

# Written Pepper Hamilton report could have delayed action, Baylor regents say

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The Pepper Hamilton law firm that investigated Baylor University's response to sexual assault complaints presented an oral rather than written report to the board of regents in part because producing a document could have delayed the process about nine months, two Baptist ministers who serve as regents said.

Dennis Wiles, pastor of First Baptist Church in Arlington, and Neal Jeffrey, associate pastor of Prestonwood Baptist Church in Plano, sat down for an hour-long interview with the *Baptist Standard* Nov. 3.

## **'We can't wait another nine or 10 months'**

Prior to the board meeting when Pepper Hamilton representatives presented their findings to Baylor's board, several regents flew to Philadelphia to meet with the firm. The small group told other board members, "To get a written document, what they're telling us is that it may be nine or 10 months out," Wiles said.

"I think the tenor of the board was: 'We're at a point right now where we can't wait another nine or 10 months. What happened? Tell us what happened. And they did,'" he said.



Dennis Wiles (left), pastor of First Baptist Church in Arlington, and Neal Jeffrey, associate pastor of Prestonwood Baptist Church in Plano, serve on the Baylor University board of regents. (Photo / Ken Camp) Regents spent about 12 hours listening to the Pepper Hamilton report, Jeffrey said. The law firm interviewed at least 65 individuals and reviewed more than 1 million documents, emails and text messages.

Even a comprehensive and lengthy presentation did not include reports on all the incidents the firm had examined, Wiles noted. Instead, the firm presented examples to illustrate the various types of assault reports and explained how they had been handled.

“They drilled down pretty deeply in a handful of cases to help us, as regents, have an understanding of the complexion of the situation and the complexity of the problem,” he said. “And it took them 12 hours to do that.”

Pepper Hamilton “did what they were hired to do,” and the decision to present an oral report to the regents “was mainly driven by them,” based on the law firm’s experience and expertise, Jeffrey said.

### **Desire to protect victims’ privacy**

Recent reports revealed statistics not included in the [Findings of Fact](#) document the regents released after they heard the presentation from Pepper Hamilton—17 victims who reported alleged sexual assaults by 19 football players, four alleged gang rapes in 2012 and the fact football players accounted for 10.4 percent of the Title IX reported incidents in four years.

Regents did not report those statistics initially because they wanted to protect the privacy of the survivors who had filed the reports.

“We never wanted to hide anything,” Jeffrey said. “The easiest thing for us to do is to come right out of the barrel and say everything.”

However, concern for the rights of victims—as well as issues of legal liability and privileged information given in confidence—demanded discretion, he noted.

### **‘Do the right thing’**

One desire guided the board and the university after the scope of the problem came to light, Jeffrey added: “We’re going to do the right thing because of who we are as Christians and as a Christian university.”

The board of regents did not want to add more pain to what the victims of sexual assault already had endured, both ministers agreed.

“We pledged to protect the victims,” Wiles said. “We wanted to protect their identities, their stories. We had done our best to hold those things as confidentially as possible. ... It felt like if we started getting too specific, the next thing you know, all that’s going to happens is that the victims would continue to be victimized.”

### **‘Overwhelmed’ and ‘shocked’ by presentation**

Regents were “overwhelmed” and “shocked” by the Pepper Hamilton

presentation, Wiles said.

“We thought the Findings of Fact that we reported was such a comprehensive document, and it was so self-critical, it felt like enough information to let the Baylor family know ... this is a tragic situation, and we’re taking serious steps,” he said.

Pepper Hamilton characterized the Findings of Fact as the most comprehensive and revealing document produced by any institution they had worked with under similar circumstances, he added.

Further review of cases continues, and Baylor will make more statistical information available on its new [webpage, www.baylor.edu/thetruth](http://www.baylor.edu/thetruth), when it is compiled.

“There’s no new information now, but there’s more forthcoming, and we’ll know more then,” Wiles said.

### **Access to information helps ‘put things in perspective’**

In a phone interview, Baylor Interim President David Garland likewise emphasized the desire of the university and its regents to protect the survivors of sexual violence.

Baylor chose to make regents available for interviews and to publish information on its new [www.baylor.edu/thetruth](http://www.baylor.edu/thetruth) webpage in response to media inquiries, he noted. The university also wanted to protect current student athletes and others from being “tarred with the same brush” as those who committed sexual violence, he added.

“We came to realize getting actual numbers out helps people put things in perspective and realize why the university took the actions it did,” he said. “Lack of specificity allowed people to cast doubts on others who were guiltless.”

## **Not about protecting the brand**

Garland took issue with critics who assert the university has been more concerned about “protecting the Baylor brand”—a phrase first voiced by some victims of sexual violence as students—than in considering the impact sexual violence had on the university’s Christian witness.

“It’s not a public relations attempt to protect our brand,” he said.

Jeffrey likewise insisted regents never discussed the issue or allowed it to enter into their decision-making.

“That was never, ever, ever a factor in any of our meetings—the Baylor brand,” he said. “The first thing that was said was, ‘We’ve got to do the right thing.’”

A commitment to Christian principles and Baylor’s Christian mission—not a market-driven desire to rehabilitate a tarnished brand—prompted all the decisions the regents made, he stressed.

## **Go beyond recommendations and requirements**

Regents not only published the 105 [recommendations from Pepper Hamilton](#) and took steps to ensure their implementation, but also wanted to go beyond Title IX requirements in addressing the problem of sexual violence, Wiles said.

“Regardless of what Pepper Hamilton recommends, this is a Christian institution. Why is this kind of stuff happening?” he asked.

