

Baylor settles another sexual assault lawsuit

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WACO—Baylor University settled a lawsuit brought by a former student athlete who asserted she was drugged and sexually assaulted by multiple football players in 2012.

Financial terms of the settlement are confidential and will not be disclosed, according to Lori Fogleman, assistant vice president of media communications at Baylor.

The [Title IX lawsuit](#), filed in U.S. District Court, claimed university officials failed to respond appropriately when a student volleyball player reported the alleged gang rape.

Title IX is the federal law that states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

It marked the fifth lawsuit Baylor settled related to sexual abuse since the beginning of a scandal that led to the departures of President Ken Starr, Head Football Coach Art Briles and Athletic Director Ian McCaw. Two lawsuits on behalf of 15 former Baylor students remain ongoing.

“Baylor University understands that survivors of sexual and interpersonal violence seek resolution in many ways,” the school said in a prepared statement. “In reaching a legal settlement, we acknowledge the challenges this survivor has endured and realize it’s a small step in the healing process.”

“Under new leadership, Baylor has taken significant actions in response to past reports of sexual violence within our campus community and implemented 105 improvements to our Title IX policy, processes and procedures. We remain steadfast in our commitment to properly respond to incidents of sexual assault, interpersonal violence and harassment.”

105 recommendations implemented

In September 2015, Baylor’s board of regents hired Pepper Hamilton, a Philadelphia law firm, to investigate the university’s response to reports of sexual assault, including multiple incidents involving Baylor athletes.

The firm’s investigation revealed a “fundamental failure” by Baylor to implement Title IX and the Violence Against Women Reauthorization Act of 2013, according to a 13-page [“Findings of Fact”](#) document. Baylor regents also released a 10-page set of 105 [recommendations](#) from Pepper Hamilton’s attorneys.

At its May 2017 meeting, Baylor’s board of regents announced the university had [completed foundational implementation](#) of all 105 recommendations. However, both Interim President David Garland and Linda Livingstone, who assumed office as Baylor’s 15th president about two weeks after the board meeting, emphasized many of the improvements involve ongoing processes.

Last December, the Southern Association of Colleges and Schools Commission on Colleges [removed the warning sanction](#) it placed on Baylor one year earlier for noncompliance regarding student support services, control of intercollegiate athletics and institutional environment.

The accrediting agency found Baylor fully compliant in all three areas, and it verified Baylor had implemented all 105 recommendations from the attorneys formerly with Pepper Hamilton.

In recent weeks, several news outlets reported investigations of Baylor by both the Big 12 Conference and the NCAA likely will conclude by the end of summer. A federal investigation by the U.S. Education Department's Office of Civil Rights remains ongoing.

Firm estimated \$17 million for settlements with victims

In 2016, Bears for Leadership Reform [hired a professional services firm](#) that specialized in business valuation and litigation consulting estimates to review and analyze information related to the sexual abuse scandal at Baylor.

The firm, HSSK, estimated the sexual assault crisis at the university could cost the school up to \$223 million in expenses and lost revenue, including an estimated \$17 million in legal settlements with victims. The estimate also included \$5 million for the Pepper Hamilton law firm's investigation and \$24.6 in settlements with former employees.

At the time, Baylor simply issued a statement: "Beyond confirming Baylor University is and will continue to be strong and financially healthy, we will not respond to such speculation with any further comment."

The firm's \$223 million estimate included an anticipated \$101.3 million in lost revenues through 2019, looking particularly at private contributions. HSSK projected no growth in 2017 and 5.8 percent growth in 2018.

However, in June, [Baylor announced](#) giving to the university in its most recent fiscal year—which coincided with Livingstone's first year in office as president—exceeded \$113 million. It marked the seventh consecutive year Baylor surpassed the \$100 million benchmark in fund-raising. The \$113 million was a 12 percent increase over the previous year and the second-

largest fund-raising total in Baylor's history. It also marked an 8 percent increase in the number of donors.