (p. 245). Hoye and Cuskelly (2007) posit that it entails “the structure and process used by an organization to develop its strategic goals and direction, monitor its performance against these goals and ensure that its board acts in the best interests of the members” (p. 9). As Dowling et al. (2018) found in their assessment of the existing sport governance literature, “definitional agreement . . . remains problematic” (p. 1).

Although ambiguity persists in a single definition of governance, scholars Henry and Lee (2004) helpfully conceptualize it as three overlapping concepts: systematic, political, and organizational governance. Systemic governance is “concerned with the competition,

cooperation and mutual adjustment between organizations in business and/or policy systems". It addresses the interplay between sporting bodies, as no single organization is "the sole author of its own sport's destiny" (p. 4). In the US context, NGBs govern sport separately, yet they coexist and maintain similar goals, all under the umbrella of the United States Olympic & Paralympic Committee (USOPC).

Political governance "is concerned with how governments or governing bodies in sport 'steer', rather than directly control, the behavior of organizations" (Henry and Lee 2004, p. 1). Within this realm, governments do not command actions, but instead use moral pressure, financial incentives, licensing agreements, regulations, etc., to influence the decisions of sport bodies. For example, Congress passed the "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act", discussed below, which affects the actions and decisions of the USOPC and NGBs.

Organizational governance refers to "the accepted norms or values" of the entity, as well as the "conduct of processes involved in the management and direction of organisations in the sports business" (Henry and Lee 2004, p. 3). These include governing board dynamics and management behavior, "the issues surrounding the governance boards that oversee sport organizations" (Dowling et al. 2018, p. 4). These include the actions and behaviors of people in positions of power, and the enactment, or not, of rules and regulations. We use organizational governance as an umbrella concept to explore the organizational norms, practices, and decision-making processes that are linked to abuse in sport.

Henry and Lee (2004) further outline several key principles for ensuring good governance practices within organizational governance, which we argue are necessary in the handling and curtailing incidences of abuse. They suggest that sport organizations provide clarity in their procedures and treat all stakeholders, including athletes, fairly. Historically, athletes have been marginalized from governance processes in sport (Donnelly 2015). Even though national and international sport organizations are slowly committing to providing athletes with a voice, they continue to be kept away from power (Thibault et al. 2010). Henry and Lee (2004) also add that organizations must ensure equitable treatment based on gender, as well as democratic and equal access to decision-making processes for everyone in the community. Following these key principles can help dismantle power imbalances, which is essential in preventing abuse. As noted in a recent United Nations' (2021) report, (sexual) abuse and harassment are rooted in organizational culture due to influence and the gender differentials that allow the misuse of power. An assessment of the allegations within NGBs demonstrates similar organizational-level issues.

4. Safe Sport Efforts in the United States

US sport leaders at different organizational levels have introduced a variety of safe sport initiatives throughout the years. The USOPC serves as the National Olympic Committee and National Paralympic Committee for the United States, and oversees both sport movements. It directs 50 NGBs (37 Olympic summer sport NGBs, 8 Olympic winter sport NGBs, and 5 Pan American sport NGBs), which manage all aspects of particular sports in the United States. The USOPC assists NGBs with business operations and strategic planning, and provides them with funding. Together, the USOPC and NGBs have launched different safe sport programs, typically in response to the discovery of widespread abuse and coverups. Initially, safe sport programming focused on education and prevention; later it centered on external review and sanctions. Yet, athlete testimonies suggest that most efforts did not rectify governance issues related to abuse.

The USOPC convened a working group in 2010 to study sexual misconduct in sport after reports of abuse surfaced in swimming. That same year, the group released recommendations that suggested that the USOPC develop training materials and develop resources for clubs and organizations. It also encouraged NGBs to adopt policies to address abuse (Lyons 2018). In 2011, the USOPC hired a director of safe sport to develop a program that offered the recommended information and training (USOPC 2013).

In 2012, the USOPC launched Safe Sport. This initiative served as a resource to help NGBs “recognize, reduce and respond to child physical and sexual abuse and other types of misconduct in sport” (USOPC 2012a). It included a video certification training program, a website with downloadable resources, and an 80-page handbook entitled “Recognizing, Reducing and Responding to Misconduct in Sport: Creating Your Strategy”. The handbook outlined six strategies and sample policies for NGBs to consider adopting. Strategies included requiring personnel to undergo training; incorporating screening practices for certain positions; defining prohibited conduct; supervising athletes during program activities; adding a reporting policy for allegations of abuse; and maintaining an evaluation plan for the organization (USOPC 2012a).

