

**REPORT OF INVESTIGATIVE FINDINGS REGARDING ALLEGED  
UNAUTHORIZED DISCLOSURES OF CONFIDENTIAL INFORMATION  
CONCERNING HARASSMENT INVESTIGATION OF MEL TUCKER**

**MICHIGAN STATE**  

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**U N I V E R S I T Y**

**DECEMBER 29, 2023**

**JONES  
DAY®**

## I. Introduction

### A. Factual Background and Initiation of Investigation

In December 2022, Brenda Tracy filed a formal complaint against Michigan State University (“MSU”) Head Football Coach Mel Tucker with MSU’s Office of Institutional Equity (“OIE”). OIE immediately opened an investigation of the complaint (“OIE Investigation”). As early as July 2023, while the OIE Investigation was ongoing, multiple members of the media contacted MSU to probe about the existence of an investigation related to Tucker. The media inquiries included informal calls to members of the University Communications staff and formal requests pursuant to the Michigan Freedom of Information Act (“FOIA”). At the time, MSU informed counsel for both Tucker and Tracy of the media outreach, prompting Tucker’s counsel to request an inquiry into the source of the apparent leak. MSU declined comment to the media, did not release any documents in response to the FOIA requests, and did not undertake an investigation of any suspected leaks at that time. Despite the inquiries from reporters, there were no media stories on the OIE Investigation in July or August 2023.

In the early morning hours of September 10, 2023, several media outlets reported that Tucker was the subject of a harassment investigation, including initial stories from ESPN and Spartans Illustrated, and a detailed report from USA Today that first identified Tracy by name and revealed she had provided the news outlet with more than 1,200 pages of case documents.<sup>1</sup> Tracy subsequently acknowledged that she voluntarily shared documents with USA Today and permitted publication of details regarding the investigation “because someone outed [her] to the media.”<sup>2,3</sup>

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<sup>1</sup> See Kenny Jacoby, *Michigan State Football Coach Mel Tucker Accused of Sexually Harassing Rape Survivor*, USA Today (Sept. 10, 2023), <https://www.usatoday.com/story/news/investigations/2023/09/10/michigan-state-football-coach-sexual-harassment-claim/70679703007/>.

<sup>2</sup> See Sept. 12, 2023 B. Tracy post to X (formerly known as Twitter), <https://twitter.com/brendatracy24/status/1701760584604065793?s=20> (“I voluntarily shared documents with USA Today so that my story could be written and published after the conclusion of the school process, but also just in case my name leaked – which it did. I did not want to publish my story in the early morning hours last weekend, but I had no choice because someone outed me to the media.”).

<sup>3</sup> The USA Today reporter who published the detailed story on September 10, Kenny Jacoby, confirmed Tracy’s account. See Sept. 12, 2023 K. Jacoby post to X <https://twitter.com/kennyjacoby/status/1701803564421751129> (“Can confirm this is how we got the story and why we published it late Saturday night.”). And in limited discussions with Jones Day, Jacoby acknowledged that, prior to publishing his story on September 10, 2023, he learned

Similarly, Tracy’s attorney—Karen Truskowski—released a statement alleging that “[a]n outside party disclosed Brenda Tracy’s identity to the local media, which led to the USA Today story.”<sup>4</sup>

At the time, and unbeknownst to the public, Truskowski provided additional details to MSU’s General Counsel, Brian Quinn, regarding the suspected leak. Specifically, in a draft statement that she sent to Quinn on September 11, 2023, and that he subsequently forwarded to 12 people within MSU, Truskowski alleged: “Someone associated with the MSU Board of Trustees disclosed my client’s identity to an outside party. That outside party shared her identity with local media.”<sup>5</sup> In her contemporaneous discussions with Quinn, Truskowski identified specific individuals, including a current Trustee (“Trustee X”), who Truskowski understood, based on her conversations with an unidentified local journalist, may have been involved in a chain of communications that led to the disclosure of Tracy’s name to the media.<sup>6</sup> The very next day, MSU contacted Jones Day to begin the process of retaining the Firm to investigate these allegations.

During the pendency of our investigation, Truskowski’s non-public draft statement alleging that “[s]omeone associated with the MSU Board of Trustees” disclosed Tracy’s identity to an individual outside the University—the allegations memorialized in the draft statement emailed to Quinn on September 11—was leaked to the media. MSU expanded Jones Day’s mandate to include investigation of this

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that “local reporters in the USA Today network” heard Tracy’s name associated with allegations against Tucker. Jacoby likewise acknowledged this in a podcast appearance shortly after publishing his story. *See* Soul of Detroit, *Tucker’d Out* (Sept. 19, 2023) (“In early September, we started hearing details of the case being shared with some local reporters of the USA Today network, specifically Brenda’s name was mentioned in connection with those rumors.”).

