

MICHIGAN STATE UNIVERSITY

January 10, 2018

The Honorable XXXXXXXX

Dear XXXXXXXX

As the legislative session resumes today, I am writing to you personally to provide an overview of how we are addressing the issues surrounding the terrible crimes committed by former MSU physician Larry Nassar and, more importantly, the steps we are taking to support his victims, ensure we create the safest campus environment possible and do our utmost to prevent something like this from ever happening again.

First and foremost, I want to repeat what I said at our Board of Trustees meeting in December: I am truly sorry for the abuse Nassar's victims suffered, the pain it caused, and the pain it continues to cause. And I am sorry that a physician who called himself a Spartan so utterly betrayed everyone's trust and everything for which the university stands. The Board joined me in expressing these sentiments to the victims, some of whom attended the meeting, and I can assure you that the Board and I are united in our commitment to help the victims move forward with their lives.

Toward this end, the Board announced last month the creation of the Healing Assistance Fund, a \$10-million fund to help victims access counseling and mental health services. There are a number of details to address in putting together a program like this, but work is underway to establish the framework to administer the fund and MSU is moving forward with urgency to get this important work done.

Our focus on victims is necessary and appropriate, both now and in the future. But we have also taken a hard look at ourselves to learn from what happened. Since the fall of 2016, we have engaged external experts to comprehensively review various programs and recommend changes to strengthen our policies, procedures, and systems, including an examination of [patient care and safety in our health clinics](#), our [Title IX program](#), and how [medical services are provided to student-athletes](#) and others. In short, we have systematically reviewed and sought to improve every part of MSU's operations that was in any way connected to Nassar and his work, with the clear purpose of achieving the highest standards to protect students, athletes, and patients. Additional details are available on the MSU "Our Commitment" website: <https://msu.edu/ourcommitment/>.

I believe we have achieved much on this front over the last year and a half, although I also understand introducing new procedures does not change what happened to Nassar's victims in the past or the pain they feel. It is vital, however, that our pursuit of best practices continue, with external input and with transparency about the status of our progress. You can be confident that we will take additional steps to improve our systems if warranted.

Apart from describing the work we are doing on behalf of victims, I also want to update you on the significant developments that will take place in the Nassar criminal and civil cases in coming weeks.



Office of the President

Hannah Administration Building
426 Auditorium Road, Room 450
East Lansing, MI 48824

517-355-6560
Fax: 517-355-4670
president@msu.edu

As you no doubt are aware, Nassar has pleaded guilty in three criminal proceedings – federal child pornography charges, sexual assault cases in Ingham County, and sexual assault cases in Eaton County. He has been given the equivalent of a life sentence of 60 years for the pornography charges, the first of what I hope will be several lengthy prison sentences. Later this month, he will be sentenced separately in Ingham and Eaton counties. Following standard procedure in these types of cases, the victims will first be given the opportunity to make statements in court regarding their assaults and the impact those assaults have had on their lives. This will happen in both counties, and Nassar will likely be present for the sessions.

The Ingham County proceedings are scheduled to begin on Tuesday, January 16, and may run several days; the Eaton County victim impact proceedings are scheduled for January 31. MSU and the MSU Police Department have worked and will continue to work with any law enforcement investigation looking into criminal matters involving Nassar, and I thank the FBI, the U.S. Attorney, the Michigan Attorney General, and our university police for their hard work and dedication in bringing Nassar to justice.

While the criminal cases are moving toward a conclusion, the civil litigation against MSU, involving multiple cases filed on behalf of victims, is in its early stages. As it moves forward, I hope you will keep a few important points in mind.

First, MSU is entitled to, and its insurers expect, that we will mount a vigorous defense of these cases unless a reasonable settlement can be obtained. This means MSU's lawyers will soon be making arguments in defense of the claims of civil liability. There is nothing extraordinary about such legal efforts – they are typical at this initial stage of civil litigation. At the same time, I well understand that given Nassar's horrendous acts, it will be easy to portray these arguments as disrespectful to the victims. Please know that the defenses raised on MSU's behalf are in no way a reflection of our view of the victims, for whom we have the utmost respect and sympathy, but rather represent, as the Board has said, our desire "to protect MSU's educational and research missions."

Second, depending on the Court's rulings on the initial legal arguments, the parties may enter into a period of "discovery," in which each side will be able to review relevant documents and depose relevant witnesses to determine what happened and when. The entire pre-trial process can be time consuming, but it is often the standard means by which complex cases like this are decided on legal grounds or brought forward to trial.

So, as the litigation progresses in the months ahead, you will likely continue to hear a variety of allegations and accusations against the university, and I simply ask that you understand that MSU cannot litigate the cases in the media, and that many public assertions may go unchallenged unless or until they are addressed in open court.

Finally, as you may know, there have been requests that MSU release information regarding an internal review being conducted in preparation for the pending civil litigation by MSU's outside legal counsel, former U.S. Attorney Patrick Fitzgerald. We have faced accusations that we are not being transparent and, worse, that we are engaging in a cover-up of the events surrounding Nassar's crimes. These accusations are untrue.

As we have said before, because the civil claims against MSU are active, we are limited in what we can say publicly. But I want to underscore that Mr. Fitzgerald, in a recent letter to the Michigan Attorney General, stated that the Board, for whom he works, gave him and his colleagues these clear directions:

"If...they found any evidence that anyone at MSU other than Nassar knew of Nassar's criminal behavior and did anything to conceal or facilitate it then that evidence of criminal conduct would be reported immediately to...appropriate law enforcement authorities...The evidence will show that no MSU official believed that Nassar committed sexual abuse prior to newspaper reports in the summer of 2016."

The FBI and MSU Police Department also conducted a joint investigation earlier this year into whether any university employee engaged in criminal conduct relating to Nassar's action; there were no charges filed. I have attached a copy of the summary of the FBI interviews that were recently released under a FOIA request. I have complete faith in the legal process and in the professionalism and dedication of local, state, and federal law enforcement.

We understand and respect the public's desire for information and details arising from the Nassar matter, which now spans 16 months. You have my commitment that we will continue to share whatever information we can with you and the public.

Thank you in advance for reading this letter. I wish you and your colleagues success as you resume the 2017-18 legislative session.

Sincerely,

Lou Anna K. Simon, Ph.D.
President

Attachment