

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

**Report of Special Investigative Counsel
Regarding an Allegation of Tampering with a Competitor's Skate
at the 2011 World Short-Track Speedskating Team Championships in Warsaw, Poland
and Allegations of Abuse by Coaches at U.S. Speedskating**

Executive Summary

October 5, 2012

Mandate and Independence

On August 16, 2012, U.S. Speedskating ("USS") retained White & Case through the United States Olympic Committee's Safe Sport program to conduct an independent investigation, on a pro bono basis, into three allegations:

- (i) Whether a U.S. skater tampered with a Canadian competitor's equipment during the 2011 World Short-Track Relay Championships in Warsaw, Poland;
- (ii) Whether the USS coaching staff was physically abusing USS athletes; and
- (iii) Whether the USS coaching staff was emotionally abusing USS athletes.

Methodology

In conducting the investigation, White & Case:

- Made three trips to the United States Olympic Oval in Kearns, Utah ("Olympic Oval"), during August 27-29, 2012, September 4-7, 2012 and September 18-19, 2012;
- Conducted some three dozen in-person interviews at the location of the interviewees' choosing, including at the Olympic Oval and away from it in West Logan, Utah and Salt Lake City, Utah;
- Held numerous telephone interviews and follow-up interviews in person and by telephone;
- Distributed its contact information and the fact of its unlimited availability widely in the speed-skating community to ensure ease of access to all concerned;

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

- Examined extensive electronic data and print documents; and
- Reviewed applicable policies, bylaws, rules, guidelines and similar documents, as well various sources for guidance on the interpretation of the relevant provisions of the USS Code of Conduct.

* * *

Findings

The Tampering Allegation

Skater Simon Cho admits that he intentionally damaged a Canadian competitor’s skate before the Canadian’s race at the 2011 World Speed-Skating Relay Championships in Warsaw. Head Coach Jae Su Chun admits that he learned of the incident immediately after it occurred. He then told Assistant Coach Jun Hyung Yeo on the way back to the team hotel. Coach Chun and Assistant Coach Yeo admit that they failed to report the incident to the appropriate authorities. In our initial interviews with them, Coach Chun, Assistant Coach Yeo and Simon Cho misled us about what they knew had happened in Warsaw.

Simon Cho alleges that he was directed to damage the skate by Coach Chun, and Coach Chun denies this. Simon Cho states that Coach Chun initially asked skater Jeff Simon and him to damage the skate, and they refused to do so. Jeff Simon denies that this conversation took place. Simon Cho alleges that Coach Chun then asked him on two more occasions to damage the skates, and he finally agreed. Coach Chun denies that those conversations took place.

Simon Cho also states that during the race in question he communicated to Jeff Simon that he, Cho, had damaged the skate. Jeff Simon denies that this communication took place. Jeff Simon states that Simon Cho first told him that Cho had damaged the skate on the plane ride home much later that evening. Jeff Simon states that Mr. Cho did not at this time mention anything about their coach having directed Mr. Cho to damage the Canadian skater’s blade. Jeff Simon said that Mr. Cho asked Mr. Simon to keep confidential the information that Mr. Cho had damaged the skate, and Mr. Simon did so.

Only two people know what really happened. Absent a further confession by one or both of them, we offer our best judgment, mindful that an adversarial proceeding under oath could

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

generate a different conclusion. Based upon our investigation and the facts available to us, we do not believe that there is sufficient evidence to conclude that Coach Chun directed Simon Cho to tamper with the skate.

The Allegations of Physical and Emotional Abuse

In an investigation where there were often inconsistent and contradictory recollections of certain events, it should be noted at the outset that all of the USS athletes and those who coach and support them are extraordinarily committed and passionate about their sport. Many of the athletes and administrators have been involved in speed skating since childhood and have essentially dedicated their lives to it.

A combination of factors resulted in a number of issues at USS during the 2011-2012 season that gave rise to significant dissatisfaction among a number of the skaters. They include the following:

- A significant increase in the volume and intensity of training as part of the four-year Olympic preparation cycle;
- The absence, for a variety of reasons, of consistent athletic trainer support. Those short-term trainers who were present often did not know the athletes' bodies well;
- The departure of two English-speaking assistant coaches from Canada;
- An overall decrease in the number of full-time coaches in the program to two, both non-native speakers of English;
- The invitation of a greater number of skaters to join the National Team. One skater suggested that the team should have fewer than ten skaters and with the additional invitations it included more than twenty;
- A number of injuries and disappointing performances by the men's team during the season;
- The reduced allocation of funding to certain skaters – as required under the relevant rules – in part on the basis of their poor performances during the season;
- A general perception among the skaters that no one at USS would listen to them about their concerns, much less act on them.

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

This spring a group of skaters was expressing dissatisfaction to USS with virtually all aspects of USS – including its administration of the short-track program, athlete-funding decisions, marketing, general management, Board behavior, and oversight. These skaters also began to advance allegations of physical and emotional abuse by Coach Chun. This group ultimately decided not to accept invitations from USS to rejoin the National Team for the coming season, although there was a difference of opinion as to how much of that decision was driven by their views on Coach Chun and how much was driven by dissatisfaction with the administration of USS.