<sup>4</sup> *See* Alex Walters, *Tucker Accuser Says Leak Forced Her to Come Forward with Sexual Harassment Allegation*, State News (Sept. 12, 2023) [https://statenews.com/article/2023/09/tucker-accuser-says-leak-forced-her-to-come-forward-with-sexual-harassment-allegation?ct=content\\_open&cv=cbox\\_latest](https://statenews.com/article/2023/09/tucker-accuser-says-leak-forced-her-to-come-forward-with-sexual-harassment-allegation?ct=content_open&cv=cbox_latest).

<sup>5</sup> *See* Alex Walters, *Brenda Tracy Said Leak Came from MSU Boardroom*, State News (Sept. 27, 2023) <https://statenews.com/article/2023/09/tucker-accuser-said-leak-came-from-msu-boardroom>.

<sup>6</sup> Subsequent to the information provided by Truskowski, members of the media have made informal and formal inquiries regarding the individuals alleged to have participated in this chain of communication. Inasmuch as investigators have been unable to develop evidence corroborating the allegations, the names of these individuals are not included in this report.

leak. Thus, the scope of Jones Day’s investigation included three interrelated matters (collectively, the “Leak Investigation”):

1. Whether anyone associated with MSU, including the Board of Trustees, disclosed the existence of an investigation concerning Tucker to anyone outside the University;
2. Whether anyone associated with MSU, including the Board of Trustees, disclosed the identity of Tracy as the complainant in the OIE Investigation to anyone outside the University; and
3. The identity of the individual who disclosed Truszkowski’s non-public, draft statement implicating someone associated with the Board of Trustees in the unauthorized disclosure of Tracy’s identity as the complainant in the OIE Investigation.

## **B. Summary of Findings**

On December 14, 2023, Jones Day provided an oral presentation summarizing its investigation and findings to the MSU Board of Trustees and General Counsel, both of which requested Jones Day prepare a public report regarding the same. In sum, investigators, utilizing a preponderance of the evidence standard, have been unable to identify any Trustee, administrator, or employee of MSU who made an unauthorized disclosure of confidential information that led to the media’s awareness of the OIE Investigation or the complainant’s identity. Investigators did learn that Tracy herself spoke with several members of the media, including at least one reporter who was the first to pursue a possible story about the OIE Investigation. Thus, while we cannot conclude that there was a leak emanating from anyone within MSU, there is evidence that some members of the media became aware of this matter through the complainant.

Additionally, investigators found no evidence that any MSU Trustee knew Tracy’s identity as the complainant prior to USA Today’s publication of her name, thus tending to show that the Trustees did not even have the ability to make an unauthorized disclosure of the complainant’s identity to an outside party. Further, Jones Day could not corroborate the allegation that Trustee X was involved in or instigated a chain of communication divulging the complainant’s identity to the local media prior to September 10, 2023. Rather, Jones Day uncovered evidence tending to refute that allegation.

Finally, investigators are confident there was a leak to the State News of Truskowski’s draft statement alleging someone associated with MSU Board of Trustees disclosed Tracy’s identity as the complainant.<sup>7</sup> The universe of likely sources for the leak is narrow—the 12 individuals who received a copy of the draft statement from General Counsel Quinn prior to its leak. Investigators reviewed available forensic evidence, considered the motives of potential sources, and analyzed connections between the 12 recipients of the draft statement and the State News journalist who reported on the draft statement. Jones Day, however, was unable to identify the individual responsible for this leak. Jones Day’s investigative efforts and findings will be described in greater detail below.

## II. Relevant Policies & Laws

Several University policies and state laws prohibit MSU Trustees and employees from disclosing the existence of an OIE investigation, the facts underlying any such investigation, or the participants in the investigation (*e.g.*, respondent, complainant, witnesses) to those outside MSU. *First*, MSU’s Relationship Violence and Sexual Misconduct (“RVSM”) Policy, which applies to all “members of the MSU community,” states:

The University will seek to protect the privacy of parties in compliance with applicable laws and regulations. The University will keep private the identity of any individual who has made a report or formal complaint of prohibited conduct under this Policy; the identity of any claimant; the identity of any respondent; and the identity of any witness.

