

## Key Points of Consideration

### Failure to Report

- Dean Gupta is a mandatory reporter and as such is required to report situations that come to his attention pursuant to the *University Reporting Protocol: Relationship Violence, Sexual Misconduct and Stalking policy*. The OIE investigation indicated that Dr. Gupta was informed by [REDACTED] and [REDACTED] of alleged inappropriate and sexualized behaviors of [REDACTED] and failed to report them. Dr. Gupta has received training on expected protocols for mandatory reporting and he did not follow them.

### Failure of Leadership Responsibility

- Dean Gupta openly shared in a 6/20/22 meeting that [REDACTED] admitted to him, shortly after the event on 4/22/22, that [REDACTED] had been intoxicated and acted inappropriately. Per the OIE report, "Gupta recalled [REDACTED] did not provide any further details at that time, nor did he ask for additional information." In addition, Dr. Gupta did not reach out to FASA, or pursue any type of action to address this with [REDACTED] instead, he left it to others to "take care of it".
- Dean Gupta also shared in the 6/20/22 meeting that faculty and students contacted him during the week following the 4/22/22 incident to share information that aligned with the OIE notification about the incident, which included alleged intoxication, inappropriate dancing, and touching. [REDACTED] separately informed OIE that he "made it clear to Gupta [REDACTED] behavior was sexual in nature" When Dr. Gupta talked to OIE as part of the mandatory reporting investigation, he indicated that "he did not have reason to believe the "misbehaving", or "inappropriate behavior" was sexual in nature." This statement does not align with what he said at the 6/20/22 meeting or what was said by the others interviewed.
- When asked on 6/20/22 about the leave to retirement request that the college submitted to FASA for [REDACTED] on 5/10/22, Dr. Gupta stated that the request occurred because the respondent secured a new job with [REDACTED], and he knew about this prior to the incident. This differed from what was written on the request from the college, which stated that [REDACTED] needed the leave to retirement "so that [REDACTED] can tend to some family health situations and lecture/consult without the pressures of a tenured faculty position at MSU." He was notified of this discrepancy and that FASA would have made a different determination on the leave had he reported the 4/22/22 incident. He had no response.
- FASA and OGC also determined that [REDACTED] started working in early June at [REDACTED] which is in violation of the Dual Appointment and Outside Work for Pay (OWP) policies. When Dean Gupta was asked about this, he responded by saying that it wasn't needed because [REDACTED] wouldn't receive a check from [REDACTED] until after [REDACTED] leave begins July 1. He was informed that it was still needed. He then sent over an OWP form with signatures dating June 15 ([REDACTED]) and June 17 ([REDACTED]), but document properties showed the form was actually created that day, just prior to sending.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]  
**Date:** Tuesday, May 10, 2022 10:35:37 AM  
**Attachments:** [specialsituationsform.pdf](#)  
[image001.png](#)  
[loaform.pdf](#)

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Dear [REDACTED]

One of our distinguished faculty members, [REDACTED] recently informed us that [REDACTED] would like to pursue a leave-to-retirement. [REDACTED] has been at MSU for 24 years and is officially eligible for full retirement on 5/1/2023. [REDACTED] has already officially informed Dean Gupta that [REDACTED] will step down as [REDACTED] effective June 30, 2022. [REDACTED] would like to simultaneously sign a standard MSU leave-to-retirement agreement effective this same date (i.e., on leave from 7/1/2022 until 4/30/2023, with an official retirement date 5/1/2023). [REDACTED] has been a highly valued member of our community and profession. While we regret [REDACTED] decision to take a leave to retirement, we fully support his application so that [REDACTED] can tend to some family health situations and lecture/consult without the pressures of a tenured faculty position at MSU.

The university website indicates that we need approval from your office before we submit the official leave of absence form and attach [REDACTED] leave-to-retirement special situations form to the associated paperwork. Given the short time frame between now and [REDACTED] intended leave date and the significant budget implications for our unit (we need [REDACTED] salary released to hire some replacement instructors), it would be most appreciated if the approval on this could be expedited. I am copying [REDACTED] on this email as she is assisting using wading through these steps.

Regards,  
[REDACTED]



|



**From:** [Gupta, Sanjay](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Notice re HR action  
**Date:** Monday, June 20, 2022 5:28:07 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Dear [REDACTED],

In light of recent concerns raised related to your conduct, I am writing to notify you that effective immediately and pending the results of the review of the concerns raised, any contact you may have with MSU students should be done remotely and related only to their academics or their career related matters. Please let me know if you have questions or anticipate any issues with this directive. Please note that MSU prohibits retaliation (including but not limited to retaliatory harassment, discrimination, intimidation, or coercion) against individuals who report potential violations of policy, discrimination, harassment, or who participate in the University's response to these reports. Any allegation of retaliation will be deemed a separate and distinct violation of policy and will be investigated independently.



***Sanjay Gupta***

**The Eli & Edythe L. Broad Dean**

Broad College of Business  
Michigan State University  
632 Bogue Street, Room N520  
East Lansing, MI 48824  
**W:** 517-355-8377

**WHO WILL MAKE BUSINESS HAPPEN?  
SPARTANS WILL.**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Meeting to discuss [REDACTED] case  
**Date:** Wednesday, June 22, 2022 11:17:52 AM  
**Attachments:** [Notice re HR action.msg](#)

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Hello [REDACTED]

On Monday, 6/20/22 at 8 am I met with the following people regarding this case: Sanjay Gupta, [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

Dean Gupta reported the following:

- In the week following the 4/22/22 event, individual students and staff came to him, describing details in keeping with those shared in the OIE notification
- Also, during that week, [REDACTED] admitted to him that [REDACTED] had been intoxicated and inappropriate (without detail) and apologized.
- A month or so prior to the incident [REDACTED] apparently accepted a job elsewhere and planned to leave
- When I shared that on 5/10/22 our office received and approved a leave to retirement for [REDACTED] based on forms which indicated the reason for the leave to retirement was to attend to family health issues (with no mention of the new job or 4/22 event), Dean Gupta had no comment. The leave begins 7/1/22.

The following actions were discussed:

- Dr. Gupta was reminded that he is obligated to report incidents of this type to FASA and OIE, regardless of whether others say they are reporting. He acknowledged that he should have reported.
- Interim actions: Most of the students are gone for the summer on internships. There may be 2 PhD students in Finance that are still here. [REDACTED] is scheduled to be on vacation for one of [REDACTED] remaining two weeks prior to [REDACTED] leave. It was decided that Dean Gupta would send an email to [REDACTED] indicating that any communications with students should be remote and only related to their academics and career. See attached.
- FASA is reviewing whether to retract the leave to retirement approval given that known, critical information wasn't shared. If that occurs, we will need to revisit the interim actions.

Please let me know if you have questions, or if I can be of assistance in this matter in any way.

Sincerely,

[REDACTED]

[REDACTED]





**From:** [Gupta, Sanjay](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: [REDACTED]  
**Date:** Wednesday, June 22, 2022 1:12:18 PM  
**Attachments:** [OutsideWorkPay2022.pdf](#)

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[REDACTED] -

Two other things -

1) Attached is an OWP form that was filled out and signed, and 2) [REDACTED] is a 50% assignment as [REDACTED]

**Sanjay Gupta**

*The Eli and Edythe L. Broad Dean  
Eli Broad College of Business  
Michigan State University*

Sent from my iPhone

On Jun 22, 2022, at 12:26 PM, [REDACTED] wrote:

Hi Sanjay,

It is problematic, in that [REDACTED] is teaching there now, and [REDACTED] is currently AN faculty here (thus no off-duty period), therefore this violates OWP, Dual Appt, and potentially conflict of interest. I am including [REDACTED] and [REDACTED] here for guidance on next steps.

