

## **EXECUTIVE SUMMARY**

---

# **Report of the Independent Investigation**

---

## **The Constellation of Factors Underlying Larry Nassar's Abuse of Athletes**

Joan McPhee | James P. Dowden

December 10, 2018

**ROPES & GRAY**

## EXECUTIVE SUMMARY

Across two courtrooms, in early 2018, nearly 200 girls and women stood up to Larry Nassar. Facing him directly, and speaking to the world, with courage, eloquence and powerful emotion, they documented the abuse he had perpetrated, the physical and emotional suffering they had endured, and the force they had become. With one unflinching account after the next, they brought forth the full scope, depth and magnitude of the tragedy that had unfolded, over almost three decades, across America and around the globe, including in the heart of elite gymnastics, at the pinnacle of Olympic magnificence. Whether measured by the number of survivors, the tally of abusive acts, the range of adults and institutions that failed to intervene, or the span of years over which Nassar was able to perpetrate his crimes, the chronicle of his serial child sexual abuse is devastating.

In all, Nassar committed thousands of sexual assaults between the early 1990s and the summer of 2016. He abused some survivors one time, while abusing others hundreds of times over a period of many years. Nassar carefully constructed a comprehensive system of abuse. He cultivated a reputation and image as a highly-skilled, well-meaning and caring doctor, and he committed almost all of his crimes under the guise of performing medical treatments. He groomed the survivors, their families and numerous other adults into believing that he was not only a world-renowned doctor, but also an advocate for the athletes, a physician who cared deeply about his patients' physical well-being and mental and emotional health. With the cover he crafted, he became, in the words of one survivor, a "wolf in sheep's clothing," who cloaked himself in the "guise of a loving friend and medical professional."

In the late summer and early fall of 2016, in the wake of the *Indianapolis Star's* reporting on sexual abuse in gymnastics, first one survivor of Nassar's abuse came forward, and then another and another. With his survivors rising up en masse and law enforcement finally closing in, Nassar

took his work laptop to a computer service store and paid to wipe all of its content. By the next day, Nassar had placed a number of hard drives containing thousands of images of child pornography in his trash for roadside collection. The garbage truck was late, and the police seized the hard drives. On November 21, 2016, the State of Michigan charged Nassar with multiple counts of first degree criminal sexual conduct, and on December 14, 2016, a federal grand jury indicted Nassar on charges of child pornography. State and federal felony proceedings for criminal sexual conduct, child pornography and destruction of evidence ensued in three separate courts in Michigan.

Nassar pleaded guilty in federal court and two Michigan state courts, and he was sentenced, cumulatively, to between 140 and 360 years in prison. During the sentencing hearings, a survivor posed the question of what label to affix to Nassar: “A predator? A criminal? A molester? A psychopath? A pornographer? An abuser? A thief of innocence?” The survivor concluded, “They all seem so inadequate because they are. And so you will be given a number.” Nassar is currently prisoner number 21504-040, serving his sentence in United States Penitentiary Coleman II, a high-security federal prison in central Florida.

While Nassar bears ultimate responsibility for his decades-long abuse of girls and young women, he did not operate in a vacuum. Instead, he acted within an ecosystem that facilitated his criminal acts. Numerous institutions and individuals enabled his abuse and failed to stop him, including coaches at the club and elite level, trainers and medical professionals, administrators and coaches at Michigan State University (“MSU”), and officials at both United States of America Gymnastics (“USAG”) and the United States Olympic Committee (the “USOC”). These institutions and individuals ignored red flags, failed to recognize textbook grooming behaviors, or in some egregious instances, dismissed clear calls for help from girls and young women who were

being abused by Nassar. Multiple law enforcement agencies, in turn, failed effectively to intervene when presented with opportunities to do so. And when survivors first began to come forward publicly, some were shunned, shamed or disbelieved by others in their own communities. The fact that so many different institutions and individuals failed the survivors does not excuse any of them, but instead reflects the collective failure to protect young athletes.

Nassar found an environment in elite gymnastics and Olympic sports that proved to be conducive to his criminal designs. With an overwhelming presence of young girls in the sport and accepted, indeed required, intimate physical contact in the training and treatment of gymnasts, the sport rendered athletes inherently vulnerable. In addition, there were embedded cultural norms unique to elite gymnastics that eroded normal impediments to abuse while at the same time reducing the likelihood that survivors would come forward. The culture was intense, severe and unrelenting. It demanded obedience and deference to authority. It normalized intense physical discomfort as an integral part of the path to success. Young gymnasts were largely separated from their parents during their training programs and travel to competitions. And due to the demands of high-performance training and competitions, gymnasts also found themselves socially isolated – largely cut off from the world outside the four walls of the gym. These conditions, coupled with the driving intensity of the cultural expectations to be perfect every day, and every minute of every day, taught these young gymnasts to toe the line. They learned not to rock the boat if they were to achieve – after years of immense personal sacrifice and tremendous commitment by their families – the dreams they had been chasing, year in and year out, for almost the whole of their young lives.

