



Michigan State University Under Investigation after Dr. Nassar Sexual Assault Scandal

February 3, 2018

Last month, former Team USA gymnastics doctor Larry Nassar was sentenced to 40-175 years in prison for sexually abusing women and girls for decades during his time at Michigan State University (“MSU”) and as team USA Gymnast doctor. At this time, MSU is now under investigation, as the Michigan attorney general, the U.S. Department of Education and the NCAA have all announced they will be looking into how the institution responded to reports of Nassar’s abuse, some of which occurred on campus.

Dr. Nassar worked at MSU as an athletic trainer for twenty years. During his trial, dozens of MSU students testified that Nassar sexually abused MSU athletes under the guise of medical treatment for over two decades. Multiple victims say they reported his behavior to MSU coaches and other officials. However, nothing came of their reports. At this time, it is predicted that at least 14 MSU representatives knew about Nassar’s abuse and failed to report it.

In 2014, Dr. Nassar was the subject of an MSU sexual assault investigation. The investigation began after a woman brought a complaint against him. However, the school repeatedly told the woman that his treatments were “not sexual.” Yet, the MSU report actually stated that Nassar’s behavior was “frankly troubling.” The University permitted him to stay at MSU and continue treating students. In 2016, numerous accusations against Dr. Nassar were made public. Alarming, several women said they were assaulted after the 2014 MSU investigation.

Many survivors are asking that MSU be held accountable. Survivor Amanda Thomas how made a victim impact statement: “I knew that he abused me. I reported it. Michigan State University had the audacity to tell me I did not understand the difference between sexual assault and a medical procedure.” Similarly, Olivia Cowan stated: “MSU knew what was being done to these athletes and decided to turn a blind eye to keep their reputation strong and their pockets full.”

Michigan Attorney General Bill Schuette, stated that his office will conduct an “independent, thorough, transparent and prompt” investigation into Michigan State University in the wake of the Larry Nassar scandal. In addition, Schuette commented, “it is abundantly clear that a full and complete investigation of what happened at Michigan State University — from the president’s office down — is required. My department will find out who knew what and when, who took action, who failed to take action, what did or did not happen, and what should have happened.”

MSU President Lou Anna Simon has stepped down. In addition, the University's athletic director announced his retirement. The entire board of USA Gymnastics has resigned. Further, the NCAA opened an investigation into MSU and a congressional committee is scrutinizing major sports organizations.

This latest situation at Michigan State University comes at a time when an exceptional number of colleges and universities have been accused of mishandling complaints of sexual misconduct. In the wake of the current increase in lawsuits brought by both complainants and accused individuals, institutions are advised to review their sexual misconduct policies and update them if necessary to ensure compliance. We encourage institutions to provide regular training to students, educators and all members of the school community on how to properly recognize, prevent and respond to allegations of sexual misconduct.

If you have any questions or concerns regarding education-related issues, please contact Hayley B. Dryer at HDryer@cullenanddykman.com or at 516-357-3745.

Thank you to Victoria Jaus, a law clerk with Cullen and Dykman, for her assistance with this post.