[REDACTED]

[REDACTED]

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**From:** Gupta, Sanjay <gupta@broad.msu.edu>

**Sent:** Wednesday, June 22, 2022 11:38 AM

**To:** [REDACTED]  
**Cc:** [REDACTED]

**Subject:** RE: [REDACTED]



[REDACTED] -

I checked with [REDACTED] and this is his understanding: [REDACTED] is indeed teaching there, but [REDACTED] will be paid in July and August (after [REDACTED] exit). So, this is off-duty unpaid period at MSU, so we shouldn't need OWP form there.

Please let me know if you have further questions about this issue.

Sanjay

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**From:** [REDACTED]  
**Sent:** Tuesday, June 21, 2022 4:36 PM  
**To:** Gupta, Sanjay <[gupta@broad.msu.edu](mailto:gupta@broad.msu.edu)>  
**Cc:** [REDACTED]  
**Subject:** RE: [REDACTED]

Thank you, Sanjay. I should've said, this is *potentially* a violation of the noted policies. Any information you can provide is appreciated.

[REDACTED]

[REDACTED]

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**From:** Gupta, Sanjay <[gupta@broad.msu.edu](mailto:gupta@broad.msu.edu)>  
**Sent:** Tuesday, June 21, 2022 4:31 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: [REDACTED]

[REDACTED] -

Checking and will get back.

**Sanjay Gupta**  
*The Eli and Edythe L. Broad Dean*  
*Eli Broad College of Business*  
*Michigan State University*

Sent from my iPhone

On Jun 21, 2022, at 1:22 PM, [REDACTED] wrote:

Hello Sanjay,

It has come to our attention that [REDACTED] is currently teaching at [REDACTED]. Do you know if an outside work for pay form was completed? This is also in violation of the Dual Appointment and Conflict of Interest policies.

Also wondering if you were able to find out anything about [REDACTED] new position. Is that with [REDACTED] or elsewhere?

Thanks for any clarification you can provide.

Best,

[REDACTED]

[REDACTED]

Print Form

**Michigan State University** **OUTSIDE WORK FOR PAY/OVERLOAD PAY**

Name  Date 06/15/2022  
Last, First, Middle

Position/Rank  Title (if any)

<input type="text"/>	339		
Primary Department Name	Code	Sec	Department Name Code
<input type="text"/>	08		
Primary College Name	Code	Sec	College Name Code

**OUTSIDE WORK FOR PAY**

Document Properties

Description Security Tools Initial files Gallery Advanced

Description

File: OutsideWorkForPay2022.docx

Title: Microsoft Word - OutsideWork.docx

Author: [Name]

Subject:

Keywords:

Created: 6/15/2022 11:15:07 AM

Modified: 6/15/2022 11:25:08 AM

Application: Acrobat PDFMaker 2.0 for Word

[Additional Properties...](#)

**MICHIGAN STATE**  
**UNIVERSITY**

June 29, 2022

[REDACTED]

Dear [REDACTED]

Several concerning issues have come to our attention regarding your employment with Michigan State University. Two critical issues require your attention immediately.

- 1) You applied for a leave to retirement effective July 1, 2022, which was approved by the Office for Faculty and Academic Staff Affairs (FASA) on May 10, 2022. It has come to our attention that prior to applying for leave, you and the College were aware of an incident that occurred in April 2022 in which you had behaved inappropriately at an MBA student event and potentially in a manner that violated University policy. This information was not known to our office at the time your leave request was approved by FASA, which would have been taken into consideration prior to an approval. Given this additional information, the University has determined to revoke your leave to retirement, pending further investigation.
- 2) We also have become aware that you are currently teaching at [REDACTED]. You did not obtain the required approvals prior to engaging in this work, resulting in potential violations of the Dual Appointment, Conflict of Interest, and Outside Work for Pay policies. Your work with this and other employers is not permitted.



**OFFICE OF THE  
PROVOST**

Michigan State University  
Hannah Administration Building  
426 Auditorium Road, Room 430  
East Lansing, Michigan 48824

Phone: 517-355-6550  
Fax: 517-355-9601  
provost@msu.edu

We will be reviewing the above matters with your college administration and the Provost.

Sincerely,

[REDACTED]

CC: Sanjay Gupta  
[REDACTED]



June 30, 2022

[REDACTED]

Dear [REDACTED]

This letter is to inform you and University and College HR that I officially resign from the university effective June 30, 2022. It has been a pleasure and honor to serve this university for the past 24 years.

Sincerely,

[REDACTED]

[REDACTED]

**MICHIGAN STATE  
UNIVERSITY**

**MSU OFFICE OF INSTITUTIONAL EQUITY**  
**MANDATORY REPORTING FAILURE**  
**INVESTIGATIVE MEMORANDUM**

August 8, 2022

To: [AHR.OIE@msu.edu](mailto:AHR.OIE@msu.edu)

CC: Teresa Woodruff, Provost and Executive Vice President for  
Academic Affairs

From: [REDACTED]

RE: Failure to Mandatory Report Protocols – Sanjay Gupta

OIE No: [REDACTED]



**Office of  
Institutional  
Equity**

Olds Hall  
408 W. Circle Drive  
Suite 4  
East Lansing, MI  
48824-1046

517-353-3922  
Fax: 517-884-8513  
[www.oie.msu.edu](http://www.oie.msu.edu)

Michigan State University's Relationship Violence and Sexual Misconduct and Title IX Policy ("RVSM Policy") required University employees (with specific exceptions) to promptly report relationship violence, stalking, and sexual misconduct. Potential failures to report are investigated by the Office of Institutional Equity (OIE).<sup>1</sup> OIE is required to document its findings in a memorandum, which must be sent to the employing unit.

OIE received information that MSU employee, Sanjay Gupta, may have failed to adhere to reporting obligations. Information and findings by OIE are documented in this memorandum.

**Background**

On April 23, 2022, OIE received information that [REDACTED] became heavily intoxicated and may have sexually harassed and/or sexually assaulted one or more students. The incident took place at the MBA Gatsby Gala located at the Studio @ 414 and was reportedly witness by several attending students. On July 28, 2022, OIE initiated a formal investigation to review this matter.<sup>2</sup>

<sup>1</sup> RVSM and Title IX Policy, Section VI.

<sup>2</sup> Prior to the initiation of the investigation OIE spoke with several individuals to gather additional information before determining if appropriate to imitate a formal investigation and subsequently conduct investigative interviews.

# MICHIGAN STATE UNIVERSITY

On June 20, 2022 a meeting to discuss [REDACTED] behavior took place involving Gupta, Faculty and Academic Staff Affairs (FASA) and Office of Support and Equity. During the meeting Gupta revealed [REDACTED] had spoken to him about the event. Specifically, it was reported [REDACTED] had notified Gupta that [REDACTED] had overdrank and had acted inappropriately. He further revealed he may have “pertinent” information to share with OIE about the conduct. Despite receiving this information no complaint was made by Gupta to OIE at any time.

OIE confirmed with [REDACTED]

[REDACTED] that Gupta completed online training about mandatory reporting on September 2, 2021. The training is valid for two (2) years, expiring on September 2, 2023. Therefore, Gupta was up to date on his training at the time of the reported conduct.

## Sanjay Gupta

OIE met with Gupta via telephone on June 22, 2022. Gupta was advised he was being contacted for information involving a potential mandatory reporting failure. OIE advised Gupta he was not obligated or required to speak with OIE and that information shared would not be confidential.