Although Safe Sport identified best practices, it did not require NGBs to implement them. Rather, the handbook was used as a resource to “guide the development, implementation and internal review of effective” practices (USOPC 2012b, p. 5). It therefore “impose[d] no obligation on any national governing body or any of its members or affiliated organizations” to follow the recommendations (USOPC 2012b, p. 9). In fact, it explicitly noted that “the organization does not need to utilize all the strategies identified in this handbook” (USOPC 2012b, p. 8). In doing so, most responses to allegations of abuse remained under the oversight of individual NGBs at this time.

In 2014, the USOPC recognized inconsistencies across NGBs in the regulation of allegations and approved the creation of an independent safe sport entity. However, it took congressional pressure for it to open. Testimonies from hundreds of girls and women about decades of systemic abuse within USA Gymnastics served as the tipping point (Hampel 2018). Congress passed the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act” in 2017, which established the Center as an independent organization to protect athletes in all Olympic, Paralympic, Pan American, and Para Pan American sports in the United States. It formed SafeSport as an independent organization with exclusive jurisdiction to review allegations of sexual misconduct in Olympic and Paralympic sports (Gurgis et al. 2022). The act also requires the USOPC, NGBs, and Local Affiliated Organizations (LAOs) to comply with the policies and procedures of the Center. This includes following the “SafeSport Code”, which outlines prohibited categories of conduct, reporting requirements, and resolution procedures.

Participants are prohibited from engaging in ten types of conduct (see Table 1). These include behaviors “related to emotional, physical, and sexual misconduct in sport, including bullying, hazing, and harassment” (US Center for SafeSport 2022, p. 7). Of note, “Aiding and Abetting” occurs when a participant assists in the act of a prohibited conduct by another participant, allows an ineligible person to be “in any way associated with” the NGB, LAO, or USOPC, including as a coach or instructor, or allows an ineligible person to violate the terms of their punishment (US Center for SafeSport 2022, p. 15). The SafeSport Code also requires participants to report “actual or suspected Sexual Misconduct or Child Abuse to the Center” (US Center for SafeSport 2022, p. 16). The SafeSport Code aims to protect athletes from both abusers and enablers. As a result, the US Center for SafeSport received almost 5000 reports and sanctioned 627 individuals within the first two years of its existence (Kier 2020).

Despite its exclusive jurisdiction and encompassing areas of prohibited conduct, some athletes, leaders, and journalists have pointed out flaws in the SafeSport structure. One major criticism is how SafeSport is funded. In 2021, Congress mandated that the USOPC contribute \$20 million annually to the center; the USOPC, in turn, required the NGBs to contribute in relation to the number of cases reported in their sport. The amount each NGB paid was based on the number of allegations it reported and the costs of investigations. In other words, the more claims filed, the higher the cost to the NGB. Such a setup potentially disincentivizes the reporting of abuse (Murphy and Madden 2022). As US gymnast Aly Raisman aptly surmised in a 2021 congressional hearing, “If you’re SafeSport and you are funded by the organization you’re investigating, they’re likely not going to do the right thing” (Dereliction of Duty 2021).

Table 1. SafeSport Prohibited Conduct.

Criminal Charges or Dispositions
Child Abuse
Sexual Misconduct
Emotional and Physical Misconduct
Aiding and Abetting
Misconduct Related to Reporting
Misconduct Related to the Center’s Process
Retaliation
Other Inappropriate Conduct
Violation of Minor Athlete Abuse Prevention Policies/Proactive Policies

A second criticism points to the ability of participants to return to the sport despite facing numerous allegations. In a 2021 letter to SafeSport, New York State Senator Alessandra R. Biaggi detailed two such incidents. Numerous allegations surfaced about two Olympians, but neither was suspended. They both competed at the Tokyo Olympics. “These reports are not only disturbing, but illustrate a pattern of shortcomings by SafeSport”, she argued (Biaggi 2021, para. 5). Investigative reporting also found that an overwhelming 42% of participants who appealed a SafeSport decision had their sanctions modified, reduced, or removed (Murphy and Madden 2022). These criticisms have led some athletes to speak out against the center for not remedying issues of abuse in sport. For example, a weightlifter alleged that Safe Sport is “controlled and concocted by USOC to protect its interests, hide abusers in the ranks of NGBs, and ultimately, shield itself from public scrutiny” (Doe v. USA Weightlifting 2019).

SafeSport is, therefore, not the only option available for athletes to seek recourse for sexual abuse. Athletes not satisfied with how their NGB and/or SafeSport handles allegations can file lawsuits. In 2017, Congress enacted the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act”. Among other things, the act amended the statute of limitations for reporting abuse, which had previously prevented victims from coming forward about past misconduct. Several athletes therefore filed lawsuits against NGBs in the years immediately following the enactment of the law. Common legal claims against the organizations include negligence and/or trafficking. Negligence refers to the failure to exhibit reasonable care. It can arise in sport-related lawsuits in relation to the lack of supervision over administrators and coaches, as well as in failing to protect athletes from emotional distress or harm. Trafficking refers to the use of coercion to obtain labor. It can arise in sport-related lawsuits when coaches force athletes to engage in sexual acts in order to compete. Lawsuits filed against NGBs not only typically include numerous causes of action, but also allow athletes to highlight systemic organizational problems.

