December 14, 2018

Office of the President
DEC 19 2018

Mr. John Engler
President
Michigan State University
556 East Circle Drive
East Lansing, Michigan 48824

UPS Tracking #
1Z37X7Y30219002212

Re: **Campus Crime Program Review Report**
OPE ID: **00229000**
PRCN: **201820329908**

Dear President Engler:

On February 19, 2018, the United States Department of Education (the Department) formally initiated an on-site program review to evaluate Michigan State University's (Michigan State; the University) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) and the Drug-Free Schools and Communities Act (*DFSCA*). The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions required to comply with those statutes and regulations going forward. Please review the report carefully and prepare a substantive response. Michigan State's response should include a narrative that begins with a clear statement of the University's position on each finding. The narrative should clearly indicate if the institution concurs with the findings, disagrees with the findings, or concurs in part and disagrees in part. The narrative response to each finding should also articulate a clear rationale for all positions taken by the institution. The response also must describe any remedial action(s) that were taken to address the findings of violation and provide reasonable assurance that such exceptions will not recur.

Copies of all documents and information referenced in the "Required Action" section of each finding must be submitted as part of the official response. The University must also provide copies of all documents and information that support its position and assertions on the findings and/or substantiate its remedial action claims. Wherever possible, the Department respectfully requests that responsive documents be submitted in an electronic format and that any spreadsheets, charts, or other similar records be submitted in a format that will permit Department officials to sort and search all data fields.

The Department requests that Michigan State provide the names of two points of contact (POC), along with those persons' telephone numbers and e-mail addresses, in order to establish a Secure File Transfer Protocol (SFTP) site to which all documents and information referenced in the "Required Action" section will be uploaded. Upon receipt, the Department will then provide the

necessary information and instruction for those POCs to establish connectivity to the Department's SFTP.

Please submit your response within 60 calendar days of receipt of this Program Review Report to:

Mr. James L. Moore
Senior Advisor
Clery Act Compliance Division
U.S. Department of Education
830 First Street, NE
Washington, DC 20002

Please note that, pursuant to HEA *Section 498A(b)*, the Department is required to:

1. Provide to the institution an adequate opportunity to review and respond to any preliminary Program Review Report[1] and relevant materials related to the report before any Final Determination is issued; and,

2. Review and take into consideration an institution's response in any Final Determination, and include in the Final Determination:
    a. A written statement addressing the institution's response;
    b. A written statement of the basis for such report or determination; and
    c. A copy of the institution's response.

The Department considers the institution's response to be the written narrative (to include e-mail communication). Any supporting documentation submitted with the University's written response will not be attached to the Final Program Review Determination (FPRD) letter. However, it will be retained and available for inspection by Michigan State upon request. Copies of the Program Review Report, the University's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and also may be provided to other oversight entities after the FPRD is issued.

Please be sure that your response conforms to the Department's standards for the protection of Personally Identifiable Information (PII). PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). Please review the enclosure entitled "Protection of Personally Identifiable Information" for further guidance.

Records relating to the period covered by this program review must be retained until the latter of the resolution of the violations identified during the review or the end of the regular record retention period applicable to all Title IV records, including *Clery Act* and *DFSCA*-related documents, under *34 C.F.R. §668.24(e)*.

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[1] A "preliminary" Program Review Report is the Program Review Report. The Department's Final Program Review Report is the Final Program Review Determination (FPRD).

We would like to express our appreciation for the courtesy extended during the review process thus far. Please include the Program Review Control Number (PRCN) noted above in all correspondence relating to this report. If you have any questions concerning this report or the program review process, please contact Mr. James Moore at 215-656-6495 or James.Moore@ed.gov, or Douglas Rose at 202-377-4200 or Douglas.Rose@ed.gov.

Sincerely,

Candace R. McLaren, Esq.
Director
Clery Act Compliance Division

cc: Mr. Robert P. Young, Vice President for Legal Affairs and General Counsel, Michigan State
Mr. Brian T. Quinn, Acting Deputy General Counsel, Michigan State
Ms. Jacquelynn Kittel, Assistant General Counsel, Michigan State
Ms. Kristine Moore, Assistant General Counsel/Clery Act Coordinator, Michigan State
Mr. James Dunlap, Chief of Police/Director of Public Safety, Michigan State
Mr. Richard L. Shipman, Executive Director, Financial Aid, Michigan State

Enclosure:

Campus Crime Program Review Report

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip and are encrypted with AES encryption.

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Federal Student Aid
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Prepared for:
Michigan State University

OPE ID: 00229000
PRCN: 201820329908

Prepared by:
U.S. Department of Education
Federal Student Aid
Clery Act Compliance Division

Program Review Report
December 14, 2018

Table of Contents

A. The Clery Act and the Drug-Free Schools and Communities Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*), in §485(f) of the Higher Education Act of 1965, as amended, (HEA), 20 U.S.C. §1092(f), is a Federal consumer protection statute that provides students, parents, employees, prospective students and employees, and the public with important information about public safety issues on America's college campuses. Each domestic institution that participates in the Federal student financial aid programs under Title IV of the HEA must comply with the *Clery Act*. The institution must certify that it will comply with the *Clery Act* as part of its Program Participation Agreement (PPA) to participate in the Title IV Federal student financial aid programs.

The *Clery Act* requires institutions to produce and distribute Annual Security Reports (ASRs) containing their campus crime statistics. Statistics must be included for the most serious crimes against persons and property that occur in buildings or on grounds that are owned or controlled by the institution or recognized student organizations, as well as on adjacent and accessible public property. These crimes are considered to have been reported anytime such an offense is brought to the attention of an institution's campus police or security department, a local or state law enforcement agency with appropriate jurisdiction, or another campus security authority (CSA). There are several categories of CSAs. These include any institutional employee with safety-related job functions, such as a security desk receptionist in a residence hall or an attendant that controls access to a parking facility, and anyone designated to receive reports of crime and/or student or employee disciplinary infractions, such as Human Resources and Alternative Dispute Resolution professionals. Finally, the law confers CSA status on any official that has significant responsibilities for student life or activities, such as residential life staff, student advocacy and programming offices as well as athletic department officials and coaches. At most institutions, the largest group of CSAs will fall into the last of these categories.

An ASR must include several statements of policy, procedures, and programmatic information regarding issues of student safety and crime prevention. The *Clery Act* also requires institutions to maintain daily crime logs that are available for public inspection, and to issue Timely Warnings and Emergency Notifications to provide up-to-date information about ongoing threats to the health and safety of the campus community. In addition, the *Clery Act* requires institutions to develop emergency response and evacuation plans. Under *§485(i) and (j)* of the HEA, *20 U.S.C. § 1092(i) and (j)*, institutions that maintain student residential facilities must develop missing student notification procedures and produce and distribute Annual Fire Safety Reports (AFSRs) containing fire statistics and important policy information about safety procedures, fire safety and suppression equipment, and what to do in the case of a fire. Finally, certain amendments to the *Clery Act* were finalized and included in Section 304 of the Violence Against Women Reauthorization Act of 2013 went into effect on July 1, 2015. These provisions are aimed at preventing campus sexual assaults and improving the response to these crimes when they do occur. For ease of reference we will refer to all of these campus safety requirements as "*Clery Act* requirements" or simply the "*Clery Act*" in this report.

The *Clery Act* and other campus safety requirements are based on the premise that students and employees are entitled to accurate and honest information about the realities of crime and other threats to their personal safety and the security of their property. Armed with this knowledge,

members of the campus community can make informed decisions about their educational and employment choices and play active roles in their own personal safety and to secure and protect their personal property. For that reason, the office of Federal Student Aid (FSA) must ensure that the information disclosed in each ASR and AFSR is accurate and complete. FSA uses a multi-faceted approach to ensure that institutions comply with the *Clery Act*, which includes providing technical assistance, training programs, and materials, as well as monitoring and enforcement through program reviews.

FSA may initiate a campus crime program review subsequent to a complaint or in response to public reports about crimes, crime reporting, and prevention at a particular institution. Program reviews entail in-depth analyses of campus police and security records, as well as interviews of institutional officials, crime victims, and witnesses. During a program review, an institution's policies and procedures related to campus security matters are also examined to determine whether they are accurate and meet the needs of the campus community.

Because the vast majority of violent crimes on campus are alcohol and drug-related, the Secretary of Education delegated oversight and enforcement responsibilities for the Drug-Free Schools and Communities Act (*DFSCA*), in *§120* of the HEA, *20 U.S.C. §1011(i)*, to FSA in 2010. The *DFSCA* requires all institutions of higher education that receive Federal funding to develop and implement comprehensive drug and alcohol abuse prevention programs (DAAPP) and to certify to the Secretary that these programs are in place. The programs must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

B. Institutional Information

Michigan State University
556 East Circle Drive
East Lansing, Michigan 48824

Institution Type: Public

Highest Level of Offering: Doctorate Degree

Accreditation Agency: North Central Assoc. of Universities & Schools - Higher Learning Commission

Current Student Enrollment: 50,340 (Approx. Fall 2017)

Percentage of Students Receiving Title IV, FSA Funds: 50.9% (Approx. Fall 2017)

Title IV Participation: (Per U.S. Department of Education Database)

2016-2017 Award Year

Federal Stafford Loan Programs	$ 377,880,587
Federal Pell Grant Program	$ 37,854,617
Federal Supplemental Educational Opportunity Grant Program	$ 2,275,545
Federal Work Study Program	$ 3,589,262
Federal Perkins Loan Program	$ 1,794,825
Total	$ 423,394,836

DL/FFEL Default Rate:
2014 - 3.5%
2013 - 3.6%
2012 - 4.0%

Perkins Default Rate:
6/30/2015 – 6.39 %
6/30/2014 – 7.01%
6/30/2013 – 8.14%

The University

Michigan State University ("Michigan State" or the "University") is a public research university in East Lansing, MI. Michigan State was founded in 1855 and served as a model for land-grant universities later created under the Morrill Act of 1862. In terms of enrollment, Michigan State is one of the largest universities in the United States. The University is organized into 14 distinct colleges and offers programs in more than 146 undergraduate majors and 161 graduate and professional fields. Situated on more than 5,200 acres in East Lansing, MI, Michigan State owns or controls approximately 2,000 acres in existing or planned campus development. The remaining acres are comprised of experimental farms, research facilities, and more than 700 acres of protected natural areas. With 538 buildings on the contiguous campus, 27 miles of University-owned roadways, and 104 miles of sidewalks, the University has a large footprint in the city of East Lansing.

At the time of the program review in February 2018, the Michigan State University Police Department (MSUPD) was comprised of 80 law enforcement officers and 103 full-time employees. The MSUPD is described as a full-service law enforcement agency that provides 24/7 policing and protection services on campus and in the near-campus community. The MSUPD maintains working relationships with state and local law enforcement agencies, including other local agencies in East and West Lansing.

C. Background and Scope of Review

After a several month investigation, on September 12, 2016, the Indianapolis Star published an in-depth article titled, "Former USA Gymnastics doctor accused of abuse." The article revealed that a Michigan State sports medicine doctor, Lawrence G. Nassar (Nassar), had been accused of committing sexual crimes against his patients, under the guise of medical treatment, and how USA Gymnastics (USAG) failed to report to law enforcement multiple sexual abuse allegations against Nassar and its medical staff. By the time that the article was published, at least 368 USAG gymnasts had alleged sexual abuse by Nassar over a nearly 20-year period. Subsequent media reports indicate that hundreds of these sex crimes may have occurred on the Michigan State campus.

In the wake of media reports alleging hundreds of sex crimes and detailing the charges brought against Nassar, FSA determined that a campus crime program review would be conducted at the University. The focus of the review, as will be discussed throughout this Program Review Report (PRR), was to examine the extent to which Michigan State may have failed to comply with the *Clery Act*, and also to examine the University's compliance with the requirements of the *DFSCA* and the Department's regulations at *34 C.F.R. Part 86.*

On January 18, 2018, the University was notified that the FSA program review team would begin its review in February 2018. This review was conducted by the Clery Act Compliance Division (CACD).

