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Jessica Rosen

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An Update on the Baylor University Sexual Assault Scandal

BY [JESSICA ROSEN](#)/ ON FEBRUARY 15, 2017

A former student at Baylor University filed suit in federal court against the university on Friday, January 27, 2017, claiming that she was raped by two former football players and that the university did not protect her.^[1] Baylor University has been plagued by this controversy for the past couple of years – this sexual assault scandal first came to light in 2015, when Baylor football player, Sam Ukwuachu, was found guilty of sexual assault. After his conviction, the Baylor Board of Regents hired a law firm to conduct an investigation into how the university handles sexual assault cases – the firm found that university officials and coaches often knew of sexual assault incidents and that Baylor worked with the Waco Police Department to keep the allegations private or to push them under the rug.

The Board of Regents' investigation found that Baylor had failed to provide a safe environment for its students, specifically its female students, and that Baylor was in violation of Title IX of the Education Amendment Acts of 1972.^[2] It went further: "athletic department leadership left women on campus at risk by discouraging victims from reporting assaults and keeping accusations against Bears quiet."^[3] Although Baylor was told (by federal directive) to hire a Title IX coordinator, it took the university three years to follow orders, finally hiring someone in 2014.^[4]

Other reports of sexual assault and domestic violence perpetrated by Baylor football players came to light during the firm's investigations. In March of 2016, former defensive end, Tevin Elliot, was found guilty of two counts of sexual assault and was sentenced to 20 years in prison.^[5] Again, the victims claimed that Baylor "violated Title IX in its handling of sexual assault allegations and that the school was 'deliberately indifferent to complaints by student victims of rape.'"^[6] All-American defensive end, Shawn Oakman, was arrested for sexual assault and indicted in July of 2016.^[7] A prospect in the 2016 NFL Draft, Oakman went undrafted following his arrest.^[8] The report also found that, in 2013, football players Tre'Von Armstead and Shamycheal Chatman had been involved in an incident that went uninvestigated for two years.^[9] The firm's investigation ended up finding that 19 players had been accused of domestic or sexual assault by 17 women.^[10]

As a result of the findings from the investigation, Baylor University fired Ken Starr, school president, in May of 2016. Shortly thereafter, Baylor fired Art Briles, who had been head football coach for eight years. In December of 2016, Art Briles sued "three school regents and a vice president for libel and slander, accusing them of falsely stating he knew of reported

assaults and alleged gang rapes by players and didn't report them." [11] He also alleged that certain Baylor officials were involved in a conspiracy to prevent him from getting employed elsewhere. [12] Additionally, Jasmin Hernandez, victim of Tevin Elliot, filed suit against the university claiming that it took no action to help her after she had been raped, accusing the university of gender discrimination and negligence. [13]

The victim in this new suit, who is referred to as Elizabeth Doe in the complaint, has alleged that Armstead and Chatman were her attackers. [14] She was encouraged to come forward after she found out that the University had hired a Title IX coordinator. Her suit alleges that "at least 52 rapes were committed by at least 31 Baylor players from 2011 through 2014, including at least five gang rapes." [15] This drastically increases the number of assaults indicated by the independent investigation. The new suit also alleges that Art Briles' son, Kendal Briles, tried to encourage a recruit to commit to Baylor by saying: "Do you like white women? Because we have a lot of them at Baylor, and they love football players." [16]

The alleged attack was covered in the initial investigation, but this lawsuit brings forth new, disturbing details about the rape culture at Baylor University. The victim, who was a member of the Baylor Bruins hostess program at the time of the incident, claims that another member of the hostess program arrived before the police arrived and encouraged the victim to lie about what had happened, to say that she had had "consensual sex with one white male in an apparent effort to protect the Baylor athletes." [17] The lawsuit asserts that Baylor Bruins hostess program required more from its members than just being a pretty face showing recruits around, but that the Baylor football coaching staff allowed and encouraged players and recruits to engage in explicit behavior with the hostesses. The lawsuit also asserts that, even though the Waco Police Department told the Baylor Police Department about the incident, the school took no action. In fact, Armstead was removed from the team only after the victim sought out the Title IX coordinator in 2015 (two years later). Chatman had already transferred to another school.

The lawsuit basically takes the report from the initial investigation and amplifies the findings. Although the numbers are larger and the effects more widespread, the basic findings remain: that Baylor University created an environment in which football players were not punished for their immoral and illegal actions, where female students could not receive help, and where reporting sexual assault was discouraged.

Jessica Rosen is a second-year law student at Benjamin N. Cardozo School of Law and a Staff Editor of the Cardozo Arts & Entertainment Law Journal.

[1] Marc Tracy, *New Lawsuit Amplifies Allegations of Sexual Assault at Baylor*, The New York Times (Jan. 27, 2017), https://www.nytimes.com/2017/01/27/sports/ncaaf-football/lawsuit-sexual-assault-baylor.html?rref=collection%2Fsectioncollection%2Fsports&action=click&contentCollection=sports®ion=stream&module=stream_unit&version=latest&contentPlacement=9&pgtype=sectionfront&r=0.

[2] 20 U.S.C. § 1681 (1971).

[3] Will Hobson, *Lawsuit alleges Baylor football rape scandal more widespread than reported*, The Washington Post (Jan. 27, 2017), https://www.washingtonpost.com/sports/colleges/lawsuit-alleges-baylor-football-rape-scandal-more-widespread-than-reported/2017/01/27/38e93d3e-e4e0-11e6-a547-5fb9411d332c_story.html?utm_term=.095bd6772a4f.

[4] Zac Ellis, *A timeline of the Baylor sexual assault scandal*, Sports Illustrated (May 26, 2016), <http://www.si.com/college-football/2016/05/26/baylor-art-briles-sexual-assault-ken-starr>.

[5] SI Wire, *Ex-Baylor student to sue school over alleged Tevin Elliott sexual assault*, Sports Illustrated (Mar. 30, 2016), <http://www.si.com/college-football/2016/03/30/baylor-university-title-ix-lawsuit-tevin-elliott>.

[6] *See id.*

[7] Mark Schlabach, *Ex-Baylor star Shawn Oakman indicted for sexual assault*, ESPN (Jul. 20, 2016), http://www.espn.com/college-football/story/_/id/17113343/ex-baylor-bears-star-shawn-oakman-indicted-sexual-assault.

[8] *Id.*

[9] *See supra* note 3.

[10] *Id.*

[11] *Art Briles suing Baylor officials for libel and conspiracy*, Sports Illustrated (Dec. 8, 2016), <http://www.si.com/college-football/2016/12/08/art-briles-suing-baylor-officials-libel-and-conspiracy>.

[12] *Id.*

[13] Diana Moskovitz, *Lawsuit: Baylor Took No Action To Investigate Rape Involving Football Player*, Deadspin (Mar. 31, 2016, 4:35 PM), <http://deadspin.com/lawsuit-baylor-took-no-action-to-investigate-rape-invo-1768264150>.

[14] Michael McCann, *Breaking down Friday's new Baylor sexual assault lawsuit*, Sports Illustrated (Jan. 28, 2017), <http://www.si.com/college-football/2017/01/28/baylor-football-sexual-assault-lawsuit-art-briles>.

[15] See *supra* note 1.

[16] *Id.*

[17] Diana Moskovitz, *Lawsuit: Baylor Football Players Committed 52 Rapes In Four Years Under Art Briles*, Deadspin (Jan. 27, 2017, 8:40 PM), <http://deadspin.com/lawsuit-baylor-football-players-raped-52-women-in-four-1791715734>.