

1. What reporting protocols for child and sexual abuse allegations are currently in place to ensure that all reports receive fair, timely, and thorough review by all appropriate parties, including law enforcement?

MSU's Relationship Violence and Sexual Misconduct Policy outlines reporting protocols for incidents of relationship violence and sexual misconduct. It requires that all university employees, other than those identified as confidential sources and certain medical professionals providing patient care, are expected to promptly report relationship violence, stalking, and sexual misconduct that they observe or learn about in their professional capacity and that involve a member of the university community (faculty, staff, or student) or which occur at a university-sponsored event or on university property. Furthermore, MSU mandates that employees report sexual misconduct and relationship violence to both the MSU Police Department and the Office of Institutional Equity ("OIE"). OIE reviews and responds to reported incidents of harassment and discrimination, including relationship violence and sexual misconduct. MSU through its policy and resource materials informs individuals of their right to participate in both a criminal and university investigation and provides options for reporting to a confidential source, such as a counselor.

The Relationship Violence and Sexual Misconduct Policy can be found at:

https://www.hr.msu.edu/policies-procedures/university-wide/RVSM_policy.html

Additional information and resources to support reporting can be found at the following links:

<http://titleix.msu.edu/make-a-report/index.html>.

<http://titleix.msu.edu/policy-info/mandatory-reporting.html>

<http://titleix.msu.edu/files/documents/mandatory-reporting-guide.pdf>

MSU also maintains mandatory reporting requirements for child abuse and child pornography in the policy titled University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography. These reporting protocols apply to all employees and volunteers who perform services for the university. The policy requires that all employees and volunteers report suspected child abuse or neglect directly to law enforcement; individuals who are mandated reporters under state law must also report directly to Child Protective Services. Employees or volunteers who become aware of suspected child pornography on MSU IT Resource must contact the MSU Police Department immediately. Employees or volunteers who knowingly fail to report suspected child abuse, child neglect, sexual assault, or child pornography may be subject to disciplinary action, up to and including dismissal.

The full text of the protocols may be found at:

https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html

In addition to the foregoing, both the MSU Police Department and MSU's OIE connect individuals who report with advocacy and support resources available on campus and in the community, including through confidential campus and community crisis hotlines and support services. An overview of these resources can be found at:

<http://titleix.msu.edu/find-resources/index.html>.

- Student Claimant Resource Guide

<http://titleix.msu.edu/find-resources/Student%20Claimant%20Resource%20Guide%20011118.pdf>

- Employee Claimant Resource Guide

<http://titleix.msu.edu/find-resources/Employee%20Claimant%20Resource%20Guide%20011118.pdf>

- Claimant Resource Guide for Unaffiliated Parties

<http://titleix.msu.edu/files/documents/unaffiliated-claimant-resources-guide-5-31-2017.pdf>

- MSU Police Department Options & Resources for Survivors

https://www.hr.msu.edu/policies-procedures/university-wide/documents/AppC-MSU_PD_infoForms.pdf

Finally, general information about the University's Title IX policies and procedures can be found at <http://titleix.msu.edu/policy-info/index.html>.

2. *Are there special accommodations to account for volunteers that are separately employed by non-NGB institutions, like MSU, in these reporting practices?*

While this question would appear to be directed to NGB institutions, MSU's reporting protocols are described in response to Question No. 1.

3. *In her lawsuit against USOC, USAG, and MSU, Ms. Maroney alleges that she was "coerced" into signing the NDA while under emotional duress from Dr. Nassar's abuse. To the extent possible, please provide all details possible regarding the justification and circumstances surrounding Ms. Maroney's NDA with USAG.*

MSU is not a party to any non-disclosure agreement with Ms. Maroney, who was never a student at MSU and is not affiliated with MSU. Consequently, MSU does not have information regarding any non-disclosure agreement between Ms. Maroney and USAG.

4. *When exactly did MSU become aware of sexual misconduct allegations against their employee Dr. Nassar? How many criminal complaint reports were filed against Dr. Nassar during his time of employment? Did MSU share these reports with law enforcement, USOC, USAG, or the NCAA?*

The university provides this response based on the information presently available to it. MSU continues to investigate and may learn more as part of the litigation discovery process.