The review included a careful examination of Michigan State's publications, written agreements, police incident reports, investigative reports, arrest records, and disciplinary files, as well as the University's policies, practices, procedures, and programs related to the *Clery Act.* The review

team compared the campus crime statistics that Michigan State submitted to the U.S. Department of Education's Campus Safety and Security Data Analysis Cutting Tool (CSSDACT) and those it provided to students and employees in the University's ASRs from 2014 through 2017. The review team conducted a limited test of Nassar-related incidents going back to 1997. Many other documents and reports prepared by various internal and external authorities and groups, including Michigan State student organizations, residence life, and the Office of the General Counsel, were also examined. Additionally, more than 100 interviews were conducted with current and former University officials, most of who are or were responsible for some aspect of *Clery Act* compliance. The review team also spoke to several students, parents, government officials, and other individuals with information about the University and its campus safety and crime prevention programs.

The review team selected both random and judgmental samples of MSUPD records and incident reports, as well as arrest reports, disciplinary referral reports, email exchanges, and other relevant materials, from 2011-2017. This review period was selected to test the accuracy and completeness of statistical and informational disclosures that were included in the ASRs produced by the University from 2014 to 2018. In addition, the review team interviewed victims and conducted a limited review of documentation related to Nassar incidents going back to 1997. The incident reports that the review team examined documented Part I crimes[1] reported to the MSUPD and/or the Office of Student Conduct. The review team also reviewed a sample of records relating to Part II arrests and disciplinary referrals for violations of certain laws pertaining to illegal drugs, illegal usage of controlled substances, liquor, and weapons. All documents requested by the review team were related to Michigan State's main campus in East Lansing, MI. Selected incident reports from the above referenced samples were cross-referenced to the MSUPD's Daily Crime Logs (DCLs) to ensure that crimes occurring within the patrol jurisdiction had been properly classified and recorded. The Department's analysis, findings and impressions are presented in this report.

In addition to this PRR, Michigan State officials are advised that FSA may issue one or more supplemental reports. FSA's review is still ongoing as of the date of this initial PRR. Supplemental reports may cover several areas including, but not limited to: 1) additional information and analysis regarding possible violations at Michigan State and additional required actions; 2) the University's response to the findings of various internal investigations; 3) the University's response to any reports or requests for information issued by the Office of the Special Prosecutor; 4) the status of the University's efforts to implement the FSA's forthcoming recommendations for improved compliance with the *Clery Act*; 5) the monitoring efforts of any other oversight bodies including, but not limited to, the National Collegiate Athletic Association and the Higher Learning Commission; and 6) the details of FSA's long-term monitoring strategy.

[1] In basic terms, the Uniform Crime Reporting (UCR) system divides criminal offenses into two broad categories. Part I offenses are the most serious crimes against persons and property including, but not limited to, criminal homicide, forcible sex offenses, burglary, and arson. Part II offenses are slightly less serious crimes by comparison including, but not limited to, simple assault, theft, and many drug and liquor law violations. The *Clery Act* primarily requires the disclosure of campus crime statistics for Part I offenses as well as arrest and disciplinary referral data for Part II offenses related to certain drug, liquor, and weapons law violations.

In addition to the specific findings of noncompliance identified during the review, the review team identified additional and substantive weaknesses[2] that provided further evidence that Michigan State's lack of adequate internal control systems contributed to these systemic violations. Those issues will be described throughout this report.

Disclaimer:

Although the review was carefully planned and conducted in a thorough manner, neither the review nor this report should be assumed to be all-inclusive, especially in light of the complexity of the subject matter, the volume of records, and the unavailability of certain witnesses. The absence of statements in this report, concerning Michigan State's specific practices and procedures, must not be construed as acceptance, approval, or endorsement of those specific campus safety and crime prevention policies, procedures, practices, or programs. Furthermore, the absence of statements in this report does not relieve Michigan State of its obligation to comply with all of the statutory and regulatory provisions governing the Title IV, HEA programs, including the *Clery Act* and the *DFSCA*.
While this report reflects initial findings of the Department, it is not final. After reviewing the University's response to this report, FSA will issue a Final Program Review Determination (FPRD) letter.

Current and former Michigan State officials are identified in this report by Employee Number to protect their privacy. Notwithstanding these references, all findings of violation are attributed solely to the University. It is the University that is responsible for complying with the *Clery Act* and other statutory and regulatory requirements, and it is responsible for the actions of its employees and agents. All persons who reported crimes committed by Nassar are identified as "Survivors," along with a letter designation.

D. Findings

The reviewers identified several areas of serious noncompliance. Throughout the document, we cite the applicable statutes or regulations to which the areas of noncompliance relate. The report also specifies the actions Michigan State must take to bring campus crime reporting policies and procedures into compliance with the *Clery Act* and the Department's regulations. Michigan State is reminded that all violations identified in this program review report, and any supplements to it, apply primarily to the Main Campus but may also apply to other campuses in the University system.

[2] See Finding #4 for additional information on the Department's assessment of Michigan State's administrative capability. A finding of significant administrative impairment is one of the most serious findings that can result from a campus safety program review.

Finding #1: Failure to Properly Classify Reported Incidents and Disclose Crime Statistics

Citation:

The *Clery Act* and the Department's regulations require that institutions participating in the Title IV, HEA programs compile and disclose crime statistics in the ASR and in its reporting to the Department for the three most recent calendar years concerning occurrences on campus, in or on non-campus buildings or property, and on public property of the following that are reported to police agencies or to a campus security authority: Criminal Homicide, Manslaughter, Rape, Fondling, Statutory Rape, Incest, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson. *34 C.F.R. § 668.46(c)(1).* In addition, institutions must disclose arrests for liquor law violations, drug law violations, and illegal weapons possession. *34 C.F.R. §668.46(c)(1)(viii).* The Department's regulations also require that, for *Clery Act* reporting purposes, participating institutions compile crime statistics using the definitions of crimes provided in Appendix A to Subpart D of the Department's General Provisions Regulations. *34 C.F.R. §668.46(c)(7).*

Noncompliance:

Michigan State failed to compile and disclose accurate and complete crime statistics because its crime statistics did not include the sex crimes that Nassar committed during the years in which the statistics were reported.[3] None of these crimes were ever recorded through any of the University's normal incident reporting processes, and, as a result, were never included in any of Michigan State's crime statistics disclosures. These violations date back to at least 1997, and involve victims, many of whom were minors at the time of the abuse, who reported these incidents to trusted adults, including coaches and athletic trainers. Many of these adults clearly met all of the criteria of CSAs.

When an institution's reporting systems and campus safety and crime prevention policies, procedures, and programs function properly, they create an environment in which crime reporting is encouraged and the issuance of Timely Warnings and Emergency Notifications are an expected part of campus life. In such an environment, there is an expectation that criminal acts and other threats will be identified quickly and communicated to the appropriate institutional officials who will take action to mitigate or eliminate such threats, and to provide accurate, complete, and timely information to those who may be adversely impacted. This allows community members and other stakeholders to make informed decisions about, and to play active roles in, their own safety and security.

The following incidents outlined below are a representative sample of incidents of crime that were not included in the University's crime statistics for the appropriate years. As FSA's review is ongoing, the Department may identify additional reportable conditions of misclassification

[3] FSA acknowledges that Michigan State has recently taken some action to document some of these incidents, compile statistics, and to include some of that data in the University's crime statistics. However, those remedial efforts do not change the fact that the failure to disclose these and other incidents, in the years that they were originally reported is a violation of the *Clery Act*, and, as such, those reportable conditions must be documented in this report.

and/or underreporting of incidents in one or more supplements to this report. Based on information developed during the review, the Department also anticipates that Michigan State will self-identify several additional incidents that fall into these categories during the file reviews that it must conduct as part of the University's official response to this PRR.

Survivor A: In 1997, Nassar's abuse of Survivor A, a [redacted] was reported to a CSA; yet no report of the crime was lodged in accordance with the *Clery Act* as required. This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics for calendar year 1997. More specifically, Nassar's assault of Survivor A, [redacted]" was witnessed by [redacted], who immediately notified two assistant coaches. Those assistant coaches, who were CSAs, in turn, notified Employee 1, Michigan State's head gymnastics coach. In response, Employee 1 told the complainant that Nassar had been performing a legitimate medical procedure and accused the child of having a "dirty mind." Employee 1 also told Survivor A that she could file a complaint, but that doing so would have "very serious consequences for her, her family, and for Nassar." This incident should have been classified as a Forcible Sex Offense,[4] and should also have been included in the University's campus crime statistics for calendar year 1997.

Survivor B: In 1997, Survivor B, Survivor A's [redacted], also reported to Employee 1 that Nassar had sexually assaulted her, yet no report of the crime was lodged in accordance with the *Clery Act*. This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.[5]

Survivor C: In 1999, Survivor C, a Michigan State [redacted], reported having been sexually assaulted by Nassar, to whom she had been sent for treatment of a hamstring injury, yet no reports of those crimes were properly lodged in accordance with the *Clery Act*. After the appointment, the student called her parents, and then called her coach, Employee 2, to report the offense. Survivor C reported that the coach told her that Nassar is a highly respected doctor and that she should put her trust in him.[6] This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.

Survivor D: Throughout 1999 and 2000, Survivor D, a Michigan State [redacted], was reportedly sexually assaulted by Nassar, yet none of these reported crimes were documented by the University, as required by the *Clery Act*. In the fall of 1999, Survivor D told another team official, her trainer, that she no longer wanted to be treated by Nassar. The trainer indicated that any failure to submit to prescribed treatment would deem her ineligible to play, and that non-

[4] To better align the *Clery Act* with the UCR and currently accepted terminology in the field, the Department's regulations, issued on October 20, 2014, eliminated the use of "Forcible Sex Offense" and "Non-Forcible Sex Offense." The crimes covered by these categories of offense are now included in the hierarchy. The crimes are Rape, Fondling, Statutory Rape, and Incest.

[5] In October 2016, the MSUPD interviewed Employee 1, who denied any knowledge of Nassar's crimes, and claimed that no one, including Survivors A and B, had ever reported any allegations involving sexual abuse by Nassar to her. Employee 1 refused multiple interview requests by both FSA and OCR.

[6] As was the case with Employee 1, Employee 2 later claimed that she did not recall the complaint, asserting that she would have reported anything of a sexual nature to her superiors.

participation would result in [redacted]. In March 2000, Survivor D specifically explained Nassar's abuse to that same trainer. In her interview with the review team, Survivor D advised that, upon hearing her account, the trainer became visibly distraught and indicated that the student should bring her concerns to the attention of the supervisory trainer, Employee 3, who is a close associate of Nassar. As a result, this reported crime was never documented by the CSA who was initially contacted by the student, or by any other Michigan State official.

In the fall of 2000, Survivor D, once again, reported Nassar's abuse to Employee 3, who, again, continued to defend Nassar and told Survivor D that his treatments were entirely appropriate. Employee 3 further advised Survivor D that, if she filed a complaint of any kind, it would have consequences for her and her family, and would cause serious controversy for Nassar and the University.[7] This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.

Survivor E: In 2000, Survivor E, a Michigan State [redacted] reported that Nassar sexually assaulted her during her first appointment. She also stated that, during her second appointment, Nassar repeatedly positioned her foot in his genital region. This complaint was never documented and was not disclosed in the University's crime statistics, as required by the *Clery Act*. When Survivor E reported Nassar's abuse to her trainer, a CSA, that trainer told that she could file a complaint with law enforcement if she really believed that Nassar had broken the law in some way. However, that trainer also told Survivor E that there was no way for her to file such a report anonymously. Based on that conversation and the lack of support provided by the trainer, she decided to not file a police report.[8] Survivor E's trainer should have reported this incident to the appropriate Michigan State officials. On these facts, this incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.

Survivor F: In 2003, Survivor F, a young [redacted], was referred to Nassar for the treatment of severe back pain. During her treatment, Nassar reportedly sexually assaulted her. After that appointment, Survivor F immediately reported the assault to an unidentified member of the MSU Sports Medicine clinic; a person whom she believed to be another physician. There were no clear reporting processes within MSU Sports Medicine for patients to register concerns, so she simply reported the incident to the first person of apparent authority that she crossed after the attack. This incident was never recorded, as required by the *Clery Act*. This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.

[7] In this context, it is important to note that Employee 3 was recommended by Nassar to serve as one of the panel members who ultimately cleared him of any wrongdoing in the 2014 Title IX investigation. In her interview with the review team, Employee 3 repeatedly claimed that she had never received any complaints about Nassar. Later, during a 2017 MSUPD investigation, Employee 3, again, claimed that she had no knowledge of any athlete ever reporting that Nassar had performed an intravaginal procedure on her.