RVSM Policy at § IX. Furthermore, the RVSM Policy proscribes retaliation, which includes any actions “taken because of a person’s participation (or expectation of participation) in a protected activity that would discourage a reasonable person from engaging in protected activity.” *Id.* at § III.E.<sup>8</sup>

*Second*, the MSU Board of Trustees’ governing documents and policies could be implicated if a Trustee improperly disclosed details regarding an OIE investigation. Specifically, the MSU Board of Trustees’ Code of Ethics and Conduct requires Trustees “exercise responsible stewardship” and “uphold [their] fiduciary

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<sup>7</sup> See *supra* n. 5 (“The State News is not disclosing who shared the draft statement with the reporter because they are not authorized to do so.”).

<sup>8</sup> MSU likewise “prohibits retaliation and retaliatory harassment against individuals who oppose discrimination or harassment, report discrimination or harassment, or participate in an OIE investigation ....” See Anti-Discrimination Policy User’s Manual at pg. 15.

duties to the University and the State of Michigan.” Code of Ethics and Conduct at ¶ 5. Trustees commit to “maintain and respect the confidentiality of University records and information, including personnel information and student records,” “not disclose nonpublic information, including privileged attorney/client communications, without proper authorization,” and “not misuse or exploit for personal benefit any records or information to which [they] obtain special access as a result of [their] position.” *Id.* at ¶ 6. Similarly, the MSU Board of Trustees’ Conflict of Interest Policy requires Trustees to act as fiduciaries to the University and avoid using information they receive as Trustees to advance their own interest in a manner that is inconsistent with the University’s interests. *See* Conflict of Interest Policy at §§ I, IV.

*Third*, under Michigan law, MSU’s Trustees carry additional responsibilities and burdens as public officials. *See People v. Coutu*, 459 Mich. 348, 354 (1999) (“A public officer was distinguished from an employee ‘in the greater importance, dignity and independence of his position; in being required to take an official oath, and perhaps to give an official bond.’”) (citations omitted). As such, any Trustee who, in the exercise of his or her official duties, misuses confidential information in a corrupt manner could potentially be prosecuted under the common law criminal offense of “Misconduct in Office.” *Id.*

### **III. Conduct of Leak Investigation**

On September 13, 2023, MSU finalized its retention of Jones Day for the Leak Investigation. Throughout our work, we consulted with and reported to MSU General Counsel Brian Quinn and Trustee Dan Kelly, who serves as the Chair of the Board’s Committee on Audit, Risk, and Compliance. Jones Day’s investigative team was comprised of attorneys with significant investigative experience, including a former federal prosecutor and former in-house counsel at a Fortune 100 company who frequently managed sensitive internal investigations in that role. The members of the team have conducted dozens of complex investigations, including a substantial number of matters involving allegations of misconduct by high-ranking public officials, private executives, and at public universities. Jones Day also utilized a forensic consultant to assist in the collection and review of data.

During the course of our investigation, we requested and were provided access to roughly 20,000 pages of documents. These records include: emails identified utilizing keyword search terms relevant to the Leak Investigation; OIE investigative material; FOIA requests regarding the OIE Investigation and material collected in response to those requests; and other relevant documents. Jones Day also monitored

incoming FOIA requests directed toward suspected leaks, media reports on the matter, and information or speculation shared on social media.

We conducted 59 interviews of 52 witnesses. Within MSU, we interviewed seven of the eight Trustees, as well as the Secretary to the Board of Trustees. Trustee Dennis Denno, who we believe has information relevant to the Leak Investigation, declined our repeated requests for an interview. In contrast, no one in the MSU Administration refused our request for an interview. We were able to interview 36 University employees including individuals in the Office of the President, Office of the General Counsel, Athletics, OIE, University Communications, FOIA Office, Office for Faculty and Academic Staff Affairs (“FASA”), and Human Resources. We attempted to interview 20 members of the media who we believed may have relevant information, but most refused to participate in our investigation. Ultimately, five reporters provided some level of information in response to our inquiries. But no reporter was willing to share details about the background sources for their reporting (though a few confirmed that their sources were not from within MSU). Three third-party witnesses, including Karen Truskowski, agreed to be interviewed.<sup>9</sup> Upon request, interviewees provided additional records to Jones Day.

