

MICHIGAN STATE

U N I V E R S I T Y

Testimony of John Engler
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before the

**Subcommittee on Consumer Protection, Product Safety,
Insurance, and Data Security**

Committee on Commerce, Science, and Transportation

United States Senate

on

**Strengthening and Empowering U.S. Amateur Athletes:
Moving Forward with Solutions**

July 24, 2018

Chairman Moran, Ranking Member Blumenthal, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of Michigan State University (“MSU”) as we work together to identify solutions that will strengthen, empower, and protect our student athletes.

In January, the MSU Board of Trustees appointed me to serve as Interim President. As an alumnus of the school, I returned to MSU with a heavy heart, recognizing the gravity of the situation and the number of lives tragically affected by Larry Nassar’s abuse. I accepted the position without salary because I owe the University for the positive role it played in my success and in order to address the crisis and lay a positive foundation for a new president.

Nassar’s crimes shocked the MSU community and the nation. The statements and testimony of the survivors, before your Subcommittee and the courts, have saddened all of us. I have apologized publicly to the survivors on behalf of the University for the harm Nassar caused. The survivors have our sympathy, our respect, and our sincere hope for recovery. Our hearts go out to them, and we are truly sorry that a former faculty member perpetrated these crimes through his associations with MSU, USA Gymnastics, the U.S. Olympic Committee, and others.

Next week, I will mark six months as Interim President. It has been a challenging six months, and there are things I could and should have done differently and better. I regret my errors and have publicly acknowledged them. I recognize that there have been frustrating periods during that time, but I am also confident that we have accomplished much.

Most importantly, we have entered into an historic \$500 million settlement with the survivors. From the outset, I felt my first priority was to achieve a legal settlement with the survivor plaintiffs. This just and equitable settlement will avoid years of litigation for the survivors, and we hope it will allow them to continue their recovery and healing.

We have always understood that the settlement is only part of the needed response. From the moment that I arrived at MSU, we moved decisively to make the organizational changes necessary to ensure that a monster like Nassar could never again hide on our campus. We are working to prevent sexual misconduct on and off our campus and to create a safer and more respectful community for all who attend, work at, or visit the university.

To do that, we have to hold those responsible for ensuring the safety of our students accountable for their actions and results. Accountability is the most significant change that we are implementing in a culture of “shared governance” where there had been less emphasis on actual responsibility for achieving specific outcomes. We recognize that our reforms and our actions are our legacy, and we pledge to the survivors and to the community at large that we will do all we can to protect students, patients, athletes, and others.

Below, I detail some of the most significant steps we have taken. I have also attached a document we have developed – “Michigan State University: Taking Action to Foster a Safer

Campus” – that describes in more detail these and many other actions MSU has taken since Nassar’s crimes were discovered. This document is updated regularly and is available, along with additional materials about our response to Nassar, on MSU’s “Our Commitment” website, <https://msu.edu/ourcommitment/>.

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Providing Assistance to Survivors. MSU recognized that before the healing process could begin in earnest, it would require more than policy changes. For the survivors and for the University to truly move forward, we would need to resolve the litigation and secure an equitable settlement for the survivors.

In May, I was pleased to announce jointly with the survivors that the MSU Board of Trustees and attorneys representing more than 330 survivors had agreed to a \$500 million global settlement. All of the MSU parties have now signed the agreement, which is in the process of being finalized with the signatures of the survivors.

We are confident this settlement was the right thing to do. The early and successful conclusion of mediation will be beneficial to those who have suffered at the hands of Nassar, and their families, by avoiding years of litigation and allowing them to begin the recovery and healing they seek. The settlement also allows MSU to turn our full attention to the institutional reforms and improvements already well underway.

Removing Those Who Enabled Nassar. Within days of taking office, I took action to revoke the tenure of William Strampel, the former dean of the College of Osteopathic Medicine who supervised Nassar and failed to ensure compliance with patient contact requirements. I felt his lack of oversight, combined with other issues that came to my attention, merited his immediate removal. Even before the formal tenure revocation process could be completed, we were able earlier this month to reach an agreement under which all of Strampel’s ties to the University were severed. While that was the most significant and public change, we have also taken other personnel actions related to the Nassar crisis, consistent with our expectation that faculty and staff be held accountable for their responsibilities.

Protecting Patients and Improving Patient Care. MSU has implemented improved patient safety, privacy protocols, and quality of care recommendations following an external review of all MSU clinics. We have also reorganized the health colleges, clinical practices, and student wellness programs and created two new leadership positions to ensure improved oversight of the health system.

Enhancing Student-Athlete Medical Care. Following a comprehensive external review, we have added new positions for athletic trainers, changed their reporting structure, and standardized

chaperone and “consent to treat” policies. The manual for athletic trainers is being revised and will be reissued this summer.

Improving Student Counseling and Psychiatric Services. We have acted on recommendations from another external review to support the Counseling and Psychiatric Services office created last year. A new permanent director was hired in June, temporary counselors were retained, and licensed counseling providers have been embedded in certain campus neighborhoods to provide local counseling services. We have also adopted a single point-of-entry service and are this month launching integrated services for domestic and international students via a 24-hour phone and text hotline.