[8] Although Survivor E did not file a police report, the incident had, in fact, already been reported to a CSA. It is for this reason that the University was required to include it in its statistical disclosure.

Survivor G: In 2004, Survivor G, [redacted] and a [redacted], reported that Nassar had sexually assaulted her on several occasions. When Survivor G told her parents of the assault, they, in turn, alerted Employee 4, a licensed psychologist and tenured professor at Michigan State. However, rather than inform officials at MSU about these accusations against Nassar, Employee 4 took it upon himself to mediate a meeting between Nassar, Survivor G, and Survivor G's parents. Nassar also used his social relationship with the family to persuade Survivor G's parents that his "treatments" were medically appropriate.

All of the offenses reported by Survivor G meet the definition of Forcible Sex Offenses. Each of the incidents that occurred at the sports medicine clinic or at other locations within the University's *Clery* Geography should have been included in the University's campus crime statistics. That did not happen.

Survivor H: In 2007, Survivor H, [redacted], reported being subjected to a long pattern of sexual abuse by Nassar, beginning in 2004 when she was only [redacted] years old. She also reported that Nassar continued to assault her into 2014. Survivor H stated that her appointments with Nassar took place at the MSU Sports Medicine Clinic, as well as at the [redacted] building where Nassar would typically examine athletes in a back room of the facility on Monday nights. These assaults continued until she was [redacted]

Like many of Nassar's other child victims, Survivor H did not know how to report these incidents, and was afraid to do so. Ultimately, Survivor H reported the abuse to Employee 5, a close associate of Nassar, who never took any steps to provide any of the information reported by Survivor H to the officials or offices with responsibility for receiving and/or investigating allegations of sexual abuse.[9] These incidents should have been classified as Forcible Sex Offenses, and should also have been included in the University's campus crime statistics.

Survivor I: Between 2008 and 2010, Survivor I, [redacted] reported that Nassar had sexually assaulted her, yet no reports of this crime were properly lodged in accordance with the *Clery Act*. More specifically, Survivor I reported this offense to [redacted], Employee 6. This incident should have been classified as a Forcible Sex Offense, and should also have been included in the University's campus crime statistics.

Survivor J: In 2015, Survivor J reported that, during a treatment at the MSU Sports Medicine Clinic, Nassar groped her bare breasts with his bare hands. The woman informed Employee 7, her former boyfriend and a Michigan State athletic trainer, of the abuse in his capacity as a University employee; yet no report of this crime was ever properly lodged in accordance with the

[9] Employee 5 was eventually terminated from her employment at the University for allegedly removing the medical records of certain Twistars' patients from the MSU Sports Medicine clinic at Nassar's behest.

[10] [redacted]

Clery Act. This incident should have been classified as an incident of Fondling, and should have been included in the University's campus crime statistics.

Survivor K: In 2016, Survivor K, a former Michigan State athlete, telephoned her former Strength and Conditioning Coach, a CSA, to inform him that Nassar had touched her inappropriately. In an interview with the review team, the coach stated that, at the time of Survivor K's report, he had recently received CSA training and knew how to properly handle such an incident. Nevertheless, he ignored that training, choosing to speak to Michigan State's Associate Director of Athletics about the matter instead. In turn, the Associate Director of Athletics told the coach to call Survivor K, and explain to her that he had to report the incident. The coach then called the athlete back, advising her that, "it would be a big investigation and she will be contacted." However, the coach, who could not recall whether he had reached back out the Associate Director of Athletics after his call to Survivor K, never reported the incident to OIE, MSUPD, or any other office or official. Both he and the Associate Director of Athletics failed to properly report Survivor K's allegation of sexual abuse as required. This incident should have been classified as an incident of Fondling, and should have been included in the University's campus crime statistics.

Additional classification and under-reporting exceptions may be brought to the University's attention in one or more supplements to this PRR, as previously explained.

Any failure to compile accurate and complete crime statistics and to properly disclose them in a clear manner deprives campus community members and other stakeholders of important campus safety information to which they are entitled.

Required Action:

As a result of these violations,[11] Michigan State must take the following actions:

1) Develop and implement detailed policies and procedures that will provide for the compilation, classification, and tabulation of accurate and complete crime statistics to report in the ASR and to report to the Department. These procedures must include an effective system of supervisory review and approval of all incident reports, the collection and compilation of all crime data, and the accurate tabulation and disclosure of the University's campus crime statistics.

2) Identify and notify all of its CSAs of the reporting obligations of the *Clery Act* and provide substantive training and instructions on the institution's crime reporting policies and procedures.

[11] Notwithstanding the seriousness of this violation, the Department will not require a separate file review as part of the response to this finding. Instead, Michigan State will be required to evaluate the accuracy of the original classification of any incident that is analyzed as part of the full file reviews required under the TW and CSA findings.

3) Develop and implement a crime statistics data request and collection mechanism for CSAs to use. Such procedures must provide for the proper classification of incidents, in accordance with the definitions in Appendix A to Subpart D of the General Provisions Regulations.

Based on an evaluation of all available information, including Michigan State's response, the Department will determine whether additional actions are needed and advise the University accordingly in its FPRD.

Finding #2: Failure to Issue Timely Warnings in Accordance with Federal Regulations

Citation:

The *Clery Act* and the Department's regulations require institutions to issue Timely Warnings to the entire campus community to inform students and employees about Clery-reportable crimes that constitute ongoing threats to students and employees. *See §485(f)(3)* of the HEA; *20 U.S.C. §1092(f)(3)*. These warnings must be issued to the campus community in any case where an incident of crime, listed in *34 C.F.R. §668.46(c)(1)* and/or *(c)(3)* that represents a threat to students or employees, is reported to a CSA or to a local police agency. *34 C.F.R. §668.46(e)*.

Noncompliance:

Michigan State failed to issue Timely Warnings to students and employees regarding *Clery*-reportable crimes that may have posed an ongoing threat to students and employees during the review period. An evaluation of Michigan State's documentation, detailing criminal incidents that were subject to *Clery Act* regulations, has revealed several deficiencies. This lack of notification persisted even after repeated incidents involving similar methodologies and similar suspect descriptions were reported.

A. Timely Warning Violations - Nassar's Pattern of Criminal Sexual Abuse: 1997-2016

As noted throughout this report, and particularly in Finding #1, several of Nassar's victims reported sex crimes to Michigan State employees, most of whom clearly met the definition of CSAs. These crimes occurred over a period of nearly 20 years. In each of the identified case, the University also failed to issue Timely Warnings in response to the sex offenses reported by these survivors. There is no question that the details of the crimes reported by Survivors A, B, C, D, and E were communicated to officials who were CSAs. Additionally, each of these crime victims reported conduct that clearly rose to the level of a Forcible Sex Offense or an incident of Fondling. Moreover, the crimes reported by these individuals, as well as those crimes reported by each of the other survivors whose cases are summarized in Finding #2, unquestionably posed a serious, ongoing threat to campus community members, and, most specifically, to female patients of MSU Sports Medicine.[12]

[12] It is important to differentiate the incidents of sex abuse reported by Survivors A through E from the other criminal offenses committed by Nassar. As noted above, an institution must issue a Timely Warning in response to

B. General Timely Warning Violations

The review team found that Michigan State failed to issue Timely Warnings following 21 criminal events that occurred on its *Clery* geography and may have posed a serious ongoing threat. Specifically, the Criminal Incident Reports (CIRs) detailing these failures are as follows:

2011

1. DOE File: Burglary #s11-01851 11-01852, 11-01869, 11-01870 - On July 18, 2011, several students attending a Michigan State camp reported the burglaries of multiple rooms. The information was reported to the MSUPD within one day of these occurrences, and a suspect description was obtained. Although the perpetrator was still at large, no Timely Warning was issued.

2. DOE File: Burglary #s11-03956 11-03957, 11-03958 - On December 1, 2011, several students reported that multiple rooms in a Michigan State residence hall were burglarized. The information was reported to the MSUPD on the day of the occurrences, and a suspect description was obtained. Although the perpetrator was still at large, no Timely Warning was issued.

2012

3. DOE File 2012: Robbery #12-00986 - On March 27, 2012, at approximately 11:15p.m., MSUPD officers responded to the robbery of a Michigan State student at the on-campus intersection of Bogue Street and Shaw Lane. MSUPD's efforts to immediately apprehend the suspect were unsuccessful, yet no Timely Warning was issued.

4. DOE File 2012: Burglary #12-03651 - On November 9, 2012, at approximately 9:15p.m., an MSUPD officer was dispatched to a theft that had reportedly taken place, on campus, in Bailey Hall. Student #1 reported that he was lying in bed when two unknown male intruders walked into his unlocked room. As they walked towards the desk on which his keys and wallet lay in plain view, Student #1 verbally challenged them, causing both intruders to depart without taking any items. Student #1 provided descriptions of both intruders to the responding MSUPD officer.

   Immediately thereafter, the responding MSUPD officer spoke with Student #2, who resided in room B114. Student #2 said that he woke up from a nap in his room at

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a *Clery*-reportable crime that may pose a serious, ongoing threat. This requirement was in place for the entirety of the expanded review period in this case (1997-2017). The incidents of crime reported by Survivors A through E all occurred between 1997 and 2000.

which time he realized that money was missing from his wallet that was lying on his desk.

On this same date, November 9, 2012, at approximately 10:52p.m., a MSUPD officer responded to Rather Hall, on campus, to interview Student #3, who also stated that, as he slept in his unsecured dorm room, at or around 8:00p.m., two intruders entered and walked towards his desk, where his wallet lay. As before, the intruders left after being verbally challenged. Student #3, who later realized that money had been taken from his wallet, provided descriptions of the intruders to the responding MSUPD officer.

Despite all of these incidents occurring on the same day, in the same manner, no Timely Warnings were issued to warn the community about this on-going threat.

5. DOE File 2012: Burglary #12-03944 - On December 6, 2012, at approximately 9:00a.m., three Michigan State students, two in one dorm room and one in another, encountered an intruder who entered both rooms, located within an on-campus dormitory called Emmons Hall. The interactions were similar to the incidents described immediately above in item #4, and both encounters were reported to a MSUPD officer at or around 11:56a.m.[13] The methods used in these attempted burglaries matched similar to those outlined above. Furthermore, the descriptions provided by the three student-victims above were similar to those provided in numerous other incidents beginning as early as October 2012.[14] Yet, despite the foregoing, no Timely Warnings were issued to warn the community about this on-going threat.

2013

6. DOE File 2013: Robbery #13-02669 - On September 8, 2013, at approximately 2:30a.m., MSUPD officers responded to 288 Farm Lane (on-campus) for the report of an assault involving four male-assailants. The victim and several witnesses provided descriptions of the assailants to MSUPD. The assailants were not immediately apprehended, yet no Timely Warning was issued.

7. DOE File 2013: Robbery #13-02890 - On September 21, 2013, at approximately 9:55p.m., a Michigan State student was robbed of his iPhone as he stood, on campus, outside of North Hubbard Hall. The suspect was not immediately apprehended, yet no Timely Warning was issued.

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[13] Even though no property was taken, Michigan State classified these crimes as "burglaries." They were, in fact, "attempted burglaries."

[14] Michigan State's failure to issue a TW on December 6, 2012 gave the other suspects, who were later identified by the above-referenced juvenile male suspect, the opportunity to continue their criminal activities, unabated by any sort of notification to the campus community that, as a result, remained largely unaware of these crimes. The suspects went on to commit two additional burglaries on December 7th, two on December 10th, three on December 11th, and one on December 12th. See CIRs 12-03962, -03963; -03981, -03982; and 04001, -04002,-04004, -04005.

8. DOE File 2013: Attempted Robbery #13-02943 - On September 25, 2013, at approximately 9:40p.m., MSUPD officers were dispatched to the area of 964 Hubbard Road, for the report of an attempted robbery. Upon arrival, the MSUPD officer began to interview Student #1, who stated that a lone suspect attempted to steal her phone. When she refused to relinquish it, the suspect fled towards Akers Hall.

   As the interview of Victim #1 was taking place, another student, Victim #2, flagged down another responding MSUPD officer to report that he had been the victim of a completed robbery, during which his phone was stolen. Victim #2 provided descriptions of three suspects, and the direction in which they had fled. Officers in the area immediately identified and arrested Victim #2's suspects (CIR #13-02942). However, none of those arrestees matched the description of the suspect that had attempted to rob Victim #1. That suspect was not immediately apprehended, yet no Timely Warning was issued.

