

New Day MSU

MSU Trustee Brian Mosallam's Proposal for Drastic Voluntary Remediation

We must listen. We must learn. Now, together, we must fight to do what is right by our Spartan Community, especially our courageous survivors.

Starting with The Mosallam Townhall, I embarked on a journey to listen and to learn. I met with and had hundreds of conversations with students, faculty, staff, alumni, and other stakeholders. I listened to our courageous survivors and their families protest and demand real change on our campus. I am here today to tell you that I hear you loud and clear. One thing that I found we all agree with is that MSU needs a culture change. My proposal today is aimed to improve MSU's culture through drastic voluntary remediation.

For the past few decades, even before my time as a Trustee, MSU has culturally positioned itself defensively. Our typical response to allegations of wrongdoing is to simply state that this institution did no wrong. I fundamentally disagree with this approach. We must admit failure when it happens. We must say sorry when we do wrong. We must hold ourselves accountable for what happens on this campus. We must constantly be focused on how we can improve and do better by our entire Spartan community. And we must continue to say: **never again**.

Today, I propose new and revised policies that I call on MSU's Board of Trustees to adopt, and for our administration to implement. These are policy proposals because as an individual Trustee, my ability to enact each one of them is limited by the authority and decision-making powers of the whole board. To this end, I need the MSU community's help. Specifically, I ask that you please help me urge the Board to act. We only need five votes.

Alternatively, the administration can independently decide to take the approach for drastic voluntary remediation. MSU should no longer stand in a defensive posture. We must embrace our obligation to apologize and offer justice. MSU should mercilessly cull out all that which permeated and perpetuated the culture that allowed for the likes of Larry Nassar and all the other sexual misconduct on this campus to fester and go improperly addressed.

I ask that my fellow Trustees, the administration, students, faculty, staff, alumni and other stakeholders join me in engaging in a dialogue that helps flesh out these ideas, identify and fill in the gaps where they exist, and ultimately collaborate towards implementation and adoption of this proposal so that there may be a New Day MSU.



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## **Accountability**

We must establish a tone on our campus of accountability. This begins with those in positions of leadership. We have a cultural problem. We failed to listen. And because we failed to listen, the cries of our courageous survivors of sexual misconduct on this campus went unheard. It's time that we do a full independent internal review of how MSU's leadership: administration, office of general counsel, provost, student affairs and services, college deans and administrators, and others handle sexual misconduct on this campus.

- We must immediately begin an independent internal review of the Larry Nassar matter to demonstrate to our courageous survivors, their families and all other MSU stakeholders (and government and regulatory authorities) that drastic voluntary remediation is better late than never.
- We must terminate all those who acted contrary to our values. We must be prudent however that our actions seek justice. We have a lot of good people on this campus who were hoodwinked by Larry Nassar or fell short because of institutional silos. By modifying existing policies and reporting protocols and mandating new training these silos can be eradicated. Nonetheless, where members of our community acted or made decisions contrary to our values, we must hold them accountable through disciplinary measures, up through and including terminations.
- Tone from the Top: The Administration must set a tone that this University's expectations for ethical conduct is uncompromising. We need full transparency and accountability without reservation for loyalty or friendship.

## **Board Oversight**

As a Board, we must be held accountable. A lot of the furor over MSU's failures has been directed at us, and rightfully so. We failed to properly comprehend MSU's enterprise, operational, strategic, compliance and cultural risks. By historically deferring to the Administration, we operated on inadequate information, insufficient oversight and blind belief in our University's Officers.

One of my reasons for these proposals is to ensure that we learn from this terrible situation and vow to not repeat it in the future. We should make a sustained commitment to more rigorous and regular oversight of MSU, its administration and all other control functions.

- To enhance the Board's oversight of MSU, its administration and other control functions such as the Title IX office we must develop the Audit and Risk Committee. The ARC should be the conduit to the Board to which regular reports and updates are provided of all non-financial enterprise, operational, strategic, compliance and cultural risks, in an effort to better identify patterns and trends of sexual misconduct on campus, as well as report on the quality of ethics and culture on campus.

- Receive an update on all Title IX reports. This further alerts Trustees on potential issues, trends and patterns of sexual misconduct on campus.
- Set policy objectives for countering sexual misconduct on campus.
- Define strategies to achieve the above objectives.
- The Board must mandate an up-the-ladder and escalation policy for all sexual misconduct complaints and require those involving faculty and staff to be immediately reported to this Board at the outset of an investigation so that we can ensure that proper policies, procedures and practices are followed.
- The Board through the creation of the ARC must become a consumer of information so we can best set policy for countering sexual misconduct and exercising our oversight responsibilities to ensure the administration and other control functions are properly carrying them out.