Coach Chun and his coaching methods have, however, generated increasingly extreme reactions in those who train under him. The skaters we interviewed who remained on the National Team are enthusiastically supportive of Coach Chun and are deeply committed to his practices and the results they yield. Those in the pro-Chun camp are uniformly of the view that his leadership will allow them to reach their full potential as speed skaters and will greatly increase their chances of becoming Olympic medalists in 2014. They report that team camaraderie and morale have never been higher and that they are routinely setting personal bests. They have supported Coach Chun recently in a public letter.

Those in the anti-Chun camp – including some who were among his strongest supporters in the past – now accuse Coach Chun of physical and emotional abuse. They have moved openly to have him fired. These skaters appear united in their belief that Coach Chun has stripped from them the joy of speed skating and harmed their performance. But beyond that, each seems to be uniquely unhappy with Coach Chun's methods based on his or her own particular circumstances. Some allege that Coach Chun is responsible for injuries new and preexisting, others hold him responsible for funding problems, or for cutting them from the team, or for their declining performance. Some of these skaters have opined that Coach Chun was too aggressive in voicing his concerns about their performance; others have said he ignored them.

A challenge in this investigation was to determine whether these many and sometimes contradictory allegations arose from actual physical and/or emotional abuse or were instead driven by dissatisfaction with Coach Chun's coaching style, or something else entirely. In making our assessment we have examined the USS Code of Conduct, which leaves, among other terms, "physical abuse," "harm" and "mental abuse" undefined. We looked to the U.S. Olympic Committee's Coaching Ethics Code, a recent arbitral decision that interpreted the USS Code of Conduct, materials and explanations provided by the U.S. Olympic Committee's Safe Sport

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

Program, and the context, facts and circumstances of the situation facing us to provide standards for our assessment.

Physical Abuse

The most serious accusation of physical abuse arises from an event – physical contact between Coach Chun and Ryan Cox in Harbin, China in 2008 – that was not witnessed by any of the accusers. Nonetheless, the group alleging physical abuse variably characterized the incident as Coach Chun slamming Mr. Cox against the elevator wall, Coach Chun beating him in the elevator, or having “shoved [Mr. Cox] against an elevator door by his neck” and having “taken care of him.” The only two participants actually involved in the altercation – Coach Chun and Mr. Cox – admit that there was some contact, but described it as Coach Chun pushing Mr. Cox twice against a wall without causing him physical harm after Mr. Cox had disrespected his team and talked back to his coach.

After the incident was inaccurately described in legal documents leaked to the press, Mr. Cox wrote an unsolicited e-mail to Coach Chun on September 16, 2012. Mr. Cox expressed great admiration and respect for Coach Chun, as follows:

“I want you to know that even though we didn’t see eye to eye on many things, I still respected you as a great coach. You are one of the best coaches in the World! [...] I always enjoyed your playful seriousness to always do better, to always go faster and always push harder. You have made me, and many other skaters, better skaters and better people. [...] You are a great coach! And always will be! [...] If you need ANYTHING don’t be afraid to call me!” (Emphasis in original)

We have examined this incident and all of the other allegations of physical abuse raised by the unsigned skaters against Coach Chun and believe that individually they do not constitute physical abuse and collectively they do not constitute a pattern of abuse. In arriving at this conclusion, we interviewed not just the USS athletes, coaches and administrators, but USS support staff who were in routine contact on and off the ice with the skaters. These USS staffers uniformly denied that they had witnessed or were aware of any incidents of physical abuse. We found their independent, careful and credible assessment to be helpful in drawing this conclusion.

PRIVILEGED & CONFIDENTIAL
ATTORNEY WORK PRODUCT

Emotional Abuse

Our investigation has revealed that Coach Chun is an intense and demanding coach; that his spoken English often does not permit the expression of nuance; that his personality and coaching style can be abrasive; and that he frequently does not communicate effectively with his skaters. The allegations against Coach Chun are troubling. We also believe that a number of incidents identified by the skaters should have been handled differently, and in retrospect Coach Chun agrees with that assessment. But these relatively isolated though admittedly disturbing incidents did not in our view, when looked at in context and mindful of the totality of the circumstances, constitute a pattern of emotional abuse. This conclusion should not, however, be viewed as an endorsement of Coach Chun’s training methods and tactics.

In arriving at this conclusion, the independent, careful and credible assessment of support staff – in particular a sports psychology consultant/mental skills coach who was frequently consulted by skaters – that they had neither witnessed nor were aware of emotional abuse was helpful. The genuine respect, loyalty and affection that the current National Team skaters have for Coach Chun was compelling. And the evidence that Coach Chun, when alerted to issues of concern to the skaters and cultural differences that he may not have been aware of, made good-faith efforts to moderate his behavior, and that there was improvement across his tenure, was persuasive.