9. DOE File 2013: Robbery #13-03464 - On October 27, 2013, at approximately 2:20a.m., MSUPD officers were dispatched to Holmes Hall, located on campus, to assist medics with an injured Michigan State student. As the medics prepared to transport the student to a hospital, the student reported that two unknown males had robbed him of his cell phone, and provided descriptions of both suspects to MSUPD. The suspects were not immediately apprehended, yet no Timely Warning was issued.

10. DOE File 2013: Robbery #13-03511- On October 30, 2013, at approximately 7:45a.m., a Michigan State student was riding her skateboard, on campus, near Bogue Street and Farm Lane, when an unknown male suspect knocked her off the skateboard and fled with it towards Shaw Hall. The student reported the crime to MSUPD at approximately 8:00p.m. that evening. The suspect was not immediately apprehended, yet no Timely Warning was issued.

11. DOE File 2013: Burglary #13-03539 - On November 1, 2013 at approximately 10:00a.m., a MSUPD officer was dispatched to meet with five Korean national students. In this particular CIR, Michigan State notated five distinct incidents of burglary as all five students reported that their respective dorm rooms at Owen Hall (on-campus) had been burglarized. In all instances, the rooms had been locked, and there were no signs of forced entry.

    A MSUPD supplemental entry, dated March 13, 2014, indicates that a suspect was later arrested in possession of a set of master keys from a Michigan State building. Yet, despite the number of burglaries completed and the passage of time prior to the suspect's apprehension, no Timely Warning was issued to warn the community about this on-going threat.

    DOE File 2013: Burglary #13-03674 - On November 3, 2013, two days after the five burglaries outlined immediately above, an MSUPD officer was approached by an

Asian Michigan State student who reported the theft of his computer from his unlocked dorm room, located, on campus, in McDonel Hall. This incident contributed to the need for a Timely Warning to address this rash of burglaries.

12. DOE File 2013: Burglary #13-03732 - On November 8, 2013, a MSUPD officer responded to Owen Hall (on-campus) to meet with the Assistant Director for Global Training. That Assistant Director reported that four Asian students, living in separate dorm rooms, had been the victims of burglaries.

    A MSUPD supplemental entry, dated February 10, 2014, indicates that, on that date, a suspect was arrested with master keys from a Michigan State building. The suspect in this instance, and the suspect mentioned above in reference to Incident#12, are one and the same.

13. DOE File 2013: Robbery #13-03984 - On December 1, 2013, at approximately 8:20p.m., a MSUPD officer responded to 804 E. Shaw Lane (on-campus) for the report of a robbery. The student was able to provide the MSUPD officer with a description of Suspect #1, and a vague description of the vehicle used driven by Suspect #2. Neither suspect was immediately apprehended, yet no Timely Warning was issued to warn the community about this on-going threat.

14. DOE File 2013: Robbery #13-04081 - On December 10, 2013, at approximately 11:00p.m., a MSUPD officer was dispatched to South Hubbard Hall (on-campus) for the report of robbery that had reportedly taken place outside a stairwell leading into North Hubbard Hall. The victim, a Michigan State student, reported that he was assaulted and knocked unconscious by an unknown suspect. Upon regaining consciousness, he realized that the assailant had taken his shoes, valued at $300. The suspect was not immediately apprehended. Michigan State did issue a Timely Warning regarding this incident, but did not do so until the following day, December 11, 2013, at 8:38a.m., some nine and one-half hours after it had occurred.

2014

15. DOE File 2014: Burglary #14-00440/00442 - On February 12, 2014, MSUPD received two reports of burglaries in Hubbard Hall, located on campus. One incident was reported at approximately 8:25a.m.; the other was reported at 12:50p.m.[15] In the first incident (#14-00440), two Michigan State students, both of whom were Asian, stated that they had gone to sleep at 1:00p.m., leaving the door to the room unlocked. When both students woke up at around 8:00a.m., they determined that someone had entered the room and stolen two iPads and one iPhone.

[15] Four days earlier, on February 8, 2014, MSUPD responded to Hubbard Hall for the report of a separate burglary (CIR #14-00386). The two victims, Michigan State students, were of Asian descent. Both students resided in Room [redacted], and were asleep at the time that the crime occurred. The suspects stole two iPads.

In the second incident (#14-00442), another Michigan State student, also Asian, stated that she had gone to sleep at 3:30a.m., also leaving her door unlocked. When she woke up at approximately 11:30a.m., she determined that her purse; her wallet, containing credit cards, her student ID, and cash; her laptop; her iPad; and her camera were all missing. No Timely Warning was issued in connection with either instance. Subsequent to the two above-referenced burglaries, over 20 Asian students became the victims of burglaries in Hubbard Hall between February 12th and 27th, 2014.[16] Yet, despite this string of burglaries that appeared to target students of a particular ethnic background, Michigan State issued no Timely Warnings to warn the community of this ongoing threat.

16. DOE File 2014: Larceny (Other) #14-01191- MSUPD's CIR classifies this incident as a "larceny." However, the University classified this very same incident as a "robbery" in its Daily Crime Log (DCL), and on an audit trail that the University used to provide crime reporting statistics to the review team. The CIR's summary of facts indicates that, on April 21, 2014, at approximately 8:30pm, a Michigan State student was robbed of her iPhone while on campus at 288 Farm Lane. The student reported the incident the following day at 12:15p.m. The suspect was not immediately apprehended, yet no Timely Warning was issued.

17. DOE File 2014: Robbery #14-02265 - On August 30, 2014 at approximately 3:30a.m., four unknown male subjects attacked and forcibly stole food from a Michigan State student, on campus, near 919 E. Shaw Lane. The robbery was reported to MSUPD at approximately 4:10a.m. The student, who suffered injuries, provided the responding officer with descriptions of the four suspects, but none were immediately apprehended. Despite these facts, no Timely Warning was issued to warn the community about this on-going threat.

18. DOE File 2014: Burglary #14-03510/-03512/03513 - On November 13, 2014, MSUPD received reports of three burglaries with a total of eight student-victims. Each incident occurred at Holden Hall, located on campus, at 234 Wilson Road. The circumstances surrounding each burglary varied. Some of the student-victims stated that the doors to their rooms had been locked; others could only say that the doors had been closed. However, each burglary occurred as the students slept.

    By November 20, seven days later, another 13 burglaries had occurred. Overall, 25 Michigan State students were victimized over this eight-day period. MSUPD finally issued what it deemed to be a Timely Warning on the ninth day.

[16] This string of burglaries is detailed in CIRs #14-00464,-00465,-00466,-00467, -00470,-00472; -00596,-00597,-00598,-00599, -00601,-00602,-00605 -00619,-00620,-00621, and -00623.

2015

19. DOE File 2015: Robbery #1558150223 - On August 7, 2015, at approximately 3:30p.m., MSUPD officers were dispatched to the Michigan State Dairy Store,[17] located on campus. The victim, a juvenile and a visitor, was on campus to attend the NOAC Boy Scout Convention. The victim reported that three unknown, juvenile males assaulted him, threw him to the ground, and stole a $20 bill. The victim provided the responding MSUPD officer with descriptions of all three suspects, but none was immediately apprehended. Despite this fact, no Timely Warning was issued to warn the community about this on-going threat.

2016

20. DOE File 2016: Robbery #1658101587 - On May 11, 2016, at approximately 9:07 p.m., a MSUPD officer responded to the report of a robbery at a non-campus property located at 49 Middlevale Road. The victim reported that, approximately two to five minutes prior to the officer's arrival, an unknown male suspect had forcibly removed an iPad from the victim's possession, and shoved him away. The suspect then fled towards an occupied SUV, whose driver assisted the suspect to escape.

    The victim was able to provide a partial registration plate, and a description of the suspect who had approached and robbed him. Neither of the suspects was immediately apprehended, yet, no Timely Warning was issued to warn the community about this on-going threat.

21. DOE File 2016: Robbery #16581013288 - On October 12, 2016, at approximately 7:30p.m., a MSUPD officer was dispatched to Landon Hall, an on campus residential hall, to investigate what was initially classified as an assault. After interviewing the victim, a Michigan State student, the officer reclassified the incident as robbery. According to the student, as he rode his bicycle on campus, near 919 E. Shaw Lane, two unknown male suspects worked together to forcibly steal his bicycle. Neither of the suspects was immediately apprehended, yet no Timely Warning was issued to warn the community about this on-going threat.

Failure to issue Timely Warnings to notify the community of serious and on-going threats deprives students and employees of vital, time-sensitive information, and effectively denies the campus community the opportunity to take adequate steps to provide for their own safety and to increase their situational awareness. Additionally, issuances of Timely Warnings are meant to reduce similar instances of crime. An evaluation of the crimes described above clearly shows that scores of Michigan State students were repeatedly victimized, in a similar manner, by similarly described suspects. Yet, instead of warning the community as required by the *Clery Act*, Michigan State allowed robberies of expensive electronic devices and brazen burglaries of

[17] The Michigan State Dairy Store is affiliated with the University's Department of Food Science and Human Nutrition. It sells commercial goods to the public.

occupied dorm rooms - often directed against a particular ethnic demographic - to continue unabated.

Required Action:

As a result of these violations, Michigan State must take the following actions:

1) Conduct a review of all *Clery*-reportable offenses and other incidents or events that may have constituted a dangerous condition reported from January 1, 2011, to December 31, 2017, to determine whether Timely Warnings or Emergency Notifications were required, and whether or not the University issued a warning or notice.[18]

   If Michigan State did not issue a warning or notice, it must indicate whether the University now believes that a Timely Warning or Emergency Notification was required. If Michigan State determines that a warning or notice was not required, it must explain its reasoning and provide documentation in support of that determination. In this context, the University is reminded that the mere fact that a subsequent crime, incident or event of the same or similar type did not actually occur is not, in and of itself, a justification for failing to issue a warning in response to an initial *Clery*-reportable offense or other incident or event that may have reasonably posed such a threat.
   As part of this process, the University must also conduct a diligent search for incident reports and other records that document incidents of crime or other events or incidents that were reported to any CSA or local law enforcement that were not previously identified as being *Clery*-reportable, or that were otherwise omitted from evaluation to determine if the incident should have resulted in the issuance of a Timely Warning or Emergency Notification. The University must prepare a narrative report that summarizes the findings of that review, and a list of all incidents that should have resulted in the issuance of a Timely Warning or Emergency Notification in a spreadsheet format.

   As part of this document search and review, the University must make sure that its review team has access to all information in its possession that documents the operative facts of all incidents of crime and other incidents and events that resulted in a dangerous condition that may have posed an ongoing threat. This is a necessary precursor to determining if a Timely Warning or Emergency Notification was required. It is not adequate to rely solely on prior determinations about whether or not a warning was required. The findings of the file review must be considered and acted upon as part of the review and revision of the University's policies and procedures.[19]

[18] FSA acknowledges that Michigan State provided a listing of Timely Warnings that it represents were issued during the review period. There is no need to include any information about these warnings in the narrative report or the supporting spreadsheets.

[19] Before this file review can be conducted, the University will have to identify all of the potential sources of records (generated by law enforcement or CSAs) that may have been previously excluded from consideration and that document incidents of crimes or other incidents and events that may constitute a dangerous condition that were reported during the designated time period for the file review. This exercise may result in a need to supplement certain incident reports, the crime log, and/or other institutional records. It also may require adjustments to the

2) Review and revise its Timely Warning and Emergency Notification policies and procedures and implement a system of internal controls that ensure that the University will comply with the Timely Warning and Emergency Notification requirements in *34 C.F.R. §668.46(e) and (g), respectively.*

3) Provide training to all employees that have responsibilities for any part of the Timely Warning and/or Emergency Notification composition or issuance process.

In implementing this corrective action, FSA strongly recommends that the University hire an independent professional or engage a consultant with the requisite knowledge, skills, and abilities to conduct the file review and to develop and implement compliant Timely Warning and Emergency Notification policies and procedures.

A copy of the file review, narrative report, spreadsheets, new and revised policy and procedures, training materials, and other supporting documentation must be submitted as part of the University's response to this Program Review Report.

Based on an evaluation of all available information, including Michigan State's response, the Department will determine appropriate additional actions and advise the University accordingly in its FPRD.

