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May 2015

# YOUTH ATHLETES

## Sports Programs' Guidance, Practices, and Policies to Help Prevent and Respond to Sexual Abuse

# GAO Highlights

Highlights of [GAO-15-418](#), a report to the Honorable Jackie Speier, House of Representatives

## Why GAO Did This Study

Media reports of the sexual abuse of youth athletes by their coaches have raised questions about how athletic organizations protect against such abuse. Research shows that the power dynamic between coaches and athletes aiming for high performance makes those athletes uniquely vulnerable to abuse. Although states are primarily responsible for addressing abuse, federal laws may apply, such as those that prohibit sex discrimination, including sexual abuse, in federally-funded education programs, require reports of campus crimes, and set minimum standards for state child abuse reporting laws. GAO was asked to review efforts to prevent and respond to the sexual abuse of youth athletes under age 18.

GAO examined (1) the role of federal agencies in preventing and responding to sexual abuse of youth athletes, and (2) steps selected athletic programs aimed at high performance take to prevent and respond to such abuse. GAO reviewed relevant federal laws, regulations, guidance, and literature; visited a nongeneralizable sample of 11 athletic programs in three states selected on factors including sport popularity, gender participation, and geographic diversity; and interviewed federal agencies, relevant associations, and experts.

## What GAO Recommends

GAO makes no recommendations in this report. Education, HHS, and Justice provided technical comments, which we incorporated as appropriate.

View [GAO-15-418](#). For more information, contact Kay Brown at (202) 512-7215 or [brownke@gao.gov](mailto:brownke@gao.gov).

May 2015

## YOUTH ATHLETES

### Sports Programs' Guidance, Practices, and Policies to Help Prevent and Respond to Sexual Abuse

## What GAO Found

Several federal agencies have roles in preventing and responding to the sexual abuse of a broad population of youth under age 18, which may include youth athletes. For example, the Department of Health and Human Services (HHS) and the National Center for Missing and Exploited Children, a nonprofit organization that receives Department of Justice (Justice) funding, published suggested practices for preventing child sexual abuse in youth-serving organizations. These suggested practices include defining and prohibiting misconduct; screening staff using fingerprint-based criminal background checks and other tools; and training staff on how to recognize, report, and respond to abuse. The National Center for Missing and Exploited Children also makes available information on child protection policies in youth sports settings, such as defining appropriate coach-athlete relationships. In addition, Justice may investigate alleged youth athlete abuse if there is a possibility the case constitutes a federal crime. These efforts may apply to youth in a range of settings. In addition, the Departments of Education (Education) and Justice oversee compliance with a civil rights law that protects individuals from sex discrimination, including sexual abuse, at schools that receive federal funding, which would generally include youth participating in sports camps on university campuses. Education also oversees postsecondary school compliance with a federal law requiring reporting of crimes, including sex offenses, that occur on or near campus. To ensure schools are meeting their obligations under these laws, Education and Justice conduct compliance reviews and investigations, and Justice participates in federal litigation involving claims of sex discrimination. Education also provides guidance and training to schools in areas such as developing codes of conduct, offering prevention and awareness training, and establishing reporting procedures.

The 11 athletic programs GAO reviewed all reported using methods, such as screening and training staff, to help prevent and respond to the sexual abuse of youth athletes. For example, the selected athletic programs, which included 8 private athletic clubs and 3 universities operating youth sports camps, all reported using name-based background checks to screen staff members for a criminal history. Two universities that operated sports camps reported they sometimes used fingerprint-based checks, while officials from other athletic programs cited the high cost of fingerprint checks as a barrier. Training for athletic staff in the programs GAO visited included how to identify signs of, respond to, and report suspected incidents of sexual abuse. Policies for all of these athletic programs also require staff to report suspected abuse to law enforcement. Further, the selected programs had response policies that generally included removing the suspected offender from the program and conducting their own investigations, which could result in lifetime bans from the program. Athletic programs' policies also included a variety of possible disciplinary actions, such as warning letters or required leave, for addressing inappropriate behavior that falls short of sexual abuse. Some of these policies have been created or revised in recent years, including the policies that private athletic clubs are implementing based on the United States Olympic Committee's athlete safety program, SafeSport, which prohibits various forms of misconduct, including child sexual abuse. GAO did not assess the effectiveness of any of the selected athletic programs' policies.

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## Abbreviations

CAPTA	Child Abuse Prevention and Treatment Act
CDC	Centers for Disease Control and Prevention
Clery Act	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Education	Department of Education
FBI	Federal Bureau of Investigation

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FSA	Office of Federal Student Aid
HEA	Higher Education Act of 1965
HHS	Department of Health and Human Services
Justice	Department of Justice
NCMEC	National Center for Missing and Exploited Children
NGB	National Governing Body
OCR	Office for Civil Rights
OPE	Office of Postsecondary Education
Title IX	Title IX of the Education Amendments of 1972
USOC	United States Olympic Committee

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May 29, 2015

The Honorable Jackie Speier  
House of Representatives

Dear Congresswoman Speier:

Media coverage on and academic research of the sexual abuse of youth athletes by their coaches has raised questions about the type of approaches and policies youth-focused athletic organizations use to protect children from potential abuse. In many cases, youth athletes have positive interactions with their coaches and gain important leadership skills and self-confidence through their participation in sports. However, reports of sexual abuse, misconduct, and inappropriate relationships between coaches and athletes have occurred across a variety of sports, gender interactions, and settings, with some resulting in convictions of coaches of one or more sexual offenses.<sup>1</sup> As research has shown, child sexual abuse often has significant detrimental consequences to children's physical, psychological, academic, and behavioral development.<sup>2</sup>

Little is known about the prevalence of sexual abuse of youth athletes in the United States. However, research has highlighted the specific ways in which athletes have been "groomed" by coaches—a set of behaviors that perpetrators carry out to establish trust and later facilitate sexual activity with a child.<sup>3</sup> Research also indicates that the power dynamics between

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<sup>1</sup>Definitions of sexual abuse and sexual misconduct may vary from state to state. For example, sexual abuse may be defined in general terms or by specifying various acts as sexual abuse such as rape, molestation, or sexual assault. For purposes of this report, sexual abuse includes any sexual activity involving a child that is a crime under applicable state law. Definitions of sexual misconduct may also vary by state and include a variety of behaviors. For example, sexual misconduct could include any verbal or physical activity directed toward a child that is sexual in nature and designed to establish a romantic or sexual relationship with the child. Sexual misconduct may eventually lead to sexual abuse, but may not be considered a criminal act in and of itself, although it may be considered a violation of other laws, regulations, or professional codes of conduct.

<sup>2</sup>Robert J. Shoop, *Sexual Exploitation in Schools: How to Spot It and Stop It* (2004).

<sup>3</sup>Celia Brackenridge and Kari Fasting, "The Grooming Process in Sport: Narratives of Sexual Harassment and Abuse," *Auto/Biography Journal* 13, (2005): 33-52. Grooming behaviors are part of a pattern of behavior and are done with the intent to perpetrate future sexual abuse or misconduct, but the same behaviors may occur without such intent.

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coaches and athletes aiming for high performance make those athletes uniquely vulnerable to abuse due, in part, to the high risk, high reward environment in which they compete and the position of power held by coaches who play critical roles in ensuring their success.<sup>4</sup> Among the different settings where such incidents can occur are youth sports camps held on college and university campuses and private athletic clubs targeting high athletic performance, such as Olympic-level training clubs for athletes who display competitive excellence in their sport.<sup>5</sup>

States have the primary role in ensuring the safety of their citizens;<sup>6</sup> however, federal law establishes minimum standards for state mandatory reporting laws regarding suspected child abuse and neglect, including sexual abuse.<sup>7</sup> Athletic programs must comply with any applicable state requirements regarding mandatory reporting, which can vary from state to state, and programs may be subject to other requirements, depending on their setting. For example, postsecondary schools<sup>8</sup> are required to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination, including sexual harassment and abuse, in federally-funded education programs and activities,<sup>9</sup> and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics

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<sup>4</sup>Ashley E. Stirling and Gretchen A. Kerr, "Abused Athletes' Perceptions of the Coach-Athlete Relationship," *Sport in Society* 12, no. 2 (2009): 227-239.

<sup>5</sup>Youth also participate in local clubs and programs that are not aimed at developing high performance athletes. Because our focus was on high performance athletes, this study did not include a review of these types of youth athletic programs, although abuse could occur in such settings.

<sup>6</sup>This report focused on the role of federal agencies in preventing and responding to the sexual abuse of youth athletes aiming for high performance, and did not explore the actions taken by state and local authorities.

<sup>7</sup>As a condition of receiving funding under the Child Abuse Prevention and Treatment Act (CAPTA), as amended, states must comply with certain requirements, including establishing a state mandatory reporting law. 42 U.S.C. § 5106a(b)(2).

<sup>8</sup>Unless otherwise specified, we use the terms 'postsecondary schools' and 'schools' in this report to refer to colleges and universities receiving federal financial assistance.

<sup>9</sup>Title IX generally provides that "[n]o person ... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). The Supreme Court has held that sex discrimination includes sexual harassment and abuse in the context of Title IX. See *Franklin v. Gwinnett County Pub. Sch.*, 503 U.S. 60, 75 (1992).

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Act (Clery Act), which requires postsecondary schools that receive federal student aid funding to report certain crimes that occur on and around their campuses.<sup>10</sup> You and former Representative George Miller, in his role as Ranking Member of the House Committee on Education and the Workforce, expressed interest in learning more about efforts made by federal agencies and athletic programs to prevent and respond to the sexual abuse of youth athletes under the age of 18.

Our review addresses the following questions for athletic programs aimed at developing high performing athletes:<sup>11</sup>

1. What role do federal agencies play in preventing and responding to the sexual abuse of youth participating in these programs?
2. What steps do selected athletic programs take to prevent and respond to the sexual abuse of youth athletes?

