

Addressing Sexual Abuse and Institutional Liability in Olympic Sport

McCoy, Lauren Gabrielle

Western Kentucky University, United States of America
lauren.mccoy@wku.edu

Aim

This paper explores the viability of using national governing bodies to address claims of sexual assault in Olympic sport through a comparison of the International Olympic Committee's (IOC) consensus statement on sexual harassment and abuse to existing policies from the United States and Europe. As the regulatory organization for sport, these national governing bodies are in the best position to provide disciplinary action for members who fail to address or prevent abuse. First, each policy will be examined to determine patterns and adherence to the IOC's recommendations. Second, the effectiveness of these measures to provide liability will be analyzed and compared based on their reporting requirements to remedy abuse. Finally, alternate avenues of regulation, such as country specific laws, will be discussed to address any gaps in existing policies.

Purpose and Background

In 2013, the U.S. Government Accountability Office (GAO), an investigative branch of Congress, launched an inquiry into sex abuse in USA swimming. The resulting report focused on social accountability to better recognize, prevent, and respond to incidents of abuse instead of recommending changes to existing law. (Government Accountability Office, 2015). The purpose of this GAO report failed to prevent or remedy sexual abuse in Olympic sport. Another sex abuse scandal became public in September of 2016 after Rachael Denhollander contacted reporters at the Indianapolis Star about abuse from Dr. Lawrence Nassar, the longtime team doctor for USA Gymnastics (Evans, Alesia, & Kwiatkowski, 2016). The publicity associated with his arrest, the accompanying testimony, and resulting lawsuits sparked a Senate hearing held by the subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security as part of a bipartisan inquiry into systemic abuse issues in American gymnastics. The goal of this investigation, according to Senator Richard Blumenthal, is to "fight it [sexual abuse], correct it, and prevent it from happening again" (Schonbrun, 2018).

This current investigation is accompanied by new legislation, The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act. This legislation requires reporting suspected abuse to law enforcement with 24 hours for all adults with criminal penalties for failure to report. The law further amends the Amateur Sports Act of 1978 to "1) to authorize national governing bodies to develop training, practices, policies, and procedures to prevent the abuse of minor or amateur athletes; and (2) to require national governing bodies to develop and enforce policies, mechanisms, and procedures to prevent, report, and respond to the abuse of minor or amateur athletes" (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, 2018).

Establishing review and accountability measures to address sexual abuse in Olympic sport is an international concern. The Netherlands Olympic Committee and the Netherlands Sports Confederation (NOC*NSF) published a report in December 2017 that showed 12 percent of youth athletes experienced some form of sexual harassment, with 4 percent suffering serious sexual abuse or rape. The report includes many key recommendations for better addressing sexual abuse in sport, including mandatory reporting, better institutional support, fewer

barrier to discipline for the accused, re-evaluating existing structures, and providing quality marks for those clubs that demonstrate attention to preventing sexual harassment and abuse (Anderson, 2018; NOC * NSF, 2017).

Results

Ultimately, the accountability to correct these concerns lies with each individual organization and governing body. When recommended measures provide for legal accountability and mandatory reporting instead of focusing solely on prevention and education, it is more likely that prevention efforts will be successful. Without the potential for outside accountability, measures developed as a reaction to horrific incidents often fail to address the systemic concerns that led to the initial problems. These trainings, practices, and policies are only effective if there is as much focus on preventative measures, specific reporting requirements, and addressing what happened in the past.

References

- Anderson, J. (2018, Jan. 9). Sexual harassment in sport needs active combatting, Dutch report says. *SwimSwam Magazine*. Retrieved from: <https://swimswam.com/sexual-harassment-sport-needs-active-combating-dutch-report-says/>.
- Evans, T., Alesia, M. & Kwiatkowski, M. (2016, Sept. 12). Former USA Gymnastics doctor accused of abuse. *Indianapolis Star*. Retrieved from: <https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>
- Netherlands Olympic Committee & Netherlands Sport Confederation (2017, Dec. 21). Much more active combating sexual harassment and abuse is necessary. Retrieved from: <https://www.nocnsf.nl/cms/showpage.aspx?id=24484>.
- United States Government Accountability Office (2015). Youth athletes sports programs' guidance, practices, and policies to help prevent and respond to sexual abuse. Retrieved from: <https://www.gao.gov/assets/680/670779.pdf>.
- Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, Pub. L. 115-126.
- Schonbrun, Z. (2018, Apr. 18). Gymnasts blast Olympic and M.S.U. officials at Senate hearing. *The New York Times*. Retrieved from: <https://www.nytimes.com/2018/04/18/sports/olympics/gymnastics-senate-hearing.html>.