

Briles seeks to be removed from Title IX lawsuit

July 7, 2016

WACO—Art Briles, former head football coach at Baylor University, submitted a motion July 6 to be removed as a defendant in a Title IX lawsuit that alleges Baylor failed to respond to sexual assault complaints.

In March, a former Baylor student who reported Tevin Elliott raped her [filed a lawsuit](#) asserting multiple Title IX violations and negligence. Elliott, who had been a linebacker on the Baylor Bears football team, is serving a 20-year prison sentence for two counts of sexual assault.

The [suit](#) names Baylor's board of regents, Briles and former Athletic Director Ian McCaw as defendants.

Briles claims he is not liable for the assault

✖ Art Briles Briles asked a federal judge to remove him from the suit, claiming he cannot be held liable for the assault, noting the assailant and victim met at a party in an off-campus private apartment complex.

"It is well established in Texas that as a general rule, a person has no legal duty to protect another from the criminal acts of the another," the motion states.

Briles' attorneys dispute as hearsay claims that their client ignored warnings a sexual predator was on his team. They also insist any action against Briles falls outside the statute of limitations, since the attack occurred in 2012, but the lawsuit wasn't filed until 2016.

His attorneys also assert their client cannot be sued as an individual in a

Title IX suit. Title IX is a 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.”

Regents suspended Briles ‘with intent to terminate’

[On May 26](#), Baylor’s board of regents announced Briles was “suspended indefinitely with intent to terminate according to contractual procedures.” At the same time, regents removed Ken Starr from his role as president and sanctioned McCaw, who resigned as athletic director a few days later.

On June 24, Briles and Baylor University [issued a joint statement](#) saying they “mutually agreed to terminate their employment relationship, effective immediately.”

Investigation completed, implementation of recommendations in progress

Last September, Baylor regents [hired Pepper Hamilton](#), a Philadelphia law firm, to investigate the university’s response to reports of sexual violence.

The 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 the regents released. Baylor regents also released a 10-page set of [recommendations](#) from Pepper Hamilton.

In a June 29 [open letter](#) to the “Baylor Family,” Interim President David Garland reported ongoing significant progress toward implementing the 105 recommendations from Pepper Hamilton.

“We are daily working to ensure that our 16,000 students are safe,” he wrote, noting Baylor now has one of the largest Title IX staffs in the Big 12

conference.

“We are resolved to create a culture of accountability and respect across the entire campus and are refining processes and systems to ensure we respond rapidly and sensitively when students report incidents of interpersonal violence and seek our help,” he said.

For a compilation of the Baptist Standard’s coverage of Baylor University’s handling of campus sexual violence, [click here](#).