To perform this work, we used a variety of approaches. To understand what role federal agencies play in preventing and responding to the sexual abuse of youth athletes under age 18, we reviewed relevant federal laws and regulations as well as relevant agency documents, such as guidance and procedures for conducting compliance reviews. We interviewed officials from the Departments of Education (Education), Health and Human Services (HHS), and Justice (Justice). We also interviewed relevant experts on coaching, athletics administration, and sexual abuse, and officials from a range of relevant organizations, including youth sport and education associations; victim advocacy groups; the National Collegiate Athletic Association (NCAA); the United States Olympic Committee (USOC); and the USOC's national governing bodies (NGB) for the selected private athletic programs of figure skating, hockey, and swimming, and four of their regional affiliates.<sup>12</sup> We also

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<sup>10</sup>Among other things, the Clery Act requires postsecondary institutions that participate in federal student financial assistance programs to annually disclose, and report to the Department of Education, statistics on specified crimes that occur on or near their campuses. 20 U.S.C. § 1092(f).

<sup>11</sup>Specifically, our review focused on two types of athletic programs aimed at developing high performing youth athletes: (1) youth sports camps held on college and university campuses; and (2) private athletic clubs implementing an athlete safety program based on the program established by the U.S. Olympic Committee.

<sup>12</sup>Within the USOC membership structure, regional affiliates of NGBs serve as intermediaries between the NGBs and private athletic clubs in their region.

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reviewed relevant literature from these groups. To gather information on how selected athletic programs address the sexual abuse of youth athletes, we conducted site visits to a nongeneralizable sample of athletic programs in three states—California, Florida, and Texas.<sup>13</sup> We interviewed representatives of and reviewed documentation for a total of 11 athletic programs, which included 3 universities that operate youth sports camps<sup>14</sup> and 8 local private athletic clubs. States and athletic programs were selected based on criteria including popularity of sport among youth, college rankings in selected sports, gender participation, and geographic diversity. We gathered information about the relevant policies and procedures selected athletic programs have designed for screening staff and volunteers, education and awareness training, monitoring and supervision, reporting of complaints, responding to complaints, and imposing sanctions.<sup>15</sup> We also reviewed training materials on the subject of youth protection. For more information on our scope and methodology, see appendix I.

We conducted this performance audit from February 2014 to May 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>13</sup>For the purposes of this report, any reference to “selected athletic programs” includes both private athletic clubs and sports camps operated by a college or university and held on campus.

<sup>14</sup> When selecting postsecondary schools that host youth sports camps, we focused on those schools offering youth sports camps for basketball, football, gymnastics, swimming and diving, and volleyball.

<sup>15</sup>For this report, we did not assess how selected athletic programs implemented these policies. We also did not evaluate how selected athletic programs’ policies were applied to past cases of child sexual abuse as it was beyond the scope of this report.



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## Background

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### Youth Athletic Programs Aimed at Developing High Performance

#### Private Athletic Programs

Youth aiming to develop advanced skills, compete at a high performance level, and achieve competitive excellence in a sport have a variety of options for honing their skills. Youth can participate through private athletic clubs—local sport-specific organizations that serve athletes who compete, or may be interested in competing, at the highest performance level. Generally, these clubs are part of a larger sport network under the umbrella of the USOC.

The Amateur Sports Act of 1978 established the USOC as a federally chartered nonprofit corporation that serves as the centralized body for U.S. Olympic sports.<sup>16</sup> In 1998, the Amateur Sports Act was revised by the Ted Stevens Olympic and Amateur Sports Act.<sup>17</sup> Under the act, the USOC is authorized to recognize NGBs, which govern their respective sports and recommend athletes to the USOC for participation in the Olympic Games.<sup>18</sup> Currently, the USOC recognizes 47 NGBs. The act sets forth a number of purposes for the USOC, including to exercise jurisdiction over U.S. participation in the Olympic Games and the organization of the Olympic Games when held in the United States. Other purposes include to provide swift resolution of conflicts and disputes involving athletes and NGBs; to coordinate and provide information on training, coaching, and performance; and to encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety. The USOC may provide financial

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<sup>16</sup>The United States does not have a federal government agency dedicated to athletics, unlike some other countries, which may have a sports ministry or similar entity. The USOC does not currently receive federal funding.

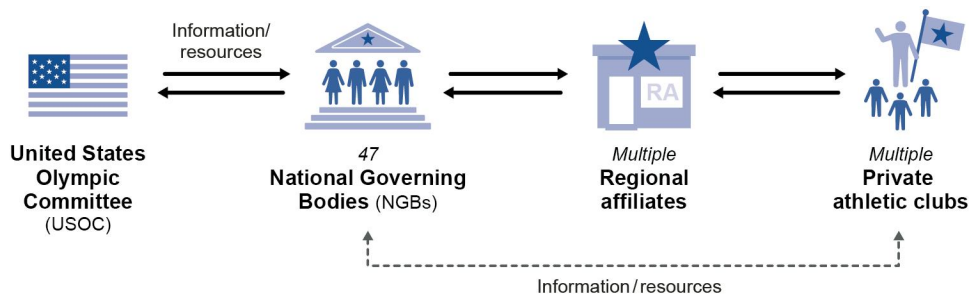
<sup>17</sup>Codified as amended at 36 U.S.C. §§ 220501-220529.

<sup>18</sup>In addition to the Olympic Games, athletes may be recommended to participate in the Paralympic, Youth Olympic, Pan American, and Parapan American Games. The USOC is also authorized to recognize NGBs for sports in the Pan American Games, and to recognize Paralympic Sport Organizations or designate NGBs for sports in the Paralympic Games; however, no organization has applied for recognition as a Paralympic Sport Organization.

support and other resources to the NGBs, as needed and as the USOC considers appropriate.

All members of the USOC are organizations, such as NGBs; the USOC has no individual members.<sup>19</sup> Members of the NGBs may include youth and adult athletes, coaches, and other staff, although some NGBs may only have organizational members. The USOC and NGBs can impose various requirements as a condition of membership, but do not govern employment practices of clubs. Clubs may also be members of regional affiliates or associations of their sport, which generally serve as intermediaries between the NGB and the local clubs, and as the governing body for the local club within their region.<sup>20</sup> (See fig. 1.)

**Figure 1: Flow of Information and Resources between the United States Olympic Committee, National Governing Bodies, Regional Affiliates, and Private Athletic Clubs**



Source: GAO analysis of information and documents gathered from the USOC and NGBs. | GAO-15-418

The USOC established the SafeSport program, an athlete safety program that addresses misconduct in sports through information, training, and resources. The program was born out of a working group convened by the USOC in 2010 to develop a set of recommendations for promoting

<sup>19</sup>The USOC has eight classes of organizational membership. They are: Olympic Sport Organizations and Pan American Sport Organizations (which comprise the 47 NGBs), as well as Paralympic Sport Organizations, Community-Based Multisport Organizations, Education-Based Multisport Organizations, Armed Forces Organizations, Recognized Sport Organizations and Other Sport Organizations.

<sup>20</sup>Depending on the sport and region of the country, regional affiliates may represent athletic clubs and programs within one state, one region of a state, or across several states.

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Youth Sports Camps on  
College and University  
Campuses

safe training environments in sports. To deliver its recommendations, the working group sought input from a range of stakeholders.<sup>21</sup> The subsequent creation of the SafeSport program included one-on-one discussions and a review of relevant research and best practice documents, including a resource document on child sexual abuse prevention from the Centers for Disease Control and Prevention (CDC) within HHS. The USOC's minimum standards policy for the program required each NGB to adopt an athlete safety program by December 31, 2013, that included the following minimum components:<sup>22</sup>

- a policy that prohibits and defines six forms of misconduct: bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct (including child sexual abuse);
- criminal background checks for individuals who are in a position of authority over or have frequent contact with athletes;
- an education and training program covering key components of their athlete safety program by January 1, 2014;
- a procedure for reporting misconduct; and
- a grievance process to address allegations of misconduct following a report or complaint.

Youth seeking to compete at a high performance level and achieve competitive excellence in a sport can also participate in sports camps held on college and university campuses. For example, some colleges and universities offer sport-specific skill building through youth sports camps and instructional clinics held on their campuses. While the offerings vary by campus, such camps and clinics are available for a variety of sports, may be offered as day or overnight camps, and may range in duration from a few days to several weeks. In addition, the degree to which colleges and universities operate and oversee the camps can vary. For example, youth sports camps may be operated by the college or university's athletic department, by a private entity that contracts with the college or university to use its facilities, or by a combination of the two.

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<sup>21</sup>According to the USOC, the working group included input from athletes, coaches, parents, NGBs, volunteers, security experts, training providers, medical professionals, professional service organizations, and other grassroots organizations.

<sup>22</sup>Each NGB is required to comply with the minimum standards policy for athlete safety programs. In turn, members of each NGB, which may include coaches, athletes and other staff, must abide by their respective NGB or club's athlete safety program.

## Behaviors of Perpetrators of Child Sexual Abuse

While child sexual abuse—the act of forcing a child to engage in sexual activity with a perpetrator—is criminal in nature, according to research, perpetrators of such abuse typically exhibit other inappropriate, and sometimes noncriminal, behaviors. These behaviors may be displayed on a continuum and may include grooming, sexual misconduct, and child sexual abuse.<sup>23</sup> (See fig. 2.)

**Figure 2: Continuum of Possible Behaviors by Perpetrators of Child Sexual Abuse**



Source: GAO analysis of information from experts and site visits. | GAO-15-418

Note: Definitions of sexual abuse and sexual misconduct may vary from state to state. For example, sexual abuse may be defined in general terms or by specifying various acts as sexual abuse such as rape, molestation, or sexual assault. For purposes of this report, sexual abuse includes any sexual activity involving a child that is a crime under applicable state law. Definitions of sexual misconduct may also vary by state and include a variety of behaviors. For example, sexual misconduct could include any verbal or physical activity directed toward a child that is sexual in nature and designed to establish a romantic or sexual relationship with the child. Sexual misconduct may eventually lead to sexual abuse, but may not be considered a criminal act in and of itself, although it may be considered a violation of other laws, regulations, or professional codes of conduct. Grooming behaviors are part of a pattern of behavior and are done with the intent to perpetrate future sexual abuse or misconduct, but the same behaviors may also be done without such intent.