Finally, given the allegations concerning a Trustee’s involvement in the unauthorized disclosure of Tracy’s identity, Jones Day requested the Trustees voluntarily permit Jones Day to review their personal cell phones for evidence of interest to investigators.<sup>10</sup> Seven of the eight Trustees agreed to voluntarily provide their personal cell phones for review. As with our interview request, Trustee Denno did not respond to our request to review his cell phone, which we believe likely contained information relevant to the Leak Investigation.<sup>11</sup>

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<sup>9</sup> Mel Tucker, through his counsel, declined to be interviewed in connection with our Leak Investigation. Additionally, while one of the individuals outside of MSU who Truskowski indicated may have been involved in the chain of communications that led to the disclosure of Tracy’s identity agreed to be interviewed, another alleged participant in the chain—“Individual A”—refused repeated interview requests. *See infra* n. 11 *and* pg. 11.

<sup>10</sup> For multiple reasons, Jones Day did not seek to review cell phones belonging to members of MSU’s Administration. First, we received neither direct allegations that members of MSU’s Administration disclosed Tracy’s identity outside MSU nor sufficient other predication to search the contents of their cell phones. Moreover, in our discussions with MSU, we determined that reviewing cell phones of dozens of University employees would likely yield little probative evidence while unnecessarily increasing costs and delaying the results of our investigation.

<sup>11</sup> We do not have reason to believe Trustee Denno’s phone contains evidence suggesting that a Trustee knew of or leaked Tracy’s identity to anyone outside the University. But, based on other evidence uncovered in our investigation, we do believe there is a likelihood that Trustee

## IV. Findings

Jones Day’s factual findings, which have been presented in greater detail to the MSU Board of Trustees and General Counsel, are based on witness interviews, information contained in documents and data obtained during the investigation, and reasonable inferences drawn from the evidence.

### A. Unauthorized Disclosure of OIE Investigation

Despite our investigative efforts, we have been unable to identify anyone associated with MSU who made an unauthorized disclosure of confidential information that led to the media’s awareness of the OIE Investigation or the complainant’s identity. Investigators uncovered no documentary evidence proving that any leaks to the media originated from or were instigated by anyone associated with MSU. Every MSU employee we interviewed, with the exception of a small number who admitted to telling their spouses that there was an investigation of Tucker,<sup>12</sup> denied disclosing confidential information regarding the OIE Investigation to anyone outside the University, including the media. Additionally, the few reporters with whom we spoke either refused to reveal their sources or confirmed for us that their sources were not Trustees or employees of MSU.

As part of our probe, we determined that at least 44 people associated with MSU had some level of awareness of the OIE Investigation prior to the September 10, 2023 media reports. That includes the eight current Trustees, most of whom learned of the existence of the OIE Investigation from General Counsel Quinn on the date Tracy filed her formal complaint against Tucker—December 22, 2022. According to Quinn, both Tucker and Tracy were concerned with maintaining the confidentiality of the matter. Quinn thus provided minimal details to the Board,

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Denno’s phone may contain evidence relevant to our investigation on at least two fronts: (1) evidence further refuting the specific allegations lodged against Trustee X; and (2) additional details concerning one individual outside MSU—Individual A—who we learned became aware of the investigation prior to the USA Today publication, how that person learned of the investigation (*i.e.*, including whether anyone within MSU shared information concerning the investigation), and whether that person further disclosed information related to the investigation to anyone else outside MSU, including members of the media, *see supra* n. 9 and *infra* pg. 11. We are unable to shed additional light on these issues due to Individual A and Trustee Denno’s refusal to be interviewed and Trustee Denno’s refusal to provide his cell phone for review.

<sup>12</sup> The individuals within the MSU Administration who admitted to informing their spouses of an investigation concerning Tucker emphasized that they did not tell their spouses details regarding the matter or reveal the complainant’s identity.



declining to provide the complainant's identity or the factual details of her allegations at the outset and throughout the OIE Investigation. The two Trustees who joined the Board after December 22, 2022 were subsequently provided the same general information, again not being told the identity of the complainant or details about her allegations. Each Trustee we interviewed denied learning of Tracy's identity as the complainant, either through formal disclosures or informal channels, prior to USA Today's publication of her identity on September 10, 2023. And each Trustee denied disclosing that there was an investigation involving Tucker to anyone outside MSU, including the media. In our other witness interviews, document review, and analysis of the Trustees' cell phones, we found no credible evidence at odds with these denials.