5. Materials and Methods

This study ascertains what allegedly abused athletes believe to be the key issues in organizational governance that facilitate sexual abuse in US Olympic sport. To include athlete perspectives in the study, we assessed lawsuits filed against NGBs and athletes’ testimonies before the US Congress over a five-year period. Our content analysis consisted of three steps: (1) the selection of cases of NGBs that dealt with allegations of abuse between 2017 and 2022; (2) the coding of the data collected on the different NGBs under investigation in the study; (3) and an analysis of the codes (Hall and Wright 2008).

First, we identified athletes’ allegations of sexual abuse in the Olympic sport structure, as discussed in lawsuits and testimonies. We conducted a review of the lawsuits filed against NGBs from 2017 to 2022 using the Westlaw database. The 2017 starting point aligned with the Congressional enactment of the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act”, mentioned above. We outlined two inclusion criteria for the study. One, lawsuits were included if the plaintiff filed for injuries that stemmed from experiencing sexual abuse in sport. Two, we included lawsuits that named a recognized NGB in the United States as a defendant. The criteria resulted in the identification of

lawsuits against thirteen NGBs: US Bowling Congress, US Equestrian, US Figure Skating, US Speedskating, US Tennis Association, USA Diving, USA Fencing, USA Gymnastics, USA Hockey, USA Swimming, USA Taekwondo, USA Water Polo and USA Weightlifting. All of the NGBs, with the exception of the US Bowling Congress, oversee sports on the Olympic programme. USA Gymnastics was removed from the study as the hundreds of lawsuits filed against the organization have received significant scholarly attention. Issues within other NGBs have largely been left in the shadow of the gymnastics federation. The causes of action against the twelve remaining NGBs included negligence; negligent supervision/failure to warn; negligent hiring/retention; intentional infliction of emotional distress; forced labor; and trafficking. See Table 2 for a breakdown of the legal issues filed against the twelve NGBs included in the study.¹

Table 2. Legal Claims Filed Against NGBs, 2017 to 2022.

NGB	Legal Issue(s) against NGB
US Bowling Congress	Negligence
US Equestrian	Negligence, Negligence Supervision/Failure to Warn
US Figure Skating	Sexual Harassment; Negligence; Negligent Supervision; Negligent Hiring/Retention; Negligent Failure to Warn, Train, or Educate; Intentional Infliction of Emotional Distress; Constructive Fraud
US Speedskating	Negligence; Negligent Infliction of Emotional Distress; Intentional Infliction of Emotional Distress
US Tennis Association	Negligent Hiring, Supervision, Credentialing, and Retention; Respondeat Superior; Battery; Intentional Infliction of Emotional Distress; Negligence
USA Diving	Forced Labor; Trafficking; Trafficking with Respect to Forced Labor; Obstruction, Attempted Obstruction, and Interference with Enforcement; Negligence; Intentional Infliction of Emotional Distress; Negligent Infliction of Emotional Distress
USA Fencing	Negligence; Negligent Infliction of Emotional Distress; Sex Trafficking; Forced Labor
USA Hockey	Vicarious Liability; Intentional Infliction of Emotional Distress
USA Swimming	Sexual Assault of a Minor; Negligence;
USA Taekwondo	Forced Labor; Trafficking with Respect to Forced Labor; Sex Trafficking of Children, or by Force of Fraud or Coercion; Benefiting from a Venture that Sex Traffics Children, or by Force Fraud or Coercion
USA Water Polo	Negligence
USA Weightlifting	Gender Violence; Sexual Battery; Sexual Assault; Sexual Harrassment; Intentional Infliction of Emotional Distress; Unfair Business Practices; Breach of Fiduciary Duty; Constructive Fraud; Negligence; Negligent Supervision; Negligent Hiring/Retention; Negligent Failure to Warn

We also included athlete testimonies before Congress in our analysis. In the wake of the USA Gymnastics scandal, congressional committees and subcommittees held seven hearings about sexual abuse in sport, from 2017 to 2021. The aim of the hearings was to unearth the prevalence of sexual abuse in US sport to rectify the causes. These hearings included eight gymnasts, one speedskater, and one figure skater, who discussed the abuse they suffered and the organizational breakdowns in responding to their allegations. See Table 3 for an overview of the hearings, including the names of the athletes who testified. The testimonies of speedskater Bridie Farrell and figure skater Craig Maurizi in 2018 were particularly helpful as they provided insights into organizations besides USA Gymnastics.