## Federal Efforts to Address Child Sexual Abuse in a Broader Context May Apply to Youth Athletes

<sup>23</sup>Although this report focuses on child sexual abuse, other terms may be used to describe similar concepts. For example, the Department of Education and others use the term “sexual violence,” a broader term which includes child sexual abuse but also other acts, such as those that may involve adult victims.

**Federal Agencies Engage in Some Activities to Prevent and Respond to Child Sexual Abuse that May Apply to Youth Athletes**

Federal agencies engage in various efforts to prevent and respond to the sexual abuse of a broad population of youth, and these efforts may apply to youth athletes, depending on the circumstances.<sup>24</sup> Some of these federal efforts may help prevent or respond to the sexual abuse of youth athletes in both private athletic clubs and university sports camps. For example, HHS and Justice provide resources in the areas of sexual violence prevention, reporting, and response practices, and the Federal Bureau of Investigation (FBI) has a role in investigating incidents of child sexual abuse that may constitute federal crimes. Other federal activities may influence postsecondary schools' efforts to prevent and respond to the sexual abuse of youth athletes at sports camps held on their campuses. Specifically, Education and Justice oversee school compliance with Title IX, which prohibits sex discrimination, including sexual harassment and abuse, in any education program or activity that receives federal funds.<sup>25</sup> In addition, Education oversees compliance with the Clery Act, which requires schools that participate in federal student aid programs to annually disclose statistics on certain crimes, including sex offenses, that occur on or near their campuses.<sup>26</sup> (See table 1.)

**Table 1: Examples of Federal Activities Related to Preventing and Addressing Sexual Abuse that May Apply to Youth Athletes**

Federal Agency	Federal Activities <sup>a</sup>
Department of Health and Human Services (HHS)	The Children's Bureau within HHS provides grants to support state child abuse and neglect programs under the Child Abuse Prevention and Treatment Act (CAPTA), which sets minimum standards for state mandatory reporting laws <sup>b</sup> regarding known or suspected child abuse and neglect, including sexual abuse. <sup>c</sup>
	The Centers for Disease Control and Prevention's (CDC) Division of Violence Prevention researches factors that put people at risk for or protect them from violence; creates and evaluates violence prevention programs; helps state and local partners plan, implement, and evaluate prevention strategies; researches the effective adoption and dissemination of prevention strategies; and engages in other efforts.

<sup>24</sup>Although this report focuses on the role of federal agencies, state and local authorities hold the primary responsibility for addressing cases of child sexual abuse, including when victims are youth athletes.

<sup>25</sup>See 20 U.S.C. §§ 1681-1688, 34 C.F.R. pt. 106.

<sup>26</sup>See 20 U.S.C. § 1092(f), 34 C.F.R. §§ 668.41, 668.46.

Federal Agency	Federal Activities <sup>a</sup>
Department of Justice (Justice)	<p>Justice’s Office on Violence Against Women administers programs under the Violence Against Women Act of 1994 and subsequent amendments, which established various grants to combat violence, including sexual violence, against women in all settings, including on postsecondary school campuses.</p> <p>Justice enforces relevant federal criminal laws, such as those related to sexual exploitation of minors. The Federal Bureau of Investigation (FBI) may investigate certain incidents of child sexual abuse for possible violations of federal law. The FBI also maintains the world’s largest repository of fingerprints and criminal records from federal, state, and local sources.</p> <p>Justice’s Civil Rights Division enforces and coordinates agencies’ enforcement of federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, and national origin, including Title IX of the Education Amendments of 1972 (Title IX)<sup>d</sup>, and Title IV of the Civil Rights Act of 1964, which prohibits discrimination, including on the basis of sex, in public schools and postsecondary schools.</p>
Department of Education (Education)	<p>Education’s Office for Civil Rights (OCR) is responsible for enforcing Title IX for recipients of financial assistance from Education, which includes school districts, postsecondary schools, and other entities. Title IX prohibits sex discrimination in any education program or activity that receives federal funds. According to Education’s guidance, sexual harassment, including sexual abuse and sexual misconduct, is considered a form of sex discrimination.</p> <p>Education also administers the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires postsecondary schools that participate in federal student aid programs under Title IV of the Higher Education Act of 1965 to maintain a daily crime log; prepare an annual security report with statistics on certain crimes, including sexual offenses, that occur on or near campuses that an institution owns or controls; and report those statistics to Education. Education’s Office of Postsecondary Education (OPE) is responsible for issuing policy and guidance relating to the Clery Act and the Office of Federal Student Aid (FSA) is responsible for enforcement.</p>

Source: GAO review of selected federal laws, agency documents, and interviews with agency officials. | GAO-15-418

<sup>a</sup>This table is meant to be illustrative of federal activities that may apply to child sexual abuse in the context of college and university sports camps or private athletic clubs; it is not meant to be an exhaustive list of such federal activities more generally. In addition, whether a particular federal activity or law applies depends on the circumstances of the individual case. Each law may include additional provisions beyond those that are summarized in this table.

<sup>b</sup>Subject to minimum CAPTA requirements, states primarily define their own requirements for preventing, reporting, and investigating child abuse and neglect, including child sexual abuse, and these requirements can vary across states. State law defines who is considered a mandatory reporter of child abuse and neglect within that state. Mandatory reporters may include those individuals that have frequent contact with children, such as teachers, social workers, and coaches.

<sup>c</sup>CAPTA defines sexual abuse to include “the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct;” or “the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution or other forms of sexual exploitation of children or incest with children.”

<sup>d</sup>Each federal agency that provides funds to an education program or activity is responsible for ensuring compliance with Title IX. In addition, Justice may be involved in litigation under Title IX.

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HHS and Justice Provide Resources and Justice Conducts Criminal Investigations to Address Child Sexual Abuse in a Variety of Settings, Including Youth Athletics

CDC and the National Center for Missing and Exploited Children (NCMEC),<sup>27</sup> a nonprofit organization that receives Justice funding, each developed suggested practices for preventing and responding to sexual abuse within youth-serving organizations, which may include youth athletes in private athletic clubs<sup>28</sup> and college and university sports camps.<sup>29</sup> Both CDC and NCMEC's resources emphasize similar categories of suggested practices: conducting an organizational self-assessment; screening staff for risk factors; defining behavioral guidelines and creating safe environments; training staff on sexual abuse and misconduct; monitoring behavior; and developing reporting and response strategies when complaints or allegations are made (see table 2).

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<sup>27</sup>NCMEC works with law enforcement, families, and the professionals who serve them on issues related to missing and sexually exploited children. NCMEC receives some federal funding. See 42 U.S.C. § 5773(b).

<sup>28</sup>As we previously mentioned, private athletic clubs are local sport-specific organizations serving athletes who compete, or may be interested in competing, at the highest performance level. In this report, when we refer to private athletic clubs, we mean those clubs that are implementing an athlete safety program based on the program established by the USOC.

<sup>29</sup>See Saul J, Audage NC. *Preventing Child Sexual Abuse within Youth-Serving Organizations: Getting Started on Policies and Procedures*, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control (2007). The recommendations contained in this resource are based upon comments from an expert panel sponsored by CDC in August 2004. See also National Center for Missing and Exploited Children. *Safe to Compete: An Intro to Sound Practices for Keeping Children Safer in Youth-Serving Organizations* (2013). The development of NCMEC's suggested practices was supported with a grant from Justice's Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

**Table 2: Examples of Suggested Practices for Preventing and Responding to Sexual Abuse in Youth-Serving Organizations**

Categories of suggested practices	Examples of suggested practices
Conduct an organizational self-assessment	<ul style="list-style-type: none"> <li>• Consider organizational beliefs/attitudes hindering child sexual abuse prevention; identify major challenges from past experiences with allegations of sexual abuse.</li> <li>• Identify factors unique to the organization (size, location, age, and gender of participants) to help identify and/or tailor effective policies.</li> <li>• Use statistics to justify prevention efforts, highlight cases to show the need for prevention, and work with other organizations to identify resources and best practices.</li> </ul>
Screen staff and volunteers for risk factors	<ul style="list-style-type: none"> <li>• Identify who should be screened; educate applicants about youth-protection policies to deter potential perpetrators.</li> <li>• Use criminal background checks, written applications, interviews and reference checks; consider fingerprint-based nationwide checks, state criminal history checks, checks of public sex offender websites; comparing applicants against internal lists of applicants who were previously disqualified or dismissed; ask open-ended questions to screen for child sexual abuse risk factors.</li> </ul>
Define behavioral guidelines and ensure safe environments	<ul style="list-style-type: none"> <li>• Identify appropriate, inappropriate, and harmful behaviors between athletes and athletic staff in detail and who is expected to adhere to these policies.</li> <li>• Limit one-on-one interactions, set ratios for numbers of employees/volunteers to youth, restrict out-of-program contact and social media communication, set travel guidelines, ensure visibility in spaces used for programs and privacy when using restrooms, showers, or changing clothes, control access to facilities, and revisit/update policies as needed.</li> <li>• Inform guardians about what children will be doing, where they will be going, and get input on what activities/interactions they are comfortable with for their children.</li> </ul>
Deliver training on sexual abuse and misconduct	<ul style="list-style-type: none"> <li>• Train employees/volunteers that supervise youth as well as those responsible for enforcing child sexual abuse policies, including management and other leaders.</li> <li>• Train parents and guardians as well as youth; communicate with parents and guardians about identifying and reporting abuse.</li> <li>• Include training content, such as defining sexual abuse and other forms of misconduct, identifying appropriate and inappropriate behaviors and abuse, prevalence of abuse, myths about offenders, importance of prevention, reporting and response; consider different delivery mechanisms (online, in-person, written, etc.), frequency, and methods for tracking training (such as periodic certification).</li> <li>• Integrate training into employees' performance measures, feedback, etc.; evaluate employees' understanding of training; train on an ongoing basis and update training to reflect any changes in policy.</li> </ul>
Monitor behavior	<ul style="list-style-type: none"> <li>• Acknowledge risk situations (such as travel), develop and enforce monitoring protocols, use multiple monitoring methods (i.e., regular, formal observation and random, informal observation), and document that monitoring has occurred.</li> <li>• Use ongoing observation of hired staff to monitor interactions with children.</li> </ul>