Gupta reported [REDACTED] had approached him after the MBA Gala event and stated [REDACTED] was “very sorry” for [REDACTED] behavior at the event. Specifically, that [REDACTED] had drank too much and “something happened that should not have.” Gupta recalled [REDACTED] did not provide any further details at that time, nor did he ask for additional information.<sup>3</sup>

[REDACTED] and [REDACTED] also approached Gupta following the event. Gupta recalled they did not witness the reported conduct, but it was reported by several students that [REDACTED] had behaved in a way that was “inappropriate”. Gupta recalled [REDACTED] and [REDACTED] were “taking care of it” and would update him with additional information as they receive it.

Gupta stated [REDACTED] and [REDACTED] only indicated students reported [REDACTED] being drunk and “misbehaving”, but no further details were provided.<sup>4</sup> As he did not have reason to believe “misbehaving” or “inappropriate behavior” was sexual in nature, Gupta did not believe there was an obligation to report.

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<sup>3</sup> Gupta stated he knew the conduct took place at the programs end of the year party and that is why he chose not to ask follow-up questions.

<sup>4</sup> Gupta encouraged OIE to connect with [REDACTED] as he had the most information about the event and the conduct that took place.



# MICHIGAN STATE UNIVERSITY

[REDACTED]

OIE met with [REDACTED] via telephone on June 30, 2022 via telephone. OIE advised [REDACTED] he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised [REDACTED] he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy's retaliation provision protecting individuals that provide information.

[REDACTED] learned about [REDACTED] conduct at the MBA Gatsby Gala from students who attended the Gala. After learning the information, he stated he contacted [REDACTED] who stated the was going to file a report of the conduct to OIE.<sup>5</sup>

The day after reporting to [REDACTED] [REDACTED] received a phone call from Dean Gupta while driving home from campus.<sup>6</sup> [REDACTED] estimated the call lasted between five (5) and seven (7) minutes. Gupta had contacted him to ask questions about what had happened at the Gala as it had been reported to him by [REDACTED]. [REDACTED] stated he participated in the Gala, but he was not at the event at the time of the reported conduct. However, it was reported to him by several students that Respondent was "behaving inappropriately to students" after faculty had left.<sup>7</sup> [REDACTED] stated it was his understanding [REDACTED] was the only faculty member remaining and that [REDACTED] was dancing "suggestively" with students and may have touched one of them. [REDACTED] explained students reported [REDACTED] would approach several students, begin dancing with them, and they would ask [REDACTED] to stop. Each time [REDACTED] was asked to stop [REDACTED] did and would leave the area. However, [REDACTED] continued this behavior throughout the night.

[REDACTED] noted although he reported the sexualized behavior to Gupta, they spent most of their time discussing alcohol on site, and the potential intoxication level of [REDACTED] at the time of the reported conduct. [REDACTED] explained stated it was his understanding there was an open bar at the event, however the University was not responsible for the alcohol sales. Specifically, the alcohol was purchased with private funds by the student organizers.<sup>8</sup> [REDACTED] stated he made it clear to Gupta [REDACTED] behavior was sexual in nature and that subsequent OIE reports would be filed. Gupta expressed disappointment in the situation, suggested instituting a plan to govern drinking at similar events and stated he would be following up with [REDACTED]

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<sup>5</sup> [REDACTED] could not recall the exact date in which he reported to [REDACTED] but stated it was between April 22 and April 28.

<sup>6</sup> [REDACTED] did not recall the specific date in which they spoke.

<sup>7</sup> [REDACTED] stated he explained to Gupta the information was second and/or third hand.

<sup>8</sup> [REDACTED] commented the University paid the deposit for the venue of and for the catering. However, they did not approve or pay for the open bar. [REDACTED] commented this was not common practice as drinking at said events is a "slippery slope."



## MICHIGAN STATE UNIVERSITY

Following the call, ██████ noted Gupta sent an email on June 23, 2022 to him and ██████ notifying ██████ was not to interact with students in person “until further notice”.<sup>9</sup>

████████████████████  
OIE met with ██████ via telephone on June 30, 2022 via telephone. OIE advised ██████ he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised ██████ he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy’s retaliation provision protecting individuals that provide information.

████████████████████ stated he did not speak directly with any of the students who witness behavior at the MBA Gatsby Gala. Rather, he was notified of the behavior by ██████ ██████ recalled he could not say definitively that he used ██████ name when he reported to Gupta. However, he reported to there was inappropriate behaviors by a “faculty member”. Specifically, that the faculty member dancing inappropriately and said behavior would be reported to OIE.

As he did not have specific details about the reported conduct it was ██████ understanding ██████ contacted ██████ via telephone after they spoke. During this conversation ██████ “filled in the gaps” about the specific conduct and identified the faculty member as ████████████████████

### OIE Findings

Mandatory reporting protocols are critical to ensure the University responds to reported incidents in a timely manner. Failure to report can have significant impact on individuals and the MSU community.

OIE reviewed all the collected information. Based on the information available, OIE has determined Sanja Gupta violated the mandatory reporting obligations pursuant to the RVSM Policy. Gupta acknowledged ██████ came to him to report ██████ had behaved inappropriately. Further two ██████ reported the behavior in which ██████ engaged in was sexual in nature and that ██████ may have inappropriately touched a student or students.

Although Gupta denies information provided to him was sufficient to file a report with OIE, ██████ and ██████ statements strongly support otherwise. OIE respectfully recommends the Mandatory Reporting Policy and requirements be reviewed with Gupta as a refresher of when it is appropriate to report to OIE.

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<sup>9</sup> ██████ forwarded this email to OIE prior to the conclusion of his report.

**MICHIGAN STATE**  
**U N I V E R S I T Y**  
**Obligation of Employing Unit**

Employees who fail to adhere to reporting obligations are subject to disciplinary action. Any discipline is to be handled by the employing unit in accordance with applicable employee disciplinary policies and procedures. **The employing unit is *required* to notify OIE of any discipline *or* actions taken regarding Sanjay Gupta as a result of the information and findings in this memorandum.**

Please let me know if you have any questions and/or concerns.

Sincerely,

A large black rectangular redaction box covering the signature area.

**Name**

specialsituationsform.pdf  
image001.png  
loaform.pdf  
image001.png  
Notice re HR action.msg  
OutsideWorkPay2022.pdf

Comment

Size Modified

337,760

4,660

380,090

4,276

150,528

404,765



August 18, 2022

[REDACTED]

Dear [REDACTED]

This message provides a response to your email communication sent late on August 17 indicating that the Board is requesting additional details concerning the Gupta case.

**1. Materials Previously Provided**

The materials that were provided to President Stanley and that we understand were forwarded to the Board include the following:

- A memo entitled *Leadership Review- Dean Sanjay Gupta* from [REDACTED] to Provost Woodruff. This memo provided a recommendation that Dr. Gupta no longer serve as the Dean of the Eli Broad College of Business, and the rationale for that recommendation. The rationale emphasized the important responsibility of institutional leaders to uphold the values and principles of respect, care, and inclusion to which the university is committed. It also explained that the recommendation was informed by an OIE Memorandum concerning a Mandatory Reporting Failure, as well as a review by FASA of events and policies relevant to the matter.
- A Case Management Document pertaining to OIE Case [REDACTED] that provided the data that informed the recommendation made to the Provost. This Case Management Document was intended to compile in one document the various pieces of information that had been considered by FASA in developing a recommendation. The data and information in the case management report include:
  - A situation timeline and key points of consideration (based on the OIE Failure to Report Investigative Memo and based on information obtained in a June 20 meeting that FASA held with Dr. Gupta, [REDACTED] to discuss the



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- OIE notification regarding [REDACTED] and possible interim actions to assess needed support services and safety measures;
- Memos relevant to anomalies in a request for [REDACTED] to be approved for a leave to retirement;
- Correspondence indicating concern that [REDACTED] was working simultaneously for [REDACTED] and Michigan State University, without having obtained required approvals;
- [REDACTED] June 30 resignation;
- A summary of the June 20 meeting; and
- The OIE Mandatory Reporting Failure Investigative Memo No. 2022-00907.

