

**Minutes**  
**USOPC Board of Directors Meeting**  
**Conducted by Telephone and Videoconference**  
**December 3, 2020**

A meeting of the Board of Directors (the “Board”) of the United States Olympic & Paralympic Committee (“USOPC”) took place on December 3, 2020 via telephone and videoconference after notice provided in accordance with the USOPC Bylaws. Present (throughout, except as indicated) were Susanne Lyons (Chair), Cheri Blauwet, Beth Brooke, Anita DeFrantz (IOC Member, *ex officio*), David Haggerty (IOC Member, *ex officio*), Sarah Hirshland (USOPC CEO, *ex officio*), Bill Marolt, Vivek Murthy, Steve Mesler, Whitney Ping, Kikkan Randall (IOC Member, *ex officio*), Brad Snyder, and Robert Wood. Unable to attend were Robbie Bach, Rich Bender, and Kevin White. Attending Board members constituted a quorum of the Board under USOPC Bylaws.

USOPC staff attending the meeting were Katie Bynum and Bahati VanPelt. Also joining the meeting was J.J. Carter from the communications advisory firm Fleishman-Hillard. The minutes were recorded by Christopher McCleary, Secretary.

**1. Call to Order**

The Chair called the meeting to order at 10:00am Mountain Time, thanking Board members for their extra time and engagement on the meeting’s sole agenda item, focusing on a set of recommendations from the Team USA Council on Racial and Social Justice (*Note: Referred to below as the “Council”*). She refreshed the Board that these recommendations addressed what should be the USOPC’s approach to applying and enforcing “Rule 50” of the Olympic Charter, wherein the IOC prohibits athletes from making public protests or demonstrations at the Olympic Games, and to the IPC’s counterpart “Section 2.2” (*Note: Rule 50 and Section 2.2 referred to collectively below as “Rule 50”*).

The Chair noted the great importance of this topic, particularly in the current environment in the US and internationally on issues of racial injustice being brought to bear against Black people. She acknowledged likely strong and varying feelings on key elements of the day’s topic, among Board members and others, and encouraged candid, open, and respectful debate with the aim of generating the clearest possible guidance for USOPC action.

Sarah Hirshland introduced Mr. Carter and indicated that he would be listening in to the meeting in order to help USOPC staff plan and execute on communications elements of the USOPC’s next steps in the matter.

**2. Racial and Social Justice Under Rule 50**

Joining the Board at this point were Council members and representatives Moushaumi Robinson, Dr. Scott Brooks, Dr. Yannick Kluch, and Max Siegel. Also joining was USOPC AAC Executive Director Elizabeth Ramsay. Sarah Hirshland introduced these guests and shared with the Board key elements of the Council member’s professional biographies.

Building on recent Board discussions on the topic and on the work of the Council, and drawing on written Council recommendations provided to the Board in advance of the meeting, the Board and Council representatives launched their discussions. First, Council representatives reviewed IOC Rule 50 and its historic application, and juxtaposed these with more recent developments in the US and internationally in the area of racial and social justice, including 2020 events, discussion, and the state of racial justice affecting Black people.

Council representatives reflected on the genesis and course of their organization and execution of careful and thorough discussions and debates on Rule 50 as part of larger consideration of racial and social justice issues. They referred to consideration given to athletes who feel marginalized or disenfranchised, and to the power of Olympic and Paralympic athletes to speak out and bring attention to these issues. They recounted discussions among athletes and other experts both domestically and internationally, and an athlete survey distributed to a wider group of US athletes in order to secure further and broader perspective. They described particular insights derived from all these inputs and interactions, and how they led to the final written Council recommendations on Rule 50 shared with the Board. They outlined their plans to release these recommendations publicly, and their specific asks of the USOPC.

Council representatives and Board members exchanged thoughts, questions, ideas, and concerns about the recommendations and the approach that should be followed by the USOPC on these issues. Council representatives underlined their view that, as currently drafted and applied, Rule 50 does not properly respect key Olympic and Paralympic principles and human rights. Further discussion delved into the limited number of athlete survey responses received and the insights they offered, the opportunity for Team USA athletes and the USOPC to demonstrate leadership on the global stage in matters of racial and social justice, and the need, in exercising such leadership, to take into account cultural and perspective differences internationally.

In that regard, further detailed discussions explored specific practical considerations in taking a strong position in support of a right of expression on racial and social justice even where it would violate Rule 50 as currently configured and applied. Discussion participants wrestled with the difficult task of distinguishing between such expressions that should be protected and expressions that constitute “divisive demonstrations” disrespecting the rights of others and deserving of sanction in line with the current Rule 50 approach. Discussion participants used hypothetical fact patterns and actual examples to test and challenge views on whether and how clear, a understandable application of a loosened Rule 50 approach can work fairly, objectively, and consistently.

After this discussion and with the Board’s thanks, the Council representatives and Ms. Ramsay left the meeting.

Members of the Board engaged in continued discussion on the racial and social justice, Rule 50, the Council’s specific recommendations, and Board member opinions about specific next steps for the USOPC. Board members reflected on their support for the principles underlying the careful and extensive work done by the Council, and on nettlesome issues involved in applying these principles in domestic and international situations. In that area, Board members acknowledged that a clear and comprehensive approach could be fully delivered inside the US by the USOPC itself, but would always be subject to IOC and IPC rules at the Olympic Games and Paralympic Games. They discussed the importance of working cooperatively and transparently with these and other international authorities in order to honor the principles articulated by the Council while also honoring the rights and obligations of these international organizations.

Further Board discussion included questions and ideas on the overall parameters and implementation steps that might be adopted by the USOPC in following the Council's articulated principles; further input that would be needed from the Council and others in hammering out clearest possible details on that implementation such as the concept of "divisive demonstrations"; specifics in the Council's recommendations document and Board member reactions to them; anticipated further substantive work of the Council outside of Rule 50; and the need to accept that loosening application of Rule 50 in certain circumstances will necessarily involve a degree of subjectivity and 'shades of gray', such that satisfying all interested parties will be impossible. Board members agreed that this difficulty and uncertainty must not prevent the USOPC from addressing the principles articulated by the Council.

At the Chair's invitation, Board members discussed possibilities for a USOPC statement of support for the Council's work and the principles articulated, which also acknowledges the need for further work on the details involved in managing application of these principles in the US and internationally. Board members offered suggestions and alternatives for particular elements of such a statement, potential timing and communications specifics that could be employed in releasing it, and for working with affected third parties before and after the statement in the most helpful and transparent way possible.

After this discussion, the Board expressed general agreement that Ms. Hirshland and USOPC staff should work on the specifics of such a statement of support and consult further with the Board as it is finalized. The Board expressed further its support for the USOPC, with input from the Council and others, continuing the substantive and detailed work that will be necessary in bringing this new approach to Rule 50 to life in the fairest and most effective way possible.

### **3. Wrap Up**

The Chair thanked the Board again for their time, engagement, and constructive input. She acknowledged that no obvious and perfect solution was available in this situation but also that the opportunities at stake, pointed out by the Council and among Board members, are too compelling not to pursue.

### **4. Adjournment**

There being no further business, the meeting was adjourned at 11:55am.

This document constitutes a true and correct copy of the minutes of the December 3, 2020 meeting of the Board of Directors of the United States Olympic & Paralympic Committee.



Christopher McCleary  
Secretary  
December 18, 2020