



***Presentation at USHJA Annual Meeting addresses questions about a process widely supported in theory but hotly debated in its execution.***

*by Kim F. Miller*

A standing-room-only presentation on SafeSport during the United States Hunter Jumper Association's annual meeting has returned the subject to top talking point in many circles. The presentation was given by the U.S. Center for SafeSport's Michael Henry, chief officer for response and resolution.

USHJA president Mary Babick set the stage for Henry's presentation in a letter to members before the meeting: "As an organization, the USHJA is committed to safety and fairness for our members. Our sport produces many positives for our participants. Horses bring horsemanship, sportsmanship, empathy and teamwork into our lives. But let's face it, whether it is the treatment of horses or people, we also have dark corners of the sport. As a sport and a community, we can and should be better.

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"As equestrians it is our duty to work to make our sport strong and healthy. It is time to step up and no longer tolerate inappropriate behavior and to emerge as a safer and altogether more positive environment for our people and our horses. We should have zero tolerance for cruelty

and abuse whether of horses or humans. Victim shaming and blaming is never acceptable.

“In the wake of the U.S. Center for SafeSport ban of George Morris, on Monday, November 25 the USHJA Board of Directors voted to re-name the Hunterdon Cup and remove the George H. Morris trophy from the International Hunter Derby.

“The USHJA supports the mission of SafeSport. Our support does not make us deaf to the questions raised by many members concerning some of the processes utilized by the U.S. Center for SafeSport.”



## **A Razor-Thin Balance**

The two-hour-plus presentation during the Annual Meeting in Denver included detailed explanations of what happens when a claim is filed, how an investigation proceeds, why and when restrictions are placed on “respondents” and background on SafeSport’s formation.

Dispelling the notion that any step in the process involved “willy nilly” decisions was a key message, as was explaining that SafeSport walks a razor’s edge between protecting the rights, reputations and livelihoods of claimants and respondents and mitigating the risk of ongoing harm to others.

The entire presentation can be viewed at [www.ushja.org](http://www.ushja.org). This reporter recommends the talk to everyone in our sport. As Henry explained, everyone who “meaningfully participates” in a sport that’s part of the “Olympic movement” is subject to SafeSport regulations, per the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017.

That includes trainers, exhibitors, volunteers, etc. SafeSport's mission is two-fold: to prevent abuse and misconduct through education and training; and to provide accountability through its investigation and sanctioning process. The Center is an independent non-profit with jurisdiction over all sports within the U.S. Olympic and Para Olympic movement.

The presentation was dense with information that exceeds available space. A few highlights:

**Reporting:** "We can only investigate when we get a report," said Henry. "We don't cull the internet looking for misconduct." Reports come primarily through website submissions at [www.uscenterforsafesport.org](http://www.uscenterforsafesport.org). These range from a stated allegation – sometimes anonymous – to allegations accompanied by uploadable documents that support the claim: emails and audio files, for example. "It's a way for people to raise an alarm that something needs to be looked at. Many times, these are third party reports."

**Investigations:** Initial intake and preliminary inquiry determining the veracity of claim begin the process. SafeSport's investigative team consists of people with backgrounds in law, law enforcement, social work, child protective services and other relevant fields. With or without the claimant's input beyond the initial claim, SafeSport investigators attempt to corroborate their statements in various ways. Claimants often suggest others who can speak on the subject. Nobody is forced to cooperate with the inquiry, including the claimant.

"We don't take every case and move it through to formal investigation and adjudication," Henry explained. If there is not sufficient evidence to initiate a formal investigation, the case is filed as "administratively closed." Occasionally, information received later triggers the re-opening of such cases.

In most cases, the alleged perpetrator is not notified of claims until there is sufficient evidence to initiate a formal investigation. Exceptions do arise if an "articulatable risk" is determined. In such cases, temporary measures can be implemented, but those are rare.

"Most people don't know what's going on with the thousands of cases we are working on," he said. "The process is designed to be confidential. We don't want the kind of world where, in order to have these circumstances addressed, you have to be suddenly out in the open. That said, we can't go forward until the people alleged of violations are informed of the investigation and given a chance to respond. You'll receive notice when we are to a point that you need to know what you've been accused of."

Informing the respondents before this point would jeopardize the credibility of their answers, Henry said. The process prevents their response being influenced “by knowing the narrative in advance.”

Henry stressed that the SafeSport team is acutely aware the impact of allegations on the recipient’s life, family, career, reputations, etc., and that temporary restrictions are only made when it is determined others might be at risk. “That was precisely the issue with Larry Nassar,” Henry said, referring to the former U.S. Gymnastics team doctor who was convicted as a serial child molester. “Are you exposing others to risk by not telling anyone?”

“Most people do not want to come to terms with this stuff happening more often than most people think,” Henry continued. “Every week, we get some allegation of child sexual abuse, sometimes multiple allegations.”

**Quantity & Outcome of Cases:** SafeSport receives about 230 reports a month. Since its creation in 2017, it has dealt with approximately 4,600 reports that manifested in 4,000 cases. Of those, 2,800 have been investigated and resolved. Eight hundred of those were determined to involve violations of the SafeSport code and led to sanctions. Sanctions ranged from formal warnings to permanent ineligibility to participate in their sport or another sport within the Olympic movement. This latter, most severe category is often defined on the SafeSport website as “sexual conduct with minors.” That indicates, Henry said, egregious forms of abuse that are not detailed in order to protect victims’ privacy. “Respondents” are told the names of their accusers during the formal investigation, but victims’ names are not made public by SafeSport at any time. Claimants sometimes make allegations known to the public of their own accord.

All SafeSport decisions are open to arbitration from an “independent, neutral” arbitrator, and SafeSport can help with costs for those who can’t afford the process. Of the 800 decisions, “less than 1 percent” have been overturned by arbitration, Henry stated. The Center also has an ombudsman available to help all parties understand and navigate the investigation process.

Reports are currently investigated by a fulltime staff of 20, each of whom handles approximately 20 cases. An increase to a 40-person staff is expected by the end of this year.

**False Allegations:** During a Q&A session, Henry acknowledged widespread fears of false allegations. He confirmed that, if the testimony of a claimant or witness could be proven false, SafeSport treats those as a sanctionable offense, triggering an independent case. He

acknowledged the reality that any claim that becomes public has the effect of a guilty verdict, even if the respondent is deemed innocent. Henry reiterated that this risk is carefully weighed against the risk of further harm and of not holding the guilty accountable for their actions.

**Old Cases:** An attendee asked about cases involving older people for abuses that occurred long ago, and those in which there was no evidence of the person being a current risk. Henry acknowledged that those were more difficult cases to investigate. The reality that victims of any time are typically not thinking of how to explain the events as they occur is worse in older cases.

“In allegations from years prior, we look at are there still actual risks, or are there enough mitigating factors?” As for evidence, he noted, “Even with allegations that are decades old, we still often have some physical or documentary evidence.” Microfiche documents showing both parties being in the same place many years ago are one example of possible corroborating evidence.

The bottom line is, “We always hold ourselves to the evidence,” he stated. When cases are mostly based on testimonies, “we have to weigh it very carefully.” That process is made harder when people chose not to participate in the investigation process.

### Learn More

U.S. Center for SafeSport: [www.uscenterforsafesport.org](http://www.uscenterforsafesport.org)

Athletes for Equity In Sport: [www.athletesforequity.org](http://www.athletesforequity.org)

United Athletes Alliance: [www.unitedathletesalliance.org](http://www.unitedathletesalliance.org)

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