MSU's Sports Medicine Clinic received a patient complaint about Nassar on April 21, 2014. The Sports Medicine Clinic reported the complaint to MSU's Office of Inclusion and Intercultural Initiatives ("I3"), the predecessor to MSU's OIE, which conducted a sexual harassment investigation. Following the investigation, it was concluded that no violation of MSU's sexual harassment policy had occurred. The OIE investigator also reported the allegations to the MSU Police Department ("MSUPD") in May 2014. The MSUPD, in turn, investigated the allegations and turned them over to the Ingham County (MI) prosecuting attorney's office. The prosecutor's office did not file charges following its review. Because MSU's I3 investigation did not find a violation of university policy, MSU did not inform third parties (USOC, USAG, or the NCAA) apart from local law enforcement of the allegations. Please note, too, that the complainant was an adult whose specific allegations were different in nature from most allegations brought forward in and after August 2016: The factual allegations made by the complainant in 2014 did not involve any form of penetration.

Nassar's sexual misconduct was the subject of a later criminal complaint made to the MSUPD by a former patient on August 29, 2016. The patient was neither a current nor a former MSU student-athlete. The MSUPD reported the complaint to the Ingham County prosecuting attorney's office. Nassar was fired on September 20, 2016. Beginning in September 2016, due to widespread attention that followed media reports concerning Nassar, the MSUPD received numerous other complaints about his sexual misconduct. The MSUPD investigated these complaints in cooperation with the Michigan Attorney General's Office and the FBI. Its work was integral to the successful prosecution of Nassar by federal and Michigan criminal authorities. The media attention given to all these matters, including USAG's relationship with Nassar, was such that USAG, and presumably USOC and the NCAA, were aware of them. Indeed, it was at this time that MSU learned that USAG had

received allegations against Nassar in 2015, a fact of which MSU had not previously been advised.

A number of Nassar's former patients have stated that they recall telling various people about concerns they had about Nassar as early as 1997. The people whom some recall telling include persons then affiliated with MSU, including coaches or trainers. The former patients' accounts are referenced in civil complaints in lawsuits filed against MSU and/or were included in the victim statements made at the recent sentencing hearings for Nassar. Past and present MSU employees have said that they do not remember the alleged reports to them (some of which would have taken place as many as 20 years ago) as they have been described. To date, there has been no indication that any MSU employee understood at any time prior to September 2016 that Nassar engaged in sexual misconduct. As noted earlier, MSU continues to investigate and may learn more as part of the litigation discovery process.

As a consequence of the various investigations into Nassar's misconduct, information has become public that a criminal complaint was filed with the Meridian Township Police Department in 2004 concerning Nassar, but that he was cleared following a police investigation. MSU was not made aware of that complaint until September 2016.

Similarly, information has become public of a USAG and/or FBI investigation of Nassar in 2015. MSU was not notified of that investigation. However, emails show that in July 2015 Nassar forwarded to an MSU medical colleague no longer employed by the university an email from USAG's counsel indicating that concerns had been raised about some of Nassar's techniques and that patients felt uncomfortable with certain areas of their bodies being treated. The letter asked Nassar not to participate in an upcoming USAG event. Nassar thereafter discussed by email with that colleague on several occasions his frustration that USAG had not advanced its inquiry swiftly and that USAG would not tell him any more details. Those emails do not indicate that the former employee discussed this information with anyone at MSU prior to September 2016.

5. *Is your organization aware of other such settlements between NGBs and Olympic athletes?*

MSU is not a National Governing Body and is not privy to any such agreements.

6. *What steps are being taken to prevent these atrocities from occurring again, whether in gymnastics or any Olympic sport?*

MSU continually evaluates its policies and procedures in an effort to encourage reporting of sexual assaults and ensure a safe and inclusive campus environment. The current versions of many of these policies are described in response to Question No. 1, above.

In August 2017, MSU streamlined the reporting process for non-supervisory employees and strengthened mandatory reporting requirements by clarifying the consequences for employees failing to submit a mandatory report. <http://titleix.msu.edu/news-events/news/2017-2018-rvsm-policy-updates.html>

In addition to the online training that employees are required to complete, MSU provided in-person training to units across campus. At the beginning of the academic year, MSU distributed information regarding the updated policy and a reminder about employee reporting requirements to all employees and distributed new mandatory reporting pocket resource guides. <http://titleix.msu.edu/files/documents/Faculty-Staff-Tear-Off-080817-ASAP.pdf>

As part of MSU's commitment to continuous improvement and dedication to developing leading-edge policies, programs, and services, MSU commissioned an independent Title IX external review in 2017.

