

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

February 8, 2018

The Honorable John Engler
Interim President
Michigan State University
426 Auditorium Road
Hannah Administration Building, Room 450
East Lansing, MI 48824-1046

Dear Mr. Engler:

Two weeks ago, former USA Gymnastics and Michigan State University (MSU) gymnastics team doctor Larry Nassar was sentenced for sexually assaulting and molesting young female gymnasts under the appalling pretense of medical care. Sexual assault should never be tolerated, but when it does occur, it is imperative that swift and immediate action be taken to stop the abuse, prevent it from recurring, and address its effects.

Unfortunately, a lack of action allowed Nassar's offenses to infect nearly every level of gymnastics in our country. At his sentencing hearing, Nassar was confronted by 156 courageous women who came forward about the crimes he perpetrated against them,¹ and more than 60 additional women testified at another sentencing hearing last week.² One of the most disturbing aspects of the survivors' accounts is how this reprehensible conduct went undetected or ignored for years. Coaches, instructors, law enforcement, and other trusted adults all failed these young athletes.

The Committee is investigating how Nassar's crimes were able to occur, let alone persist, for over two decades. Michigan State University is at the center of many of these failures. The Committee seeks to better understand MSU's responsibility to its gymnastics team, its policies and procedures on sexual assault, and the actions it plans to take in response to this pervasive sexual abuse within the sport.

¹ Matt Mencarini and Beth LeBlanc, *Rachael Denhollander, First to Publicly Accuse Nassar, Makes Final Victim Statement*, LANSING STATE J., Jan. 24, 2018, available at <https://www.lansingstatejournal.com/story/news/local/2018/01/24/denhollander-seeks-harsh-sentence-answers-tough-questions-nassar-sentencing/1060121001/>.

² Matt Mencarini, *Larry Nassar to Be Sentenced for Third Time on Monday, Now 265 Say They Were Abused*, LANSING STATE J., Feb. 2, 2018, available at <https://www.lansingstatejournal.com/story/news/local/2018/02/02/larry-nassar-sentenced-third-time-monday-now-265-say-they-were-abused/302439002/>.

MSU hired Nassar as its gymnastics team doctor and assistant professor in 1997. Despite sexual assault allegations during Nassar's tenure, MSU did not fire him until September 20, 2016.³ MSU has a significant responsibility to its student-athletes, yet MSU's gymnastics team doctor sexually abused young gymnasts unfettered for years.

To ensure this never happens again, the Committee is seeking to understand what failed within our Olympic and collegiate systems, and why. To assist the Committee's investigation, please provide the following documents and information with the names of complainants redacted:

1. All training materials, policies, procedures, and instructions regarding providing medical treatment to athletes—including medical consents and medical examinations—disseminated to athletes, coaches, and medical staff affiliated with MSU's gymnastics team since 1996;
2. All training materials, policies, procedures, and instructions provided to athletes, coaches, and medical staff affiliated with MSU's gymnastics team since 1996 about reporting and addressing sexual assault;
3. All documents and communications referring or relating to any and all complaints reported to MSU about Larry Nassar, including but not limited to documents reflecting how MSU responded to and resolved those complaints;
4. All documents and communications referring or relating to any and all other sexual assault complaints concerning individuals other than Larry Nassar that have been reported to MSU since January 2008, including documents reflecting how MSU responded to and resolved those complaints; and
5. All documents and communications referring or relating to the steps MSU has taken or plans to take to prevent and address future instances of abuse within the sport of gymnastics.

Provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on February 22, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request. In addition, please arrange to brief Committee staff on this matter after producing the requested documents and information.

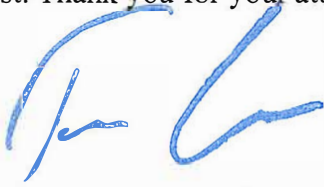
³ Christopher Haxel and Matt Mencarini, *MSU Fires Doctor Facing Sexual Assault Allegations*, LANSING STATE J., Sept. 20, 2016, available at <https://www.lansingstatejournal.com/story/news/local/2016/09/20/msu-fires-doctor-facing-sexual-assault-allegations/90734818/>.

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Please contact Jessica Donlon of the Majority staff at (202) 225-5074 or Katie Teleky and Francesca McCrary of the Minority staff at (202) 225-5051 with any questions about this request. Thank you for your attention to this matter.



Trey Gowdy

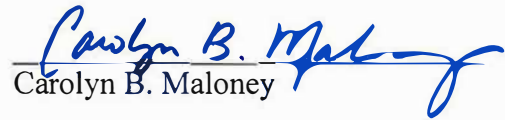
Sincerely,



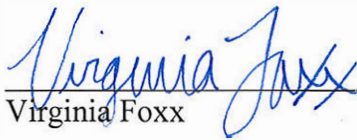
Elijah E. Cummings



Steve Russell



Carolyn B. Maloney



Virginia Foxx

Enclosures

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

All matters before the Committee

The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date