Finding #3: Failure to Identify and Notify Campus Security Authorities and to Establish an Adequate System for Collecting Crimes Statistics from all Required Sources

Citation:

The *Clery Act* and the FSA's regulations require institutions to identify individuals or organizations, known as CSAs, in order to provide an expanded process of reporting certain crimes on campus (i.e., homicide, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson) to permit the compilation and dissemination of an accurate and complete list of crime statistics. *34 C.F.R. §668.46(c)(1)(i).* Institutions must also publish statistics providing the numbers of arrests and disciplinary actions related to violations of Federal, state, or local drug, liquor and weapons laws. *34 C.F.R. §668.46(c)(1)(ii).* Along with the above crimes and incidents, institutions must provide an open and non-retributive process for the reporting of hate crimes, which include larceny-theft, simple assault, intimidation, and the destruction/damage/vandalism of property. *34 C.F.R. §668.46(c)(1)(iii).*

Finally, CSAs serve as an additional conduit for the reporting of crimes covered by the Violence Against Women Act, including incidents of dating violence, domestic violence, sexual assault, and stalking. *34 C.F.R. §668.46(c)(1)(iv).* To comply with these requirements, institutions must

University's campus crime statistics, as presented in its ASRs and in its reporting to the CSSDACT. Please contact the review team for additional guidance on this aspect of the required remedial actions, as needed.

develop a system that allows for the collection of incidents of crimes reported to any CSA. *34 C.F.R. §668.46(c)(2).* Federal regulations define a CSA as a campus police department or campus security department of an institution, as well as any individuals who have significant responsibility for student and campus activities, including but not limited to athletics, student housing, student conduct, and programming offices. *34 C.F.R. §668.46(a).*

Under the FSA's regulations, an institution is not required to report crime statistics for crimes reported to a pastoral or professional counselor at the institution. *34 C.F.R. §668.46(a)(4)* and *(c)(6).* A "professional counselor" is defined as "a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification." *34 C.F.R. §668.46(a)* ("professional counselor").

Noncompliance:

As noted above and throughout this report, Michigan State substantially failed to actively seek out, identify, and notify institutional officials who are or were CSAs. CSAs are responsible for the intake of information regarding incidents of crimes that have to be reported to them. This information must then be compiled by the institution and reflected in the University's disclosure of crime statistics. This information must also be evaluated to determine if a Timely Warning or Emergency Notification must be issued. This serious, systemic, and persistent condition contributed significantly to Michigan State's ongoing failure to disclose accurate and complete campus crime statistics in its ASRs throughout the review period, and as far back as 1997.

Institution-wide Concerns

The University's Office of the General Counsel is responsible for maintaining the *Clery Act* crime data for purposes of compiling crime statistics and preparing the ASR. In doing so, the MSUPD works with, and provides data to, the Clery Act Coordinator, a position within Michigan State's Office of the General Counsel which also has the responsibility of overseeing the process of identifying and notifying CSAs. Also, the Clery Act Coordinator provides CSAs with *Clery Act* instruction/information through policies, procedures, and/or training to enable them to effectively submit crime statistics and accurate information. This way, the institution, through MSUPD, can assess the need for and issue Timely Warnings or Emergency Notifications accordingly. Furthermore, the crime statistics submitted by CSAs are to be provided to FSA, and accurately published in the institution's ASR.

During an interview with Employee 8, it was revealed that Michigan State Clery Coordinators were all self-taught. This meant that the Clery Coordinators lacked a sophisticated understanding of the statutes and regulations related to the *Clery Act*. As a result, they were not well-positioned to identify all, or even most, CSAs across the enterprise, resulting in a CSA notification and identification count that remained below 50 CSAs for over 50,000 students until 2015.

During the review team's interview with Employee 9, who served as the Clery Act Coordinator from January through November 2014, he stated that, upon entering the position, little to no

direction was provided by the former Clery Act Coordinator, or by the University, as to the exact responsibilities of the position. Additionally, although Employee 9 admitted that he was responsible for issuing the 2014 ASR, he was unable to provide a clear explanation as to how the required information was gathered and confirmed. In addition, Employee 9 was not able to recall or estimate the number of CSAs in existence at the University during his tenure, nor could he recall how those CSAs were advised of their roles and responsibilities. Similarly, Employee 10, who took over the Clery Act Coordinator position from Employee 9 in November 2014, confirmed that Michigan State does not know how many CSAs it has and that it has not coordinated or trained them for the role that they are to play in the maintenance of *Clery* compliance.

In FSA's announcement letter, dated January 18, 2018, the review team required Michigan State to submit a list of all the CSAs whom the University had identified and advised of their duties, by position, title, or employing office. In its official response to that announcement letter, Michigan State supplied a 28-page document, entitled, "List of CSAs to send Memo to." That document contains several names, titles, departments, locations, and/or email addresses, organized by calendar year (CY) from CY 2011-2017. However, a review of that document revealed that the information provided with respect to the CSAs reportedly designated between CYs 2011 and 2014 merely consisted of email addresses - some of which were presented in "bulk" form - without corresponding personal identifiers, departments, and/or titles.[20] The University also provided names within specific departments without corresponding email addresses and/or references to individuals.

During her interview with the review team, Employee 10 estimated that the University had "several hundred" CSAs during each of the calendar years in review. However, a careful review of the documents supplied by Michigan State revealed significantly lower numbers for CYs 2011-2014. More specifically, a review of the "List of CSAs" document noted significant differences between those CSAs identified in years 2015-2017, and those CSAs identified in 2011-2014. Moreover, the list of the CSAs identified in 2015 included a statement at the bottom of the last page that seemed to account for a large number of additional, unidentified CSAs for CYs 2015-2017. The same statement is likewise appended to the bottom of the CSA lists for 2016 and 2017. However, as noted in the table below, the list of CSAs for 2016 is missing the number that would correspond to the "study abroad leaders" for that year, causing the total number of CSAs to drop significantly. As is also demonstrated by the Table below, this generic information puts forth nearly the same number of CSAs for CY 2015 as it did for CY 2017, and likely would have contained nearly the same number of CSAs for CY 2016 had the number of "study abroad leaders" not been left out.

The Table below provides the CSA count as listed in the above-referenced document provided by Michigan State in response to FSA's request for CSA-related information:

[20] See Exhibit 1 for examples from CYs 2011 and 2015.

MSU's Number of Identified CSAs by Year						
Year	Listed by Name	Head Coaches	Study Abroad Leaders[21]	Faculty Advisors to RSOs[22]	REHS Staff[23]	Total
2011	43					43
2012	48					48
2013	47					47
2014	47					47
2015	40	19	290	700	450	1,499
2016	42	19	0	700	450	1,211
2017	43	19	290	700	450	1,502

During her interview with the review team, Employee 10 further explained that Michigan State notifies its CSAs of their responsibilities via an email that contains a memorandum that explains their role as CSAs and a PowerPoint presentation on the *Clery Act*. The PowerPoint presentation includes a quiz and the required date of training completion, but no instructions or requirement that the CSA must return the results of the quiz, or even confirm completion of the presentation. As such, the University has no way of knowing whether the CSAs complete the training and quiz, and, thus, no assurances that the CSAs are capable of performing their assigned duties. Additionally, Employee 10 advised that, in July of each calendar year, the CSAs receive an email reminder of their CSA responsibilities, and requests that they provide any crime statistics that may have been gathered during the previous calendar year. Michigan State provided FSA with a copy of the PowerPoint presentation that it sent to its CSAs during CYs 2016, 2017, and 2018.

In addition to the annual notice, Employee 10 advised the review team that she provides some in-person training to groups of CSAs when possible and only upon request from the specific group. However, Employee 10 informed the review team that the current group/classroom training is more structured than that which had been previously provided, which included no in-person training option. Yet, despite having the responsibility for sending out this training information to the CSAs each year and for conducting limited group/classroom trainings, Employee 10 could provide no details as to the number of CSAs that Michigan State had for the years under review, and advised that she did not have the ability to determine which CSAs had actually reviewed the training materials that were offered.[24]

For an institution to accurately collect and report crime statistics, there must be policies and procedures in place to govern the receipt of all reported incidents from all those deemed to be CSAs. These CSAs must be properly identified, informed of their responsibilities, and instructed as to how they are to provide information regarding the incidents reported to them in an accurate and timely manner. The review team noted that, according to Michigan State's own internal protocols, an incident that is reported by a complainant to a designated CSA is to be forwarded to

[21] No names or contact information provided.
[22] No names or contact information provided.
[23] No names or contact information provided.
[24] See Exhibit 2 as an example of the Memorandum sent to the CSAs.

the Clery Act Coordinator. It is then the Clery Act Coordinator who is responsible for relaying that information to MSUPD, if the incident is criminal in nature, and for evaluating it for the possible issuance of Timely Warnings and Emergency Notifications. Even if a crime is reported anonymously, the information is forwarded to MSUPD. On the other hand, if a complainant reports an incident directly to MSUPD, it is MSUPD's responsibility to issue a Timely Warning and Emergency Notification, if and when warranted. If neither form of community-wide notification is warranted, then, in accordance with the University's internal protocols, MSUPD will report the data to the Clery Act Coordinator so that it can be included in the University's ASR's crime statistics for that year.

Sexual Assault Program (SAP)

The University's Sexual Assault Program (SAP) responds to those impacted by sexual violence and works to create a community free of violence and oppression. SAP is housed, on campus, in the Student Services Building. The program is comprised of over 100 volunteers, and offers crisis intervention, advocacy services, individual therapy, support groups, and community education. Michigan State indicated that the crisis intervention and advocacy services are available through a 24-hour hotline, crisis chat, and through institutional and legal advocacy. On the official Michigan State SAP website, it states: "MSU SAP provides counseling, advocacy, and support groups to MSU students." Notably, the website also states: "Between October 2013 - September 2014 (data from our most recent fiscal year report), we served 565 people:

- 415 were adult sexual assault survivors
- 88 were adult survivors of childhood sexual abuse
- 26 were child sexual abuse victims
- 17 were domestic violence victims
- 19 were survivors of other crimes, including child physical abuse, sexual harassment and stalking"

During the site visits, there was some indication that the SAP office did not produce or maintain adequate documentation about crimes that were reported, and did not provide data for inclusion in the University's crime statistics because officials and staff believed that they were exempt from *Clery Act* reporting requirements. Under the Department's regulations, an institution is not required to report crime statistics for crimes reported to a pastoral or professional counselor at the institution. *34 C.F.R. §668.46(c)(8).* A "professional counselor" is defined as "a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification." *34 C.F.R. §668.46(a).* The determination as to whether someone is a professional counselor for *Clery Act* purposes is based, not only on that individual's professional licensing, but also on the official's responsibilities. Moreover, the regulations do not authorize an institution to designate an entire entity as a professional counselor. [25]

[25] Even if there was a basis for considering an entire office to be a "professional counselor" or a professional counseling operation, FSA has determined that the SAP does not meet the definition of an exempt professional counseling operation. The SAP's own promotional materials clearly state the objectives of the office are as follows: 1) Crisis Intervention and Advocacy Services; 2) Individual Therapy and Support Groups; 3) Community Education;

Based on interviews with Michigan State employees and a review of the SAP office's website, FSA found that the University failed to properly identify and notify its CSAs of their roles and responsibilities, and failed to collect information from them about *Clery*-reportable crimes. The University was required to include any incidents of crime reported to SAP staff in the annual statistics disclosed in its ASRs and in its reporting to the CSSDACT. However, this did not occur during the review period. The review team requested documentation about incidents of crime received by the SAP, with an emphasis on cases involving any sexual violence or abuse; however, no such documents were ever produced as the University stated that the SAP Office did not maintain such records. The Department must also note that Michigan State was unable to demonstrate that any analysis was ever undertaken to differentiate between SAP employees who were CSAs and those that may have not meet the criteria of a professional counselor under the *Clery Act*.

At the same time, in interviews conducted by the review team, members of the SAP staff stated that, since 2014, the number of students served had significantly increased. In fact, once news of Nassar's abuse became public in or around 2016, the staff reported an increase in reporting that proved to be so high as to be overwhelming. Therefore, it stands to reason that Michigan State's exclusion of those crimes from its crime statistics resulted in the under-reporting of crimes. This reporting failure is due, in part, to the confusing dual roles that SAP employees play.