These two documents present and summarize the information considered by the Office of Faculty and Academic Staff Development in developing the recommendation submitted to Provost Woodruff. A separate OIE investigation is ongoing concerning the events at an end-of-year off-campus event for faculty and students associated with the MBA Program in the Broad College, which precipitated the majority of concerns about Dr. Gupta's leadership actions. The consideration of Dr. Gupta's leadership is not dependent on the ongoing investigation; rather, the information that informed the recommendation concerning Dr. Gupta pertained to the OIE Mandatory Reporting Failure Investigative Memo and additional information about Dr. Gupta's related leadership actions.

## 2. Additional Information

Additional information was learned during a meeting with Dr. Gupta. Specifically, relevant information about Dr. Gupta's leadership actions was disclosed during the in-person meeting between Provost Woodruff, [REDACTED] and Dr. Gupta on Friday, August 12 (which occurred before Dr. Gupta's resignation later in that meeting).

After Provost Woodruff presented an overview of the facts of the situation based on the documents outlined above, Provost Woodruff invited Dr. Gupta to provide his comments and response. Most of his comments reiterated information already known and documented in the materials mentioned above. Dr. Gupta acknowledged he was aware of the intoxication and inappropriate conduct of [REDACTED] at a student event. An important new piece of information was provided by Dr. Gupta: Dr. Gupta told Provost Woodruff that when [REDACTED] had told him about the situation at the event, Dr. Gupta had realized the situation required some disciplinary action. He said he indicated to [REDACTED] that "I must let you go;" however, Dr. Gupta said he did not do so because he thought [REDACTED] was resigning and leaving MSU. [The date of this conversation between Dr. Gupta and [REDACTED] was not specified by Dr. Gupta.] This bolsters previously existing evidence of Dr. Gupta's leadership failures; namely, OIE's Mandatory Reporting Failure Investigative Memorandum and FASA's related leadership review, detailed in section 3 below.



### 3. Key Factors Contributing to the Recommendation Pertaining to Serious Leadership Failures

As already discussed in the August 8 Leadership Review memo sent by [REDACTED] to Provost Woodruff, senior university leaders bear an explicit responsibility to uphold the values of the university, conduct themselves with consistent attention to integrity and professionalism, report incidents of alleged policy violations, and protect the safety of members of the university community, especially students. In particular, institutional leaders must act when institutional values are threatened, undermined, or violated. Careful review of the data and information discussed above leads to the conclusion that Dr. Gupta failed to fulfill these essential leadership responsibilities. Specific failures in leadership—both through commission as well as omission—are listed below:

- Dr. Gupta has indicated (and the OIE Memo provides) that [REDACTED] reported to him that [REDACTED] had been intoxicated and acted inappropriately at an end-of-year MBA event attended by students. Dr. Gupta reported that he did not receive further information nor request it. It is concerning that a dean would not ask for further information when presented with such assertions by [REDACTED]. A leader should want to know the nature of the situation and what follow-up action would be necessary and appropriate.
- Dr. Gupta knew that the inappropriate behavior occurred at a party with students. It is particularly concerning that a dean would not ask about the nature of involvement of the students and the impact on or implications for the students, since ensuring the safety of our university's students is a primary value of the institution.
- Dr. Gupta did not consult with FASA after he learned about the [REDACTED] incident. FASA was unaware of the incident until it was notified on June 16. Customary actions of a dean when faced with a situation such as self-reported misconduct by [REDACTED] include informing and discussing the situation and potential steps forward with FASA to ensure all aspects of the situation are addressed, including compliance requirements.
- Dr. Gupta did not himself take any interim measures to protect students or anyone potentially impacted by the event until FASA held the June 20 meeting. At the June 20 meeting, appropriate interim measures concerning [REDACTED] were instituted, including limiting [REDACTED] interactions with students to virtual and only those related to academics or students' careers. As noted above, however, Dr. Gupta's leadership lapse – not contacting OIE or FASA – resulted in a lack of interim measures for nearly two months (April 22 - June 20).
- In the June 20 meeting that FASA convened with Dr. Gupta and various university leaders to discuss possible interim measures, Dr. Gupta himself indicated that during the week following the April 22 incident, faculty and students contacted him about the event to share information that aligned



with the OIE notification about the event, which included alleged intoxication, inappropriate dancing, and touching. Dr. Gupta acknowledged that he did not report this information to OIE.

- There is an inconsistency in what Dr. Gupta said and acknowledged in the June 20 meeting and what he subsequently stated to OIE, when he indicated that “he did not have reason to believe the ‘misbehaving,’ or ‘inappropriate behavior’ was sexual in nature. Additionally, the OIE Memo provides that during the OIE interview with Dr. Gupta via telephone on June 22, 2022, “Gupta recalled “[REDACTED] and [REDACTED] were ‘taking care of it’ and would update him with additional information as they receive it.” A dean is directly responsible for ensuring that university policies are enacted and followed. A Dean’s explicit report to OIE, and subsequent follow-up, is essential, and especially so when the person associated with potential student-facing behavior matters is [REDACTED] who is [REDACTED] and who directly reported the matter in the immediate aftermath of the event.
- Before the June 20 interim measures meeting and Dr. Gupta’s disclosures at that meeting, but after faculty and students told Dr. Gupta about the event and sexually inappropriate behavior, on May 10, the college sent a request to FASA to approve a leave to retirement for [REDACTED] beginning 7/1/22. However, no indication accompanied the request about the fact that [REDACTED] was being reviewed by OIE. Once FASA learned of the OIE investigation on June 16, it revoked the approval for leave to retirement.
- In late June, FASA and OGC also became aware that [REDACTED] was currently teaching at [REDACTED]. However, because no request had been submitted to FASA for an exception to the Dual Appointment policy or Outside Work for Pay policy, [REDACTED] was not approved for this situation. When expressly asked whether an Outside Work for Pay form or Dual Appointment form had been completed regarding this work, Dean Gupta said that it was not necessary since [REDACTED] would not be paid until [REDACTED] leave would start on July 1. However, the work had already begun, and approval is required.

The decision that Dr. Gupta could not continue as dean was informed by both the OIE Mandatory Reporting Failure Investigative Memorandum and the related leadership decisions, as highlighted above. The choices made by Dr. Gupta—both by commission and omission—constitute a constellation of factors and evidence that could not be ignored. At Michigan State, every leader carries the responsibility to be conscientious in upholding our commitment to integrity, professionalism, and attention to respect and safety. Deans are fully apprised of this responsibility. Policies and procedures are part of a regular dialogue with the deans. Furthermore, we work in an environment of heightened public scrutiny of the seriousness with which we carry out these responsibilities. The decision in this matter has been made in recognition of these significant leadership and institutional responsibilities.