Categories of suggested practices	Examples of suggested practices
Develop reporting and response strategies	<ul style="list-style-type: none"> <li>• Identify who must report, where reports should be made (management, law enforcement), when to report, how to report (phone or email); incorporate state guidelines for mandatory reporting; make clear to staff that investigations should be handled by law enforcement first, and that it is not their role to determine if suspected misconduct is criminal; document and track reports of abuse.</li> <li>• Identify what behaviors should be responded to internally vs. what should be reported to authorities; respond to any infractions of policy, such as inappropriate or sexually provocative jokes, even if child abuse is not suspected. Make all staff, parents, and youth aware of reporting policies through training and educational materials, and reinforce awareness regularly.</li> <li>• Suspend membership or employment of alleged offenders; consider other strategies as needed (limited-access agreements, informed supervision, etc.).</li> </ul>

Source: GAO analysis of information from the Centers for Disease Control and Prevention's *Preventing Sexual Abuse within Youth-Serving Organizations* and the National Center for Missing and Exploited Children's *Safe to Compete* resource. | GAO-15-418

The NCMEC resource, in particular, includes information on how to address the unique interactions that occur between coaches and youth athletes. For example, NCMEC's resource provides references to sexual abuse prevention and response programs, online training available through selected athletic organizations, and an article on developing appropriate relationships between coaches and athletes. NCMEC's resource also offers youth-serving organizations some considerations regarding background checks to screen applicants. NCMEC suggests organizations use name-based and fingerprint-based criminal history checks in addition to other screening tools, such as interviews and reference checks. According to NCMEC, name-based checks typically offer greater accessibility and more timely results. However, based on a federal pilot program<sup>30</sup> through which NCMEC assisted certain youth-serving organizations in conducting nationwide fingerprint-based criminal history checks, NCMEC officials concluded fingerprint-based checks were the most reliable way to identify those with disqualifying criminal histories in other states, under a different name, or under a different date of birth.

<sup>30</sup>One of the provisions of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act) required Justice to establish the Child Safety pilot program. Pub. L. No. 108-21, 117 Stat. 650. Through this program, the FBI charged participating youth-serving organizations a flat fee to run nationwide fingerprint-based background checks and provided the results to NCMEC. NCMEC evaluated the criminal history records provided by the FBI, made a determination as to whether those records rendered a potential volunteer or employee unfit to provide care to children per certain established criteria, and provided fitness determinations to the participating organizations. The Child Safety pilot program operated between 2003 and 2011, after which the statutory authorization expired.

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Further, they concluded that fingerprint checks provide the greatest potential in confirming an individual's identity.

HHS and Justice also provide funding for sexual violence awareness and prevention programs. Although these efforts do not focus on athletic programs, funding has been used in some instances to address sexual abuse in athletics. For example, an official from the Pennsylvania Coalition against Rape told us that the organization, in part using funding from the CDC's Rape Prevention and Education Program,<sup>31</sup> has partnered with Pennsylvania State University (Penn State) to help the university strengthen its sexual abuse prevention and response activities in response to high-profile incidents of sexual abuse involving youth athletes on campus.<sup>32</sup> Justice's Office on Violence Against Women also provides funding to colleges and universities to help prevent sexual violence through its campus grant program, and officials from this office indicated that some college grantees have included athletic departments in their efforts to increase awareness of sexual violence.<sup>33</sup>

In addition to the suggested practices and prevention resources offered by HHS and Justice, the FBI has a role in investigating crimes against children that fall under federal jurisdiction, which may involve youth athletes who participate in private athletic clubs or college and university sports camps. For example, if a youth athlete is transported across state lines and sexually abused by a coach or other athletic personnel, the FBI may investigate the incident for possible violations of federal law.<sup>34</sup> As

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<sup>31</sup>See 42 U.S.C. § 280b-1b.

<sup>32</sup>In the case at Penn State University, former University assistant football coach Gerald A. Sandusky was charged and convicted of multiple counts of child sexual abuse, some of which took place on Penn State's campus.

<sup>33</sup>See 42 U.S.C. § 14045b. The full name of the campus grant program is Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program.

<sup>34</sup>Additionally, according to officials, the FBI may investigate the incident for possible violations of federal law even if the youth athlete is not physically transported across state lines. The sexual exploitation of a youth athlete constitutes a federal crime when there is a federal nexus as defined by United States statute. See, for example, 18 U.S.C. § 2423, which defines crimes including the transportation of a minor with intent to engage in criminal sexual activity and travel by a person with intent to engage in illicit sexual conduct. See also 18 U.S.C. § 2252, which defines crimes related to visual materials involving the sexual exploitation of minors.

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researchers and experts on athlete abuse have noted, travel can be an area of significant risk for sexual abuse and misconduct, particularly if coaches travel alone with or share hotel rooms with athletes. FBI officials told us they are alerted to these crimes through various means, including direct reports from victims and families, witnesses, state and local law enforcement agencies, university and youth group officials, mandatory reporters, such as medical professionals and legal practitioners, and other federal law enforcement partner agencies. The FBI relies on a network of 71 Child Exploitation Task Forces that partner with 400 state and local law enforcement entities to help bridge federal, state, and local resources to address the challenges of child exploitation investigations, which may include those involving youth athletes. Still, according to the FBI, child sexual abuse offenses, such as those involving youth athletes, are inherently challenging, as children or their parents may be reluctant to report them, especially when their abuser is in a position of trust, as is often the case with sports coaches.

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Education and Justice  
Oversee Postsecondary  
School Compliance with  
Federal Requirements to  
Address Sexual Abuse,  
Which May Include Youth  
at Sports Camps on  
Campus

Education oversees school compliance with Title IX<sup>35</sup> and Clery Act requirements, which may apply to incidents of sexual abuse of youth athletes on college and university campuses. In general, Title IX and Education's regulations implementing Title IX require schools to take steps to respond to sexual violence, including abuse, while the Clery Act requires schools to annually report statistics on sex offenses that occur on or near their campus to Education and in a security report for students and employees.<sup>36</sup> However, these requirements would generally not apply in cases of sexual abuse of youth participating in sports at private athletic clubs unrelated to a postsecondary school. According to Education officials, determining a school's obligations under either law would depend on the circumstances of each incident, which may be affected by

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<sup>35</sup>Each federal agency that provides funding to education programs or activities is responsible for ensuring compliance with Title IX, see 20 U.S.C. § 1682. Education shares responsibility for enforcing Title IX in schools with Justice. Under Executive Order 12250, Justice is responsible for the coordination of federal agency implementation and enforcement of various civil rights laws, including Title IX. See 45 Fed. Reg. 72,995 (Nov. 2, 1980).

<sup>36</sup>For more information on Title IX and Clery Act requirements, see generally 20 U.S.C. §§ 1681-1688, 34 C.F.R. pt. 106, and 20 U.S.C. § 1092(f), 34 C.F.R. §§ 668.41, 668.46.

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the structure of sports camp operations, as well as where the abuse is alleged to have occurred.<sup>37</sup>

- **Title IX:** Education officials said that Title IX would generally apply to cases of sexual abuse committed by school employees, and a school would be obligated to take steps to prevent and respond to such abuse, if the school knew or reasonably should have known about the abuse. By contrast, if alleged sexual abuse occurs in a program held on campus, but operated by an entity independent of the school, Education first determines whether Title IX applies and, if so, whether the school met its obligations under the law. One factor Education considers when making these determinations is whether the camp receives significant assistance from the school, such as use of a school's facilities.<sup>38</sup> As with cases of abuse committed by school employees, in cases of abuse committed by third parties, such as coaches at sports camps who are not employed by the university, Education also considers whether the school knew of or should reasonably have known of the alleged abuse to determine whether the school is obligated under Title IX to address the abuse.<sup>39</sup>
- **Clery Act:** With respect to reporting campus crimes under the Clery Act, Education officials stated that a school's reporting obligations would be triggered if sexual abuse occurs on or near a campus and is

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<sup>37</sup>Whether Title IX or the Clery Act applies will depend on the circumstances of each individual case. It was beyond the scope of our report to describe all possible circumstances where these laws may apply.

<sup>38</sup> Under Education's Title IX regulations, schools are prohibited from aiding or perpetuating discrimination "against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees." 34 C.F.R. § 106.31(b)(6).

<sup>39</sup>According to Education's Title IX guidance issued in 2001, schools are responsible for addressing sexual harassment committed by a third party (which might include a coach of a sports camps not employed by the university) if the school has notice of the harassment. The guidance explains that Education deems a school to have notice of sexual harassment by a third party if a responsible employee of the school knew, or in the exercise of reasonable care should have known, about the harassment. See OCR's *Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties* (January, 2001). As explained in Education's 2011 guidance, sexual harassment includes sexual violence. See OCR's "Dear Colleague" letter (April, 2011).

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Federal Oversight and  
Enforcement Activities

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reported to a campus official responsible for Clery Act reporting.<sup>40</sup> They explained that this would be true regardless of whether the school is involved with the daily operations of a sports camp.