Michigan State employs several individuals in the specific role of "advocate," including those situated in the SAP office. The University also has employees that serve in a dual role that includes both advocacy and counseling responsibilities. If those roles cannot be separated into confidential and non-confidential responsibilities, then that individual is considered to be a CSA, and is obligated to report any *Clery Act* crimes that are reported to him/her, or any *Clery* crimes of which s/he becomes aware. Therefore, there is no basis for Michigan State's decision to exclude the multitude of crimes reported to SAP from its *Clery Act* statistics. Nevertheless, the review team's examination determined that Michigan State had, in fact, failed to identify SAP employees as CSAs, and had failed to include incidents of crime reported to the SAP in its official campus crime statistics.

Office of Human Resources (HR)

Michigan State was not able to produce reliable documentation or even provide reasonable assurances that crimes that are reported to HR, or that otherwise become known to that office, are accurately reflected in the University's crime statistics. As is the case with students, institutions also must have policies and procedures to hold employees accountable for violations of its codes of conduct. To comply with the *Clery Act*, an institution must have some means of documenting investigations undertaken and disciplinary sanctions imposed for violations of the

4) Sexual Assault Crisis Intervention Team; and, 5) Services and Referrals. The SAP also assists victims, with an emphasis on victims of sexual assault and domestic violence, to report crimes to law enforcement or to seek redress through the MSU Office of Institutional Equity. In every material respect, the facts show the SAP to be an advocacy office, and, therefore, its employees are CSAs for *Clery Act* purposes, the counseling credentials of some of its staff members notwithstanding.

law or of its conduct standards. For this reason, it is essential that a Human Resources Department employs a reliable process for documenting crimes or other incidents that are reported to it as part of its employee disciplinary system. Such records must be produced and maintained in some type of organized fashion so that they can be retrieved and analyzed to determine if any incidents must be included in the statistical disclosures or if any incidents necessitate that some other action be taken pursuant to the *Clery Act*.

Michigan State did not maintain such a system during the review period. The importance of such a system is magnified at a large and complex institution like MSU, where the unique human resources needs of various departments necessitate the establishment of very different rules for divergent groups of employees, ranging from faculty and senior administrators to coaches and employees represented by unions or professional associations. For *Clery* purposes, the rules related to disciplinary actions are especially important. In order to examine the impact of the structure of Michigan State's HR Department on its crime reporting capabilities, the review team requested employee discipline records from Michigan State officials. In response, officials explained that the University has no system through which employee disciplinary cases are tracked or from which such cases can be retrieved.

Michigan State's HR Department is led by the Associate Vice President, who reports to the Executive Vice President for Administrative Services. Its HR specialists are dispersed throughout many departments within the University, creating what are, in essence, multiple HR units that are housed separate and apart from the main HR Department. This decentralization has resulted in a number of problems for the University. For example, in an interview with the review team, Employee 11explained that Michigan State lacks the infrastructure to successfully communicate across these different HR units. As an example, Employee 11 explained the each employee's appointment letter is maintained, separate from HR, within the employee's respective department of employment. However, employee personnel documents are housed within the main HR Department. Other important employee documents, such as disciplinary records, are maintained within the particular HR unit affiliated with the employee's department of employment. As a result, if an office, such as OIE, needed to obtain an employee's file, it would have to make requests of both the main HR Department, as well as of the individual HR unit affiliated with that employee's department of employment.

Similarly, if OIE were to need an employee's complete personnel file, it would have to make requests of each individual HR unit affiliated with any and all of the departments of employment to which that employee has ever been assigned as there is no coordination among the individualized HR units themselves, and no centralization of those documents. This division of HR's function, along with a lack of an electronic records management system, forces each HR office to review hardcopy records to identify violations of the codes of conduct that may also constitute criminal acts. Furthermore, each individual HR unit uses different formats, policies, and procedures that may not necessarily synchronize with other HR systems. This lack of communication across HR units housed in varying departments has created a serious compliance concern for FSA.

Given these difficulties, it was not possible for Michigan State to produce this material during the site visit or in response to subsequent requests. As such, the University will be required to

produce such documentation as part of its response to this PRR. While the review team had not been given the opportunity to review these documents as of the date of this report, information gleaned from interviews with Michigan State HR officials indicates that the tracking of disciplinary actions has been adjudicated independently by the various HR units, and the records generated during these cases were managed differently across the enterprise.

As a practical matter, it will not be possible to determine the full impact of this violation; however, it is clear that this condition has contributed to the University's systemic failure to include statistics of crimes reported to CSAs and other designated officials, and must be evaluated further. It must be explored as part of the institutional self-study and will be a focus of the Department's monitoring plan.

Office of Greek Life (OGL) - Fraternities and Sororities

Michigan State currently has 63 fraternity and sorority chapters that are a part of four governing councils: the Interfraternity Council, Multicultural Greek Council, the National Pan-Hellenic Council, and the Panhellenic Council.

Based on the review team's analysis of the East Lansing Police Department (ELPD) incident reports and MSUPD's audit trail, Michigan State did not include incidents of crime reported to CSAs at fraternities and sororities in its *Clery Act* crime statistics.

FSA has identified crimes that occurred in on-campus and off-campus fraternity houses that were reported to the ELPD and that met the standards for inclusion in the *Clery Act* statistics. In its request to the ELPD for *Clery Act* statistics related to housing for Greek organizations, religious living units, and cooperative houses from CYs 2011-2016 (inclusive), Michigan State neglected to include necessary geographic components, and, in fact, excluded important geographic components from its request. For example, in requesting off-campus housing statistics, Michigan State only asked ELPD for the statistics related to crimes occurring "in the houses." This phrasing has the effect of excluding required, *Clery*-applicable geography, such as lawns and parking areas, that, although outside of the house itself, are also owned or controlled by the recognized student organization.

The review team identified the following ELPD incident reports which involve *Clery*-reportable crimes that should have been included in Michigan State's ASR under their applicable categories. These crimes were reported to have occurred outside of the domicile itself. In the documents provided by Michigan State, the review team could not confirm that any of the incidents, outlined in the table below, were included in the statistical disclosures or considered for TW or EN notifications:

East Lansing Police Department Incident Reports				
Year	**Time/Date**	**IR Number**	**Class/Offense**	**Address**
2014	9/7/2014 1:34	1436401324	Assault less than murder	334 Michigan Ave
2015	7/11/2015	1536402877	Arson	131 Bogue Street
2016	1/17/2016 4:15	1636400229	Arson	131 Bogue Street
2016	8/29/2016 3:50	1636403822	Vehicle Theft	303 Oakhill Drive
2016	8/29/2016 3:00	1636403821	Vehicle Theft	303 Oakhill Drive
2016	9/25/2016 1:05	1636404386	Arson	207 Bogue Street
2016	10/30/2016 3:15	1636405062	Robbery-Strong Arm	301 Charles St.
2016	11/12/2016 12:22	1636405321	Aggravated Assault	135 Cedar Street

Based on independent investigation and multiple interviews conducted by the review team, it is evident that Michigan State's approach to conduct monitoring of Greek Life organizations is to generally defer to the student decision-making bodies. In essence, disciplinary enforcement is handled primarily by the four above-referenced Greek governing bodies, of which Greek Letter organizations can become members. However, the University's track record of accurately and comprehensively collecting necessary crime statics involving incidents involving members of Greek Letter organizations has left FSA with serious concerns.

The review team's analysis of disciplinary cases handled by the Office of Student Conduct against an identified individual determined that such cases have been tracked reasonably well; however, no such assurances exist for disciplinary actions taken against groups or teams because of the University's larger, systemic failure to identify and request crime statistics from CSAs. In fact, upon request from the review team, Michigan State could identify only *one single CSA* within its entire 63-chapter system of Greek Letter Organizations. While this individual was notified of his/her *Clery Act* responsibilities, MSU could not provide any proof that this person had provided notification of his CSA function to any faculty advisor, staff advisor, nor resident advisor.

For *Clery Act* purposes, the OGL and all four of these governing bodies are to be deemed CSAs; yet Michigan State only identified the Coordinator for Greek Organizations as a CSA. Therefore, it has failed to identify all of the other CSAs associated with fraternity and sorority life, and, as a result, has very likely significantly under-reported its crime statistics during the review period and beyond.

Athletic Department

Prior to 2014, Michigan State did not properly identify, actively notify, and/or instruct CSAs about their reporting obligations. As one consequence of this failure, incidents that were reported to CSAs, including multiple sex crimes committed by Nassar, were documented and

turned over to the institutional officials charged with compiling and disclosing the University's campus crime statistics.[26]

Survivors A and B: In the fall of 1997, two female [redacted] respectively, reported to a Michigan State gymnastics coach, who was a CSA, that Nassar sexually assaulted them during medical examinations conducted in the basement level of the Jenison Fieldhouse. This coach, despite her knowledge of these sexual assaults,[27] did not report these crimes in accordance with the *Clery Act*.

Survivor C: In 1999, a female Michigan State [redacted] athlete complained to an athletic trainer and to her head coach, both CSAs, that Nassar had sexually assaulted her during an appointment. Neither CSA reported the incident.

Survivor D: In 2000, a Michigan State [redacted] complained about Nassar's treatments to a multiple CSAs, specifically, athletic trainers. None of the CSAs to whom she spoke reported the incident.

Survivor E: In 2000, Michigan State [redacted] reported to her trainer that Nassar had sexually assaulted her during her first appointment. She also stated that, during her second appointment, Nassar repeatedly positioned her foot in his genital region. This complaint was never documented and was not disclosed in the University's crime statistics, as required by the *Clery Act*. The CSA told her that she could file a complaint with law enforcement if she really believed that Nassar had broken the law in some way, apparently not understanding that the offense had just been reported to her. The CSA went on to state that there was no way for her to file such a report anonymously. Based on that conversation and the lack of support provided by this CSA, the student decided to not file a police report.[28]

Survivor K: In 2016, a former female athlete telephoned the Michigan State Strength and Conditioning Coach (coach), a CSA, to inform him that Nassar had touched her inappropriately. Based on the review team's interview, the coach, who, at that time, had recently received CSA training, admitted that he knew how to report such an incident, but ignored his training, choosing to speak to Michigan State's Associate Director of Athletics about the matter instead. However, the coach never reported the incident to OIE or MSUPD. In an interview with the review team, the coach stated that he was aware that he had failed to follow his mandatory reporting training, but had no intention at any time of correcting his mistake. Both he and the Associate Director of Athletics failed to properly report the athlete's allegation of sexual abuse, as required.

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[26] In its Handbook and training materials, the Department emphasizes that one *Clery Act* finding or set of related exceptions, such as the CSA-related deficiencies detailed here, can often cause or contribute to a host of other violations.

[27] This coach was still a CSA as of the end of 2017.

[28] Although Survivor E did not file a police report, the incident had, in fact, already been reported to a CSA. It is for this reason that the University was required to include it in its statistical disclosure. Had the CSA properly assisted the student, she would have likely filed a police report.

Based on the size of the University and historical trends, FSA expected Michigan State to have more than 1,500 individuals or positions that meet the definition of a CSA, especially in light of the size and scope of its student body, faculty and staff, Greek system, housing operation, and athletic programs. Although the effect of Michigan State's systemic failure to collect crime reports from CSAs cannot be reliably quantified, it is abundantly clear that it caused Michigan State's crime statistics to be substantially and systemically under-reported. This failure resulted in an ongoing material misrepresentation of the occurrence of *Clery*-reportable crimes on all of Michigan State's campuses during the entirety of the review period.

Additional CSA issues within the University remain under active investigation and may be outlined in a supplement to this PRR. Failure to request and disclose statistics for incidents of crime reported to CSAs and to include this information in an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. This vital information empowers interested campus community members to be better informed and to play an active role in their own safety. This information also serves as an important resource for the media, researchers, policymakers, and other stakeholders.

An institution must identify all of its CSAs, notify them of their essential reporting obligations, and provide them with a simplified mechanism to transmit crime reports to a designated official or office. Any failure in this regard will compromise the accuracy and completeness of an institution's crime statistics. CSAs are an essential part of a competent *Clery Act* compliance program and play a key role in ensuring that the campus community has access to important campus safety information. This vital information empowers interested campus community members to be better informed and to play a more active role in their own safety.