Second, we conducted a textual analysis of the lawsuits and congressional testimonies. We assigned open codes to words or entire statements within the documents. No attempts to narrow down the categories were undertaken at this stage. These initial codes included labels and themes such as “NGB interference with operations”, “failure to investigate”, “personal connections”, “competition culture”, “financial interests”, and “threats to individuals”. Following this first order analysis, we collected our codes and collaboratively assessed whether the codes could be understood and categorized within the framework of the governance literature we had reviewed (Gioia et al. 2012). For example, we found that

our code “personal connections” correlated with issues of conflict of interest, as discussed as an indicator of poor governance in the sport governance literature (Henry and Lee 2004). Likewise, our code of “NGB interference with operations” correlated with what other scholars have identified as obscured processes (Nite and Nauright 2020). Several second-order categories were defined accordingly, and we ensured that the extraction process was led by the theoretical considerations and the existing literature (Gläser and Laudel 2009, p. 201). The categories included “distrust in organizations”, “purposeful denial”, “lack of oversight”, “athlete representation”, “no accountability”, and “positions of power”.

Table 3. Congressional Hearings on Sexual Abuse in Sport, 2017–2021.

Date	Sub/Committees	Title	Athletes
28 March 2017	Senate Judiciary Committee	“Protecting Young Athletes from Sexual Abuse”	Jamie Dantzscher, Jessica Howard, Dominique Moceanu
18 April 2018	Senate Commerce Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security	“Olympic Abuse: The Role of National Governing Bodies in Protecting Our Athletes”	Jamie Dantzscher, Bridie Farrell, Craig Maurizi, Jordyn Wieber
23 May 2018	House Subcommittee on Oversight and Investigations	“Examining the Olympic Community’s Ability to Protect Athletes from Sexual Abuse”	(only administrators)
1 October 2018	Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security	“Protecting U.S. Amateur Athletes: Examining Abuse Prevention Efforts Across the Olympic Movement”	(only administrators)
5 February 2020	Senate Committee on Commerce, Science, and Transportation	“Athlete Safety and the Integrity of U.S. Sport”	(only administrators)
15 September 2021	Senate Judiciary Committee	“Dereliction of Duty: Examining the Inspector General’s Report on the FBI’s Handling of the Larry Nassar Investigation”	Simone Biles, McKayla Maroney, Maggie Nichols, Aly Raisman

Third, we contextualized the themes and jointly went back and forth between the data and the existing literature in order to distill the codes into the final four themes: (1) monopolistic power structures; (2) lack of athlete representation; (3) conflicts of interest; and (4) financial motivations. We agree with Nite and Nauright (2020) that the constant exchange between researchers on the analyses that eventually led to consensual interpretations of the data helped us to confront biases and strengthen our confidence in the findings.

6. Organizational-Level Problems

Our analysis found that athletes highlight organizational governance issues in matters of (1) monopolistic power structures; (2) lack of athlete representation; (3) conflicts of interest; and (4) financial motivations, which they believe collectively helped foster an abuse-prone culture within the NGBs.

6.1. Monopolistic Power Structures

Sport is rife with asymmetrical power dynamics, which can lay the foundation for sexual abuse. While the existing literature oftentimes points to problematic coach–athlete power differentials, imbalances exist in organizational governance as well. Several athletes alleged that the NGBs maintained internal monopolistic power structures, which helped foster and conceal abuse. As several explained in their legal filings, their only path to the Olympics and to other international sport forums was through their NGBs. This created an

insular system whereby administrators, coaches, and executives had complete control over them ([United States District Court Southern District of Indiana 2018](#), p. 4; [Olympic Abuse 2018](#)). Such a setup renders athletes powerless.

Athletes said they therefore had to remain silent to remain in the system. For example, the figure skater Craig Maurizi testified before Congress that he did not report the abuse he experienced by his coach because “[he] believed the Federation and [his] coach were in cahoots. The Federation was all powerful and could make or break [his] career” ([Olympic Abuse 2018](#), p. 57). Other athletes made similar claims ([Does v. Robert Piraino 2022](#); [United States District Court District of Colorado 2018](#)). This type of organizational structure “creates a monopoly-like situation” that exposes vulnerable athletes “to a very dangerous dynamic in which they are forced to do anything their coaches” or NGB executives say ([United States District Court Southern District of Indiana 2018](#), p. 4). The lawsuits and athlete testimonies illustrate a lack of available options for victims outside of those overseen by the NGBs and/or USOPC.