Strengthening Protections for Youth Participants in Campus Programs. The University hosts numerous youth visits and programs. MSU has updated policies to require that all individuals with unsupervised access to minors, including those associated with external organizations using our facilities, to undergo annual criminal background checks within the prior 12 months. We have also expanded our training for employees to recognize and report child abuse and added new requirements for training and transportation of minors.

Enhancing Title IX Policies and Communications. MSU commissioned an independent review of our Title IX policies and procedures from the respected law firm Husch Blackwell. That firm concluded that MSU’s “policies and procedures are among the most comprehensive and robust we have seen” and included “a number of leading-edge practices that other schools would do well to consider as models for their own programs.” Husch Blackwell determined that the University’s ongoing work on its Title IX program “reflects a strong and genuine institutional commitment to combatting sexual misconduct, creating a safe campus environment, as well as compliance with Title IX and Violence Against Women Act requirements.”

A report on the second phase of the firm’s review, released in May, challenged MSU to improve internal communications to raise awareness of relationship violence and sexual misconduct prevention resources, policies, and procedures. We have taken that recommendation to heart, and a variety of education and training improvements have been adopted or are scheduled for the academic year ahead, including updates to the orientation for incoming students and a comprehensive Title IX campus climate survey.

Convening the MSU Relationship Violence and Sexual Misconduct Expert Advisory Workgroup. In February, I formed a new expert advisory workgroup to formalize recommendations drawn from the input of survivors, students, faculty, and staff from across campus. Chaired by a professor of psychology who is a nationally-recognized expert and who has conducted community-based research on violence against women and children for 25 years, the workgroup has collected feedback from more than 200 members of the community and has made numerous recommendations for improvements thus far, including many of those listed here.

Creating an Office for Civil Rights and Title IX Education and Compliance. In response to feedback from the community and the recommendations of the workgroup, this new office oversees the Office of Institutional Equity (“OIE”), which investigates complaints, as well as the Title IX Prevention, Outreach and Education Office, which is also a new office, focused on increased knowledge and awareness. We have created six new positions under this office, adding service coordinators, a case manager, and an additional investigator, among others.

Strengthening Mandatory Reporting Obligations. As part of an annual review of its Relationship Violence and Sexual Misconduct Policy, MSU enhanced the policy to address violations of mandatory reporting obligations. Employees who fail to report sexual assault allegations as required by the policy are subject to discipline, up to and including termination.

Improving the Investigation of Sexual Assault Reports. MSU has adopted a new protocol to ensure coordination between various MSU entities. For example, the MSU Police Department now notifies OIE when it is investigating relationship violence, stalking, and sexual misconduct complaints. The MSU police also works with area police departments, sharing its expertise on sexual assaults. In addition, we have hired Kroll, a leading independent, third-party investigative services firm, to assist with Title IX investigations and reduce the response time for complaints.

Creating an Office of Enterprise Risk Management, Ethics and Compliance and Establishing the Position of Chief Compliance Officer. The University is subject to numerous national, state and local regulations. In a shared governance environment where many units of the University operate independently, it is difficult to ensure enterprise compliance with all of them. In June, to address this issue, I established a new office to improve accountability for monitoring legal, ethical, and regulatory requirements. This office will oversee development of a consistent ethics and compliance program, improve recordkeeping, and develop campus-wide training and communications strategies. Earlier this month, I appointed an MSU law professor and authority on organizational compliance to launch and lead this office and to serve as our first Chief Compliance Officer. The position will report to me but will also work independently with the Board of Trustees’ newly-established Committee on Audit, Risk, and Compliance.

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In conclusion, I never expected to serve as Interim President of MSU, and I deeply regret the circumstances that brought me back to campus. But despite the crimes of Nassar and the tremendous pain caused by him, MSU remains a great institution.

We are the nation’s pioneer land-grant university and one of the top research universities in the world – one of 62 members of the prestigious American Association of Universities. The University’s 50,000 students come from all counties in Michigan, all 50 States, and 133 other countries. This fall, we will welcome our largest freshman class in the University’s history.

Teaching and supporting them will be more than 5,600 faculty members and academic staff and more than 7,000 other employees. When those students complete their studies, they will join a vibrant and supportive group of more than 500,000 living alumni.

I am proud of the institution and particularly proud of the way the MSU community has come together in this difficult time to support the survivors and to improve our campus. Our efforts continue, and a search committee is moving forward to identify a new president. In my remaining time as Interim President, I pledge to continue to implement meaningful reforms that increase safety, accountability, and respect on our campus.

I also believe that our experiences, the lessons we have learned, and the solutions we have identified may be able to help other institutions in the future. A reckoning with the persistent problems of sexual assault and harassment is clearly at hand for many institutions that have fallen short of their obligations. We owe it to the survivors of abuse everywhere to dedicate ourselves to finding effective solutions.

Thank you again for the opportunity to testify.

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Attachment: Michigan State University: Taking Action to Foster a Safer Campus