

Testimony of Lou Anna Simon
President Emeritus, Michigan State University
before the
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security
Committee on Commerce, Science, and Transportation
United States Senate
on
Preventing Abuse in Olympic Amateur Athletics:
Ensuring a Safe and Secure Environment for Our Athletes

June 5, 2018

Chairman Moran, Ranking Member Blumenthal, and Members of the Subcommittee, thank you for undertaking your investigation and holding this hearing to help better protect the safety of Olympic athletes and students on college campuses across America.

I spent my entire professional life devoted to Michigan State University (MSU) – nearly 45 years – and was honored to serve as President from 2005 until January of this year. I have seen the school grow to more than 50,000 students in 17 separate colleges, with nearly 6,000 faculty and academic staff and more than 7,000 other employees.

I am proud of what MSU accomplished during my administration, but I am here because of the unspeakable crimes of one former university employee, Larry Nassar.

I am truly sorry for the abuse the survivors of Nassar suffered, the pain it caused, and the pain it continues to cause today. I am sorry a university employee so utterly betrayed the survivors' trust and everything for which MSU stands.

Nassar was a world famous, celebrated sports physician who treated Olympic stars. He was also a shrewd criminal predator who cruelly damaged the lives of so many innocent victims. It is clear now that Nassar fooled everyone around him – patients, family, friends, colleagues, and law enforcement. He led a double life, as the Assistant U.S. Attorney said in a court filing.

I am horrified that Nassar's crimes happened during my tenure. Had I known that Nassar was sexually abusing young women, I would have taken immediate action to prevent him from preying on additional victims, including terminating his employment and reporting him to the police.

Not a day goes by without me wishing that he had been caught and punished sooner. And not a day goes by without me wondering what we missed and what could have been done to detect his evil before a former youth gymnast filed her complaint with the MSU Police in 2016.

After that complaint, Nassar was promptly fired. Since then, MSU has taken numerous steps to set even higher standards for patient care and safety, to prevent relationship violence and sexual misconduct, and to support survivors and respond to reports of such incidents. I initiated certain

of these improvements during my tenure as President; others have been undertaken by Interim President John Engler, who succeeded me.

The MSU Board of Trustees, with my encouragement, also initiated mediation with the survivors. This process eventually resulted in the recent settlement in principle totaling \$500 million with more than 330 survivors, including 31 known to have been MSU students. I recognize that resolving the civil litigation and providing monetary compensation to the survivors is but one step in a longer journey to make things right. I am hopeful that the settlement allows survivors to focus on their healing and recovery.

Looking back, we know now that the Meridian Township Police Department investigated a complaint against Nassar in 2004. But the Township Police cleared him, and neither MSU nor the prosecutor were informed of that investigation.

In 2014, an adult patient made a complaint to MSU's Sports Medicine Clinic regarding an office visit with Nassar. The physician who received the complaint immediately reported the matter to MSU's Office of Inclusion and Intercultural Initiatives ("I3," the predecessor to MSU's Office of Institutional Equity), and Nassar was reassigned from clinical practice.

I3 promptly opened an investigation and, following protocol, reported the matter to the MSU Police Department. I3's investigation, which included consultation with other medical professions, concluded that no violation of MSU's sexual harassment policy had occurred. The MSU Police Department turned its findings over to the Ingham County prosecuting attorney's office, which did not file charges following its own review.

The criminal nature of Nassar's conduct was ultimately discovered by MSU only after the 2016 complaint by the former youth gymnast. On August 29, 2016, the MSU Police Department notified the University that it had received the complaint, which was different in nature than the 2014 complaint. Nassar was immediately removed from clinical practice, and the MSU Police Department commenced its investigation. After confronting him with the allegations related to his practice, MSU fired Nassar on September 20, 2016.

Even before the investigations were completed, we took a variety of mitigation steps to protect patient safety. We changed the supervision of Sports Medicine, where Nassar practiced, moving it from the College of Osteopathic Medicine to MSU's HealthTeam. We launched an external review of all MSU clinics. We conducted a policy and protocol review within the MSU HealthTeam and a subsequent follow up review for progress. And we developed a new chaperone policy, adopted a "consent to treat" form for patients, and approved a practice location policy.

In every investigation of this matter, I insisted that the University and its personnel fully cooperate. Moreover, the MSU Board of Trustees requested that the Michigan Attorney General conduct a separate review of the events surrounding Nassar and MSU's handling of the situation. That investigation is ongoing.

MSU Police investigators, particularly those in the Special Victims Unit, worked tirelessly with prosecutors to build the criminal case that led to Nassar's multiple convictions. Indeed, Michigan's Attorney General publicly praised the MSU Police Department for its efforts in bringing Nassar to justice.

Shortly after the allegations about Nassar surfaced, we retained the law firms of Skadden Arps and Miller Canfield to facilitate MSU's cooperation with law enforcement and to provide advice and assistance in connection with anticipated litigation. MSU directed the firms that, if in the course of their representation, they found any evidence that anyone at MSU other than Nassar knew of his criminal behavior and did anything to conceal or facilitate it, then that evidence of criminal conduct should be reported immediately to the MSU administration, the Board of Trustees, and appropriate law enforcement. It is my understanding that no such conduct has been identified, and Skadden Arps wrote to the Michigan Attorney General last December, concluding that "we believe the evidence will show that no MSU official believed that Nassar committed sexual abuse prior to newspaper reports in late summer 2016."

Following the discovery of Nassar's conduct, we also commissioned a comprehensive independent review of our Title IX program, undertaken by the respected law firm of Husch Blackwell. The firm concluded that MSU's "policies and procedures are among the most comprehensive and robust we have seen." Husch Blackwell also found that "MSU's policies and procedures comply with current legal requirements and agency guidance" and "also contained a number of leading-edge practices that other schools would do well to consider as models for their own programs."

Nassar's abuse of innocent survivors marks Michigan State's darkest hour. Although the school devoted its diligent efforts to improving and enhancing MSU's policies, procedures, training, staffing, and communications to protect our students and guard against sexual misconduct, Nassar continued to prey on survivors under the guise of medical treatments.

In 25 years as either Provost or President of MSU, I welcomed to campus approximately 400,000 students, and each of them, and their families, had my commitment to creating a safe and healthy environment free of abuse. I deeply regret that Nassar was able to perpetuate some of his crimes on our campus.

To the survivors of Nassar's abuse, I can never say enough that I am so sorry that a trusted, renowned physician turned out to be an evil predator, and I am sorry that we did not discover his crimes and remove him from our community sooner.

Now, my hope is that we learn from these horrific events. In the end, the most important legacy of this terrible chapter will be how MSU, USA Gymnastics, and the Olympic community support the survivors and the steps we all take to guard against sexual abuse. Success will require not just new policies, programs, and leadership at schools, sports bodies, and other organizations, but also resolve by all members of these communities to emulate the courage of the survivors, to speak up, and to take responsibility when they see injustice.