6.1.1. Internal Discipline and Obscured Processes

Moreover, athletes said that those who do report abuse are oftentimes “met with obstruction, denials, and cover-ups” ([United States District Court Southern District of Indiana 2018](#), p. 5). This finding mirrors [Nite and Nauright’s \(2020\)](#) five themes, identified above, that help perpetuate abuse in sport. The lawsuits suggested several NGBs responded to allegations of abuse with internal disciplinary measures—non-publicized suspensions and/or internal reprimands. As found in [Nite and Nauright’s](#) analysis, such actions not only failed to solve the root issue, but frequently allowed the perpetrator to remain in the sport. For example, plaintiffs in a lawsuit against USA Taekwondo alleged that athletes came forward with accusations against a fellow athlete regarding non-consensual and uninvited sexual advances. A 2016 ethics panel found this athlete guilty and the board suspended him for five years. However, the NGB neither publicized nor informed the USOPC of the decision, and he was allowed to attend the Rio Olympics. He later participated in the world championships as a member of another country’s coaching staff ([United States District Court District of Colorado 2018](#)). As another example, after two speedskaters came forward with allegations in 2013, US Speedskating announced an investigation, but never disclosed its findings nor issued public statements. The individual accused of abuse quietly forfeited his membership to the NGB in 2015 ([Farrell v. United States Olympic & Paralympic Committee 2020](#)). Such examples illustrate the tendency of sport organizations to “rely on internal discipline procedures for perpetrators while shielding them from justice under established legal mandates” ([Nite and Nauright 2020](#), p. 123).

Athletes also detail experiencing what [Nite and Nauright](#) identified as obscured processes, when NGBs failed to follow legally required protocols, did not engage in public investigations, and/or purposefully complicated the investigations. [Bridie Farrell’s](#) lawsuit against US Speedskating illustrates this theme. She alleged that the NGB received several complaints, which spanned decades, about an athlete’s inappropriate behavior. However, the NGB not only allowed him to continue to compete, but later promoted him to its Board of Directors. According to [Farrell](#), when she met with the then-director of the USOPC [Scott Blackmun](#) in 2013 to file a complaint, he said that he could not help because the “USOC did not have such jurisdiction over the national governing bodies” ([Farrell v. United States Olympic & Paralympic Committee 2020](#), p. 15). However, at the time, the USOPC maintained legal rights over NGBs and had launched its first safe sport initiative.

Likewise, in the lawsuits against USA Taekwondo, athletes described how taekwondo leaders seemed to intentionally complicate investigations, another indication of obscured processes ([Nite and Nauright 2020](#)). The athlete [Mandy Meloon](#) filed a complaint against [Steven and Jean Lopez](#), brothers who competed for and coached the US Olympic team. Yet, then-CEO [David Askinas](#) conducted what [Meloon](#) described as a sham hearing over the telephone and quickly declared her allegations not credible ([United States District Court](#)

[District of Colorado 2018](#), p. 59). In a similar fashion, when other athletes came forward against the well-known taekwondo coach Marc Gitleman, the NGB convened an ethics panel and voted, 3-0, to ban him. However, the NGB lawyer intervened and recommended that the board not act, citing concerns about potential lawsuits ([United States District Court District of Colorado 2018](#), pp. 60–61). Only after Gitleman was found guilty of sexual abuse by a Los Angeles Court did the NGB ban him from the sport. Such instances suggest the purposeful manipulation of investigations to either protect the accused or the organization.

A lawsuit against USA Weightlifting and Safe Sport provides additional evidence of obscured processes. Safe Sport banned Olympian Colin Burns for twelve years. When he appealed the decision, a three-member panel overturned the sanction. The lawsuit alleged that the panel vacated the ban after subjecting the plaintiff to “vigorous cross-examination without representation”, which included controversial and unethical questioning about her sexual history ([Doe v. USA Weightlifting 2019](#)). Mirroring [Nite and Nauright’s \(2020\)](#) argument, by using internal discipline and obscuring the processes, sport leaders help “lay the foundations of prolonged abusive institutions” ([Nite and Nauright 2020](#), p. 127).

6.1.2. Silencing and Collusion

Athletes also mentioned victim silencing and collusion. According to [Nite and Nauright](#), victim silencing refers to the encouragement of victims to not report abuse. Collusion refers to either administrators working with outside entities, including law enforcement, to hide abuse; it can also refer to administrators working together to minimize reporting and fallout ([Nite and Nauright 2020](#), p. 120). Victim silencing appeared most frequently in the form of NGB leaders discouraging the reporting of abuse. For example, in the 2018 lawsuit against USA Taekwondo, several women said they reported their abuse to then-CEO David Askinas, which he ignored. Plaintiff Meloon alleged that Askinas told her she could be a member of the 2008 Olympic team if she recanted her statement. She did not and was dropped from the national team. Another plaintiff, Heidi Gilbert, alleged that Askinas explicitly told her to keep quiet about the sexual abuse she experienced. “He was basically calling me to tell me to shut up”, she said in the lawsuit. Because of the demand, Gilbert did not file a report at the time ([United States District Court District of Colorado 2018](#), p. 59).