Within the Administration, we determined that at least 35 individuals became aware of the OIE Investigation prior to the media breaking the news publicly. This included employees in the Office of the President, Office of the General Counsel, Athletics, OIE, University Communications, FOIA Office, FASA, and Human Resources. In large measure, these MSU employees became aware of the investigation because their job duties required them to take some action related to the OIE Investigation (*e.g.*, arrange aspects of the OIE Investigation; respond to FOIA requests and press inquiries; assess and enact interim employment measures). Of the 35 individuals who were aware of the investigation, at least 29 individuals knew of Tracy's identity as the complainant prior to the media story revealing her as such. Aside from the small number of employees who admitted to informing their spouses of the existence of the OIE Investigation, no individuals admitted to disclosing any information regarding the OIE Investigation to anyone outside MSU, including the media.

While journalists were reluctant to participate in our investigation, several were willing to provide us with general information to assist our investigation. Additionally, we were able to obtain publicly available evidence and information from Tracy's counsel that aided our efforts in uncovering how journalists may have become aware of the OIE Investigation prior to its widespread publication. Two of the journalists who were amongst the very first to inquire about or report on this matter would not reveal their sources to investigators, but confirmed that the sources for their reporting were people outside of MSU. Some reporters additionally claimed that, once they became aware of the OIE Investigation, they were able to deduce the identity of the complainant on their own without any source or leak providing Tracy's name to them.

We also learned that prior to USA Today's publication of Tracy's identity on September 10, 2023, Tracy communicated some information related to her

complaint against Tucker and/or the underlying allegations to multiple media outlets in addition to USA Today. Specifically, text messages revealed that Tracy spoke with ESPN Reporter Dan Murphy about her allegations in May 2023.<sup>13</sup> In July 2023, Murphy was the first reporter to submit a FOIA request to MSU for records pertaining to any OIE investigation in which Tucker was named as a respondent.<sup>14</sup> It appears likely that Murphy’s pursuit of this story originated from his discussions with Tracy. Tracy, though her counsel, also confirmed to investigators that she disclosed some information concerning her complaint and/or allegations to Paula Lavigne at ESPN and sports columnist John Canzano prior to the publication of her account in USA Today.<sup>15</sup> We therefore cannot conclude that the source of the media’s awareness of the OIE Investigation or Tracy’s identity as the complainant necessarily involved someone affiliated with or employed by MSU.

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<sup>13</sup> See Derick Hutchinson, *Mel Tucker’s Lawyer Presents Hundreds of Brenda Tracy Texts as New Evidence he was Wrongly Fired*, WDIV (Oct. 5, 2023), <https://www.clickondetroit.com/sports/2023/10/05/mel-tuckers-lawyer-presents-hundreds-of-brenda-tracy-texts-as-new-evidence-he-was-wrongly-fired/> (presenting May 16, 2023 text messages from Tracy stating: “I just talked to my new ESPN reporter.... I like him. He said they aren’t going to do anything yet. But obviously if they get tipped off about other outlets or if MT does something they would need to cover it.... I told him I understood the process and all that but that I’m also trying to get through the school process without public input.”).

<sup>14</sup> Tracy’s text messages show that she was aware of Murphy’s intention to submit FOIA requests to MSU. *See id.* (presenting May 19, 2023 text messages from Tracy stating: “Dan said ESPN is starting to send out FOIAs. General stuff so he doesn’t think they will know.... But who knows[.]”).

<sup>15</sup> Investigators separately discovered the following statement Canzano made on the September 12, 2023 episode of his podcast, Bald Faced Truth:

I know Brenda Tracy, you know Brenda Tracy, she comes from our neck of the woods. She’s been on this show numerous times.... We know who she is.... And full disclosure of this, I had an inkling this was coming down the pipeline. I did not know it was a story that actually had an investigation attached to it, but I did know that Brenda had had some kind of troubling interaction with a major coach and was weighing he options months ago, and I had kinda lost track of what was happening. It comes out it was Mel Tucker and Michigan State.

<https://soundcloud.com/kxtg-the-bald-faced-truth/bft-show-kenny-jacoby>.

## **B. Unauthorized Disclosure of the Complainant's Identity**

Investigators likewise could not corroborate that anyone associated with MSU, including anyone on the Board of Trustees, disclosed Tracy's identity as the complainant against Tucker to anyone outside MSU, including the media.

