



TO: International Swimming Hall of Fame Board of Directors

CC: USA Swimming Board of Directors

FROM: USA Swimming Current & Past Presidents

DATE: May 29, 2014

SUBJECT: Support for the ISHOF Induction of Chuck Wielgus

It has come to our attention that a group is trying to create pressure on the International Swimming Hall of Fame to rescind the induction of USA Swimming Executive Director, Chuck Wielgus. The petition is filled with inaccuracies that we feel the need to correct.

Each of us has worked directly with Chuck Wielgus over the past 17 years and we wholeheartedly stand behind him and his outstanding accomplishments. We have seen him at his best and during his challenges. At every step of the way, he has been a leader with integrity, vision, compassion, personal accountability and the courage to make the sport of swimming better.

Whoever wrote the petition missed the mark. Without hesitation, we attest that Chuck is a man of impeccable character who has been recklessly misrepresented. You deserve to know the truth about the man we respect and admire.

A stalwart leader in the sport of swimming and amateur athletics, he possesses a history of honesty, strong ethics and success that merits his induction into the International Swimming Hall of Fame.

We will address the inaccurate claims of the petition against Chuck's induction. But first, here is an insight into the person we know beyond his professional accomplishments. They speak volumes to his character:

Leadership ... If you walk a day in the halls of USA Swimming, you will find a man highly admired and respected by the staff and volunteers of the organization. These are the people who know him the best.

Respect ... Chuck has served with five different volunteer Presidents at USA Swimming since 1997. We are each signing this document below. We are the people who know what he stands for the most.

Compassion ... When members of our organization hurt or are in need, Chuck is there for them. He has never turned a person in need away. Because it was never publicized, many don't know that Chuck personally met with victims of abuse to hear their story. They were influential in helping shape his personal and professional beliefs.

Openness ... Throughout his tenure, Chuck has been the first to seek counsel from experts, and he has welcomed opposing views in constructive debate and conversation. One of his greatest strengths is the ability to hear an opposing point of view and not be too proud to alter course.

Bridge Builder ... Chuck has continually fostered collaboration within the sport and among other leading organizations, such as the U.S. Olympic Committee, American Swimming Coaches Association, the NCAA and more. This is a man who brings people together.

Personal Accountability ... Chuck has held himself, the staff and the leaders of the organization to be accountable to high standards and strive for improvement. He is always seeking to improve.

Any organization leader will have detractors and people are entitled to their opinions. The document attached below will provide more detailed responses to the misrepresented accusations in the petition.

In closing, we give our full support and encourage the International Swimming Hall of Fame to continue on the path to induct Chuck Wielgus.

Respectfully,

Bruce Stratton, USA Swimming President (2010-Present)

Jim Wood, USA Swimming President (2006-2010)

Ron Van Pool, USA Swimming President (2002-2006)

Dale Neuburger, USA Swimming President (1998-2002)

Carol Zaleski, USA Swimming President (1994-98)

USA Swimming Response to Petition to the International Swimming Hall of Fame

May 29, 2014

Q: What education materials are in place for the USA Swimming Safe Sport program?

A: The USA Swimming Safe Sport program has a full slate of policies, guidelines, screening procedures, training, education and reporting materials. You can find the full summary of programs in place at www.usaswimming.org/protect.

Q: How does USA Swimming's Safe Sport program compare with other NGBs?

A: USA Swimming is recognized as having one of the best safe sport programs of all the U.S. Olympic National Governing Bodies. USA Swimming was one of the first NGBs to adopt a detailed Code of Conduct and expel individuals for non-criminal behavior. USA Swimming is one of the few non-profits nationwide to publish a list of individuals who have been banned from membership. Like most organizations, USA Swimming's rules regarding misconduct have evolved and improved. When the USOC required NGBs to comply with its Safe Sport Program, the USA Swimming Safe Sport Program was already in place and satisfied all but one of the USOC requirements, which is now in place.

Q: What happened with the individual cases referenced by the petition?

A: Many of these statements are untrue. They are intentionally misleading and appear to have been extracted verbatim from statements made by a Plaintiff Lawyer or his publicist. The facts related to the issues raised in the petition are summarized below.

Andy King: In 2003, Chuck Wielgus received a copy of an email from a swimmer named Katie Kelly (one of the signers of the Petition) to a Local Swimming Committee official. In that email, Ms. Kelly reported that when she swam for King more than 10 years earlier at the age of 18, King was verbally abusive to swimmers. At the end of one practice she had been made to kiss a boy on the team for 30 seconds or the whole team would have to swim a set of 200s fly. In that email, she expressly stated that she was not making a formal complaint and was only writing so that if someone else was to file a complaint against King, that it was not exaggerated and USA Swimming would have her concern on file. While these are unacceptable coaching practices, they did not automatically point to King being a pedophile. The second incident referenced in the petition apparently involves an email from a parent of a swimmer in the state of Washington, in which Andy King was never identified.