Athletes suggested that NGBs leaders also engaged in collusion. This appeared most frequently as the purposeful discouragement of investigations ([Nite and Nauright 2020](#), p. 120). The 2020 lawsuit against US Figure Skating provides a clear example of stymying investigations into abuse. Plaintiff Craig Maurizi claimed that to “bury” his allegation, the then-NGB President James Disbrow removed the chair of the USFS Grievance Committee to intimidate him into abandoning the investigation. Disbrow himself then rendered a decision, dismissing the complaint because it was not filed within the 60 days permitted by the organizational bylaws ([United States District Court, Western District of New York 2019](#)). The lawsuit against USA Taekwondo provides another example. In 2015, USA Taekwondo hired the lawyer David Alperstein to investigate the allegations against Jean and his brother Steven Lopez. In a statement to USA Today, the NGB suggested that it “gave Mr. Alperstein a broad charge and unfettered ability to carry out his task”. However, the lawsuit argued that, contrary to what it said publicly, the NGB halted the investigation to ensure that the brothers could attend the Rio Olympics. After Steven Lopez lost in Rio, one of the plaintiffs verified that she received an email from Alperstein that said he could commence the disciplinary proceedings because the Olympics had concluded. As suggested in the lawsuit, it appears that the USOPC and NGB worked together, “behind closed doors, to make sure that the investigation against the Lopez brothers was delayed and obstructed” ([United States District Court District of Colorado 2018](#), pp. 63–64).

6.2. Lack of Meaningful Athlete Representation

Another cornerstone of good organizational governance is the inclusion of main stakeholders who are directly affected by rules and regulation changes in decision-making

processes. As outlined in [Henry and Lee \(2004\)](#), this includes incorporating the organization's "internal constituencies", such as athletes, into decision-making processes (p. 10). Yet, due the hierarchical structures of many organizations, athletes feel they have been marginalized and excluded from most positions of power in sport. For example, by 2013, only 11 percent of international governing bodies had granted athletes some form of direct influence in decision-making processes ([Geeraert et al. 2013](#)). Many governing bodies attempted to address this issue by allowing representatives of athletes' commissions or athletes' councils one or several votes in their executive boards. In the United States, the USOPC rendered athlete's representation a compliance requirement for their organizational members, including NGBs. According to the USOPC Compliance Standards, any recognized NGB must award at least 33.3 percent of its board of directors to athletes and adopt (and maintain) an Athletes Advisory Council composed only of athletes ([USOPC 2022b](#)). Underscoring the importance of athletes' voices, the USOPC's NGB audits and the US Safe Sport audits both include athletes' rights as a section to assess the bodies' compliance with the USOPC statutes ([USOPC 2022a](#)). Yet, an assessment of the allegations against NGBs illustrates the ongoing issues in athlete representation. Athletes believe that they have been explicitly and implicitly marginalized, hampered by conflicts of interest, and limited by serving on boards that are not gender equitable.

Athlete testimonies support the notion that they are marginalized in decision-making processes ([Schwab 2018](#)). Their experiences, testimonies, and lawsuits show how some organizations explicitly limit athlete power. For example, US Modern Pentathlon Multisport requires its athlete representatives to pledge to carry out the organization's mission in writing prior to service. This raises the question of whether or not the athlete can represent athletes' interests if doing so conflicts with the aims of the NGB ([Board Member Agreement n.d.](#)). Such statutes potentially prevent athletes from acting independently ([Koss 2011](#); [Seltsmann 2021a](#)). The 2022 USOPC audit of US Skateboarding provides another example of the purposeful minimization of athlete voices. The audit found that US Skateboarding bylaws did not specify whether the athlete representative on the board was voted for directly by the athletes. In fact, auditors highlighted that "[t]he most recent athlete board representative elections were conducted without receiving any athlete nominations, or verification that the individuals included in the elections wanted to serve in those roles". ([USOPC 2022b](#)). The election process, as described by the eventual winner Jamie Fox, was merely a list of all the athletes who had competed in the Olympic qualifiers with an option to vote ([Wilder 2020](#)). According to the USOPC audit, athletes in the voter pool had not, prior to the election, given consent to act as athlete representatives and had not been confirmed to be eligible according to USOPC regulations ([USOPC 2022a](#)). With athletes not directly involved in the election of their representatives, their trust in the organizational processes and structures might decrease and hence, they might not come forward with abuse allegations, as has been reported in Canada ([Willson et al. 2022](#)).

Athlete testimonies also suggest that NGBs use more implicit tactics to prevent athletes' representatives from acting independently and in the interests of their peers. Former US Gymnastics athlete representative Terin Humphrey revealed in 2019 how the USA Gymnastics' leadership recommended she stay silent during the investigation of Larry Nassar. Humphrey wrote, "I was instructed by USAG not to speak out or express an opinion. For example: 'Terin, stay quiet,' 'Terin, no speaking out or posting,' and 'Terin, you can't have an opinion.'" She further suggested that the NGB tried to sever her ties to other athletes. "They perpetuated a dysfunctional and dangerous culture by allowing the release of confidential emails and creating an intentional disconnect between me and the athletes I was charged with supporting", she alleged ([Humphrey 2019](#)). Her statement shows how NGBs can influence the public sentiments, independence, and actions of athlete representatives.

