

Jurors find Baylor negligent and violated Title IX

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Jurors in Waco's U.S. District Court found Baylor University was negligent in handling reports of sexual violence involving a former Bears football player and found the university violated Title IX policies.

Regarding the allegation of simple negligence, the jury awarded former student Dolores Lozano \$270,000 in damages for physical pain and mental anguish and for health care expenses. Lozano filed the [lawsuit](#) on Oct. 11, 2016.

Jurors found Baylor violated Title IX by its indifference to reports of sexual harassment and abuse, creating heightened risk for assault. However, they did not award Lozano damages for the Title IX violation, which she claimed deprived her of educational opportunities. Lozano—now a justice of the peace in Harris County—graduated from Baylor in May 2014.

Lozano alleged she was assaulted on three occasions in spring 2014 by her former boyfriend, Devin Chafin, who was a running back on the Baylor Bears football team. Chafin denied the allegations.

In her lawsuit, Lozano asserted she notified multiple individuals within the Baylor athletic department about the alleged assaults, and they failed to respond properly.

In a public statement, Baylor University said: "We are obviously disappointed in the decision in this case, as we continue to contend that Baylor coaches and employees in athletics and across the campus reported and handled these incidents in the correct, legally and clinically prescribed manner.

“We sincerely regret that the plaintiff in this case had a difficult experience while a student at Baylor, and our prayers remain with her now and into the future. The safety and security of our students continues to be our top priority as we fulfill our Christian mission to provide a safe and caring environment for all members of the university community.”

Conclusion of litigation

University officials noted the decision concluded all litigation arising from the sexual abuse scandal that rocked Baylor in 2015-16. In September, [Baylor settled a federal lawsuit](#) with 15 women who alleged they were sexually assaulted on or near the university campus.

Accusations of sexual assault at Baylor prompted university regents in September 2015 to [hire the Pepper Hamilton law firm](#) to conduct an investigation.

In May 2016, Pepper Hamilton presented an oral report to the board of regents concerning their findings and recommendations. The firm said their investigation revealed a “[fundamental failure](#)” by Baylor to implement Title IX and the Violence Against Women Reauthorization Act of 2013.

Pepper Hamilton’s findings led to the firing of head football coach Art Briles, the sanctioning and subsequent departure of Athletic Director Ian McCaw and the removal of Ken Starr from his role as university president.

U.S. District Judge Robert Pitman dismissed Lozano’s claims of “gross negligence”—understood to mean deliberate or reckless negligence—against Briles and McCaw, as well as the university. However, the jury found Baylor liable for simple negligence.

Briles subsequently coached high school football in East Texas and the Italian Football League, but he has not coached again at a university.

McCaw is director of athletics at Liberty University. [Starr died](#) on Sept. 13, 2022, at age 76.

Pepper Hamilton offered 105 recommendations to Baylor regarding Title IX compliance and a proper response to sexual abuse allegations. In May 2017, regents announced the “[foundational implementation](#)” of all the recommendations.