Everett Uchiyama: In January 2006, USA Swimming received a complaint from a former swimmer, who stated that she had an inappropriate relationship with Everett Uchiyama that started while she was a minor and lasted approximately 10 years. He was her coach during that time. Chuck immediately confronted Uchiyama, who did not deny the allegation. USA Swimming accepted his immediate resignation.

Contrary to the statement in the petition, at that same time Uchiyama was also banned for life from participation in USA Swimming by Stipulated Order of the USA Swimming National Board of Review. All of this was reported to the victim and she expressed both her appreciation and satisfaction. She also asked that the matter be handled discreetly and without any publicity. As is customary with employment terminations in most businesses, only those who needed to know were told the reason for Uchiyama's termination. However, when the banned list was published in 2010, Uchiyama's name was on it. Unbeknownst to Chuck at the time, another USA Swimming employee who was not part of the Uchiyama termination decision and knew nothing about the circumstances, Pat Hogan, made a personal recommendation on Uchiyama's behalf to a former colleague who was working at a local country club. At the time Chuck was asked by the media and in a deposition about Uchiyama, and he did not know about the recommendation.

Mitch Ivey: In 2011, USA Swimming received a complaint regarding Mitch Ivey engaging in inappropriate relationships with minor swimmers. The organization initiated an investigation into the allegations, despite Ivey not having been a member since 2006. USA Swimming's investigator interviewed 11 individuals, including former Ivey athletes, coach colleagues and university administrators. The investigation failed to produce evidence to move forward with a National Board of Review hearing, but the case remained open. In June 2013, Suzette Moran issued a public statement detailing the sexual relationship she had with Ivey beginning when she was 16 and he was 33. Ms. Moran then spoke to a blog contributor and USA Swimming's Director of Safe Sport regarding the abuse. Based on Ms. Moran's statements, USA Swimming initiated a case to ban Ivey for life. USA Swimming proceeded with its case. Ivey did not appear; and based on the testimony of the individuals with whom Ms. Moran had spoken, Ivey was permanently banned from membership in November 2013.

Rick Curl: Curl sexually abused Kelley Davies Currin in the 1980s, which was never reported to USA Swimming. Based on a complaint from another athlete, USA Swimming initiated an investigation into the allegations in 2011. USA Swimming reached out to Ms. Davies and she provided a copy of the settlement agreement Mr. Curl had entered into with her parents in 1989. USA Swimming went forward with the case against Curl. Based on the settlement agreement, Curl was banned for life in 2012. It is not true that Chuck Wielgus admitted under oath in May of 2010 that he knew Rick Curl had molested Kelley Davies Currin. The Petition also claims that USA Swimming is responsible for Curl being allowed to coach for years after he abused Ms. Davies. That is not true. It was USA Swimming that reached out to Ms. Davies. Further, since Mr. Curl's ban, USA Swimming has also learned from the press that Ms. Davies and her parents were in possession of a signed confession by Curl, which they had previously given to the University of Maryland in 1988, causing Curl to be fired from the University. That confession was neither given to USA Swimming by the Davies nor the University. If it had been, the proceedings to ban Curl would have been initiated immediately. Rick Curl is now in jail. It was USA

Swimming that reported to the Montgomery County (MD) police department initiating that criminal proceeding.

Will Colebank: In 1998, USA Swimming terminated its club development director, Will Colebank, for improper communications with a male athlete and having pornographic images on his USA Swimming computer. USA Swimming followed the law and was not a mandatory reporter under Colorado law. However if faced with similar circumstances today, USA Swimming would handle this differently and report the conduct to law enforcement.

Brian Hindson: The petition claims that in a May 2010 deposition, Wielgus lied and perjured himself by claiming he had no knowledge of any USA Swimming athletes ever being videotaped. That is a gross exaggeration. In response to a question as to whether he had any knowledge that Brian Hindson was filming swimmers naked in their dressing rooms before he was arrested for videotaping athletes, Chuck answered “no” and then went on to editorialize that the issue of filming or taking pictures “was not even on the radar screen until in just the last couple of years.” There had been two prior complaints of coaches videotaping athletes in the previous decade but Chuck had no significant involvement in either, and Chuck recalled neither incident at the time of his deposition, and he was never specifically asked about them.

As technology and social media have developed, USA Swimming now mandates that all USA Swimming member clubs establish their own electronic communication/social media policy. To ensure this happens, USA Swimming has developed a model policy that serves as the default policy. Recording devices of any type in the locker room are explicitly prohibited by the USA Swimming Code of Conduct.

Q: Why did USA Swimming oppose SB-131?

A: USA Swimming’s opposition was never about preventing justice for victims, but rather the unfair provisions outlined in SB 131. USA Swimming absolutely believe in protecting victim’s rights. However, we didn’t feel that this bill was the right approach to the issue. The bill only opened the statute of limitations for claims against private institutions; it did not open the window for claims against the abusers themselves or public entities. USA Swimming joined multiple opponents of the bill, including California-based YMCAs, a broad-selection of schools, other religious organizations and the Catholic Church. California Governor Jerry Brown vetoed the bill stating it showed that “victims of abuse by a public entity are somehow less deserving than those who suffered abuse by a private entity” and is “simply too open-ended and unfair.”