Required Action:

As the result of these violations, Michigan State must take the following actions:

1) Conduct a full file review of all relevant records relating to its crime statistics from calendar year 2011 to the present, as follows:

   - Conduct an examination of all MSUPD incident reports, local law enforcement records, and other relevant documentation and information generated by CSAs and other University officials during the stated period. The relevant data set will include, but is not limited to: all University records regarding incidents of crime reported to security-related officials and offices, any offices that students and employees are directed to report matters of crime or conduct and disciplinary matters, such as Human Resources, Residence Life, student organizations and programming, athletics, fraternity and sorority affairs, and other similar offices. Michigan State must also contact all local enforcement agencies to request the records needed to identify all incidents of *Clery*-reportable crimes that must be included in the University's crime statistics. Once compiled, errors in past crime statistics disclosures must be corrected. Any corrections to the Department's online campus security database or to Michigan State's current or subsequent ASRs must contain a caveat explaining those corrections. In addition, the University must ensure that crimes reported to a local

law enforcement agency, or to any CSA, that manifest evidence that the victim was intentionally selected because of his/her actual or perceived membership in one of the designated categories are identified as hate crimes. This requirement applies to all crime statistics published in the University's ASRs and in all submissions to the Department's CSSDACT for CYs 2011 to the present. Furthermore, Michigan State must categorize its crime statistics in accordance with the geographical classifications in *34 C.F.R. §668.46(c)(4).*

- Construct clear audit trails to substantiate the accuracy and completeness of its revised crime statistics for calendar years 2011 through the present. The audit trails must support the corrected crime statistics for all *Clery*-reportable crime classifications, including Part I Offenses, hate crimes, drug law violations, liquor law violations, and illegal weapons possession arrests and disciplinary referrals. The audit trail is required to ensure that revised statistics are supported with source materials. The audit trail must provide incident report numbers associated with each crime classification, and crime statistics must separate incidents by *Clery* Geography for each calendar year. The University must prepare a clear narrative that explains the findings of the file review, and provide a summary report, in spreadsheet format that, includes the following fields: incident report number, original classification, corrected classification, did the institution issue a Timely Warning in this case, was the institution required to issue a Timely Warning in this case, was this incident included in the daily crime log, and if so, which classification was used.

- Provide an addendum in the next ASR to indicate all of the *Clery*-reportable crimes that were previously not included in the crime statistics.

2) Review and improve its policies, procedures and internal controls to ensure that all incidents of crime reported to CSAs and local law enforcement agencies are properly classified in accordance with the definitions in Appendix A to Subpart D of 34 C.F.R. Part 668, and are included in its ASR statistical disclosures.

3) Develop and implement policies and procedures to identify all CSAs and to request and compile statistics of all *Clery*-reportable incidents of crime that are reported to any CSA or to any other official or office that may receive such reports. These policies and procedures must address access, communication, and coordination of campus crime statistics and information by and among institutional officials.

4) Develop and implement a system for requesting, receiving, and compiling crime reports from CSAs so that the University provides an accurate number of reported crimes in its official campus security statistics.

5) Develop and implement an annual training program to educate CSAs about the *Clery Act* and to inform them about the reporting obligations that are conferred upon them by the law.

6) Provide a good-faith estimate of the number of actual CSAs that were in place during calendar years 2011-2017.

7) Provide a current list of CSAs, organized by department and job title.

Based on an evaluation of all available information, including Michigan State's response, FSA will determine if additional actions are needed to address the finding and will advise the University accordingly in the FPRD.

Finding #4: Lack of Administrative Capability

Citation:

In order to participate in any program authorized under Title IV of the HEA, an institution must demonstrate that it is capable of adequately administering the program under the standards established by the Secretary. Among other requirements, the Secretary considers an institution to have administrative capability if it administers the Title IV, HEA programs in accordance with all statutory provisions of, or applicable to, Title IV of the HEA, and all applicable regulatory provisions prescribed under that statutory authority. *34 C.F.R. §668.16(a).* The Secretary's standards of administrative capability also require that an institution employ "an adequate number of qualified persons," as well as ensure that program activities are undertaken with appropriate "checks and balances in its system of internal controls." 34 *C.F.R. §668.16(b)(2)*; *34 C.F.R. §668.16(c)(1).* An administratively capable institution also "has written procedures for or written information indicating the responsibilities of the various offices with respect to . . . the preparation and submission of reports to the Secretary." *34 C.F.R. §668.16(b)(4).* These standards apply to all aspects of the Title IV Program regulations, including the *Clery Act.*

Noncompliance:

Michigan State substantially failed to develop and implement an adequate *Clery Act* compliance program during the years under review. Accordingly, the Department finds that the University lacked the ability and/or willingness to properly administer the Title IV Federal student financial aid programs, which include the *Clery Act* and the Department's regulations. This finding is supported by the conclusions of this report, and include Nassar's decades-long pattern of undisclosed and unchecked criminal conduct. The provisions of the *Clery Act* establish standards for the creation a campus safety, crime prevention, and communication system that requires the development and implementation of policies, procedures, programs, and systems that work in concert with each other to create safer campuses. The law relies on effective coordination of information and a strong system of internal controls. Strong internal controls ensure that information is effectively and often quickly communicated to responsible officials and vulnerable populations. The Department finds that the University failed to carry out these responsibilities in several material respects.

The regulations that govern the Title IV Federal student financial aid programs establish certain standards that all participating institutions must maintain to be considered administratively capable. The findings detailed in this PRR indicate that Michigan State lacked an adequate system of internal controls and did not exercise or maintain compliance with the *Clery Act* during the review period. The evidence the Department reviewed shows that Michigan State failed to: 1) implement an adequate system of internal controls to stop a sexual predator from

abusing hundreds of women on its campus over two decades; 2) implement an effective system for issuing timely warnings to protect the campus community from crimes that may pose an ongoing safety threat; 3) report required crime statistics accurately; 4) identify employees who met the definition of CSAs and require them to provide crime statistics for inclusion in its ASRs; and, 4) develop and adequately implement certain required crime reporting and security policies and procedures. The evidence also demonstrates that many CSAs did not receive adequate notification of their responsibilities, and that the University failed to exercise sufficient oversight, governance, and/or coordination of those University officials and departments that were responsible for safety-related functions across the enterprise. The result of these breakdowns was a general failure to keep students, employees, other stakeholders, and the larger campus community fully informed of crimes and other threats to their safety and security as they would have been had the University developed and implemented a comprehensive and fully-compliant *Clery Act* program.

As noted throughout this report, the University substantially failed to implement a minimally-adequate *Clery Act* compliance program. During the review, it became clear that, starting in or around 2010, the University did attempt to establish a rudimentary *Clery Act* compliance program. It elected to have a member of the General Counsel staff serve as the Clery Act Coordinator, in addition to other, unrelated legal duties assigned. That lack of exclusivity in the role of Clery Act Coordinator at that time created multiple priorities within a single responsive framework. Subsequently, none of the persons selected for this position during the review period had any *Clery Act* expertise when they were first placed into the position. Also, unlike most such Coordinators, the position did not call for the individual to regularly interact with the offices and officials that were actually engaged in campus safety-related matters, either operationally or in terms of policy formation and implementation. Instead, the Clery Act Coordinator simply acted as a resource, in the event that anyone in the various work units had a question or needed advice. In fact, for the individual who served as the first Clery Coordinator [29] during the review period, this function simply fell under the rubric of "other duties as assigned." The second individual [30] who served in this role had "Clery Act compliance" simply listed as one of several duties.

The structure of MSU's *Clery* Compliance function, which has been housed within the University's Office of the General Counsel since its inception, also contributed to the violations and weaknesses identified during the review in multiple ways, especially with regard to the identification and notification of CSAs. While institutions are not required to employ a Clery Coordinator, it is difficult for most schools to fully comply with the law without one. This is particular true for large, complex institutions like Michigan State. To be effective, the Clery Coordinator must be able work across the enterprise,[31] taking in and synthesizing information,

[29] Employee 8.
[30] Employee 9.
[31] Compliance with the *Clery Act* requires careful coordination and institution-wide cooperation. To facilitate the requisite level of compliance, an institution must develop and implement a system where relevant information is readily-available too officials with "a need to know." In this context, the current Clery Coordinator's statement that she and other University officials, including Title IX investigators, are routinely required to either subpoena the production of MSUPD incident reports or seek them under the state open records law is disturbing. Numerous

reviewing and refining publicly-facing and internal policies and procedures, and providing technical advice on an ongoing basis. During much of the review period, that did not happen and demonstrably contributed to the specific violations and other program weaknesses observed through the review.

The University also set up partial compliance and communications processes, but simply failed to build them out in a manner that would render a sufficient system for such a large and complex institution. There is no doubt that refinements were made throughout the review period, but FSA finds that weaknesses in the structure clearly contributed to the violations and the serious organizational failures that gave rise to this program review in the first place. This created serious structural challenges and permitted gaps in reporting - such as the failure of CSAs, such as Employee 1, to know that she was required to inform responsible officials about reports of sexual abuse received from children under her direction - that inevitably created and compounded other problems and deficiencies in the University's campus safety and crime prevention programs.

As a stand-alone matter, FSA finds that Michigan State's handling of the Nassar-related violations provide more than a *prima facie* basis for this finding. The University's persistent failure to take swift and decisive action to detect and stop Nassar's two-decade long predatory and abusive behavior indicates a lack of institutional control, especially in light of the credible information reported to institutional officials at several points over many years. This failure, alone, clearly demonstrates the institution's most serious administrative impairments. The University's failure to establish a system of minimally-adequate internal controls and effective lines of communication and coordination with the numerous external agencies and entities where Nassar was authorized to practice medicine under the terms of his employment contracts also contributed to the duration and extent of his pattern of criminal activity.

Compliance with the *Clery Act* and the Department's regulations is specifically required by the terms and conditions of Michigan State's PPA, under which the University is eligible to participate in the Title IV programs. The University's current PPA was executed on November 1, 2012, and expired on September 30, 2018.[32] The PPA was signed by the University's then-President, Dr. Lou Anna K. Simon. These PPA requirements are at *34 C.F.R. §668.14(c)*. For these reasons and others noted throughout this report, the Department finds that the University failed to meet its regulatory responsibilities in numerous and serious ways. Such failures call into question the ability and the willingness of Michigan State to meet its obligations to the members of its campus community and to the Department.

An institution's impaired administrative capability increases the likelihood that the institution will fail to comply with the statutes and regulations that govern the Title IV programs. With

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institutions have devised strategies to simultaneously comply with laws intended to protect law enforcement records and ensure that information is available to non-law enforcement officials with responsibilities for campus safety.

[32] As of the date of this report, Michigan State continues to participate in the HEA, Title IV Programs on a month-to-month basis. The University's application for Recertification will be held in abeyance until further notice. Michigan State has also been placed on a more restrictive funding method known as Heighten Cash Monitoring 1.

regard to the *Clery Act*, such impairment may result in an institution's systemic failure to provide students and employees with important campus crime information and services that is essential to their safety and security. Moreover, impaired administrative capability and weak internal controls are an indication that an institution lacks the ability or willingness to comply with Federal regulations.

Required Action:

As a result of these violations, Michigan State is required to take all necessary corrective actions to cure the violations identified in this PRR, and to adequately address the organizational weaknesses that contributed to them. In addition, the University must develop and implement a system of policy and procedural improvements to ensure that these findings do not recur. As part of that process, the University is required to develop and implement a comprehensive corrective action plan and to conduct an institutional self-study to address the deficiencies and weaknesses identified by the Department, as well as those that are detected during the preparation of the response to this report and to take any other remedial action that may be needed to ensure that these violations do not recur.

Based on an evaluation of all available information, including Michigan State's response to this PRR, the Department will determine appropriate additional actions and advise the University accordingly in its FPRD.