The first phase of the review, which examined MSU's policy and procedures and was completed in November 2017, concluded that MSU's Title IX policies are compliant with all federal legal requirements and reflect a strong and genuine commitment to combatting sexual misconduct. The report can be found at: http://titleix.msu.edu/information-reports/msu_report_2017_external.pdf

The second phase of the review, which is underway and expected to conclude by May 2018, will examine MSU's crisis and advocacy services, prevention and education programs, and outreach and awareness efforts.

Additionally, MSU has developed its "Our Commitment" website, which further details changes to policies and procedures MSU has made in connection with combatting sexual assault on campus, improving patient care and safety within its Health Team, and protecting youths on campus. <https://msu.edu/ourcommitment/>

Following the completion of the external review, MSU will assess opportunities to continue to develop leading-edge prevention programs and services to support survivors.

The university also provides a number of education and awareness programs about relationship violence and sexual misconduct on campus, including required online and in-person training for all incoming students, targeted educational programs, educational and awareness campaigns, and other educational opportunities throughout the academic year. These educational programs are designed to:

- Raise awareness of the impact of relationship violence and sexual misconduct;
- Clearly communicate that relationship violence and sexual misconduct is prohibited at MSU;

- Reduce the prevalence of relationship violence and sexual misconduct;
- Connect students and employees with information on reporting options and campus and community resources; and
- Encourage active bystander intervention and community involvement in shaping our campus culture.

MSU works collaboratively with governance groups, the Sexual Violence Advisory Committee, and the Committee for Violence Free Communities to develop and execute awareness events, visual supports, resource materials, and guest speakers to engage community members and raise awareness. More information about these education and awareness programs can be found at <http://titleix.msu.edu/learn-more/education-awareness-programs.html> and <https://www.facebook.com/ItsOnUsMSU/>.

7. *In addition to answering these questions, please provide a detailed timeline of reports and ensuing action from your organization related to Dr. Nassar's criminal sexual conduct.*

The university provides this response based on the information presently available to it. The following describes the timing of actions by MSU's administration in response to reports the administration received. MSU continues to investigate and may learn more as part of the litigation discovery process.

As discussed in response to question 4 above, on **April 21, 2014**, an adult patient made a complaint to MSU's Sports Medicine Clinic regarding a recent office visit with Nassar. The physician who received the complaint at the Sports Medicine Clinic immediately reported the matter to MSU's I3 office (the predecessor to MSU's OIE). I3 opened a sexual harassment investigation and also reported the matter to the MSU Police Department. I3 completed its investigation and finalized a report, dated **July 18, 2014**, which concluded that, based on the evidence, no violation of MSU's sexual harassment policy had occurred.

On **August 29, 2016**, the MSU Police Department notified the university that it had received a complaint against Nassar from a former patient. Nassar was immediately removed from clinical practice, and the university immediately commenced an investigation into the former patient's complaint. After confronting Nassar with certain of the allegations related to his practice, the university terminated Nassar's employment on **September 20, 2016**.

In total, OIE has received 74 complaints to date. The university closed 36 investigations for lack of participation by the claimant. Twenty-nine complaints, all received this year (2018), remain open and pending. Since the review of the April 2014 complaint was completed, the university has conducted formal investigations of five complaints, and in all five instances, the university concluded that Nassar violated the university's policy then in effect. As to the remaining complaints, MSU has offered claimants the option: to pursue a formal

investigation; to provide a statement, which would be reviewed by the Title IX Coordinator to identify recommendations regarding any policies, procedures, protocols, or training programs that could be implemented responsive to the reported incident; and/or, for claimants who are current MSU community members, to request interim measures. OIE continues to receive complaints involving Nassar and responds to each report following these steps.

MSU has contacted the U.S. Department of Education Office for Civil Rights to request technical assistance to ensure that OIE is processing complaints involving Nassar in a manner consistent with the Department's guidance.

On **May 18, 2017**, the Title IX Coordinator submitted recommendations to the CEO of the MSU Health Team after reviewing claimant statements and formal investigation reports received by the university up to that time

During the entire time period from August 29, 2016, through the present, MSU has cooperated with all efforts by law enforcement agencies seeking to investigate and convict Nassar.