Finally, in presenting this additional memo, we emphasize that this case is complex and is accompanied by disappointment and, in truth, sadness at the implications for the individuals involved and the institution as a whole. The staff of the Office of Faculty and Academic Staff invested considerable time and exercised great diligence, care, and wisdom to organize and analyze the details available, to analyze relevant institutional policies and expectations, and to develop a recommendation consistent with the preponderance of evidence. The ultimate recommendation and decision were not capricious but rather carefully and thoroughly developed. As institutional leaders, we are compelled and committed to make recommendations and decisions, even when difficult, that uphold the values and principles that Michigan State advances and promises to its students and constituents. The decision-making and action in this matter reflect, on the part of Michigan State's senior leaders, their highest sense of integrity and commitment to supporting and advancing the university and its values.

Sincerely,



Teresa K. Woodruff, Ph.D.  
Provost and Executive Vice President for Academic Affairs



# MICHIGAN STATE UNIVERSITY

August 8, 2022

To: Teresa K. Woodruff, Ph.D., Provost and Executive Vice President for Academic Affairs

From: [REDACTED]

**Subject:** Leadership Review - Dean Sanjay Gupta

This memo provides information relevant to the leadership response of Dean Sanjay Gupta<sup>1</sup> to an Eli Broad College of Business (College of Business) incident.<sup>2</sup> Dean Gupta failed to report an incident under the *University Reporting Protocol: Relationship Violence, Sexual Misconduct, and Stalking*<sup>3</sup> policy. Details are outlined in the Mandatory Reporting Failure Investigative Memorandum issued by the Office of Institutional Equity (OIE) on August 2, 2022,<sup>4</sup> Case # [REDACTED]

The Office for Faculty and Academic Staff Affairs (FASA) has reviewed the actions of the College of Business leadership following the incident and the OIE Mandatory Reporting Failure Investigative Memorandum, and recommends the action outlined below.

## Recommended Action

Based on consultation with the Directors within FASA, I recommend Dr. Gupta no longer serve as the Dean of the Eli Broad College of Business. I also recommend that he be required to participate in an additional in-person mandatory reporting training session.

## Rationale for the Recommendation

All university administrative leaders bear the responsibility of carrying out institutional policies and upholding institutional values. The university is an institution with a particular responsibility to improve society and do everything in its means to support, advance, and protect from harm the students (as well as the faculty and staff).

At Michigan State University, recognizing the errors and harm done to others in its institutional history, we have a particular responsibility to conduct all aspects of our work and our community life with special regard to the values of respect, care, and inclusion. Those who take on leadership roles are expected to conduct themselves with careful and consistent attention to integrity and professionalism, to protect the safety of all members of the community, and to ensure such institutional values are embedded in all activities and actions associated with MSU. Furthermore, not only are institutional leaders expected to support these values; they also are expected to act when these values are

<sup>1</sup> Dr. Gupta's hire date with MSU was July 1, 2007. His appointment as Acting Dean of the Eli Broad College of Business was effective July 1, 2014. He was appointed Dean effective June 17, 2015.

<sup>2</sup> The incident requiring mandatory reporting is currently under investigation by the Office of Institutional Equity (OIE) Case # [REDACTED].

<sup>3</sup> University Reporting Protocol: Relationship Violence, Sexual Misconduct, and Stalking: [https://civilrights.msu.edu/policies/reporting\\_protocols.pdf](https://civilrights.msu.edu/policies/reporting_protocols.pdf).

<sup>4</sup> The Mandatory Reporting Failure Investigative Memorandum was sent by OIE to relevant parties on August 2, 2022.



## OFFICE OF THE PROVOST

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undermined, threatened, or violated. Each leader has an explicit responsibility to the well-being of our students and the integrity of our university.

In this case, Dr. Gupta failed to live up to and enact his responsibility as an institutional leader. He failed to fulfill his mandatory reporting responsibility and to take expected, immediate, and appropriate actions to address alleged inappropriate behavior by one of his direct reports.

A dean has authority and responsibility delegated by the President and the Board of Trustees for the administration of a college, including personnel matters in the college.<sup>5</sup> A dean is held to the highest ethical standards as a university administrator and serves as a role model for academic administrators, faculty, staff, and students under the [Standards of Official Conduct for Senior University Administrators policy](#).<sup>6</sup> In short, his decisions, taken in his role as a College Dean, constitute a serious lapse of commitment to upholding his leadership responsibilities.

Based on a review of the leadership response, the OIE report concerning Mandatory Reporting Failure, a review of the events and policies relevant to this situation, and reflection on the ethical responsibilities that Michigan State University values and seeks to uphold, I request you consider, with the concurrence of the FASA Directors and University counsel, the recommendation presented above.

### **Background on Communications of Mandatory Reporting Responsibility**

On January 1, 2015, the *Relationship Violence and Sexual Misconduct Policy* was issued that required all MSU employees to report any knowledge of relationship violence or sexual misconduct allegedly perpetrated by a member of the MSU community or occurring at an MSU event or on MSU property. The term “sexual misconduct” included sexual harassment. With the implementation of this requirement (“mandatory reporter requirement”), communications<sup>7</sup> were sent to MSU faculty and/or administrators announcing the reporting requirement and associated required trainings. At the time of policy implementation, all responsible MSU employees were required to complete the RVSM Mandatory Reporting e-Learning module, with a requirement for re-completion every two years. As discussed in the OIE Mandatory Reporting Failure Investigative Memorandum, Dr. Gupta is up-to-date on his training requirement.

Under the Clery settlement agreement, Human Resources and FASA (formerly Academic Human Resources) are required to send a communication to all MSU employees each semester that encourages reporting of suspected criminal activity or misconduct, provides a description of the options to report, and explains the University’s policies and efforts to protect employees from retaliation. These communications specifically outline the mandatory reporting requirement applicable to responsible employees regarding allegations of sexual harassment. The first of these communications was sent in January 2020, and a total of seven communications<sup>8</sup> were sent to the MSU community prior to the underlying incident requiring mandatory reporting in April 2022.

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<sup>5</sup> *Bylaws for Academic Governance*, section 2.1.

<sup>6</sup> Principles: Administrators at Michigan State University are expected to abide by the highest ethical standards in discharging their responsibilities for the University, to act in the best interests of the University, to accord the University their primary professional loyalty, and to arrange their other obligations, financial interests, and activities in a manner consistent with these commitments to the University.

<sup>7</sup> University Communications Regarding Mandatory Reporting were sent:  
December 29, 2014: Email to the MSU Community announcing new policy  
February 6, 2015: Email to Deans, Directors, Chairs announcing e-Learning training  
February 23, 2015: Email to Deans, Directors, Chairs regarding e-Learning training.

<sup>8</sup> University Communications Regarding Reporting Misconduct were sent: (1) January 24, 2020, (2) May 11, 2020, (3) August 31, 2020, (4) January 11, 2021, (5) May 17, 2021, (6) September 1, 2021, and (7) January 10, 2022.

Additionally, FASA prepares and sends an “Important Policies” guide to academic administrators at regular intervals.<sup>9</sup> The Important Policies guide highlights the mandatory reporting requirement applicable to responsible employees regarding allegations of sexual harassment.

Dr. Gupta clearly received periodic communications about the reporting requirement during his time as dean and attended training on the reporting requirement. It is evident that he knew of his obligation and yet still failed to act.

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<sup>9</sup> Sent to academic administrators from the Provost on (1) January 8, 2020, (2) January 11, 2021, (3) September 14, 2021, and (4) September 1, 2021.



