

Regents to hear from committee investigating member's conduct_71403

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WACO-Baylor University's 36 regents will convene in Waco July 16 to hear a much-anticipated report from a committee appointed to investigate the conduct of regent Jaclanel McFarland.

At the last regents' meeting, May 16, McFarland was accused of tipping off students about an undercover drug operation on the Baylor campus—a charge she denies.

Who made the accusation and most of the details of how the regents are conducting the investigation has not been made public. The issue was discussed behind closed doors, and both university administrators and regents' officers have declined to discuss it publicly, citing a requirement of confidentiality.

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The identities of those on the investigative committee have not been released.

However, regents reportedly have been called to a special session Wednesday morning to hear the investigative committee's report. The called meeting, to be held behind closed doors, will precede the regularly scheduled summer regents meeting by just a few hours.

McFarland, a Houston attorney who serves on the Baylor board in a slot elected by the Baptist General Convention of Texas, has acknowledged the accusations against her but has declined to discuss details of the regents' previous executive session with the media.

The Waco Tribune-Herald has reported extensively on the matter, and it has been reported in the Houston Chronicle and other Texas papers, as well as through the Associated Press.

In the days leading up to this week's regents meeting, speculation mounted that the investigative committee might recommend no action against

McFarland because they had found no evidence against her.

All McFarland would say is, "If there is any evidence, they have yet to tell me."

Both the chairman of the investigative committee and then the whole committee reportedly met with McFarland around the last week of June. They also reportedly interviewed McFarland's 22-year-old son, Allen, who is in Costa Rica on a Baylor study program this summer.

The Baylor drug sting, which ended April 19 with seven arrests, apparently was not as successful as Baylor police had hoped. Five of the seven were charged with misdemeanors, and only two were charged with felonies—a relatively small haul for a year's worth of undercover work.

The 22-year-old undercover drug officer, who posed as a student and lived in Baylor's Penland Hall, dated a female Baylor student and joined a fraternity.

Allen McFarland was a member of the same fraternity, Tau Kappa Epsilon, although he was not enrolled at Baylor during the last academic year. Baylor officials reportedly believed McFarland learned of the undercover operation in her role as a regent, informed her son, who in turned warned other members of the fraternity.

Both McFarland and her son deny those allegations. McFarland said she did not know about the sting until it was reported on the news. Other regents have suggested it is unlikely she could have known about it in her role as a regent, since they also knew nothing about it.

Numerous Baylor students have told the Baptist Standard and other media that they knew or suspected the undercover officer's true identity for months.

The accusations against McFarland sparked intense interest in Texas Baptist life and have served as a rallying point for alumni and others already critical of Baylor's administration. McFarland and others have suggested this is an attempt to remove her from the board because she has been critical of President Robert Sloan.

The regents themselves reportedly were divided on whether to take up the investigation against McFarland.

Former regent Ella Prichard of Corpus Christi, a vocal critic of President Robert Sloan, wrote a letter to all regents June 11 in which she called the investigation "not very smart."

"Anyone who knows Jaclanel well knows that she would never slink quietly away from a personal attack unless there were solid evidence against her,' Prichard wrote. "The board has sparked a media frenzy and created a public forum for the airing of every grievance against the current administration."

Prichard warned that McFarland "has been publicly defamed, and everything she holds dear is threatened—her law license and livelihood, her family structure, her standing at Baylor and with Texas Baptists, perhaps even her health."

Some have speculated that McFarland could sue the university or even individual accusers for defamation of character or slander. She has declined to say publicly whether that is likely.

Meanwhile, Baylor has been publicly criticized by the parents of a freshman who was a roommate of the undercover officer. They have suggested the university endangered their son by placing the drug officer in his dorm room without the student's knowledge.

Although Sloan has declined to discuss the McFarland matter in the media,

he did answer questions about the practice of placing undercover drug agents in the student population.

“I don't apologize for going after drug dealers,” he said. “We were not out there looking for nits. I don't think Baylor should apologize to anybody for trying to cooperate with law enforcement agencies who are trying to go after the cancerous evil predators who try to prey upon our children and our students.”

Although critics of the drug sting contend it was instigated by and conducted by Baylor alone, Sloan said the university chooses to cooperate with local law enforcement.

“Law enforcement agencies can and will carry out their operations on university campuses with or without the permission of the university,” he said. “We have historically cooperated because these agencies can and will do this without our permission—everything from federal agencies to state agencies.”

He added: “We prefer to cooperate (because) we think we can provide better insight into the nature of our campus and we can operate in a preventive way to try to limit potential unintended consequences.”

If the investigative committee were to recommend McFarland's expulsion over the matter, Robert's Rules of Order spell out the process for a trial, noting: “A member has the right that allegations against his good name shall not be made except by charges brought on reasonable ground. If a member is thus accused, he has the right to due process—that is, to be informed of the charge and given time to prepare his defense, to appear and defend himself, and to be fairly treated.”

The parliamentary manual further states: “A member who votes for a finding of guilty at a trial should be morally convinced of the existence of this kind of guilt on the part of the accused, on the basis of the evidence he

has heard.”

For expulsion of a member, a two-thirds vote is required, meaning 24 of the 36 regents would have to vote to expel.

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