

# Former Baylor student sues over sexual assault by football player

March 31, 2016

WACO—A former Baylor University student who reported former Bears football player Tevin Elliott raped her has filed a lawsuit asserting multiple Title IX violations and negligence.

Elliott was convicted in 2014 on two counts of sexual assault and sentenced to 20 years in prison.

## **‘Acted with deliberate indifference’**

The plaintiff, Jasmin Hernandez, who has not requested anonymity, claims university officials “acted with deliberate indifference” toward her reports of rape and failed to protect her when “they knew that Elliott had sexually assaulted at least six women, including other Baylor students,” the [lawsuit](#) states.

The suit asserts Baylor officials failed to investigate when Hernandez reported Elliott raped her on April 15, 2012, and misinformed and misled her regarding recourse available to her, in violation of Title IX.

Title IX is the 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.” Baylor hired a full-time Title IX coordinator in November 2014.

The lawsuit also alleges the university neglected to provide Hernandez with

counseling when requested, refused to make academic accommodations due to her trauma and allowed Elliott to remain on campus unrestricted several months.

### **Regents, coach and athletic director named**

The suit, filed in U.S. District Court March 30, names Baylor's board of regents, Head Football Coach Art Briles and Athletic Director Ian McCaw as defendants.

The lawsuit alleges Briles and McCaw "breached their duty of care" by failing to educate student-athletes regarding sexual misconduct, neglecting to monitor student-athletes and not implementing safeguards for female students to protect them from "foreseeable criminal and anti-social activities" by student-athletes.

Specifically, the suit asserts they failed to supervise Elliott "despite their knowledge that he had sexually assaulted multiple female students" prior to raping Hernandez.

The suit alleges Baylor's regents failed at multiple points to provide faculty and staff training and supervision, "failing to appropriately monitor to ensure that student-athletes are not brought on to campus without regard to the safety of other students" and "ratifying the sexual misconduct of student-athletes by university officials by failing to discourage such behavior in prior instances."

### **Response from Baylor**

KCEN-TV posted a [statement](#) from Baylor University saying: "Individual incidents are deeply personal matters that do not benefit from our public statements. Even if a survivor chooses to speak or take other actions to support their healing, we must not publicly comment in a way that could compromise student confidentiality or inadvertently discourage future

students from coming forward.”

Baylor subsequently released the following statement to the *Baptist Standard*: ““Baylor University places the highest priority on the safety and well-being of our students. We have and continue to actively work to educate our campus community and raise awareness about sexual assault prevention.

“We encourage students to come forward, and we have a fully staffed Title IX office that receives and resolves those reports. Students are connected with important care and support services while our Title IX staff works to investigate claims in a timely, thorough and equitable manner. We provide interim remedies to support students who report sexual assault during the investigation and take immediate disciplinary action against students who are found responsible for acts of interpersonal violence. Baylor University respects the rights of our students, both current and former, to share their perspectives regarding interpersonal violence.

“The university will respond to the lawsuit in an appropriate manner after it has had the opportunity to review the complaint.”

In February—four days after Baylor students and others held a candlelight vigil supporting survivors of sexual assault—the university’s board of regents [approved](#) an administrative action plan to prevent acts of sexual violence on campus and to improve treatment and services for all those affected by interpersonal violence.

On March 22, Baylor officials [announced](#) the university will increase Title IX staff and resources, expand its counseling center and enhance public safety as part of a \$5 million commitment by the regents to prevent sexual violence and to improve Baylor’s response when interpersonal violence occurs.

*Editor’s Note: Paragraphs 12, 13 and 14 were added several after the*

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