**MICHIGAN STATE  
UNIVERSITY**

**MSU OFFICE OF INSTITUTIONAL EQUITY**  
**MANDATORY REPORTING FAILURE**  
**INVESTIGATIVE MEMORANDUM**

August 8, 2022

To: [AHR.OIE@msu.edu](mailto:AHR.OIE@msu.edu)

CC: Teresa Woodruff, Provost and Executive Vice President for  
Academic Affairs

[REDACTED]

From: [REDACTED]

RE: Failure to Mandatory Report Protocols – Sanjay Gupta

OIE No: [REDACTED]



**Office of  
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Michigan State University's Relationship Violence and Sexual Misconduct and Title IX Policy ("RVSM Policy") required University employees (with specific exceptions) to promptly report relationship violence, stalking, and sexual misconduct. Potential failures to report are investigated by the Office of Institutional Equity (OIE).<sup>1</sup> OIE is required to document its findings in a memorandum, which must be sent to the employing unit.

OIE received information that MSU employee, Sanjay Gupta, may have failed to adhere to reporting obligations. Information and findings by OIE are documented in this memorandum.

**Background**

On April 23, 2022, OIE received information that [REDACTED] [REDACTED] became heavily intoxicated and may have sexually harassed and/or sexually assaulted one or more students. The incident took place at the MBA Gatsby Gala located at the Studio @ 414 and was reportedly witness by several attending students. On July 28, 2022, OIE initiated a formal investigation to review this matter.<sup>2</sup>

<sup>1</sup> RVSM and Title IX Policy, Section VI.

<sup>2</sup> Prior to the initiation of the investigation OIE spoke with several individuals to gather additional information before determining if appropriate to imitate a formal investigation and subsequently conduct investigative interviews.

# MICHIGAN STATE UNIVERSITY

On June 20, 2022 a meeting to discuss [REDACTED] behavior took place involving Gupta, Faculty and Academic Staff Affairs (FASA) and Office of Support and Equity. During the meeting Gupta revealed [REDACTED] had spoken to him about the event. Specifically, it was reported [REDACTED] had notified Gupta that [REDACTED] had overdrank and had acted inappropriately. He further revealed he may have “pertinent” information to share with OIE about the conduct. Despite receiving this information no complaint was made by Gupta to OIE at any time.

OIE confirmed with [REDACTED]

[REDACTED] that Gupta completed online training about mandatory reporting on September 2, 2021. The training is valid for two (2) years, expiring on September 2, 2023. Therefore, Gupta was up to date on his training at the time of the reported conduct.

## Sanjay Gupta

OIE met with Gupta via telephone on June 22, 2022. Gupta was advised he was being contacted for information involving a potential mandatory reporting failure. OIE advised Gupta he was not obligated or required to speak with OIE and that information shared would not be confidential.

Gupta reported [REDACTED] had approached him after the MBA Gala event and stated [REDACTED] was “very sorry” for [REDACTED] behavior at the event. Specifically, that [REDACTED] had drank too much and “something happened that should not have.” Gupta recalled [REDACTED] did not provide any further details at that time, nor did he ask for additional information.<sup>3</sup>

[REDACTED] and [REDACTED] also approached Gupta following the event. Gupta recalled they did not witness the reported conduct, but it was reported by several students that [REDACTED] had behaved in a way that was “inappropriate”. Gupta recalled [REDACTED] and [REDACTED] were “taking care of it” and would update him with additional information as they receive it.

Gupta stated [REDACTED] and [REDACTED] only indicated students reported [REDACTED] being drunk and “misbehaving”, but no further details were provided.<sup>4</sup> As he did not have reason to believe “misbehaving” or “inappropriate behavior” was sexual in nature, Gupta did not believe there was an obligation to report.

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<sup>3</sup> Gupta stated he knew the conduct took place at the programs end of the year party and that is why he chose not to ask follow-up questions.

<sup>4</sup> Gupta encouraged OIE to connect with [REDACTED] as he had the most information about the event and the conduct that took place.



# MICHIGAN STATE UNIVERSITY

[REDACTED]

OIE met with [REDACTED] via telephone on June 30, 2022 via telephone. OIE advised [REDACTED] he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised [REDACTED] he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy's retaliation provision protecting individuals that provide information.

[REDACTED] learned about [REDACTED] conduct at the MBA Gatsby Gala from students who attended the Gala. After learning the information, he stated he contacted [REDACTED] who stated the was going to file a report of the conduct to OIE.<sup>5</sup>

The day after reporting to [REDACTED] [REDACTED] received a phone call from Dean Gupta while driving home from campus.<sup>6</sup> [REDACTED] estimated the call lasted between five (5) and seven (7) minutes. Gupta had contacted him to ask questions about what had happened at the Gala as it had been reported to him by [REDACTED]. [REDACTED] stated he participated in the Gala, but he was not at the event at the time of the reported conduct. However, it was reported to him by several students that Respondent was "behaving inappropriately to students" after faculty had left.<sup>7</sup> [REDACTED] stated it was his understanding [REDACTED] was the only faculty member remaining and that [REDACTED] was dancing "suggestively" with students and may have touched one of them. [REDACTED] explained students reported [REDACTED] would approach several students, begin dancing with them, and they would ask [REDACTED] to stop. Each time [REDACTED] was asked to stop [REDACTED] did and would leave the area. However, [REDACTED] continued this behavior throughout the night.

[REDACTED] noted although he reported the sexualized behavior to Gupta, they spent most of their time discussing alcohol on site, and the potential intoxication level of [REDACTED] at the time of the reported conduct. [REDACTED] explained stated it was his understanding there was an open bar at the event, however the University was not responsible for the alcohol sales. Specifically, the alcohol was purchased with private funds by the student organizers.<sup>8</sup> [REDACTED] stated he made it clear to Gupta [REDACTED] behavior was sexual in nature and that subsequent OIE reports would be filed. Gupta expressed disappointment in the situation, suggested instituting a plan to govern drinking at similar events and stated he would be following up with [REDACTED]

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<sup>5</sup> [REDACTED] could not recall the exact date in which he reported to [REDACTED] but stated it was between April 22 and April 28.

<sup>6</sup> [REDACTED] did not recall the specific date in which they spoke.

<sup>7</sup> [REDACTED] stated he explained to Gupta the information was second and/or third hand.

<sup>8</sup> [REDACTED] commented the University paid the deposit for the venue of and for the catering. However, they did not approve or pay for the open bar. [REDACTED] commented this was not common practice as drinking at said events is a "slippery slope."



# MICHIGAN STATE UNIVERSITY

Following the call, ██████ noted Gupta sent an email on June 23, 2022 to him and ██████ notifying ██████ was not to interact with students in person “until further notice”.<sup>9</sup>

████████████████████  
OIE met with ██████ via telephone on June 30, 2022 via telephone. OIE advised ██████ he was being contacted for information involving a potential mandatory reporting failure of Sanjay Gupta. OIE advised ██████ he was not obligated or required to speak with OIE, and that information shared would not be confidential. OIE further advised of the Policy’s retaliation provision protecting individuals that provide information.

████████████████████ stated he did not speak directly with any of the students who witness behavior at the MBA Gatsby Gala. Rather, he was notified of the behavior by ██████ ██████ recalled he could not say definitively that he used ██████ name when he reported to Gupta. However, he reported to there was inappropriate behaviors by a “faculty member”. Specifically, that the faculty member dancing inappropriately and said behavior would be reported to OIE.

As he did not have specific details about the reported conduct it was ██████ understanding ██████ contacted ██████ via telephone after they spoke. During this conversation ██████ “filled in the gaps” about the specific conduct and identified the faculty member as ██████

## OIE Findings

Mandatory reporting protocols are critical to ensure the University responds to reported incidents in a timely manner. Failure to report can have significant impact on individuals and the MSU community.