Investigators closely examined the account relayed from a local journalist to Truskowski: that Trustee X was involved in a chain of communication along with multiple other people outside the University that led to the disclosure of the complainant's identity to the local media. The account from Truskowski, however, was based on hearsay (*i.e.*, Truskowski's recounting of what a reporter told her based on what the reporter heard from an unidentified source). And Jones Day was unable to verify the hearsay because investigators were not provided either (1) the identity of the reporter who provided the account to Truskowski or (2) the identity of the key conduit in the alleged chain of communication—the individual outside MSU who allegedly made the direct disclosure to the unnamed reporter. Investigators also could not corroborate the unnamed reporter's account of the leak or the allegations against Trustee X through interviews of Truskowski, Trustee X, and another alleged participant in the communication chain from outside MSU, or through an examination of Trustee X's personal cell phone.

Rather, these investigative efforts uncovered evidence tending to refute the allegation that Trustee X disclosed either the OIE Investigation or the complainant's identity to anyone outside MSU. First, we uncovered no credible evidence that Trustee X actually knew the complainant's identity prior to its public disclosure on September 10, 2023. Furthermore, while investigators did find credible evidence that one of the people named in the chain of communication alleged by Truskowski—an individual outside MSU who for purposes of this report we have referred to as "Individual A," *see supra* n. 9, 11—was aware of an investigation involving Tucker prior to the public reports, the evidence suggests Individual A learned of the investigation from source(s) separate from Trustee X.<sup>16</sup> The evidence supporting this conclusion came from investigators' interview with Trustee X, review of contemporaneous text messages corroborating Trustee X's account, and an interview with a local media personality who indirectly corroborated Trustee X's

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<sup>16</sup> As previously noted, Individual A refused Jones Day's repeated requests for an interview. As a result, investigators were unable to determine what level of detail Individual A had regarding the investigation (including the complainant's identity), who informed Individual A of the investigation, whether Individual A learned of the investigation from one or multiple people within MSU, and whether Individual A told anyone else about the investigation, including journalists or anyone who could have been a source for journalists.

statements based on their discussions with Trustee X shortly after the September 10, 2023 USA Today publication but before any allegations were lodged against Trustee X. All of this evidence tends to refute or call into question the contention that Trustee X was involved in leaking Tracy’s identity to the media.

We likewise uncovered no evidence that anyone else associated with MSU disclosed Tracy’s identity as the complainant to the media or instigated any such disclosure.

### **C. Leak of Karen Truskowski’s Draft Statement**

Finally, investigators are confident that someone within MSU leaked to the State News Truskowski’s draft statement alleging “[s]omeone associated with MSU Board of Trustees” disclosed Tracy’s identity. On September 11, 2023, Truskowski shared her draft statement with General Counsel Quinn, but later modified the statement before releasing it to the public so it simply stated that “[a]n outside party disclosed Brenda Tracy’s identity to local media.” Prior to the release of Truskowski’s modified public statement, Quinn shared the earlier draft statement with just 12 people—the eight Trustees, the Board Secretary, and three individuals in MSU’s Administration (Interim President Theresa Woodruff, her Chief of Staff Michael Zeig, and MSU Spokesperson Emily Guerrant). Quinn’s email was marked “Attorney-Client Privilege” with instructions to “Please Do Not Re-Circulate.” Despite this, it appears more likely than not that one of the 12 recipients of Quinn’s email provided it to Alex Walters, a reporter at the student-run State News publication. Based on witness interviews and the circumstances surrounding the reporting from the State News, it appears unlikely that Truskowski or Tracy leaked the prior draft statement. We thus find it more likely than not that this unauthorized disclosure originated from within MSU.

Immediately after the State News issued a story on the draft statement, investigators requested MSU Information Technology staff examine any forensic trail of Quinn’s email, including any evidence that it was forwarded or printed by any of the original 12 recipients. Investigators also examined the motives of those who could have been the source of the leak, and analyzed connections between potential sources and Alex Walters or the State News. In examining the cell phones of the seven Trustees who voluntarily provided their phones for review, Jones Day also searched for evidence relevant to this leak, including any evidence of screenshots or photos of the draft statement. Each individual who agreed to be interviewed denied providing the statement to the State News. Ultimately, despite these efforts, we were unable to determine the source of this leak.

## **V. Conclusion**

At this time, and after consultation with MSU's General Counsel and Trustee Dan Kelly, we cannot identify additional investigative measures that are likely to provide meaningful evidence concerning the matters we were asked to investigate. Our investigation was constrained due to a number of factors, including journalists' reluctance to reveal their sources, various individuals who refused to fully participate in our investigation, and a general lack of relevant documentary evidence. In time, additional leads or facts may become available that could shed additional light on these matters. Thus, while we are closing our investigation at this time, we remain available to revisit these issues or follow any credible leads should the University request additional investigation.