Education conducts reviews of and investigations into schools' compliance with Title IX and Clery Act requirements to ensure schools are meeting their obligations under these laws.<sup>41</sup> Justice may also review and investigate allegations of Title IX violations.<sup>42</sup> Because Title IX protections cover a broad population and Clery Act requirements apply to a range of incidents, Education officials stated that they do not target their activities toward youth athletes specifically.<sup>43</sup> Officials from Education and Justice told us they initiate Title IX investigations, and Education officials told us they initiate Clery Act investigations, both in response to complaints received alleging suspected violations and on their own initiative. Although Education officials told us of investigations into possible Title IX and Clery Act violations at Penn State, as of February 2015, both investigations were ongoing and determinations had not yet been reached, according to officials. Education and Justice officials said they were not aware of any other cases or complaints in recent years specifically alleging sexual abuse of youth athletes participating in sports camps on school campuses. However, given the purposes for which their data collection systems were established, neither Education nor Justice's systems allow officials to conduct automated searches for cases involving the sexual abuse of youth athletes by coaches or other athletic personnel.

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<sup>40</sup>Among other things, the Clery Act requires postsecondary schools to include in their annual security report and report to Education specified crimes, including sex offenses, that meet certain other criteria. Specifically, the crime is reportable if (1) it occurs on campus, in or on noncampus buildings or property, or on public property, as those terms are defined by the law; and (2) it is reported to a campus security authority or local police agency. See 20 U.S.C. § 1092(f)(1)(F), (f)(5), (f)(6)(A)(ii)-(iv) and 34 C.F.R. § 668.46.

<sup>41</sup>Education's Office for Civil Rights (OCR) is primarily responsible for enforcing Title IX with respect to schools. With respect to the Clery Act, Education's Office of Postsecondary Education (OPE) is responsible for issuing policy and guidance, and its Office of Federal Student Aid (FSA) is responsible for enforcement.

<sup>42</sup>According to Justice officials, reviews and investigations can include, but are not limited to, schools receiving financial assistance from Justice. Justice officials said they coordinate with Education in areas where there may be overlapping jurisdiction.

<sup>43</sup>Similarly, according to Justice officials, the Civil Rights Division does not specifically target its Title IX activities toward youth athletes.

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- **Title IX:** Education and Justice officials said their complaint intake systems do not track information about the relationship between the victim and the perpetrator or the age of the victim, given the broad focus of their enforcement activities.<sup>44</sup>
  - **Clery Act:** Education officials explained that crime statistics required by the Clery Act contain high-level information about incidents, which do not include information about the relationship between victims and perpetrators in sex offense cases.

Federal agencies may take certain actions if a school is found to be out of compliance with either Title IX or the Clery Act. If Education's OCR finds that a school has violated Title IX, it first seeks to establish voluntary compliance through a resolution agreement, which describes changes the school agrees to make to ensure its procedures for preventing and responding to sexual abuse comply with Title IX. If Education is unable to achieve voluntary compliance in a Title IX case, it may initiate proceedings to terminate the school's federal funding,<sup>45</sup> or refer the case to Justice for possible litigation.<sup>46</sup> Additionally, Education's FSA can impose fines on colleges for Clery Act violations.<sup>47</sup>

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<sup>44</sup>Education officials stated that they do not track this level of detail because their role focuses broadly on assessing schools' efforts to prevent and respond to all prohibited forms of sex discrimination under Title IX, including sexual abuse. Similarly, Justice officials stated that since its enforcement authority covers various federal statutes on discrimination and civil rights, its tracking system is not designed to capture detailed information about each type of allegation.

<sup>45</sup>Agencies may terminate funding to recipients found to be in violation of Title IX; however, they must first attempt to obtain voluntary compliance. 20 U.S.C § 1682.

<sup>46</sup>Education or other agencies may refer cases to Justice for litigation. In addition, Justice may also intervene in private lawsuits under Title IX, or file a statement of interest or amicus brief to provide the court with the United States' position on the appropriate interpretation of Title IX.

<sup>47</sup>If Education determines that a school has substantially misrepresented the number, location, or nature of the crimes required to be reported or otherwise violates the Clery Act, it may impose a civil penalty or take other enforcement action. 20 U.S.C. §§ 1092(f)(13), 1094(c)(3)(B).

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Education's Efforts to Assist Schools in Their Obligations to Prevent and Respond to Sexual Abuse

Education has published several guidance documents to assist schools in complying with Title IX and the Clery Act, which include information that may apply to the sexual abuse of youth participating in university sports camps.<sup>48</sup>

**Guidance on Protected Individuals and Covered Settings**

**Title IX:** OCR guidance emphasizes that Title IX protects students from sexual harassment and sexual abuse carried out by a school employee. OCR guidance further specifies that any sexual activity between an adult employee and a student below the legal age of consent in his or her state is viewed as unwelcome and nonconsensual, and therefore sexual harassment under Title IX.<sup>49</sup> Although the guidance focuses on school employees and students, according to a senior OCR official, the same principles would apply in cases of sexual activity between adult coaches and youth athletes participating in sports camps held on campus.

**Clery Act:** OPE guidance specifies that all crimes covered by the Clery Act should be counted in schools' crime statistics for their annual security reports and reports to Education, even if they involve individuals not associated with the school. According to officials from OPE and FSA, the sexual abuse of youth athletes participating in sports camps held on campus are covered by the Clery Act.<sup>50</sup>

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<sup>48</sup>For more information on Education's Title IX guidance discussed here, see OCR's *Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties* (January, 2001); "Dear Colleague" letter (April, 2011); and *Questions and Answers about Title IX and Sexual Violence* (April, 2014). For more on Education's Clery Act guidance, see OPE's *The Handbook for Campus and Safety Security Reporting*, (February, 2011).

<sup>49</sup>According to this guidance, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual, even in cases in which students meet the legal age of consent in their state.

<sup>50</sup>As previously mentioned, schools are required to include in their reports specified crimes, including sex offenses, that occur on campus, in or on noncampus buildings or property, or on public property, as those terms are defined by the Clery Act. See 20 U.S.C. § 1092(f)(1)(F), (f)(5), 34 C.F.R. § 668.46(a), (c). OPE's guidance explains that this includes crimes occurring on campus, on public property within or immediately adjacent to campus, and in or on noncampus buildings or property the school owns or controls.

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## Guidance on Training and Education

**Title IX:** OCR's Title IX guidance states that schools should provide training about how to identify and prevent sexual abuse to all employees likely to witness or receive reports of sexual abuse, including athletic coaches. OCR also explained in guidance that schools are responsible for developing policies that prohibit inappropriate conduct by school personnel and procedures for identifying and responding to such conduct.<sup>51</sup> Such policies, OCR guidance states, could include a code of conduct that addresses grooming—behavior intended to establish trust with a minor to facilitate future sexual activity. In our prior work on sexual abuse by K-12 school personnel, experts cited behavioral codes of conduct and awareness and prevention training on sexual abuse as key tools for preventing abuse.<sup>52</sup> Furthermore, experts said identifying and addressing violations of conduct, including those that fall short of abuse, as they occur could help prevent future abuse.

**Clery Act:** In October 2014, Education issued final regulations implementing recent amendments to the Clery Act<sup>53</sup> which, among other things, define requirements for schools to offer sexual violence prevention and awareness programs to employees, including athletic personnel.<sup>54</sup> OPE and FSA officials stated that they instructed schools to provide training and education on sexual violence, which may include populations involved in youth sports programs on campus. Officials from OPE and FSA also confirmed that schools should offer training to temporary hires for youth sports camps. According to OPE officials, while schools are strongly encouraged to mandate training, such a requirement was not

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<sup>51</sup>See also 34 C.F.R. §§ 106.8(b), 106.9.

<sup>52</sup>GAO, *Child Welfare: Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel*, [GAO-14-42](#) (Washington, D.C.: January 27, 2014).

<sup>53</sup>Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 304(a), 127 Stat. 54, 89 (amending 20 U.S.C. § 1092(f)). These amendments require, among other things, schools to develop education programs to promote the awareness of rape, domestic violence, dating violence, sexual assault, and stalking, including prevention and awareness programs for students and employees. See 20 U.S.C. § 1092(f)(8).

<sup>54</sup>See Violence Against Women Act, 79 Fed. Reg. 62,752 (Oct. 20, 2014) (revising 34 C.F.R. § 668.46). Education's regulations are effective July 1, 2015. Until that time, OPE and FSA officials said schools are expected to make a good-faith effort to comply with the requirements.



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included in the final Clery Act regulations because it was not required by the statute. Officials said that concerns were raised during the negotiated rulemaking process that mandating training would be burdensome for schools with large numbers of students and employees.<sup>55</sup>

### **Guidance on Reporting and Response**

**Title IX:** In its Title IX guidance, OCR recommends that schools working with minors incorporate relevant state and local mandatory requirements for reporting child abuse and neglect into their policies, as schools may have reporting obligations to local child protective services and law enforcement agencies. OCR guidance also states that individuals designated as responsible employees are obligated to report alleged incidents of sexual abuse to school officials.<sup>56</sup> To assist schools in appropriately responding to reported cases of sexual abuse, which may include youth athletes, OCR guidance states that schools should consider potential conflicts of interest when investigating reports of alleged sexual abuse. OCR officials confirmed that employees from a college's athletic department should not be responsible for conducting investigations of suspected sexual abuse of youth athletes.

**Clery Act:** OPE guidance outlines schools' Clery Act obligations, which include reporting the number of certain crimes, including sex offenses,

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<sup>55</sup>When issuing rules related to programs authorized under Title IV, Education is generally required by the Higher Education Act of 1965, as amended to use negotiated rulemaking, a process that directly involves stakeholders in drafting proposed regulations. The Secretary of Education may opt not to use negotiated rulemaking for a Title IV regulation if he or she determines that doing so would be impracticable, unnecessary, or contrary to the public interest. 20 U.S.C. § 1098a. For other rules, Education and other agencies generally may choose to use negotiated rulemaking using similar procedures described in the Negotiated Rulemaking Act of 1990, as amended. 5 U.S.C. §§ 561-570a.