OIE reviewed all the collected information. Based on the information available, OIE has determined Sanja Gupta violated the mandatory reporting obligations pursuant to the RVSM Policy. Gupta acknowledged ██████ came to him to report ██████ had behaved inappropriately. Further two ██████ reported the behavior in which ██████ engaged in was sexual in nature and that ██████ may have inappropriately touched a student or students.

Although Gupta denies information provided to him was sufficient to file a report with OIE, ██████ and ██████ statements strongly support otherwise. OIE respectfully recommends the Mandatory Reporting Policy and requirements be reviewed with Gupta as a refresher of when it is appropriate to report to OIE.

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<sup>9</sup> ██████ forwarded this email to OIE prior to the conclusion of his report.



**MICHIGAN STATE**  
**U N I V E R S I T Y**  
**Obligation of Employing Unit**

Employees who fail to adhere to reporting obligations are subject to disciplinary action. Any discipline is to be handled by the employing unit in accordance with applicable employee disciplinary policies and procedures. **The employing unit is *required* to notify OIE of any discipline *or* actions taken regarding Sanjay Gupta as a result of the information and findings in this memorandum.**

Please let me know if you have any questions and/or concerns.

Sincerely,

A large black rectangular redaction box covers the signature area of the document.

Redacted and sent?	Case ID	Date Reported to OIE	Phase	Case Type	Decision	Discipline/Action Taken	Respondent Role/Title At Time of Memo
Yes	[REDACTED]	12/21/2018	Closed	Mandatory Reporting Failure	Violation	Verbal counseling	[REDACTED]
Yes	[REDACTED]	9/20/2019	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	10/4/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/29/2019	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	12/2/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	12/16/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	12/20/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/8/2019	Closed	Mandatory Reporting Failure	Violation	Verbal counseling	[REDACTED]
Yes	[REDACTED]	1/10/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	1/10/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
No memo	[REDACTED]	1/11/2019	Closed	Mandatory Reporting Failure	Not Stated	n/a	[REDACTED]
Yes	[REDACTED]	3/27/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	4/5/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	4/11/2019	Closed	Mandatory Reporting Failure	Violation	Verbal counseling	[REDACTED]
Yes	[REDACTED]	4/11/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	5/3/2019	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	3/14/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	6/12/2019	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	6/17/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	7/15/2019	Closed	Mandatory Reporting Failure	Undetermined	n/a	[REDACTED]
Yes	[REDACTED]	8/6/2019	Closed	Mandatory Reporting Failure	Violation	3-day suspension	[REDACTED]
Yes	[REDACTED]	9/10/2019	Closed	Mandatory Reporting Failure	Violation	Meeting, retake RVSM training	[REDACTED]
Yes	[REDACTED]	1/23/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/23/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/23/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	2/20/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	3/3/2020	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	3/3/2020	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	3/3/2020	Closed	Mandatory Reporting Failure	Violation	No discipline in OIE record	[REDACTED]
Yes	[REDACTED]	3/30/2020	Closed	Mandatory Reporting Failure	Insufficient evidence	n/a	[REDACTED]
Yes	[REDACTED]	8/18/2020	Closed	Mandatory Reporting Failure	Violation	Verbal warning in employee file for 12 mo.	[REDACTED]
Yes	[REDACTED]	9/1/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	11/12/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	11/12/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	12/8/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	12/9/2020	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Up memo	[REDACTED]	1/11/2021	Closed	Mandatory Reporting Failure	Insufficient information	n/a	[REDACTED]
Yes	[REDACTED]	1/19/2021	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]

Redacted and sent?	Case ID	Date Reported to OIE	Phase	Case Type	Decision	Discipline/Action Taken	Respondent Role/Title At Time of Memo
Yes	[REDACTED]	1/22/2021	Closed	Mandatory Reporting Failure	Violation	Verbal counseling, review/retake	[REDACTED]
Yes	[REDACTED]	3/3/2021	Closed	Mandatory Reporting Failure	Violation	Mandatory Reporting training Verbal counseling Educational meeting, additional training planned	[REDACTED]
Yes	[REDACTED]	4/9/2021	Closed	Mandatory Reporting Failure	Violation		[REDACTED]
No memo	[REDACTED]	4/9/2021	Closed	Mandatory Reporting Failure	Insufficient information	n/a	[REDACTED]
Yes	[REDACTED]	6/11/2021	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/21/2022	Closed	Mandatory Reporting Failure	No Violation	n/a	[REDACTED]
Yes	[REDACTED]	1/31/2022	Closed	Mandatory Reporting Failure	Violation	Additional training, counseling memo placed in personnel file	[REDACTED]
Yes	[REDACTED]	6/23/2022	Closed	Mandatory Reporting Failure	Violation	Additional training, resigned from position as dean	[REDACTED]
Yes	[REDACTED]	7/25/2022	Closure	Mandatory Reporting Failure	Violation	Verbal counseling/coaching	[REDACTED]
Yes	[REDACTED]	8/29/2022	Closure	Mandatory Reporting Failure	Violation (Open; file b meeting)	Additional training, educational	[REDACTED]
No, open	[REDACTED]	9/28/2022	Initial Asse	Mandatory Reporting Failure	Open	n/a	[REDACTED]
No, open	[REDACTED]	10/11/2022	Initial Asse	Mandatory Reporting Failure	Open	n/a	[REDACTED]
No, open	[REDACTED]	10/6/2022	Initial Asse	Mandatory Reporting Failure	Open	n/a	[REDACTED]
No, closing for lay	[REDACTED]	10/24/2022	Initial Asse	Mandatory Reporting Failure	Open	n/a	[REDACTED]



**DRAFT**  
**SCRIPT FOR PERSONNEL MATTER**

**[Introduction]**

Sanjay, thank you for coming in this morning to discuss a serious matter involving an incident at a Broad College of Business event.

We both have received the Office of Institutional Equity Mandatory Reporting Failure Memorandum on August 2nd, in which you were determined to have failed to report allegations of sexual harassment under university policy.

I'd like to provide a framework for our meeting agenda today as we discuss this topic. First, I would like to go over some of the information I have as I understand it. Then, I'd like to hear from you on your leadership actions regarding the incident in April and your subsequent leadership response. To be clear, the information presented in the OIE Memorandum demonstrates a serious breach of the covenants of the responsibilities and duties of all leaders at MSU. Deans have a particularly important role. These leadership responsibilities are especially important in the context of our University's commitment to recognizing the errors and harm done to others in our institutional history. We as leaders have a particular responsibility to commit to and conduct all aspects of our work and our community life with special regard to the values of respect, care, and inclusion.

After our discussion, I'd then like to focus on next steps.

-----  
**[TKW review of information]**

I'd now like to outline the information I have received to date. I'll review these pieces of information, and then I'd like to hear from you after I'm finished.

- You were notified there was an incident at an MBA event for faculty and students on April 22nd where [REDACTED]



██████████, reported to you that ██████ drank excessively and behaved inappropriately.

