

Update on Special Investigations Task Force Activities
By Chair Kenneth Frazier
Board of Trustees Meeting, May 4, 2012

Thank you, Madam Chairwoman, and good afternoon.

As the University community and public-at-large is aware, the Special Investigations Task Force of the Board of Trustees has retained Judge Louis Freeh, a former FBI Director and Federal Judge, and his firm to conduct an independent, external investigation into the how the alleged acts noted in the Grand Jury report that came to light in November 2011 could have happened at Penn State, where the breakdowns occurred, who knew what when, and what changes we can make to prevent such anguish in the future.

Judge Freeh and his team continue to investigate this matter fully, fairly, and completely. They are well into the investigation -- fully engaged in reviewing voluminous documents and electronic data, conducting numerous interviews, and pursuing leads. By way of example, to date, the team has conducted over 400 interviews of various individuals, including current and former University employees from myriad departments across the University, such as academic, administrative and athletic departments, as well as current and past Trustees, and others in the community.

This investigation continues to be conducted in parallel with, but independent of, several other active investigations by agencies and governmental authorities, and will not interfere with any such other investigations. Judge Freeh and his team have interfaced with those agencies and authorities as appropriate throughout the course of the investigation.

Additionally, as I previously have reported, besides working to uncover what occurred in the past, Judge Freeh and his team are thoroughly studying, reviewing and testing all of the University's policies, procedures, compliance and internal controls relating to the identifying and reporting of such sex crimes and misconduct. This examination includes, among other things, any failures or gaps in the University's control environment, compliance programs and culture which may have enabled the alleged misconduct to occur, go undetected, and not be reported and addressed promptly and properly.

During the January Board of Trustees meeting, I announced that Judge Freeh had made some initial recommendations for improving organizational structures and protocols that the Board would review. During the March Board meeting, President Erickson reported on the efforts that the University had taken up to that time towards implementing the interim recommendations, which fall into five categories. As a reminder, these are:

- Strengthening Policies for Programs Involving Minors
- Prompt Reporting of Incidents of Abuse and Sexual Misconduct
- Compliance with the Clery Act's Training and Reporting Requirements
- Administrative Reforms
- Athletic Department – Security Arrangements

Since the March meeting, the University has taken additional steps toward implementing those interim recommendations, including:

- Hiring a Clery Act Compliance Coordinator to work collaboratively with various offices at the University to develop, implement and oversee programs that ensure the institution's overall compliance with the Clery Act and associated regulations at all campuses, as well as to work with various University offices to ensure compliance with the provisions of the Sexual Assault Victim's Bill of Rights and Drug Free Schools and Safe Campuses regulations; and
- Enacting a significant revision to Administrative Policy 39, which relates to overseeing the supervision and treatment of minors involved in University-sponsored programs or programs housed or held at any Penn State campus.

The Special Investigations Task Force expects that Judge Freeh will issue additional recommendations within the next month.

It remains the Board's intention that at the conclusion of Judge Freeh's fully independent work process, the full findings and recommendations will be made public. As I outlined for you in January, those findings will address:

- Failures that occurred in the reporting process;
- The cause for those failures;
- Who had knowledge of the allegations of sexual abuse; and
- How those allegations were handled by the Trustees, PSU administrators, coaches and other staff.

As I have stated earlier, we understand that answers cannot come soon enough for all concerned, and I assure you Judge Freeh and his team are moving as quickly as possible. However, Judge Freeh's primary emphasis is on doing the best possible job. While our hope continues to be that the investigation will be completed by the beginning of the next academic year, the timing will be dictated by how long it takes to complete a thorough investigation.

In closing, let me say on behalf of the Board of Trustees that the victims continue to be at the forefront of our thoughts each day, and, as I have said previously, we sincerely hope that our work can contribute to breaking the silence surrounding sexual violence that appears to have allowed evil to prevail in far too many instances in our society.

Thank you.

Q&A

- Q: Is the Freeh team receiving sufficient cooperation to be able to complete its work thoroughly?
- A: To my knowledge, yes.
- Q: Do you believe the Special Task Force and the Board have sufficient independence to assure a full and objective investigation?
- A: I think it's important to point out that Judge Freeh is conducting this independent investigation, not the Task Force or the Board. As I have said previously, Judge Freeh has unimpeachable credentials and is operating completely independently. So even though we strived to augment the Task Force with independent voices, Judge Freeh is assuring the independence of the investigation.
- Q: Why isn't Judge Freeh making public interim reports?
- A: We want to take all prudent steps to protect the integrity of the investigation. That work is currently in the investigative and analysis phase. Disclosure of incomplete findings or the failure to maintain confidentiality could compromise the investigation by encouraging incorrect interim conclusions and discouraging witnesses from cooperating. Moreover, time the investigators would spend on interim reports is time we believe is better devoted to the actual investigation so it can be completed as quickly as possible.
- Q: Will the Board receive the report in advance of the findings and recommendations being made public.
- A: As I said, we expect the Board will be afforded the opportunity to review the report to assure that there are no factual gaps, but not for editing. The final report will be solely the work of Judge Freeh and his team. However, we are considering mechanisms that can be implemented to address any concerns that the substance of Judge Freeh's final report is unduly influenced by the Board.
- Q: Has the Freeh team been coordinating with other investigations?
- A: Even as Judge Freeh conducts his independent investigation, he has been in contact with other investigations, mostly to assure no interference.
- Q: How much will the investigation cost?
- A: I would note that none of the costs are being paid by public funds and that Judge Freeh and his team are mindful of operating as cost-efficiently as possible. To that end, he has even agreed to charge reduced hourly rates because the investigation is being

conducted on behalf of a public institution. Notwithstanding legitimate concerns about costs and everything being done to manage costs, we will not sacrifice thoroughness and completeness for budgetary reasons. The University has publicly reported the current costs of the investigation through February 2012.

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