Given these cultural conditions and features of the sport, implementation of, and rigorous adherence to, formal structures and policies reflecting the highest standard of care were required to protect vulnerable young athletes. Yet the USOC and USAG did not keep pace with best

practices being adopted by other youth-serving organizations. Instead, they made decisions regarding appropriate roles and responsibilities for their respective organizations that did not embrace a child-first approach and led to stark failures in implementing effective measures to protect athletes from sexual and other forms of abuse. Nassar's ability to abuse athletes for nearly three decades is a manifestation of the broader failures at USAG and the USOC to adopt appropriate child-protective policies and procedures to ensure a culture of safety for young athletes. Although neither organization purposefully sought to harm athletes, both adopted general governance structures and specific policies concerning sexual abuse that had the effect of allowing abuse to occur and continue without effective intervention.

As the USOC evolved toward a more traditional corporate governance model, it did not meaningfully involve athletes in decisions or policy-making; nor did it provide an effective avenue for athletes to raise and resolve complaints involving sexual misconduct matters. The complaint process that did exist had been designed, consistent with the purposes of the Ted Stevens Olympic and Amateur Sports Act of 1978 (the "Ted Stevens Act" or the "Act"), to protect athletes' rights to compete in Olympic sports. The USOC did not have specific processes in place during the period of Nassar's abuse that were sufficient to protect athletes from sexual abuse.

The USOC also chose to adopt a deferential, service-oriented approach to the National Governing Bodies ("NGBs"), including USAG. In this governance model, the USOC exerted its broad statutory authority and monetary influence over individual sports primarily for the purpose of encouraging success at the Olympic Games, effectively outsourcing any decisions regarding on-the-ground child-protective practices to the NGBs. As a result of this approach, the USOC was not in a position to know whether the NGBs were implementing strong, effective policies. And the NGBs, operating independently, enacted a wide range of policies and procedures, many of

which failed to conform to best practices. As a result, patterns emerged across the NGBs where survivors of sexual and other forms of abuse encountered a complaint process that was difficult to navigate, poorly tailored to allegations of sexual abuse, and lacking in protections against retaliation for athletes and others who advanced allegations of misconduct against successful coaches or other adults in positions of authority. The USOC, despite having been directly informed by NGBs of the threat of sexual misconduct in elite sports, failed to address the risk until 2010, and then failed to take effective action for many years, permitting NGBs to continue adhering to inadequate and harmful policies and practices.

USAG, in particular, implemented an array of sexual misconduct policies that ranged from the proactive and well-intentioned to the convoluted and detrimental. USAG was aware of the risk of sexual abuse in gymnastics, took high-level steps to help protect gymnasts, and promoted itself as a leader in athlete protection. But despite this branding, USAG repeatedly declined to respond adequately to concrete reports of specific misconduct, and instead erected a series of procedural obstacles to timely investigation and effective response, even in the face of serious, credible allegations of child sexual abuse. USAG's actions in response to allegations against former coaches Marvin Sharp, Bill McCabe and Doug Boger highlight how in the years leading up to the revelation of Nassar's abuse, the organization ignored credible reports of abuse, and instead required the complaining party to comply with numerous procedural requirements that operated to block or delay effective action.

The USOC's and USAG's failure to exercise appropriate oversight to protect athletes from sexual abuse is perhaps best exemplified by the conditions and lack of oversight at the Karolyi Ranch. For 17 years, the Ranch was the epicenter of competitive gymnastics in the United States. Approximately once every month, members of the Women's Artistic Gymnastics Team (the

“National Team”) and other elite female gymnasts gathered from across the country to participate in rigorous training camps run by Bela and Martha Karolyi. The Karolyi Ranch, which was owned and operated by the Karolyis, was both the USAG-designated Training Center for the National Team and, beginning in 2011, a USOC-designated official Olympic Training Site. Notwithstanding the expectation of excellence associated with the imprimatur of the USOC and USAG brands, as well as that of the Karolyi training program, no institution or individual took any meaningful steps to ensure that appropriate safety measures were in place to protect the young gymnasts. And within the isolated and secluded environment of the Karolyi Ranch, “two hours away from nothing,” Nassar had broad latitude to commit his crimes, far from the gymnasts’ parents and unimpeded by any effective child-protective measures.