Regents grieved deeply over the findings Pepper Hamilton presented, he noted. At one point, Wiles said, he led the regents in a “solemn assembly” of prayer.

“We went before the Lord and just grieved,” he said. “The groanings were

too deep for words. There were a number of us just crying out to God.”

### **Agonizing over hard decisions**

Regents wrestled with the challenge of dealing with all parties concerned in a Christian manner and seeking to maintain the university’s Christian witness, he said. That included the process of dismissing personnel, as well as seeking justice for victims and offering care to them, he added.

“Even though we’re making hard decisions about people’s lives and people’s futures, we’re still Christians,” Wiles said. “We care about them. We love them. We want to do what’s right by them. ... We’re agonizing over people because we love them.”

Regents acted in accordance with their legal responsibilities to the institution, “but not one of us checked our Christian hat at the door to do that,” he said. “We did that through the lens of being Christians—followers of Christ.”

Jeffrey, an All-Southwest Conference quarterback for the Baylor Bears under Coach Grant Teaff, described himself as a lifelong Baylor fan and spoke about his love for the university and the painful findings of Pepper Hamilton—particularly regarding the athletic program.

“As a Christian, it breaks my heart,” he said. “As a lifetime Baptist, it breaks my heart. As a letterman, it breaks my heart. ... In some ways, this last six months or so has been the saddest experience of my life. I have cried more in this stretch of time than at any stretch of time in my life. ... Our prayer is that, ‘God may this never happen again.’”

### **Emphasis on spiritual life and character formation**

Wiles and Jeffrey praised the work of the spiritual life and character formation task force Garland created. Greg Jones, Baylor’s executive vice

president and provost, leads the task force in its efforts to foster a caring Christian culture on campus, which involved input from the two ministers on the board of regents.

“How can we address the spiritual climate of this campus so we can prevent this kind of thing from going on? What kinds of things need to in place at Baylor in 2016? This is not Baylor in 1954; it’s Baylor in 2016. What do we need to put in place to deepen and strengthen the spiritual life of this campus?” Wiles said the group asked.

Among other things, the task force is working with representatives of residence halls, coordinating with chapel planning and asking churches in the area how to increase student engagement in local-church life, he said.

“We are asking God to do a whole new thing on the campus of Baylor University,” Jeffreys said. “We want our boys—our young men—to realize, ‘This is the way a godly man acts.’”

### **Wiles and Jeffrey also touched on other issues:**

- **Governance**—Pepper Hamilton noted problems of “actual or perceived conflicts of interest” in terms of Baylor’s board of regents.

“There were some people who felt like you had to be careful about having too close a relationship with the athletic department,” Wiles said. “So, one of the things we did was abolish the athletic committee.”

Rather than dealing with athletics separately, it now falls under the direction of audit and compliance, as part of the overall governance of the university, Wiles and Jeffrey noted.

- **Openness**—When asked if the regents would consider opening at least portions of the their meetings—sections not dealing with sensitive personnel issues, contracts or litigation—to the public and media, Wiles

noted the need for confidentiality in many board discussions.

However, while he expressed strong doubts about the regents of a private university like Baylor opening the meetings of their governing board, the regents always are looking for ways to improve the work they do, he said.

“We are a work in progress all the time. We are constantly evaluating what we are doing,” he said.

A consultant works with the board at its summer retreat to examine best practices and governance models, Wiles noted.

“We entertain all kinds of ideas,” he said.

- **Title IX implementation**—Baylor hired a full-time Title IX coordinator three years after the U.S. Department of Education instructed universities to designate a Title IX coordinator. Previously, a staff person handled Title IX compliance in addition to multiple other duties.

Particularly after incidents of sexual violence at Baylor came to light, some questioned why Baylor seemed to act slowly in implementing Title IX.

“That’s a fair question for us,” Jeffrey said. “But that’s a fair question for every university in America.”

In hindsight, Baylor could have done more, he acknowledged. But once problems became apparent, the university and its governing board acted swiftly to correct deficiencies, he said.

“We were behind then, but we’re way ahead of the game now,” Jeffrey said.

- **Safety and security**—Especially after a *60 Minutes Sports* interview, some have asked whether Reagan Ramsower, Baylor’s chief operating officer and senior vice president, has been held accountable for failure by Baylor’s campus police to investigate sexual assault complaints.



Officers involved were replaced, and the Baylor police department has been restructured, Jeffrey noted.

“I see Reagan as a part of the solution. ... Reagan has been a huge part of getting us to where we are today,” he said.

- **Leadership**—Wiles and Jeffrey praised Garland for his work as interim president.

“The reason he was willing to do it was God’s calling on his life and his desire to shepherd this university to a healthier place,” Wiles said. “I cannot imagine the pressure and the duress Dr. Garland is under in these days. ... The Baylor family, in my opinion, owes a great debt to David Garland.”

Wiles particularly asked Texas Baptists to pray for Garland.

### **‘Bring healing and hope’**

Texas Baptist churches long have benefitted from the service and contributions of Baylor graduates—not only pastors, but also lay leaders, Wiles stressed. Baylor recognizes its close connection to Baptist congregations, he noted.

“We’re trying to bring healing and hope to the Baptist family particularly and to the Baylor family,” Wiles said.

Jeffrey voiced a similar note.

“We want it to be a new day at Baylor University,” Jeffrey said. “I believe with all my heart our best days are ahead of us. ... We have confessed we were wrong. And we know, as Christians, that’s how you get to healing.”