### **Trustee Reform**

MSU's faculty and students have demanded more inclusivity and transparency into the University's most important decisions. Our failure to immediately terminate the past administration when it was clear that confidence had been eroded was a complete betrayal of trust. The only way to regain the trust back is through collaboration, engagement and transparency. I pledge to continue to work with the MSU community to make the board more inclusive and transparent.

- Faculty and students should each have one member on the Board (to be determined by their respective processes) as it relates to the decisions below. These two members would have full voting rights (I believe the Board can legally allow for this discretionary participation in our voting process without a constitutional amendment because it does not require the permanent creation of two new board seats but is rather an elective decision by the Board under its existing constitutional authority) on three decisions:
  - 1) Presidential Search
  - 2) Tuition Costs
  - 3) Room and Board Costs
- To achieve greater transparency and aspire for accountability, Trustee work sessions must comply with the Open Meetings Act.
- All Trustees should be required to attend at least one faculty senate and student organization meeting per year.

- Additional student organizations and faculty representatives to Trustee liaison meetings (LGBTQIA, Minority, International, Survivors).
- The Board Chairperson and Vice Chairperson should be rotated annually.
- The Board Secretary is currently hired by the President and answers to the President. The Board Secretary must be hired by the Board and answer to the Board.
- Trustees must hold quarterly meetings with a committee of survivors for on-going dialogue and reform, so we can listen and learn from their experiences and ideas.
- All responses to Freedom of Information Act (FOIA) requests should be posted and made available on the MSU website.
- The Board must establish a higher standard than the law requires for our Administration and Office of General Counsel to deny a FOIA request that aligns with our new cultural expectation for transparency.

### **Compliance**

MSU has no centralized compliance function. In the absence of a centralized compliance function, we relied solely on MSU's Office of General Counsel. As the current administration has repeatedly noted, our policies, procedures and practices are lacking. Our University's standard for ethics is found wanting. The atrophy that plagues this University is symptomatic of an institution that does not have a centralized compliance function. I personally held MSU's former General Counsel accountable for this lapse. It is time that MSU establish a rigorous centralized compliance function.

- To learn about our severe shortcomings, we must specifically conduct an independent internal review of the Office of General Counsel's handling of the Nassar matter and sexual misconduct, generally, for the past three decades.
- We must immediately hire a Chief Compliance, Ethics and Culture Officer (or Officers).
- This Chief Compliance, Ethics and Culture Officer(s) must set up a compliance and ethics function that spans the entire institution.
- The Chief Compliance, Ethics and Culture Officer should report to VP of Legal Affairs with a dotted reporting line to our President.
- This Chief Compliance, Ethics and Culture Officer(s) must have a direct report to the Board's ARC so that the administration cannot withhold pertinent compliance information from us.

- We need to rewrite, revise and update our Code of Conduct.
- Enhanced Code of Conduct training should be mandated annually within each individual college and department.
- Every student will be required to certify that they read the Code of Conduct and attended the training before being enrolled in classes annually.
- Heightened Code of Conduct training should be required for at-risk students, including our student athletes whose visibility places them at added risk.
- The compliance function must be responsible for revising our policies, procedures and practices, ensuring the documentation, dissemination and communication of the same. We cannot entrust this obligation to the current leadership of MSU's Office of General Counsel.
- The compliance function will be responsible for measuring MSU's culture concerning sexual misconduct on campus and the administration's tone for saying never again and reporting the same to the Board's ARC.
- To support standing up this compliance function we need a comprehensive review of MSU's entire compliance program. The Husch Blackwell Title IX review is a start, but we need to do a top to bottom review of our compliance regime. This will support the Chief Compliance, Ethics, and Culture Officer(s) revisions to our policies, procedures and practices and help demonstrate MSU's commitment to establishing a culture of compliance and ethics.

### **Independent Oversight**

MSU as an institution is in need of cultural renewal. We need changes in our administration, Office of General Counsel, Student Affairs and Services, Office of Institutional Equity, colleges and departments. And this is more than shuffling the proverbial chairs on the deck by substituting one group of people for another. We need to establish a new culture that positively reforms the very souls of those who work at MSU. The changes that are needed are not evolutionary, they are revolutionary. We need to become a new MSU with a culture focused on safety and inclusivity. We cannot do it alone.

- To ensure that MSU embarks on the right course to completely revamp our institution's culture, we need to engage an outside compliance consultant who will monitor our progress, the changes to our culture, the Administration's tone, the revisions to our policies, procedures and practices, and much more.
- The outside compliance consultant would at least annually produce public reports on our progress which would include ongoing recommendations for further improvement.

