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Public Interest

Universities face few consequences once scandals subside and victims are paid

Updated Jul 12, 12:21 PM; Posted Jul 12, 12:21 PM



FILE- In an undated photo provided by the Bentley Historical Library at the University of Michigan, Dr. Robert E. Anderson is shown. Anderson, who died in 2008, is accused of abuse by hundreds of former UM students and athletes. (Robert Kalmbach/Bentley Historical Library, University of Michigan via AP) AP

By [Gus Burns | fburns@mlive.com](mailto:fburns@mlive.com)

Universities rarely face long-term, quantifiable consequences when they fail to protect their students from sexual abuse.

Despite abuse that persisted for decades before becoming public at Michigan State University in 2017 and Pennsylvania State University a decade ago, the bottom line -- fundraising, enrollment, tuition, licensing and ticket sales -- hasn't been significantly impacted -- at least not for long.

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MSU in August 2019 reported a record \$272.6 million in gifts and pledges committed during the first full fiscal year that followed the imprisonment of former sports medicine Dr. Larry Nassar, who was found guilty of assaulting more than 330 girls and young women at the 166-year-old institution.

Penn State raised \$208.7 million in fiscal year 2011-2012, at the time the second-largest fundraising year in the university's history, just after former assistant football coach Jerry Sandusky was arrested and accused of abusing at least 35 children.

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It remains to be seen how one of the largest known sex abuse scandals ever, with accusations by nearly 900 students and athletes spanning four decades at the hands of Dr. Robert Anderson at the University of Michigan, might impact that institution.

There is still a waiting list for season tickets to Wolverines' football games at a cost of \$527 per game, per seat. The cost of tuition alone for incoming freshmen is still on the rise at nearly \$16,000 per academic year.

"I don't know that there have really been major consequences" for universities following scandals, said Lansing-based attorney Karen Truskowski, who specializes in suing universities nationwide over Title IX sexual misconduct violations. "I don't see a

drop in enrollment. I don't see people saying, 'Well, I don't want to go there because of this that happened.'

"I'm sure random people or parents who say my child is not going to that school, but I don't see them having a major impact. They may have to go through investigations with the Office of Civil Rights or the Department of Justice or the Department of Education, the attorney general, but I don't see any long term consequences."

Part of the reason, Truskowski theorizes, is universities generally have reputations for positive impact and "do a lot of good."

"They give kids a great education and I think their history and their brand is strong enough that it isn't dented, necessarily, by these scandals," Truskowski said. "I don't know about every school that's had a problem, obviously, but I haven't seen schools come out and say, 'Boy, this had really been a ding in our enrollment."

"Does it impact alumni donations, donations to their endowment? ... It probably goes down for a little bit, but I have certainly not heard that there was a significant impact on any university or colleges."

MSU, for instance, saw its fundraising dip 6% in fiscal year 2017 compared to the year prior, according to annual reports.

"We will not allow one evil doctor to define us," the university's then-Interim President John Engler wrote in a message to donors that accompanied that year's annual report. "Thank you for your words of encouragement, for your material support, and for your firm Spartan will."

Nassar was sentenced to 40 to 175 years in prison in January 2018, and the university saw a 15% drop in donations and pledged gifts that fiscal year.

Fundraising would recover the following year to record levels, rising 26%.

Despite the widespread negative national and sometimes worldwide attention that sex abuse scandals generate, like those involving Nassar, Ohio State University's Dr. Richard Strauss or UM's Anderson, Truskowski said there are more immediate, "bigger-picture" concerns with on-campus assaults involving athletes and fraternities.

The sex abuse scandals involve doctors who can no longer harm students. Nassar is serving what equates to multiple life sentences in prison. Strauss and Anderson are long dead. They're no longer able to hurt anyone.

"It doesn't seem to scare people," Truskowski said.

There are, of course, some financial consequences. MSU agreed to pay Nassar victims \$500 million.

“A half-billion dollars is a sizable amount,” Truskowski said. “That’s a lot of credit hours, so it’s got to have some kind of impact somewhere.”

But where it actually impacted the university is difficult to see from the outside, she said.

Penn State paid Sandusky victims \$118 million, lost lucrative postseason football bowl eligibility for a season, forfeited scholarships and paid a \$60 million fine to the NCAA. Some thought the bowl ineligibility, which was originally supposed to last through 2016 before the NCAA lifted the ban early in 2014, and loss of scholarships would be a death penalty for the Nittany Lions football program, but five years later it was reportedly as strong as ever and flush with cash from alumni and donors.

While sports may have recovered, there is still fallout from the Sandusky situation. Former Penn State University President Graham Spanier was convicted in 2017 of misdemeanor child endangerment for failing to report abuse claims to authorities. His conviction was later overturned, but an federal appeals court earlier this year overturned that decision and Spanier reported to jail to serve a two-month sentence in June.

MLive reached out to elected members of the Penn State Board of Trustees and its current president for comment on how the scandal is still impacting the school 10 years later.

“Media have reported widely on all aspects of the Sandusky issue, including impacts and changes to various policies and operations at the University,” Lisa Powers, a spokesperson for the body, told MLive by email. “No one is available to speak with you and given the number of years that have transpired and the retirement of many individuals who had a direct hand in assessing impacts, we can offer only the attached document of critical actions taken since 2011. I hope it helps.”

The document contains a long list of new committees, policies and programs aimed at ensuring there is never another Sandusky situation.

Some of the actions are similar to the response at MSU.

Attorney Jamie White, who helped negotiate the historic \$500 million settlement on behalf of more than 100 victims, said he’s observed closely the new policies, procedures and resources MSU has put in place since the Nassar scandal subsided.

“Michigan State has been extraordinary at meeting with people and dumping the resources necessary into the university to make sure this doesn’t happen again,” White said. “They expanded staffing, they expanded departments, obviously, people have been terminated and incarcerated, so I think Michigan State is probably one of the safest universities in the world at this point.

“It’s unfortunate it took Nassar to create that environment.”

While universities may learn lessons when they face a scandal of their own, Sara Ganim, a Pulitzer Prize-winning journalist who broke the [Sandusky scandal for PennLive.com](#), said she doesn’t see them learning a lot from one another.

“It’s been 10 years since Sandusky and we’re still talking about these major scandals,” she said. “I think they need to -- and I don’t think they will any time soon -- reevaluate how they deal with problems.

“It’s not just one department’s issue, this is a full university culture issue.”

Truskowski feels similarly.

“I don’t see universities saying, ‘Oh, look at what happened at College Greenlawn a state over, maybe we have to look carefully at what is going on with us,’” she said. “I don’t see that. I almost feel like it’s, until they’re finally caught and someone shines the light on them, then they just keep going business as usual.

“I haven’t seen a ripple effect of we better get our act together before we’re in trouble. I’m actually quite astounded. It’s like, did you not learn anything from what happened at MSU or (Ohio State University)? Have you not been watching the news for the last three years?”

UM attorneys are currently engaged in private mediation efforts to resolve claims and lawsuits filed by nearly 900 men who say they were assaulted by Anderson while attending the university.

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