

Lawsuit against Baylor amended to add fourth alleged victim

July 25, 2016

WACO—A federal Title IX lawsuit against Baylor University was amended to assert a fourth woman was gang-raped by some Baylor Bears football players in 2011.

The amendment asserts Baylor knew about the sexual assault by student athletes but failed to respond “promptly and equitably.”

In the [original lawsuit](#) filed in March, a former Baylor student reported Tevin Elliott raped her, and she asserted Baylor committed multiple Title IX violations and negligence. Title IX is the law governing universities that prohibits discrimination based on sex and deals with issues of sexual harassment and sexual violence.

Elliott, who had been a Baylor Bears linebacker, is serving a 20-year prison sentence for two counts of sexual assault.

Assertions regarding additional alleged victims were added to the suit after it originally was filed, and the suit was amended again in late July.

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

Pepper Hamilton investigation

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 105 [recommendations](#) from Pepper Hamilton.

However, neither the regents nor the university administration released a full report from the Pepper Hamilton investigation, insisting regents received only an oral presentation.

Big 12 Conference responds

In June, the Big 12 Conference’s board of directors [requested all written materials](#) from Pepper Hamilton’s investigation and any information the law firm conveyed verbally to the regents, along with internal documents pertinent to the investigation, excluding the names of students involved.

On July 19, Interim President David Garland, Regents Chairman Ronald Murff and David Harper, chair of the regents’ academic and student affairs committee, met more than two hours with the Big 12 board.

Big 12 Conference [Commissioner Bob Bowlsby](#) called the information the Baylor officials provided “a necessary step in helping the entire membership to gain a better understanding of the past actions and how the university plans to deal with the issues identified in the Pepper Hamilton findings.”

Bowlsby expressed support for Garland’s “efforts for absolute compliance with appropriate rules of all kinds” and for his leadership “during this very difficult period of time.”

Regarding the public release of a full report from Pepper Hamilton—with only the names of students redacted—Bowlsby said: “Even a redacted report on these kind of incidents would likely violate FERPA (Family

Educational Rights and Privacy Act) regulations. So, the Findings of Fact represent not only the major components but all components of the findings.”

Regents updated on implementation

At their summer meeting, Baylor’s board of regents heard reports from Garland, Provost Gregory Jones and Chief Operating Officer Reagan Ramsower on Title IX and implementation of the Pepper Hamilton recommendations.

Ramsower leads the university’s sexual assault task force, and Jones leads the spiritual life and character formation task force.

They reported both groups—named in June—have begun work to implement change that leads to improved processes, communication, training and response and that cultivates a culture of respect and character that reflects Baylor’s Christian mission.

“The task forces have been steadily making progress on the recommendations we have adopted as mandates. Their work is moving forward on all fronts,” Garland said.

“We’ve seen additional enhancements in services such as counseling and Title IX and have begun forming expectations for a chief compliance officer, testing software that will help key departments identify trends in student behavior, developing plans for a culture and climate survey, and training employees designated as campus security authorities on Clery compliance obligations.”

The Jeanne Clery Act, passed in 1990, requires any college or university that receives federal funds to share information about crime on campus, as well as the school’s efforts to improve campus safety.

Regents OK executive committee

Regents approved the creation of an executive committee to improve efficiency and ensure clear lines of communication, effective oversight of university priorities and closer alignment of board priorities to the university's operational needs.

"As we continue to operationalize the recommendations adopted following the Pepper Hamilton review, it is evident that an executive committee could be helpful to improving the board's role in oversight and enforcement of governance and fiduciary responsibilities to the university," Murff said. "We are excited about the opportunities this new structure provides the board in improving its ability to work effectively and efficiently to support the work of the university."

Information from the regents meeting is based on reporting by Lori Fogleman of Baylor University. The headline and first five paragraphs were revised to reflect additional information and clarification after the article originally was posted July 25.

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