Program Review Report Summation

As noted throughout this report, the findings documented by the Department constitute serious violations of the *Clery Act* that, by their nature, cannot be cured. There is no way to truly "correct" violations of these important campus safety and crime prevention laws once they occur. The University will have an opportunity to conduct a meaningful review of its crime statistics and current campus safety and substance abuse prevention policies, procedures, and programs and to take remedial action. As part of this process, Michigan State also must bring its programs and operations into compliance with the *Clery Act* in a manner that will provide reasonable assurance that these violations will not recur, as required by its PPA. Copies of all new and revised internal guidance must accompany the University's response to this PRR. Notwithstanding any remedial efforts undertaken pursuant to these findings, Michigan State is advised that such remedial measures cannot and do not diminish the seriousness of these violations, nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

In light of the violations identified during the review thus far, the Department strongly recommends that Michigan State re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they accurately reflect current institutional practices and are compliant with Federal regulations. Michigan State officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2016) as a reference guide on *Clery Act* compliance. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. University officials can access these materials at:

www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the *Clery Act* can be found at *34 C.F.R. §§668.14, 668.41, 668.46,* and *668.49.*

Finally, Michigan State is reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs regarding the prevention of sex crimes in their ASRs. In light of the findings documented in this report, the officials and Directors of Michigan State University are strongly advised to take all necessary action to comply with all requirements of the *Clery Act,* including the VAWA provisions. The Department issued Final Rules on the VAWA amendments to the *Clery Act* on October 20, 2014. As a result, these regulations went into effect on July 1, 2015, per the Department's Master Calendar. Michigan State officials may access the text of the Final Rule at: http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf

Exhibit 1 – CSA Listings for 2011 and 2015 as Provided by the Institution

2011 LIST OF CSAs TO SEND MEMO TO

FACULTY ADVISORS to Registered Student Organizations (from [redacted] in [redacted]'s office [redacted])	Emails sent on April 24-26, 2012 Emails resent on September 10, 2012
[redacted] Residence Life G55 E Wilson Hall	[redacted]@msu.edu
[redacted] Student Life 101 Student Services	[redacted]@msu.edu
[redacted] for Greek Organizations 101 Student Services	[redacted]@msu.edu
[redacted] Student Affairs 153 Student Services	[redacted]@msu.edu
[redacted] Student Affairs & Services	[redacted]@msu.edu
[redacted] MSU Union	[redacted]@msu.edu
[redacted] 218 Jenison Fieldhouse	[redacted]@rth.msu.edu
[redacted] Athletic Coaches (see list from [redacted] in [redacted] office)	[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@rth.msu.edu; [redacted]@rth.msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@rth.msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu no email listed for [redacted] send copy to her at: 110 Berkowitz, CAMPUS
[redacted] Office of Study Abroad 109 International Center	[redacted]@msu.edu
[redacted] International Studies & Programs 207 International Center	[redacted]@msu.edu

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[redacted] Counseling Center 207 Student Services	[redacted]@hr.msu.edu
Intramural Sports [redacted] 201 IM Sports W	[redacted]@msu.edu
Dubai Business [redacted] [redacted] Box 502913 Knowledge Village Block 3B, Suite G23 Dubai, UAE	[redacted] MSU Dubai Block 2B Suite G23 Knowledge Village Dubai, United Arab Emirates [redacted]@msu.edu Work: [redacted] Copy to: [redacted] Work: [redacted] Mobile: [redacted] Fax: [redacted] Email: [redacted]@msu.edu Web: www.dubai.msu.edu
Office of Inclusion and Intercultural Activities	[redacted]@msu.edu [redacted]@msu.edu
Secchia Center [redacted] Michigan State University College of Human Medicine 15 Michigan Street, NE, Suite 450 Grand Rapids, MI 49503	[redacted] O: C [redacted]@msu.edu
[redacted] MSU Detroit Campus 3408 Woodward Ave, Detroit 48201	[redacted] Cell [redacted] [redacted]@opb.msu.edu
VanAndel Institute Grand Rapids	[redacted] 2012 – [redacted]aid to send info to: [redacted]@vai.org
MSUCOM at the Detroit Medical Center [redacted]	[redacted]@msu.edu [redacted] Associate Dean [redacted]@msu.edu

MSUCOM at Macomb University Center [redacted]	[redacted]@msu.edu [redacted]@msu.edu
Management Education Center [redacted]	[redacted] MSU Management Education Center [redacted]@msu.edu

[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@ath.msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@ath.msu.edu;
[redacted]@ath.msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu;
[redacted]@ath.msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@hr.msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@comb.msu.edu; [redacted]@vai.org; [redacted]@msu.edu;
[redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu; [redacted]@msu.edu

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2015 LIST OF CSAs TO RECEIVE MEMO

FACULTY ADVISORS to Registered Student Organizations (from [redacted] in [redacted] office [redacted] @msu.edu *Each advisor sent separately	[redacted] @msu.edu
[redacted] of Residence Education and Housing Services 360 B Wilson Hall *R.A.'s, other RESH employees sent separately	[redacted] @rhs.msu.edu [redacted] @msu.edu
[redacted] Office of Study Abroad 109 International Center *Each location sent separately	[redacted] @msu.edu
[redacted] Olin Health Center	[redacted]
[redacted] Student Affairs & Services 153 Student Services	[redacted] @msu.edu [redacted]
[redacted] Student Life – Judicial Affairs 101 Student Services	[redacted] @msu.edu
[redacted] nt Student Life Coordinator for Greek Organizations 101 Student Services	[redacted] @msu.edu
[redacted] Career Services	[redacted]
[redacted] Student Affairs & Services	[redacted] @msu.edu
[redacted] Safe Place	[redacted]
[redacted] OCAT	[redacted]
[redacted] MRULE	[redacted]
[redacted] LBGT Resource Center	[redacted]
Intramural Sports [redacted]	[redacted] @msu.edu
[redacted] Counseling Center 556 E. Circle Dr. Room 336B [redacted] Counseling Center 556 E. Circle Dr. Room 207	[redacted] @msu.edu [redacted] @oe.msu.edu [redacted] @oe.msu.edu
[redacted] Auxiliary Enterprises	[redacted]

MSU 02 02 2016 4:50CT

[redacted] MSU Union [redacted] University Activities Board	[redacted] [redacted]msu.edu [redacted] [redacted]msu.edu
[redacted]Breslin Student Events Center	[redacted]@rhs.msu.edu
[redacted] 218 Jenison Fieldhouse	[redacted] [redacted]@ath.msu.edu
[redacted]Athlete Support Services	[redacted]
[redacted]Athlete Coaches (get list from [redacted] in [redacted] office)	[redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu [redacted]@ath.msu.edu
[redacted]for Undergraduate Education & [redacted]of Undergraduate Studies	[redacted] [redacted]@msu.edu
[redacted]Graduate School	[redacted] [redacted]@msu.edu
[redacted]International Studies & Programs 207 International Center	[redacted] [redacted]@msu.edu
Dubai Business [redacted] P.O. Box 502913 Knowledge Village Block 2B, Suite G23 Dubai, UAE	[redacted] MSU Dubai Block 2B Suite G23 Knowledge Village Dubai, United Arab Emirates [redacted]@msu.edu Works [redacted] Copy to: [redacted] [redacted]@msu.edu

MSU 02 02 2018 4-00098

Michigan State University Flint Area Medical Education [redacted]	[redacted]@msuhome.msu.edu
Office of Inclusion and Intercultural Activities	[redacted]@msu.edu
[redacted] MBA and Professional Masters Programs, Broad College of Business	[redacted]@broad.msu.edu [redacted]
[redacted] Michigan State University College of Human Medicine 15 Michigan Street, NE, Suite 450 Grand Rapids, MI 49503	[redacted] Of Ci [redacted]@msu.edu
[redacted] MSU Detroit Campus 3408 Woodward Ave, Detroit 48201	[redacted] Cell [redacted]@msu.edu
VanAndel Institute Grand Rapids	[redacted] 2012 – [redacted] said to send info to: [redacted] [redacted]
MSUCOM at the Detroit Medical Center [redacted]	[redacted] [redacted]@msu.edu
MSUCOM at Macomb University Center [redacted]	[redacted] [redacted]@msu.edu
Management Education Center [redacted]	[redacted] MSU Management Education Center [redacted]@msu.edu

35 primary CSA's
Also head coaches (18), study abroad leaders (290), faculty advisors on RSO's (700), RHH staff (450)

List of JUST the emails:

[redacted] Auxiliary Enterprises	[redacted]@rhs.msu.edu
[redacted] – Residence Ed & Housing Services	[redacted]@rhs.msu.edu
[redacted] – Student Life	[redacted]@msu.edu
[redacted] – Student Life	[redacted]@msu.edu
[redacted] – Student Affairs & Services	[redacted]@msu.edu
[redacted] – MSU Union	[redacted]@msu.edu
[redacted] – MSU Union	[redacted]@msu.edu
[redacted] – Athletics	[redacted]@athl.msu.edu
[redacted] – Breslin Center	[redacted]@rhs.msu.edu
[redacted] – International Studies & Programs	[redacted]@msu.edu
[redacted] – Counselling Center	[redacted]@msu.edu
[redacted] – Counselling Center	[redacted]@coe.msu.edu
[redacted] – Counselling Center	[redacted]@coe.msu.edu
[redacted] – Recreational Sports & Fitness Services	[redacted]@msu.edu
[redacted] – International Studies Program - Dubai	[redacted]@msu.edu
[redacted] – International Studies Program - Dubai	[redacted]@msu.edu
[redacted] – 12	[redacted]@msu.edu
[redacted] – Secchia Center – Grand Rapids	[redacted]@msu.edu
[redacted] – Outreach & Engagement Strategic Investment	[redacted]@msb.msu.edu
[redacted] – Van Andel Institute	[redacted]@msu.edu)
[redacted] – MSUCOM Detroit	[redacted]@msu.edu
[redacted]	[redacted]@msu.edu
[redacted] – SE MI Macomb University Center	[redacted]@msu.edu
[redacted] – SE MI Macomb University	[redacted]@msu.edu
[redacted] – Eli Broad College of Business	[redacted]@msu.edu

List of JUST the emails

[redacted] Auxiliary Enterprezes	[redacted]rhs.msu.edu
[redacted] – Residence Ed & Housing Services	[redacted]rhs.msu.edu
[redacted] – Student Life	[redacted]msu.edu
[redacted] – Student Life	[redacted]msu.edu
[redacted] – Student Affairs & Services	[redacted]msu.edu
[redacted] – MSU Union	[redacted].msu.edu
[redacted] – MSU Union	[redacted]msu.edu
[redacted] – Athletics	[redacted]ath.msu.edu
[redacted] – Breslin Center	[redacted]rhs.msu.edu
[redacted] – International Studies & Programs	[redacted].msu.edu
[redacted] – Counselling Center	[redacted]msu.edu
[redacted] – Counselling Center	[redacted]cc.msu.edu
[redacted] – Counselling Center	[redacted]cc.msu.edu
[redacted] – Recreational Sports & Fitness Services	[redacted]msu.edu
[redacted] – International Studies Program - Dubai	[redacted]msu.edu
[redacted] – International Studies Program - Dubai	[redacted]msu.edu
[redacted] – I3	[redacted]msu.edu
[redacted] – Secchia Center – Grand Rapids	[redacted]msu.edu
[redacted] – Outreach & Engagement Strategic Investment	[redacted]mb.msu.edu [redacted]msu.edu)
[redacted] – Van Andel Institute	[redacted].org
[redacted] – MSUCOM Detroit	[redacted]msu.edu
[redacted]	[redacted]msu.edu
[redacted] – SE MI Macomb University Center	[redacted]msu.edu
[redacted] – SE MI Macomb University	[redacted]msu.edu
[redacted] – Eli Broad College of Business	[redacted]msu.edu

Exhibit 2 – Memorandum Sent to CSAs for Training

MEMORANDUM

TO: Campus Security Authorities

FROM: [redacted]

RE: Training requirement

DATE: April 12, 2017

You are receiving this memorandum because you have been designated as a Campus Security Authority due to your position at the University. According to a federal law known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, MSU is required to disclose certain crime statistics reported to any official of the institution who is defined as a "Campus Security Authority."

The law defines "Campus Security Authority" (or "CSA") as "[a]n official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings."

CSAs are required to participate in training. In that regard, **please review carefully the attached PowerPoint** which includes a quiz at the end. The training contains critical information about: what the Clery Act is and what it requires, Clery crimes (crimes you are obligated to report under the Clery Act), your role as a CSA, your specific obligations upon receipt of a crime report and available resources for you and victims of campus crimes.

OFFICE OF THE
GENERAL COUNSEL

Michigan State University
Hannah Administration Building
426 Auditorium Road, Room 494
East Lansing, MI 48824

517 353-3530
Fax: 517 432-3950

The training must be completed by **May 15, 2017**. Campus safety and security is critically important at MSU and requires your undivided time and attention.

If you have any questions about this request, please contact me at [redacted] or [redacted]. Thank you for your assistance in complying with this federal law.

cc: Jim Dunlap, Chief of Police, MSU Police Department