Q: Does USA Swimming “grandfather in” abusing coaches as the petition suggests?

A: The claim that USA Swimming “grandfathers in abusing coaches, so long as they give up their membership in the organization” is simply false. USA Swimming regularly brings cases against coaches who are no longer members based on misconduct committed while the coaches were members. Based on legislation which it enacted in 2013, USA Swimming

now has far more latitude to take pro-active steps to ban members from the sport no matter when their misconduct occurred, even if prior to membership. USA Swimming stretches its authority to punish former members far beyond the position taken by most other NGBs.

Q: What is USA Swimming's Anti-Retaliation policy?

A: The comment of USA Swimming's anti-retaliation policy referenced in the petition is not an accurate description of the policy. If an assistant coach called USA Swimming and complained that he or she had witnessed sexual abuse by the head coach and then was fired for making that complaint, then that would be retaliation under USA Swimming's policy (Articles 306.1 and 306.2) unlike the petition asserts.

Q: Can USA Swimming expel members who committed acts before USA Swimming existed, such as in the case of Deena Deardurff-Schmidt?

A: USA Swimming is a membership organization and its ultimate authority is to expel from membership individuals who have violated its rules. According to Ms. Deardurff Schmidt's 2010 statement and subsequent sworn testimony, she was abused by her coach Paul Bergen from 1968 to 1972. USA Swimming was incorporated in 1978 and began operating in its current form in 1980. Mr. Bergen is not currently a USA Swimming member, and has not been since 2005. Historically, USA Swimming did not have authority to initiate a National Board of Review proceeding against an individual who is not currently a member (and is therefore not a risk to USA Swimming member swimmers) when the alleged bad acts occurred before USA Swimming came into existence. However, as outlined above, in 2013, USA Swimming expanded its policies to allow the organization to take action against individuals who are members on or after the legislation's effective date who engaged in sexual misconduct against athletes or minors prior to becoming a USA Swimming member.

Q: Does USA Swimming require clubs to purchase insurance through USA Swimming?

A: Contrary to the claim in the petition, USA Swimming does not require member clubs to purchase insurance through it. USA Swimming provides limited insurance to clubs at no additional charge as part of their club memberships so they can access third-party facilities for swim practice. Clubs are free to purchase their own insurance in excess of the amounts provided with their membership, and some do. The broader insurance coverage provided to clubs in USA Swimming's current insurance policy was part of the package when USA Swimming switched to an entirely new insurance carrier who was able to offer increased limits of liability for sexual misconduct to clubs. The new insurer was impressed with the Safe Sport program implemented by USA Swimming and that was one of the reasons they offered the coverage. The claim that "without meaningful insurance coverage for sexual abuse, Wielgus made it very inexpensive for clubs to ignore sexual abuse ..." makes absolutely no sense. Individuals who do not have much insurance (and therefore have personal liability exposure) are more careful rather than less careful.

A Personal Note from Chuck Wielgus

Over the past few days, there has been a lot of talk about me personally and professionally. While it is embarrassing and uncomfortable, it has given me a chance to reflect and share my thoughts. As I see things written about me and this great organization, I quickly see that the story that hasn't been told is what is in my heart.

For me personally, the abuse by coaches in the sport has weighed heavily on me more than any other topic. We all wish we had a do-over at periods in life and that was one for me.

It's devastating to hear or read that anyone has gone through sexual abuse. Talking with victims personally gave me a first-hand experience I will never forget and it impacted me deeply. When someone is hurt in our organization, I hurt. We all hurt in USA Swimming.

While I always try to be better each day, I know in my heart that pressure has made us better, whether from the media, victims or victim's advocates. I pride myself and this organization on being able to listen and learn.

In a recent email with an advocate for abuse victims, I shared my personal thoughts. I know it's long overdue to share this sentiment more widely. In hindsight, I wish I would have said it earlier, more often and more eloquently but this is what I shared:

I have not done a good job of expressing how I truly feel, and I feel awful to know that you and others think that USA Swimming, or me personally, has not been empathetic or shown sensitivity to victims. The responsibility for this rests on my shoulders and I sincerely apologize for this failing. I have a small plaque on my desk that says, "Speak little, do much" and I'd like to think that our efforts to construct the Safe Sport Program have in a way been the best possible evidence of caring and commitment.

I will be the first to admit that I wish I would have expressed my feelings better to share how truly sorry I am personally, and we all are as a sport, that sexual abuse by a coach could happen to any young person. It's devastating to know that anyone has endured such abuse. I have met privately with victims, I have listened to the words of outside experts, I have had conversations with my own daughters, and I have put real effort into becoming better informed and educated. Perhaps these are things that I need to talk about more openly and I will look for opportunities to do so.

The Safe Sport Program holds an important and impactful place within USA Swimming. I will continue to listen, learn and serve our community to the best of my abilities.

A handwritten signature in black ink that reads "Chuck Wielgus". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.