The current administration recently referred to the implementation of the Husch Blackwell recommendations as "complete." In no way is our work here,

complete. Yes, we need to improve our Title IX policies, processes and practices but MSU's failure was much greater than that. It was a failure of the very cultural soul of this institution. We need an outside party to come in and hold our feet to the fire so that what we implement is absent policy, process and practice gaps and other deficiencies for not just Title IX but all our compliance and ethics functions and leads to the creation of a sustainable culture of compliance and ethics.

### **Health and Wellness Reform**

One of the first acts of the Board after moving on from the past administration was to empower the current administration to reform MSU's health and wellness program. The Husch Blackwell report supplemented these changes. However, we need to do much more to put in place sustainable solutions to our culture that reinvigorate a confidence that MSU will do what is right by a survivor even if it's just a competent voice who is there to listen. MSU needs to reform its approach to sexual assault reports and education.

My proposal includes:

- Creation of an Independent Sexual Misconduct Ombudsman.
- The Independent Sexual Misconduct Ombudsman will be available to listen to all concerns that MSU's culture, policies, processes and practices are not working as they should.
- The Independent Sexual Misconduct Ombudsman will serve as advocate for people who feel their complaints, concerns, and ideas are not properly being heard by MSU and its colleges and departments.
- Creation of a Sexual Misconduct Survivors' Advisory Committee.
- We need to better understand how to stop perpetrators of sexual misconduct before it happens, and in the unfortunate event that it does happen, how to put reforms in place to make sure it never happens again.
- Survivors can add campus experts to this committee if they deem necessary.
- Expansion of the 24/7 sexual assault hotline which should be staffed at all times with a certified Title IX investigator.
- We need to hire a rotating group of certified sexual assault professionals who at all times of the day are available to triage a survivor or their ally's complaint.
- This sexual assault hotline should be readily visible on MSU's website, including on the Office of General Counsel and Student Affairs and Services websites, among others.

All sexual misconduct complaints will be responded with:

- 1) Initial intake of all complaints by certified Title IX Investigators
  - 2) Counseling and other support services offered upon intake, including establishing appropriate interim measures
  - 3) Ensuring timely Cleary notice
  - 4) Additional notice provided to the complainant regarding his/her rights with an opportunity to appeal if MSU's Office of Institutional Equity finds no wrongdoing.
- We must make sexual assault training mandatory annually for all MSU students, faculty, staff and available for alumni and other stakeholders.
  - This will include a mandatory sexual assault, harassment, and gender- based discrimination course for all freshmen, graduate, transfer and temporary students in their first semester on campus.
  - This course would be live in a classroom, led by an individual versed in Title IX and a certified sexual assault professional and would replace the current online course.
  - All faculty and staff will also be required to complete annual training.

Additional resources for the following programs:

- 1) Sexual Assault Program (SAP)
- 2) Sexual Assault and Relationship Violence (SARV)
- 3) Safe Place
- 4) Women and Gender Studies
- 5) The Center for Gender Studies in a Global Context

### **Inclusivity Committee**

The MSU family is made up of individuals from all walks of life. This diversity makes MSU stronger and a better community for all who work, live and play on our campus. Unfortunately, the perception of our Administration and Board is one that is isolated from the rest of campus. There is a belief that MSU's leadership is inaccessible. That perception must end. It is time for us to create a

culture around an open-door policy where everyone, regardless of who they are or what they believe, have the opportunity to speak up. This will end the perception that individuals lack confidence to speak up against incidences of sexual misconduct. That is a serious problem. This problem becomes even worse when it involves marginalized minorities on our campus who already feel as if they are under attack. In order to listen and learn from each other, we need to do a better job of communicating with and respecting campus diversity.

- We must create an Inclusivity Committee.
- Led by campus experts and composed of students, faculty, staff, administration and Trustees. This group will have serious discussions about privilege, sexism, racism, homophobia, Islamophobia/etc. and how misconceptions and prejudices surrounding each contribute to the proliferation and silence regarding sexual misconduct on campus.
- Work to listen and create short- and long-term solutions and ideas to confront stereotypes and learn to listen and work with each other.

## **Conclusion**

We must listen. We must learn. I embraced these principles as a recognition of my own fallibility to admit that we all need to improve. The same rings true for the institution that I love deeply: Michigan State University. Our culture must change and improve. We must admit failure when it happens. We must say sorry when we do wrong. We must hold ourselves accountable for what happens on this campus. We must constantly be focused on how we can improve and do better by our entire Spartan community.

We can start this by ending our defensive posture, embracing a policy of drastic voluntary remediation, and collaboratively engaging our courageous survivors in a dialogue about how we can culturally improve MSU so we can all proudly stand tall again as Spartans and say: **never again**