Conflicts of interest amongst athlete representatives also emerged in our analysis. Researchers and policy makers agree that athlete representatives should not hold double roles, such as serving as the athlete representative and as a member of the selection

committee (Udowitch 2020). Athletes report not confiding in athlete representatives who hold multiple positions because they fear it might impact their future in the sport. This is particularly problematic if an athlete representative also serves as a member of a group that decides upon the selection of individuals for teams (Rulofs et al. 2022). Such arrangements reduce the potential for reporting abuse. In the proceedings on abuse in USA Gymnastics, this was mentioned as an obstacle that prevented the athletes from speaking out (Daniels 2017, p. 92). As the US gymnast Jordyn Wieber testified before Congress, “So even if she would be there to advocate for us, we didn’t want to tell her anything because we were scared and it would ruin our chances, which we know it probably would have” (Olympic Abuse 2018).

Currently available information on NGB websites indicates that athlete representatives in some NGBs occupy double roles on executive boards and on nomination committees. For example, in USA Fencing, the Chair of the Athletes Advisory Group is also a member of the Nomination Committee and, in fact, is that working group’s board liaison (USA Fencing Committees 2023). Similarly, one of the three athletes on the US Modern Pentathlon board is one of three members of that sport’s Governance and Nomination Committee (USA Pentathlon Multisport 2022). While the athletes should not be blamed for their double-role, it potentially poses a conflict of interest that hampers others from reporting abuse (Eckstein 2022).

Finally, good organizational governance also requires equitable treatment, including based on gender (Henry and Lee 2004, p. 10). However, most NGBs fall well short of having gender equity in decision-making positions, including those of athletes. For example, a 2021 gender breakdown of NGB executive boards found that 33 had 60% or higher male representation. The boards for US Speedskating (80%), USA Modern Pentathlon (81.8%), USA Wrestling (84.6%), USA Karate (88.9%), and USA Baseball (91.7%) were the most egregious in their lack of female representation (Houghton et al. 2022). In US Modern Pentathlon Multisport, the four athlete representatives on the board were all men. Women were also underrepresented on the board in general, as only two women served on the eleven-member board (USA Pentathlon Multisport 2022). This NGB is not an exception, as institutional hierarchies in sport continue to be shaped by men (Çetin and Hacisoftaoğlu 2020). Recent research reveals that an increase in female board members raises debates and awareness in sport organizations about gender inequality, including about abuse and harassment within sport (Valiente Fernández 2020). Therefore, gender-balanced boards with true athlete representation are needed so allegations of abuse can be investigated without patriarchal gender prejudices.

6.3. Valorization and Conflicts of Interest

Finally, in addition to monopolistic power structures and the lack of meaningful athlete representation, athlete accounts suggest the esteem granted to perpetrators can further legitimize violations. Nite and Nauright describe this phenomenon as valorization, positively describing the impact of the legacy of the perpetrator (p. 120). As evidenced in almost every lawsuit, the perpetrators’ inappropriate behavior was well known to people within the organization, but their respected position within the sport or NGB convinced them not to speak out.

One of the more disturbing themes present across the lawsuits was how many people were aware of abuse but did not act. Whispers and rumors about inappropriate conduct were commonplace. For example, a lawsuit against the US Bowling Congress suggests that individuals within the bowling community “were all aware that [the defendant] would travel with youth bowlers whom he coached yet did not take steps to prohibit or prevent this conduct in spite of Rule 801” (A.C. v. United States Bowling Congress Inc. 2019, p. 22). One person testified that the coach’s conduct was “discussed frequently by people that had misgivings about his relationships” (A.C. v. United States Bowling Congress Inc. 2019, p. 22). But nothing was done to stop him. Similar rumors also surfaced for years about the equestrian coach George H. Morris. A New York Times article found that his “stature

in the sport was nearly unrivaled, even though some in the horse world said they had long been aware of his relationships with minors". The article further alleged that Morris's reputation for having sexual relationships with boys "was common knowledge among students and barn staff" (Nir 2019). In several lawsuits, athletes suggest that others knew about the misconduct, but the perpetrators held positions of importance that rendered them untouchable (*A.C. v. United States Bowling Congress Inc.* 2019; *Farrell v. United States Olympic & Paralympic Committee* 2020; *United States District Court, Western District of New York* 2019; *New York County Courts* 2020).