<sup>56</sup>Recipients of federal financial assistance, including colleges and universities, are required to designate at least one employee to coordinate their efforts to comply with Title IX. See, for example, 34 C.F.R. § 106.8(a). Education recently issued a Dear Colleague Letter and a Title IX Resource Guide on the role of the Title IX Coordinator. See U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter: Title IX Coordinators* (Apr. 2015) and U.S. Department of Education, Office for Civil Rights, *Title IX Resource Guide* (Apr. 2015). A responsible employee includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty, according to OCR's 2014 *Questions and Answers on Title IX and Sexual Violence*.

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occurring on or near their campuses in an annual security report, submitting those statistics to Education, and maintaining a daily crime log to record information about all reported campus crimes.<sup>57</sup> FSA officials also reported providing training that instructed schools to inform those employees with significant responsibility for campus activities, such as athletic directors and coaches, of their duty to report any crimes on campus under the Clery Act. FSA officials said they have also responded to inquiries from schools about how to set up procedures to ensure reports are made in light of a recent high profile case at Penn State where questions were raised about reporting suspected sexual abuse of youth athletes. In response to these inquiries, FSA officials told us they explained to colleges that designating a Clery compliance officer—an individual responsible for coordinating a college’s Clery Act activities—can help colleges ensure they have an individual on campus who is aware of and can enforce Clery Act requirements across different campus departments.<sup>58</sup>

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<sup>57</sup>Clery Act guidance states that crime logs should include the date the offense was reported, the date and time the offense occurred, a description of the incident, the location of the incident, and the status of the complaint.

<sup>58</sup>FSA officials also stated that they have provided information about the importance of Clery compliance officers during training events, including FSA’s national conferences, webinars, and events held in cooperation with the Clery Center for Security on Campus. The Clery Center for Security on Campus is a nonprofit organization that provides Clery Act compliance training for college and university officials across the U.S., advocates for victims, and supports policy initiatives that align with the Center’s mission of creating safer educational environments at all postsecondary institutions.

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## Selected Athletic Programs Use Screening and Training of Staff, Among Other Actions, to Prevent and Address the Sexual Abuse of Youth Athletes

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### All Selected Athletic Programs Reported Using Name-Based Criminal Background Checks to Screen Staff, but Vary in Use of Other Screening Tools

#### Criminal Background Checks

Each of the 11 athletic programs we visited reported conducting some type of screening to determine if applicants are suitable to work with children.<sup>59</sup> For the eight private athletic clubs we visited, determining minimum standards for who receives background checks and what type of check is used is the responsibility of the NGBs of their sport or their regional affiliates. At sports camps operated by the three universities we

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<sup>59</sup>As previously mentioned, athletic programs must comply with any applicable state laws, and programs may be subject to certain federal requirements, depending on the circumstances. It was beyond the scope of this report to review all applicable state law requirements that may relate to sexual abuse of youth athletes. In addition, we did not evaluate whether selected athletic programs were in compliance with any state or federal requirements.

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visited, the school determines who gets checked and in what ways.<sup>60</sup> Annual or bi-annual screenings of staff were the most frequently used method among the selected athletic programs we visited. The most commonly used screening method of all the athletic programs we visited was the name-based criminal background check, which involves comparing the names, dates of birth, and Social Security numbers of individuals to information collected by private vendors from state and local court and criminal records. These background checks involve scanning national or federal criminal databases and sex offender registries. While relying on name-based checks, sports camps at two universities we visited also used fingerprint checks in certain instances, such as when employees work at camps for multiple years, and for volunteers.

Officials acknowledged the benefits and challenges of using name-based and fingerprint-based checks. Although NCMEC officials cited some advantages to using name-based criminal history checks from private screening vendors, such as availability and timeliness, athletic program officials we spoke with raised concerns about the completeness and accuracy of those checks, and some told us of their preference for fingerprint-based checks. For example, NGB officials told us that due to the number of background check vendors in the marketplace and the various databases they use, it can be difficult for consumers to know the quality of the vendors and of the information in their databases. Information compiled by vendors is typically drawn from a variety of state and county law enforcement databases which may not be frequently updated to ensure criminal histories are complete and accurate, according to an official from one child sexual abuse prevention organization. Officials from two of the three NGBs we talked with told us they would prefer to use fingerprint-based background checks, with one citing NCMEC's conclusions from the pilot program that fingerprint-based checks provide greater accuracy in identifying an individual than name-based checks.

Officials at both private athletic clubs and university sports camps told us, however, that the cost of fingerprint-based background checks was a

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<sup>60</sup>The sports camps at the three universities we selected for this review were operated by the universities themselves. However, camps held on other university campuses may have different operational structures; for example, other camps may be operated by a private entity that contracts with the school to use its facilities. Our findings from the site visits may not apply to other types of university sports camps.

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## Interviews and Reference Checks

concern. GAO previously conducted work on FBI criminal history checks for non-criminal justice purposes and found that state law enforcement authorities often charge fees for fingerprint-based checks.<sup>61</sup> One official from an organization that uses sports programs to engage at-risk youth explained that these fees can range from \$25 to \$100 per check and can be cost prohibitive for organizations that rely on large numbers of athletic personnel.

In addition to background checks, four youth athletic programs whose officials we met with reported having screening policies that called for applicant interviews, and reference checks of applicants were generally not required among the 11 athletic programs, according to program officials. According to officials at both private athletic clubs and university sports camps, because sports communities are often small and well acquainted, applicants are typically referred by coaches and other athletic personnel, and formal screening practices such as targeted interview questions and reference checks are not commonly used.<sup>62</sup> Officials at one of the private athletic clubs that reported conducting applicant interviews told us there is no need for specific interview questions to weed out perpetrators of sexual abuse because they could detect such offenders based on appearance or demeanor. However, as noted by one national child advocacy center, many perpetrators of child sexual abuse are well educated and respected members of the community and look like anyone else. Further, research has pointed out that the belief that offenders fit certain stereotypes can hinder child sexual abuse prevention.<sup>63</sup> One NGB official explained that in local programs, there is a feeling that “everybody knows everybody,” and that it is unnecessary to ask for references. Though the NGB requires private athletic clubs to check references, this

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<sup>61</sup>GAO, *Criminal History Records: Additional Actions Could Enhance the Completeness of Records Used for Employment-Related Background Checks*, [GAO-15-162](#) (Washington, D.C.: February 12, 2015).

<sup>62</sup>As we found in our previous work, while background checks can help identify some previous offenders, federal law enforcement databases only capture information on those who have been caught and charged with crimes—a fraction of all sexual offenders who perpetrate abuses against children, according to one assistant district attorney. In addition, as reported by representatives from a risk management company, few offenders are caught the first time they abuse, and sex offenders often have many victims before they are caught. [GAO-14-42](#).

<sup>63</sup>Salter, A. C. (2003). *Predators: Pedophiles, Rapists, and Other Sex Offenders: Who They Are, How They Operate, and How We Can Protect Ourselves and Our children*. New York: Basic Books.

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official expressed doubt that clubs are following through. The official told us the NGB is developing an enhanced tool for clubs that will offer sample questions for interviews and reference checks to address findings from a study which evaluated their SafeSport program against the CDC resource and identified weaknesses in screening policies, including the lack of personal interviews and reference checks in which youth protection is discussed.

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### Selected Athletic Programs Establish Policies Governing Behavioral Standards and Require Staff Training to Prevent and Address the Sexual Abuse of Youth Athletes

#### Policies Governing Behavior between Coaches and Athletes

The policies of selected athletic programs whose officials we met with set basic standards of behavior between coaches and youth athletes. Private athletic clubs we visited generally had athlete safety policies that were based on guidance provided by their respective NGBs. Officials from each of the eight private clubs explained that in response to the recent creation of SafeSport policies by the USOC and their NGB, clubs either defer to their NGB's policies or look to their NGB or regional affiliates for implementation guidance. For example, NGB SafeSport guidelines detail a variety of behavioral boundaries, prohibitions, and expectations for coach-athlete relationships, covering topics such as physical contact and social media use, among others. The SafeSport policies of all three NGBs whose officials we met with also provide guidelines local clubs may want to consider to ensure their SafeSport policies reflect and account for the particular setting of the club and facility. For example:

- One NGB's social media guidance prohibits coaches from connecting to any athletes through a personal social media page or application, and suggests that any contact via social media should only take place through an official team page that parents are able to join.
- An official at one local hockey club we met with told us their policy is to lock all locker room doors when youth players are on the ice. In addition, this official explained that youth and adult hockey players sometimes use the locker rooms simultaneously at the club's facility,

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and when this occurs, the club has two individuals serve as monitors in the locker room, one more than their NGB recommends.

Policies of the three selected universities that operate sports camps also addressed issues of child protection, with some reflecting changes made to enhance youth safety in light of sexual abuse incidents at Penn State University. They covered practices to prevent sexual misconduct and monitoring and supervision of campers, among other topics. For example:

- One university swim camp developed a code of conduct for its staff that states any inappropriate interaction or relationship with a camper will result in immediate termination and, depending on the circumstance, notification of law enforcement authorities.
- Officials at all three universities we visited stressed the importance of preventing one-on-one interactions between staff and campers through a practice known as two-deep leadership, as a way to limit opportunities for misconduct. For example, in one camp's counselor handbook, private one-on-one interactions were listed as a violation.
- One university recently changed its policies on access to campus facilities following a report evaluating another university's response to a high profile case of sexual abuse of youth athletes on its campus.<sup>64</sup> Using the report's recommendations as a benchmark against its own policies, the university we visited changed access to its facilities so that electronic keycards previously used to enter a building would be deactivated once an individual no longer needed access.
- Over the last 2 years, another university created an office focused on youth on campus. This office developed a central registration system to maintain information about all university camps. In addition, they created a system of spot checks in which staff from this office conduct in-person visits to camps to ensure staff-to-camper ratios are followed and those present at the camp are on the central registration list, among other safety measures.