The institutional failures, however, extended beyond weak structural elements, governance deficiencies and failures of oversight. In the summer of 2015, when the National Team member allegations of sexual assault were squarely presented to USAG and the USOC, the two organizations, at the direction of their respective CEOs, engaged in affirmative efforts to protect and preserve their institutional interests – even as Nassar retired from the sport with his reputation intact and continued to have access to girls and young women at the college, club and high school levels. The actions of these organizations, their CEOs and other senior personnel reveal that, apart from USAG’s referral to law enforcement in the summer of 2015 and again in the spring of 2016, USAG and the USOC took no meaningful steps to protect athletes from the danger presented by Nassar. Rather, these organizations, each in their own way, maintained secrecy regarding the Nassar allegations and focused on controlling the flow of information about his alleged misconduct.

*Response by USAG* – USAG was directly presented with credible sexual abuse allegations by athletes against Nassar by no later than mid-June 2015. USAG responded by initiating and

conducting an internal investigation of the athlete complaints over a five-week period. In late July, USAG referred the matter to the Federal Bureau of Investigation (“FBI”), at the recommendation of the outside investigator USAG had retained to assess the athlete complaints. USAG acted almost immediately to provide false excuses for Nassar’s non-attendance at USAG events, thereby keeping the gymnastics community in the dark about the complaints of Nassar’s sexual abuse. USAG thereafter allowed Nassar to quietly retire under the pretense of a long and illustrious career. These actions by USAG, notwithstanding its well-founded fear that Nassar had serially abused athletes, permitted Nassar to continue to have access to young athletes and girls for another 14 months, including at other youth-serving organizations with which Nassar was known to be affiliated: MSU (Nassar’s employer); Twistars USA Gymnastics Club (“Twistars”) (where Nassar routinely treated gymnasts); and Holt High School (where Nassar served as a team doctor).

After the *Indianapolis Star*’s public exposure of Nassar in September 2016, USAG continued to take steps to control the flow of information regarding his abuse of athletes. In November of 2016, two months after the *Indianapolis Star* reported on Nassar’s abuse, and immediately following a visit to the Karolyi Ranch by Texas Rangers in search of evidence, USAG’s then-CEO, Steve Penny, directed an immediate effort to urgently retrieve all medical forms and all documents that pertained to Nassar. All such records were collected, removed and returned to USAG’s offices in Indianapolis on an urgent basis. Mr. Penny has since been indicted by a grand jury in Texas for obstructing the Texas Rangers’ investigation by “tampering with evidence,” a third-degree felony. Moreover, one month following the removal of records from the Karolyi Ranch, USAG entered into a confidential settlement agreement with a survivor of Nassar’s abuse. In the agreement, USAG conditioned its settlement of her claims – against the organization for its role in her years-long abuse by Nassar – on her agreement to sign a non-disclosure



agreement, a practice that many youth-oriented organizations had stopped a decade earlier. The non-disclosure agreement purported to prohibit the gymnast from speaking publicly not merely about the terms of the settlement, but also about Nassar's abuse.

*Response by the USOC* – In July 2015, Mr. Penny directly notified Scott Blackmun, then-CEO of the USOC, that National Team members had lodged sexual abuse allegations against USAG's National Team doctor. Mr. Penny also shared certain information with Alan Ashley, Chief of Sport Performance for the USOC, about the sexual abuse allegations. Neither Mr. Blackmun nor Mr. Ashley shared the information received from Mr. Penny with others in the organization, and the USOC took no action between July 2015 and the date the *Indianapolis Star* published its account of Nassar's child sexual abuse in September 2016. Specifically, after Mr. Penny advised Mr. Blackmun that USAG had received disturbing allegations about the gymnastics team doctor, Mr. Blackmun did not inform anyone else at the USOC of the allegations, including any member of the USOC Board of Directors or any member of the USOC SafeSport team. Mr. Ashley likewise took no action in response to the information that Mr. Penny had shared with him. Nor did Mr. Blackmun initiate any internal review or other assessment to gather facts regarding Nassar, the athlete concerns, the scope of the alleged misconduct or Nassar's ability to gain access to athletes at USOC-owned and operated facilities, such as the U.S. Olympic Training Center in Colorado Springs, Colorado. Nor did he alert other youth-serving organizations with which Nassar was affiliated to the ongoing risk of harm. And when Larry Buendorf, the USOC's then-Chief Security Officer, reported to Mr. Blackmun that he had learned from Mr. Penny that athletes had raised concerns about a doctor's "technique" and that USAG had made a report to the FBI, Mr. Blackmun told Mr. Buendorf that he was already aware of the issue and neither asked

any questions nor sought any guidance from his Chief of Security on appropriate child-protective measures.