- You did not take action to report the incident to OIE for investigation, nor was any immediate action taken by you to address or learn more about the inappropriate conduct.
- Two other academic administrators, ██████████ and ██████████, notified you within the week following the event that the behavior could be a violation under the Relationship Violence and Sexual Misconduct policy.
- These two administrators reported the incident to OIE. There is an open OIE investigation into the underlying incident.
- You did not consult with the Office for Faculty and Academic Staff Affairs on the inappropriate behavior of the associate dean for faculty affairs at the April 22<sup>nd</sup> event.
- The Office for Faculty and Academic Staff Affairs was notified by OIE of the OIE case and the underlying incident on June 16<sup>th</sup>.
- FASA immediately initiated consultation with you and OIE for interim actions to be put in place. A meeting was held on June 20<sup>th</sup>. A determination was made in that meeting that ██████████ would have limited contact with students, and more specifically, only virtual contact on academic student matters. You issued a notice of these interim actions to ██████████ on June 20<sup>th</sup> – sixty days from the initial incident.
- Following the interim actions meeting with FASA and OIE, an OIE investigator met with you and others to discuss your actions. OIE subsequently issued a Mandatory Reporting Failure Report Memorandum on August 2<sup>nd</sup>, which concluded that you failed to report an incident under the University Reporting Protocol on Relationship Violence, Sexual Misconduct, and Stalking policy.
- Additionally, a leave to retirement request for ██████████ was submitted by the college on May 10, 2022, approximately two weeks after the MBA incident. With no knowledge of the incident on April 22<sup>nd</sup>, the leave was approved by the FASA Office.
- The leave to retirement was ultimately revoked by the Office for Faculty and Academic Staff Affairs. The leave was revoked pending



the conclusion of the OIE investigation into the April 22<sup>nd</sup> incident, and review of other potential policy violations by [REDACTED] concerning Outside Work for Pay and Dual Appointment.

- A revocation letter was sent by [REDACTED] to [REDACTED] on June 29, 2022.
- Subsequently, [REDACTED] resigned on June 30, 2022.

In conclusion, this list of details illustrates to me that there were multiple opportunities for you to address the inappropriate behavior of [REDACTED], Sanjay, and I must admit that I am deeply concerned about this lapse in judgment in your role as dean.

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**[Let Sanjay respond]**

At this point, I'd like to hear your comments on this matter.

**[TKW responds and clarifies where necessary]**

Potential statement: This is not an investigation. The investigation is complete and culminated in the OIE Mandatory Reporting Failure Memorandum. We do not need to debate the facts.

**[TKW pivots to and discusses leadership responsibility]**

At the heart of this matter is the failure of expected and reasonable leadership actions. Those who take on leadership roles are expected to conduct themselves with careful and consistent attention to integrity and professionalism, to advance the safety of all members of the community, and to ensure such institutional values are embedded in all activities and actions associated with MSU.

Furthermore, not only are institutional leaders expected to support these values; they also are expected to act when these values are undermined, threatened, or violated.

Unfortunately, Sanjay, given your decisions - taken in your role as a dean - I believe this constitutes a serious lapse of commitment to upholding your leadership responsibilities. I can no longer support you as dean. With the

concurrence of the President, I ask you to step down as dean, effective immediately.

**[if he steps down]**

Sanjay, I accept your verbal resignation and ask that you tender your formal resignation no later than 8 a.m. on Monday, August 15th. *(hand him the resignation acceptance letter, the return letter, and the operations letter).*

**[if he doesn't step down, then say I am removing you as dean].**

Sanjay, I will be removing you, effective immediately, as dean of the College of Business. *(hand him the removal letter, the return letter, and the operations letter).*

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**[When providing the materials, say]:**

I and the University support your long and dedicated service to the students, the faculty, the staff, and the larger community. I look forward to your continued expertise as you return to faculty.

In your folder, you have a letter from me, a letter from [REDACTED] indicating the terms of your return to faculty, and a letter from [REDACTED] covering logistical issues.

**[CONCLUSION]**

As this may be very difficult for you personally, I encourage you to take advantage of the resources through the Employee Assistance Program.

An interim dean will be announced this afternoon. I will be naming [REDACTED] to step in as interim dean during this transition. I ask for your support of her role as interim dean.



I hope you can continue to support your colleagues, the faculty, the staff, and the students through this transitional period. We have expectations regarding the physical transition of the dean's office and allowances for the Interim Dean. I would like to count on your professionalism and understanding of the common goals and future of the university.

Although I can imagine that collectively this information is distressing and I don't believe this will be an issue, I must remind you that retaliation of any kind will not be tolerated. You should consider even the perception of retaliation moving forward. Examples of retaliatory conduct includes making a person's work more difficult, preventing or discouraging individuals from participating in university processes or events, engaging in verbal abuse, spreading false rumors, or engaging in behavior of a threatening nature.

Sanjay, I believe I have said all that I'd like to say on this matter. The meeting has now concluded. Further questions regarding your return to faculty conditions can be addressed to [REDACTED] in subsequent conversations.

## **OTHER HELPFUL INFORMATION**

### In general:

The University is under heavy scrutiny regarding mandatory reporting due to the federal investigations regarding previous violations (Nassar).

This is not an investigation. The investigation is complete and culminated in the OIE Mandatory Reporting Failure Memorandum. You do not need to get into a back and forth on facts.

The key response is this is an issue of response of leadership action and inaction and pivot back to next steps.

### Anticipated Questions/Comments and Your Responses

- [REDACTED] were handling it.

It is the role of the dean for executive action and administration. A dean has authority and responsibility delegated by the President and the Board

of Trustees for the administration of a college, including personnel matters in the college. A personnel matter of this potential magnitude should not and cannot be left to other administrators, who were simply [REDACTED]. You had the responsibility to take expected, immediate, and appropriate actions to address alleged inappropriate behavior by [REDACTED].

- Others reported it.

Regardless of whether other people reported this incident to OIE, you had a responsibility. Multiple reports do not negate your responsibility to report under the University Reporting Protocol on Relationship Violence, Sexual Misconduct, And Stalking.

- I wasn't aware there was potentially sexualized/sexual harassment

The OIE Mandatory Reporting Failure Memorandum factually refutes this. You were told by [REDACTED] that the behavior was sexualized. Additionally, at the moment that [REDACTED] informed you of [REDACTED] inappropriate behavior, it would have been your prerogative and an expectation in your role as dean, to follow-up with [REDACTED] and others to understand and investigate what happened. Furthermore, two other administrators notified you, at which point you had an additional opportunity to take action and you did not.

- The leave to retirement was in discussion prior to the incident or it came from the chair

This may be true, but he was [REDACTED] and management of the actions following the events are the responsibility of the dean.

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## LOGISTICS / TIMELINE

- [REDACTED], Teresa, [REDACTED] (7:00), [REDACTED] arrive prior to 8 a.m.
- Plain clothes officer arrives at 7:45 a.m. at the Provost/President suite. [REDACTED] will greet and intercept them.
- Sanjay arrives at 8 a.m.
- Meeting with Dr. Gupta at 8 a.m.



- Provost and [REDACTED] are seated ahead of time
- Sanjay enters room
- 8/8:30 email invitation sent to Deans by TKW for meeting
- Board meeting at 10 a.m.
- Deans meeting at 10:30

## DOCUMENTS

### Teresa to have:

1. OIE Mandatory Reporting Failure Memorandum
2. Timeline
3. Leadership Review: [REDACTED] Memo to Woodruff
4. Red folder: Removal
5. Colored folder: Acceptance of resignation
6. Colored folder: Acceptance of resignation/retirement (he is eligible to retire)

### [REDACTED] to have:

1. OIE Mandatory Reporting Failure Memorandum
2. Timeline
3. Leadership Review: [REDACTED] Memo to Woodruff
4. Removal Letter
5. Acceptance of resignation
6. Acceptance of resignation/retirement (he is eligible to retire)

### Sanjay to have:

1. OIE Mandatory Reporting Failure Memorandum (?)
2. Removal Letter OR Acceptance of Resignation Letter
3. Return to Faculty Letter from [REDACTED]
4. Logistics Letter from [REDACTED]