## Training

All 11 of the youth athletic programs included in our study had policies requiring training of staff on youth athlete safety. The eight private athletic clubs required training of staff and volunteers with regular, routine, or frequent access to youth athletes, while the three universities we visited required all sports camp staff and volunteers to complete training.

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<sup>64</sup>Freeh Sporkin & Sullivan, LLP, *Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky*, July 12, 2012.

Training participation in both private clubs and university sports camps was generally monitored using a roster, according to program officials. Child sexual abuse prevention was a topic included in the required training for the selected athletic programs, and training generally covered topics such as how to identify the warning signs of, respond to, and report suspected abuse, including sexual abuse involving an athlete and athletic personnel. (See table 3.) All of the athletic programs we reviewed offered online training, and one program also offered training led by an instructor. Training is generally required at least every other year, and participants must complete one or more quizzes before receiving credit for completing the course.

**Table 3: Common Features of Selected Athletic Programs' Sexual Abuse Awareness and Prevention Training, by Category and Topic**

<b>Training categories</b>	<b>Common features across selected athletic programs</b>
Overview of child sexual abuse	General statistics on sexual abuse State child protection laws
Types of misconduct	Definitions of child sexual abuse, child molestation, and other forms of sexual misconduct
Preventing child sexual abuse	Ratio of athletic staff to youth List of interactions deemed inappropriate between athletic personnel and youth Security and safety in dorms and elsewhere on campus <sup>a</sup>
Identifying potential problems	General signs and symptoms of abuse exhibited by a child Common myths about perpetrators of child sexual abuse Typical patterns and methods of sex offenders
Reporting	When and how to contact law enforcement and other local authorities, such as child welfare agencies To whom reports should be made within the sports organization Federal requirements for postsecondary schools to report campus crimes <sup>a</sup>
Response	Who responds to/investigates complaints Removal of alleged perpetrator from contact with youth Explanation of possible disciplinary actions in the event of violations or non-compliance

Source: GAO analysis of online training content of selected athletic programs. | GAO-15-418

<sup>a</sup>These two topics were covered in the trainings offered by the selected universities which operated youth sports camps.



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Some athletic programs we visited offer child sexual abuse prevention training and education resources to parents and athletes, though none require training of these groups.<sup>65</sup> Further, officials from both types of athletic programs cited some challenges in implementing mandatory parent and athlete training. For example, officials from the eight private athletic clubs said they cannot require parents to take the training unless they are members of the NGB of their sport.

- One NGB official noted that some Canadian provinces require parents to take child abuse prevention training before their child can participate in athletic programs, but he believed that policy would be unlikely to be accepted in American sports. An official from the organization that spearheaded the effort to require training explained that it took the Canadian sports community years to embrace child sexual abuse prevention training. He told us that while organizations had background checks and other policies in place, education on the need for such policies and a greater understanding of the issue of abuse was also necessary. He explained that, in his view, perpetrators of sexual abuse are able to operate, in part, because of ignorance and indifference in the community. Eventually, through a survey, the organization found that the Canadian sports community supported the training and considered it a good recruitment and retention tool.
- Another NGB official told us that in its commissioned report to assess its SafeSport program against abuse prevention and response standards, parent training was cited as a weak area that needed improvement.<sup>66</sup> Specifically, the author of the report recommended the NGB require parents to take SafeSport training, noting that few parents discuss sexual abuse prevention with their children and those who do often give inaccurate information. In response, the task force charged with addressing the report's recommendations suggested the NGB strongly recommend parents take the training and encourage participation through an incentive program that would tie parent training on SafeSport with clubs' SafeSport recognition status and funding. Regarding athlete training, this NGB's task force

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<sup>65</sup>As we found in our previous work, experts recommend that in addition to personnel, training should be given to parents—who may be among the first to notice warning signs—as well as children, in an age-appropriate manner. [GAO-14-42](#).

<sup>66</sup>Gundersen National Child Protection Training Center, *When the Athlete is a Child: An Assessment of USA Swimming's SafeSport Program*, January 27, 2014.

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recommended that its SafeSport committee and staff work with the training vendor to develop material appropriate for parents to use to discuss abuse prevention with children under age 12.

At one university we visited, officials cited the short duration of camp programs, which generally last between 4 days and 1 week, as a barrier to expanding training to both parents and campers. Officials told us that camps do provide parents with general safety information such as emergency contact numbers and, in the case of one university camp, an overview of hiring practices. However, as one campus official explained, information on the Clery Act, sexual abuse prevention, or requirements to report is not currently provided to camp parents, although the university's Clery statistics are available online.

#### Monitoring for Compliance with Policies

Athletic programs we visited developed some internal practices and policies to monitor compliance with athlete safety policies. Each of the three NGBs whose officials we talked with required the appointment of staff at the regional and, in some cases, local level to monitor SafeSport program implementation and oversee each private athletic club's efforts to meet SafeSport requirements. In addition, one official explained that the NGB she represents is considering a recommendation made in the report that assessed its SafeSport program to conduct a baseline study to determine the extent of child abuse and the effectiveness of various prevention and response policies.

University staff responsible for overseeing youth on campus also help monitor camp operations, according to officials from the universities we visited. For example, officials at one university we visited told us they developed a central registration system that tracked all of its camps, and included information on the program name, schedules, and the staff and athletes to assist with monitoring. This tracking system allows campus officials to identify who works with each camper, making it easier to investigate allegations of inappropriate interactions between staff and campers, according to one campus security official at the university. University officials also explained that staff overseeing youth programs on campus will periodically observe athlete interactions with camp staff to ensure that child protection policies, such as never having a camper alone with one adult, are being followed. An official from another university told us that while the coaches are in charge of day-to-day operations of the camps, the administrative oversight duties are primarily handled centrally by the university's camp coordinator and human resources. For the more heavily enrolled sports, coaches have the

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support of the university's director of operations who assists with the administration of the camp.

An official from one private athletic club also explained how the wider sports community can help alert them to potential problems with interactions between athletic personnel or other adults and youth athletes. For example, the official told us a parent notified the head coach that a registered sex offender, who had inadvertently been let into the building, was observing youth hockey practice. The club responded by developing a policy of escorting all visitors at the rink.

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## Reporting and Response Policies of Selected Athletic Programs Vary Based on the Type of Incident and Program

### Reporting

In cases where the sexual abuse of a youth athlete is observed or suspected, all 11 athletic programs we visited have policies that require contacting the appropriate law enforcement or child protection officials.<sup>67</sup> According to athletic program officials we spoke with, their programs' policies reflected their state's requirements for reporting child sexual abuse, including how to report, which child welfare or law enforcement agencies are designated to receive reports, and who is responsible for reporting. In some cases, officials at universities we visited told us they changed policies to reflect recent changes in state law that address child abuse, including sexual abuse. Additionally, athletic programs may choose to designate additional staff as mandatory reporters beyond those persons designated by state child abuse and neglect reporting laws. For example, officials from one university we visited told us the university decided to designate all staff on campus as mandatory reporters of child

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<sup>67</sup>As we found in our previous work, child protective services and law enforcement officials spoke of making reports to the proper authorities first so that others do not interfere with criminal and child welfare investigations and unintentionally cause additional trauma for the victim. Further, local authorities noted that without training in proper interview techniques, organizations that serve youth may inappropriately dismiss an allegation and fail to report it to those who are properly trained to investigate such cases. [GAO-14-42](#).

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abuse and neglect after their state identified university administrators as mandatory reporters. University officials explained that while designating all staff as mandatory reporters could lead to over-reporting of the same issues, it would be better than incidents not being reported.

In addition to contacting the appropriate law enforcement authorities, the policies for each of the programs we visited included reporting observed or suspected abuse to internal officials. The policies of local private athletic clubs we visited provided options for reporting incidents to the club or regional affiliate's SafeSport staff or NGB by phone, email, or letter, or anonymously through an online reporting system. At university sports camps, internal reporting structures varied, but could include university police, general counsel, the Clery compliance office, and in some cases, the university's Title IX coordinator.

## Response

Following reports of suspected sexual abuse to law enforcement, which may lead to criminal investigations, all of the selected athletic programs we met with reported having response policies that generally include separating the alleged perpetrator from athletes, and which may also bring immediate suspension. Policies also include conducting an internal investigation that could result in a range of sanctions, including bans from the athletic program if there are findings of wrongdoing. Under these policies, the accused is provided the right to receive a written notice of the complaint, present information during the investigation, and appeal the final decision. However, these reporting and response policies have not been put into action and tested because officials from each of the 11 athletic programs told us they were not aware of cases of alleged sexual abuse involving athletes and athletic personnel affiliated with their program.

In addition to criminal investigations handled by law enforcement, any allegations of sexual abuse or misconduct occurring at the private athletic clubs we visited would generally be handled by their respective NGB, which would also be responsible for determining any violations of policy and resulting sanctions for cases in which violations are found. In some cases, NGB officials lead investigations of abuse complaints at private athletic clubs and, in the case of two NGBs, contract with private investigators to carry out the investigation once the NGBs have completed initial work to ascertain basic information about the complaint and seek cooperation from the alleged victim. At the university sports camps we visited, after making reports to law enforcement, multiple departments and offices, including the Title IX compliance and the Clery Act compliance offices, the university police, the general counsel's office,

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and others may be involved in responding to such allegations internally. At one school we visited, an official explained that the Title IX coordinator and the human resources department would work together to either conduct an investigation of any incident involving a youth athlete participating in campus programs, or engage an outside investigator to conduct the investigation.

According to the response policies of athletic programs we visited, athletic personnel found to have committed sexual abuse against a youth athlete can face penalties including bans from the sport or campus.