Mr. Blackmun and Mr. Ashley also each deleted from their respective email accounts the one email referencing Nassar by name that Mr. Penny had sent to the two of them in September 2015. Further, in early 2018 – long after the *Indianapolis Star* had publicly exposed Nassar – Susanne Lyons, then a board member at the USOC and soon to become the organization’s acting CEO, sent an email to Mr. Blackmun conveying her understanding that, prior to publication of the *Indianapolis Star* article, Mr. Buendorf was the only person at the USOC who had known that Nassar was the alleged perpetrator. Mr. Blackmun failed to correct Ms. Lyons’s clear misunderstanding. He failed to explain to Ms. Lyons not only that he and Mr. Ashley had been the first to know of the allegations, but also that Mr. Buendorf, promptly after learning of the allegations from Mr. Penny, had dutifully reported those allegations to Mr. Blackmun.

USAG’s and the USOC’s inaction and concealment had consequences: dozens of girls and young women were abused during the year-long period between the summer of 2015 and September 2016.

\* \* \*

This Report sets forth in detail the factual findings of the Independent Investigation.

**Part I** provides a high-level overview of what happened, from the start to the finish of Nassar’s criminal career – from his earliest reported abuse of children in the early 1990s through late 2016, when an overwhelming number of survivor complaints finally brought him to justice. This Part addresses the courageous accounts that hundreds of survivors have publicly provided.

**Part II** examines the manner and means of Nassar’s comprehensive system of abuse, including his grooming of athletes, the facade he created for himself, and the methods he employed to “normalize” his conduct and cover for his crimes.

**Part III** sets forth who knew what when with regard to Nassar’s abuse, and what was and was not done in response. This Part looks at both individuals and institutions and tracks the early reports of Nassar’s abuse to coaches, trainers and other adults, as well as early warning signs of Nassar’s predation. It chronicles complaints to institutions and law enforcement that led to Title IX and law enforcement investigations – investigations that proved to be ineffective and allowed Nassar to slip from the grasp of direct, credible survivor reports of criminal sexual assault. This Part also identifies individual enablers and examines institutional failures that contributed to Nassar’s abuse. This Part looks in depth at the actions of USAG and the USOC and their senior leadership, and also examines deficiencies at other institutions, including, in particular, the Karolyi Ranch, where Nassar abused elite gymnasts, and the FBI, which did not move expeditiously to investigate the serious, credible allegations of Nassar’s abuse.

**Part IV** looks at the embedded culture in elite gymnastics and Olympic sport. While the culture fosters many positive values – including teamwork, patriotism and the pursuit of excellence – it also makes the sport of gymnastics inherently attractive to child sexual predators, erodes normal impediments to abuse and reduces the likelihood that survivors will raise complaints. In this unique and extreme environment, Nassar’s sexual misconduct was able to proliferate and metastasize. Without strong, affirmative child-protective measures, there was little to stand between these brave and committed young girls and the predator in their midst.

**Part V** analyzes the Olympic governance structure and the complex systemic factors that contributed to Nassar’s system of abuse and to his uninterrupted, decades-long run of criminal

misconduct. This Part reviews the choices that the USOC and USAG made to adopt self-limiting governance structures, which led to a marked disconnect at both institutions between adopted policies and effective action. This disconnect in turn permitted the unchecked growth of policies, practices and cultural norms that were not reflective of a child-first approach and led to the absence of effective, on-the-ground protective measures. The effects of the USOC's self-limiting governance structure extended beyond USAG, and likewise permitted other NGBs to implement policies and practices that failed adequately to address the risk of athlete abuse, resulting in patterns of deficiencies in complaint processes across Olympic sports.

Nassar thrived in this loose governance model. The USOC had minimal interactions with him and deferred to USAG, which in turn permitted Nassar to create a personal fiefdom where he wrote the rules and set the tone for the medical treatment of the women's gymnastics program for close to 20 years – overseeing medical care at USAG events, serving as the point person for approval of any outside medical providers, and participating in drafting rules governing sexual misconduct by the medical staff. USAG engaged in essentially no oversight of Nassar throughout the lengthy period of his serial sexual assault of gymnasts.