Those accused of abuse were not only valorized, but also deeply connected in the institutional structure of the NGB. Examples abound in the lawsuits and testimonies regarding the connections that the defendants held within the organizations. According to the lawsuit against US Fencing, for example, "[the defendant], with USA Fencing's knowledge and assent, became the most powerful person in the Tennessee fencing community" (*Does v. Robert Piraino* 2022, p. 10). Within USA Diving, an athlete informed Congress that his abuser was a longtime friend of the USFS president, which he believed helped shield him from punishment (*Olympic Abuse* 2018). In taekwondo, USA Taekwondo not only selected Jean Lopez to coach the 2008 Olympic team, despite allegations of sexual misconduct, but allowed him to select his two brothers and sister to the team (*United States District Court District of Colorado* 2018, p. 97). The valorization of the individuals, and their deep connections within the NGB, helped legitimize their actions.

Finally, turning a blind eye to allegations of abuse appears to have stemmed from the NGBs' prioritization of commercial interests. Like the institutions under investigation by Nite and Nauright (2020), "Concerns over damaging the commercial enterprise . . . appeared to outweigh the need to protect victims" (p. 127). Athletes similarly allege that administrators permitted the misconduct of "individuals with positive reputations and money-making capabilities". Several lawsuits boil the motivations of the NGBs down to "medals and money" (*United States District Court Southern District of Indiana* 2018). Filings against USA Diving and USA Taekwondo both argued that the organizations "reached for commercial success at all costs by ignoring, denying, obstructing, or covering up complaints of sexual abuse" (*United States District Court Southern District of Indiana* 2018, p. 1; *United States District Court District of Colorado* 2018). According to athlete accounts, an imbalanced attention on financial gain outweighed the need to protect athletes.

7. Conclusions

We investigated the perception of athletes on key issues in governance that facilitate sexual abuse in sport. Our assessment of the lawsuits filed against US NGBs and athlete testimonies before Congress illustrates numerous issues within all three levels of the governance—systematic, political, and organizational—of NGBs. However, our analysis indicates significant issues within the organizational governance of NGBs. Our findings mirror those of Nite and Nauright (2020), which found that "institutional structures . . . resulted in the perpetuation of sexual abuse" (Nite and Nauright 2020, p. 125). Athletes argued that monopolistic systems allowed for internal disciplinary measures, obscured processes, and collusion, which helped to cover up allegations of abuse. Inadequate athlete representation further hindered athletes' abilities to come forward and did not allow for equitable say in decision-making matters, including those that pertained to sexual misconduct. Athletes further identified valorization and conflicts of interest, shaped by the prioritization of finances, as protecting those accused of abuse. Taken together, the athletes' accounts reveal power imbalances within US NGBs, whereby governance decisions protected the most powerful, the administrators and coaches, rather than supported processes to protect the most vulnerable, the athletes.

Congress recognized the limitations of the internal reporting mechanisms in 2017 and attempted to rectify the insularity and skewed power dynamics within NGBs through the launch of the Safe Sport Center. However, as evidenced in the lawsuits and athlete testimonies, the independence and authority of Safe Sport is questionable. For example, a

plaintiff in 2022 argued that despite congressional intervention, the NGB still “lacked an effective and independent audit, compliance, or other mechanism to detect when repeated and pervasive violations of applicable laws and policies relating to sexual misconduct were occurring at one of its member clubs” (*Does v. Robert Piraino* 2022, p. 16). She further alleged that the organization “operates in fact and function, as a shield for USOC . . . to absolve its abusive members from sanction, oversight, and discipline, under the auspices of the USOC” (*Doe v. USA Weightlifting* 2019, p. 8). From the athlete vantage, Safe Sport appears limited in its ability to curtail abuse in sport.

Our findings, therefore, support those who have questioned the approaches that are driven from within the sport sector and argue that sport’s self-regulation of abuse and mistreatment is not working (*Donnelly et al.* 2022). Put simply, allegedly abused athletes feel that sport cannot regulate sexual misconduct itself. They argue that NGBs too often prioritize commercial interests over athlete well-being. As pointed out repeatedly in the lawsuits and testimonies, sport organizations prioritized medals and money above athlete safety. In light of our results, we suggest that the reporting and investigations into sexual abuse must be removed from the self-managing sport sector entirely.

In addition, we further recommend the creation of an independent body for athlete representation to help alleviate abuse in sport. This follows calls for a unionization of athlete groups to allow for collective bargaining, mutual aid and protection amongst athletes (*Edelman and Pacella* 2019). Some athletes have already joined forces at the international level to establish independent athlete organizations to challenge the power balance in sport (*Seltmann* 2021b). This development has allowed athletes to increasingly speak out on topics such as abuse and harassment, including voicing their own views on how structures in sports prevent the reporting of cases. An independent body would help balance the power dynamics in sport and allow athletes more say in organizational governance (*Donnelly* 2015; *Seltmann* 2021b).

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Note

- ¹ The causes of action listed in the table include only those filed against the NGBs. Other claims—such as assault and battery, child pornography, and sexual harassment—filed against individual defendants were not included in the table.

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