- Officials at all three NGBs we spoke with told us they can recommend imposing a lifetime ban from their sport on those found to have sexually abused youth athletes.
- Two of the three NGBs we reviewed also publish a list of banned coaches and other athletic personnel. However, officials from one NGB told us that they knew of multiple coaches that were banned from their sport only to find them moving on to coach in other sports.
- At the university sports camps we visited, if there are findings of wrongdoing the universities can terminate the university employee involved. One school told us they would ban perpetrators of sexual violence from campus for three years and if the perpetrator is an employee, the human resources department can impose a variety of sanctions, from mandatory counseling to suspension or termination.

As with allegations of sexual abuse, in cases of inappropriate behavior that falls short of abuse, the policies of selected athletic programs we visited included a variety of disciplinary actions. For example, officials from one NGB explained that although sharing a hotel room with an athlete while traveling for competition was formerly a common cost-saving measure, SafeSport policies now strictly forbid it. However, they said some coaches have continued to share rooms, and in response the NGB issued formal warning letters to coaches who violated the policy. In addition, according to this official, more severe measures would be taken in the event of subsequent violations or if the shared room violation is combined with other violations. Officials from university camps told us they also have a variety of disciplinary actions to choose from when staff members are found to have acted inappropriately with campers, such as verbal or written reprimands or requiring staff to take leave.

According to one USOC official, responding to allegations of sexual misconduct requires significant expertise. To address this, the official told us the USOC is working to create a United States Center for SafeSport that will establish an administrative proceeding for handling allegations of

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sexual misconduct as defined in a standardized safe sport code. This centralized approach to investigating and resolving allegations at the center would aim to deliver expert and consistent results across sports and sports organizations, as well as provide the ability to effectively share information about individuals who have been suspended or banned for policy violations. This official explained that all NGBs have adopted definitions for sexual misconduct established by the SafeSport program. According to this official, plans for the center, once created, include developing a national code to help individuals further distinguish between appropriate and inappropriate behavior, which can enhance people's ability and willingness to report misconduct, and the ability of the center to ensure fair and equitable responses to incidents. According to this official:

- There are plans for the center to include a board of directors that would have no material conflicts or relationships with the USOC or any NGB to ensure independent review of all SafeSport cases.
- The center may compile and maintain a centralized list of those who are banned from USOC and NGB membership.
- The center is expected to be launched sometime during 2015. As of February 2015, work to secure insurance within budget and sustainable financial support for five years for the center was ongoing.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Departments of Education, HHS, and Justice for review and comment. Education, HHS, and Justice provided technical comments, which we incorporated as appropriate.

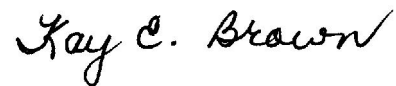
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on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in black ink that reads "Kay E. Brown". The signature is written in a cursive, flowing style.

Kay E. Brown, Director  
Education, Workforce,  
and Income Security Issues

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# Appendix I: Objectives, Scope and Methodology

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This appendix discusses in detail our methodology for addressing two research questions for athletic programs aimed at developing high performing athletes: <sup>1</sup> (1) What role do federal agencies play in preventing and responding to the sexual abuse of youth participating in these programs? and (2) What steps do selected athletic programs take to prevent and respond to the sexual abuse of youth athletes?

To address these questions, we reviewed relevant federal laws, regulations, and guidance. We conducted interviews with officials from the Departments of Education, Health and Human Services, and Justice, representatives of youth sports and education associations, and experts. We also conducted site visits to a nongeneralizable sample of youth sports camps on university campuses and private athletic programs in three states, which were selected based on the popularity of sports among youth, gender participation, college rankings in selected sports, and geographic diversity. We conducted this performance audit from February 2014 through May 2015 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Review of Federal Laws, Regulations and Guidance

To determine the federal role in preventing and responding to the sexual abuse of youth athletes in these programs, we reviewed relevant federal laws, including the Child Abuse Prevention and Treatment Act (CAPTA); Title IX of the Education Amendments of 1972 (Title IX); and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), among others. In addition, we reviewed Education's regulations and guidance on Title IX and Clery Act requirements, and the agency's policies and procedures for ensuring compliance with these requirements. However, we did not evaluate the effectiveness of Education's policies and procedures to assess compliance with Title IX or the Clery Act. We also reviewed documents on suggested practices for preventing and responding to child sexual abuse in youth-serving

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<sup>1</sup>Specifically, our review focused on the following two types of athletic programs aimed at developing high performing youth (under age 18) athletes: (1) youth sports camps held on college and university campuses and (2) private athletic clubs implementing an athlete safety program based on the program established by the U.S. Olympic Committee.



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organizations from the Centers for Disease Control and Prevention and the National Center for Missing and Exploited Children, an organization that receives grant funding from Justice.

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### Interviews with Federal Officials and Experts

To examine the federal role in addressing the sexual abuse of these youth athletes, we also interviewed officials from Education, HHS and Justice, as well as experts on coaching, athletics administration, and sexual abuse. At Education, we spoke with officials in the Office for Civil Rights, the Office of Postsecondary Education, and the Federal Student Aid office. At HHS, we spoke with officials at the Administration for Children and Families and the Centers for Disease Control and Prevention. At Justice, we interviewed officials from the Office on Violence Against Women, the Office of Justice Programs, the Civil Rights Division, and the Federal Bureau of Investigation. Additionally, we interviewed officials from a range of relevant organizations, including the National Collegiate Athletic Association (NCAA), the Association of Title IX Administrators, the National Center for Missing and Exploited Children, the National Sexual Violence Resource Center, and the Pennsylvania Coalition Against Rape.

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### Site Visits

To gather more in-depth information on the policies and practices selected private athletic clubs and university sports camps use to protect youth athletes from sexual abuse, we conducted site visits to a total of 11 athletic programs located in three states: California, Florida, and Texas. University sports camps were selected based on a sequence of steps, which included identifying the most popular sports among youth, identifying universities that offered youth camps and clinics and that had NCAA division I rankings in these sports, and geographic diversity.<sup>2</sup> First, we identified the 10 most popular athletic programs for high school students during the 2012-2013 school year.<sup>3</sup> We then identified universities that offered youth sports camps in five sports: basketball, football, gymnastics, swimming and diving, and volleyball. Our final

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<sup>2</sup>Division of NCAA competition and rankings were used because athletes are likely to pursue sports camps and clinics at top-ranked, Division I schools. Division I schools generally have the largest athletic department budgets, best facilities, and the most available scholarships in college athletics.

<sup>3</sup>The National Federation of State High School Associations, *2012-13 High School Athletics Participation Survey*, accessed April 30, 2014.

selection took into account sport popularity, Division I rankings in these sports during the 2013-2014 school year, gender participation, camp and clinic operations, camp type (overnight, day, and commuter camps), and geographic diversity. We selected a total of three universities with youth sports camps and clinics in the above five sports. The university sports camps we selected were all run directly by the university. However, some sports camps on campuses may have a different operational structure; for example, they may be run by a private entity that is simply renting space on the campus.

In addition to university sports camps, we visited a total of eight local private athletic clubs implementing an athlete safety program based on the SafeSport program established by the U.S. Olympic Committee (USOC). To select the private athletic programs, we considered gender diversity, recommendations by experts and those who conduct research on the intersection of sports and athlete sexual abuse, and sport diversity.<sup>4</sup> We selected eight local private athletic clubs in the sports of figure skating, hockey, and swimming, and located in proximity to the universities we visited. In addition, we met with four of their regional affiliates.

We also interviewed officials from the USOC, and the three NGBs of the Olympic sports we selected. At the local private athletic clubs we visited, we spoke with board members, athlete safety coordinators, and coaches; at the university campuses we visited we spoke with university compliance officials, university administrators, legal counsel, and camp directors. During each of these interviews, we collected information on policies, training materials, and other relevant documentation for preventing and responding to the sexual abuse of, and misconduct against, youth athletes by athletic personnel. We did not assess the sufficiency of these policies or how selected athletic programs implemented these policies. We also did not evaluate how selected athletic programs' policies were applied to past cases of child sexual abuse as it was beyond the scope of this report. In addition, we did not evaluate whether any particular athletic program was in compliance with any state or federal requirements.

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<sup>4</sup>Although youth athlete victims of sexual abuse are typically female, male victims have also come forward. We therefore included gender diversity as one criteria for the selection of programs.

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Information we gathered on our site visits represents the conditions present at the time of our visit. We cannot comment on any changes that may have occurred after our fieldwork was completed. Our site visit findings cannot be generalized to the larger youth athletics population.

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

Kay Brown, (202) 512-7215 or [brownke@gao.gov](mailto:brownke@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Sara Kelly and Debra Prescott (Assistant Directors), Claudine Pauselli (Analyst-in-Charge), Christina Cantor, and Aimee Elivert made key contributions to this report. Also contributing to this report were James Bennett, Rachel Beers, Sarah Cornetto, Helen Desaulniers, Holly Dye, Nisha Hazra, Kristen Jones, Kathy Leslie, Kristy Love, Sheila McCoy, and Andrew Stavisky.

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# Related GAO Products

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*Child Welfare: Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel.* [GAO-14-42](#). Washington, D.C.: January 30, 2014.

*Child Care: Overview of Relevant Employment Laws and Cases of Sex Offenders at Child Care Facilities.* [GAO-11-757](#). Washington, D.C.: August 19, 2011.

*Child Maltreatment: Strengthening National Data on Child Fatalities Could Aid in Prevention.* [GAO-11-599](#). Washington, D.C.: July 7, 2011.

*K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct.* [GAO-11-200](#). Washington, D.C.: December 8, 2010.

*Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers.* [GAO-09-719T](#). Washington, D.C.: May 19, 2009.

*Residential Facilities: Improved Data and Enhanced Oversight Would Help Safeguard the Well-Being of Youth with Behavioral and Emotional Challenges.* [GAO-08-346](#). Washington, D.C.: May 13, 2008.

*Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth.* [GAO-08-146T](#). Washington, D.C.: October 10, 2007.

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