

As this community is aware, the Board of Trustees has engaged outside counsel, Quinn Emanuel Urquhart & Sullivan LLP (“Quinn Emanuel”), to conduct two important independent reviews and to report its findings to the Board. A majority of the Board issues the below statement to provide further clarity to the MSU community regarding these reviews.

The first review involves a comprehensive assessment of the Title IX office aimed at evaluating progress the University has made and the potential need for additional modifications and improvements. The University has strengthened the reporting and investigation processes of the Title IX Office, provided robust support to Title IX claimants and respondents, and educated the University community about inappropriate behaviors and their consequences in order to deter violations. At the same time, the Board recognizes the University’s efforts to improve the Office are ongoing and believes an independent review will give the University’s senior leadership a needed progress report to make sure the Office’s policies and procedures align with best practices and ensure a safe, respectful, and accountable University community.

The second review pertains to the circumstances surrounding the departure of Sanjay Gupta as Dean of the Eli Broad College of Business following reports of alleged misconduct by another faculty member. While we understand some members of the community do not believe this is an appropriate review, we respectfully disagree. The [Michigan Constitution](#) vests the Board of Trustees with “general supervision of its institution...,” Const. 1963, Art. VIII, §5. Consistent with this expansive authority, the [Preamble of the Bylaws of the Board of Trustees](#) states that “[t]he Board ... exercises the final authority in the government of the University.”

The Board of Trustees [Bylaws](#) make clear that the Board is tasked with ensuring that University employees are treated “in accordance with the law and [the University’s] internal policies and regulations,” including oversight of a “program structured along the fundamentals of basic due process[] for the hearing and resolving of important, significant, and serious employee complaints,” and the Board must take “prompt action on urgent . . . personnel matters necessary to the best interests of the University.” Bylaws, Art. 7, ¶¶ 4, 5, 15.

Further, the [Policy Manual of the Board of Trustees](#) specifically states that the Committee on Audit, Risk and Compliance “shall provide oversight for university risk management in order to drive accountability across the entire community. The committee may identify threats and risks that need to be subjected to greater scrutiny by appropriate university leaders.” Policy 01-01-09. In addition, the Policy Manual states that “the committee will review any violations and failures to comply with federal, state, and local laws, rules and regulations, as well as institutional policies.” *Id.*

The Gupta review falls within these mandates. The Board expects the review will provide clarity regarding the facts leading to Dr. Gupta’s departure, including whether the University’s procedures were carried out in compliance with federal, state, and local laws, rules and regulations, and institutional policies. Ensuring that University processes and procedures were strictly followed will allow our entire community to have confidence that *every* stage of the process—from initial complaint to the conclusion of an investigation and University response—was properly handled and will be so in the future.

The exercise of oversight and evaluation of compliance and legal risks comprise core governance functions of the Board. A number of other large universities—including the University of Michigan, University of Southern California, California State University, Pennsylvania State University, and Rutgers University—have engaged outside counsel to conduct similar reviews pertaining to Title IX and other sensitive matters. Such a review is particularly important at this institution in light of Michigan State’s long history with Title IX and the need for all of us—trustees, administrators, faculty, staff, and students alike—to grasp the scope of mandatory reporting obligations and compliance with University processes and procedures whenever allegations of misconduct arise.

Taken together, we are confident these reviews will benefit the entire University community, and we urge anyone interested in sharing their views as to either the Title IX Office generally or the review of Dr. Gupta’s departure to contact Quinn Emanuel at MSUReviews@quinnemanuel.com.