

**Baylor University Faculty Senate Minutes**  
**26 May 2016**  
**Armstrong Browning Library - Cox Lecture Hall • 11:00 a.m.**

*In response to the Pepper Hamilton findings and recommendations, and the actions of the Baylor Board of Regents pertaining to Title IX issues at Baylor University, the Baylor Faculty Senate met on three additional occasions during the summer of 2016. Though a complete attendance list was not recorded, a majority of senators were present on each occasion and the senators newly elected for the 2016-17 academic year were invited to participate.*

Richard Willis, outgoing Chair of the Baylor University Board of Regents, presented the actions of the board in response to the Pepper Hamilton, LLP independent review of Baylor's institutional response to Title IX issues.

Noting that a press release was forthcoming the chair provided online links to two documents: Findings of Fact, a summary of the Pepper Hamilton review produced by the regents, and a listing of recommendations from Pepper Hamilton. The chair then listed major highlights of the regent's actions:

- Art Briles was no longer the coach of Baylor football
- Ken Starr was no longer president of the university
- David Garland would return to serve as interim president
- Ian McCaw was on probation with other sanctions

Other major personnel decisions had been made as well involving athletics, including some additional dismissals, probations, and requirements for training.

The chair expressed that the mission of Baylor to promote academic excellence and faith was of the utmost importance in the regents' deliberations. The decisions that had to be made were horrible, but understandable in light of the Pepper Hamilton findings, which included interviews of victims, tens of thousands of documents, and about twelve investigated rape incidents, including one involving five to six Baylor football players. Baylor's responses to the victims at the time in many of these cases were awful. He added that the university fully complied with the investigation.

Additional meetings would be held throughout the day, which would include student groups, the staff council, and the media.

The focus of the regents now is to prevent violence and harassment against students and to improve how Baylor responds when such incidents occur. Baylor must do a better job. The Title IX and counseling staffing at Baylor is relatively appropriate now, but not in the past. The further back in history the investigation looked, the worse Baylor did. We have to admit this.

The chair then responded to questions from faculty senators.

Q: Is there a final printed report from Pepper Hamilton?

A: No. The regents are sharing presentation points on the Pepper Hamilton findings, but no report.

Q: Why?

A: The detailed investigation was finished a week or two before the board meeting in May. A written report has not been completely put together yet. The regents want to be as transparent as possible, but students have to be protected. The board is trying to be transparent without reinjuring the victims. The regents have already contacted the NCAA to self-report, and they are also committed, in respect to assaults on a young woman by multiple players, to report to all proper authorities. Legally and morally, the regents do not want to do anything more to hurt victims in these cases. Baylor has made mistakes in the past. For example, the university didn't investigate off-campus incidents until 2014.

Q: Does the report implicate President Starr?

A: The report calls out a failure of leadership at the executive level. The chair could not talk more specifically about individual employment situations. The regents will seek faculty input in the search for a new president, but they cannot be more specific about individual firing decisions.

Q: President Starr stated in an email that no one had raised the issue of interpersonal violence to him during his first five years at Baylor.

A: The chair referred to the 2011 Dear Colleague letter from the Office for Civil Rights of the U.S. Department of Education. The letter was made available to all heads of major institutions and was accompanied by a lot of press. That guidance, in addition to high profile cases of Title IX failures around the nation, required follow up; and Baylor was two years behind. The Department of Education might want to conduct their own investigation of Baylor, but the regents have already hired the most respected firm in the nation. At least one lawsuit was pending, connected to the incidents investigated by Pepper Hamilton.

Q: Are there indications that the board of regents had inappropriate oversight of Baylor athletics, sidestepping the academic infrastructure of the university?

A: The board is taking on responsibility too. Athletics as a department will be fully integrated into the university. The regents are considering eliminating

the athletics committee of the board and folding it into other committees. The board recognizes that too close relationships between athletic directors and board members can cause problems.

Q: In the case of Ian McCaw, what is the status of his probation? Was Coach Briles aware of the problems with Baylor players?

A: The chair cannot discuss the specific employment situations of individuals. Whether some Baylor officials were aware of the problems does not matter in a way: ignorance is no excuse. The actions taken by the regents do not reflect on Starr's or Briles' character, only a failure of leadership.

Q: How did the media get some of the information about board decisions ahead of their announcements?

A: The chair had no idea, but does not think it came from the board.

At this point the chair urged the faculty to support Baylor's new provost, Greg Jones, and the interim president, David Garland. Interim President Garland does not want to be considered for the long-term president search. Provost Jones was partly aware of the proceedings of the regents in recent months. He has requested new personnel and funds to work with the recommendations of the regents. The provost is the #2 person in the university; he's had a hard first week and a half.

Baylor will be more careful about how athletes are recruited. There are more careful recruitment processes at work now that have not always been in place. Baylor has turned down transfers because of information generated by this process. An external evaluator will be reviewing Baylor's current recruiting policies.

Q: Will Baylor also approach safety on campus from the standpoint of its relation to binge drinking off-campus?

A: Alcohol is part of the problem. In coordination with the Waco police, Baylor police will be monitoring even legal parties taking place off campus for behavior, excessive drinking, and drug use. We are also asking the Baylor community for a renewed effort to promote the spiritual growth of our students. Additionally, the university is planning to revamp the sports chaplain program.

Q: There is concern that students who go off campus and drink may be afraid to return to their residence halls for fear of disciplinary action. Remaining off campus can place them in further danger.

A: The university may have avoided taboo subjects in the past, but now needs to acknowledge the reality of student behaviors without condoning them. We will be looking at ways to align our mission to protect and care for students.

The university is creating action teams with sub groups to work through these thorny issues.

Q: Faculty senators have noted that the faculty regent was excluded from the Pepper Hamilton report to the regents and subsequent discussions.

A: All nonvoting regents were not part of this decision-making. Voting members of the board of regents represent the whole university rather than groups within the university. The regent chair's understanding is that legal obligations required the exclusion of nonvoting members of the board.

Q: Do the regents envision a process to search for a new president?

A: There hasn't yet been time to put much thought into this. The search might be informed by the last search that was made. The regents will need help and collaboration from the faculty. There are no specific answers yet, but the regents will look at former searches and best practices.

Q: How long will Ken Starr continue as president, and what will be his position after the transition?

A: The press release is already public announcing that Ken Starr will no longer be president as of May 31. There is an agreement in principle that he will continue in his role as chancellor. His contract continues for another year. He will also continue to serve as a faculty member in the law school. The regents recognize the strengths that Judge Starr brings to the university.

Q: Will the board of regents ever receive a complete written report from Pepper Hamilton? If so, will the faculty senate also see it? Is Ken Starr being terminated for what was in a report that no one has seen?

A: On the matter of a written report, there has been no final determination, although faculty will see lots of information in the materials released today. President Starr was present for most (80-90%) of the oral report presented to the regents by Pepper Hamilton. The decision to remove President Starr was the result of the void in leadership implications of the Pepper Hamilton report.

Q: Is the removing of President Starr only because of the report from Pepper Hamilton or are there other reasons unrelated to the report? Was there evidence of any sort of cover-up?

A: There was no evidence of any cover-up at the executive level, but possibly in certain areas of athletics. The regents made the best decision they could based on the information available. Probationary measures may be applied

to staff outside of athletics as well. All of the information made available to the faculty today will be on the Baylor website.

Q: There has already been an informal trial of Baylor and Baylor personnel in the media. How can Baylor respond to this?

A: There is a plan to include appreciation for President Starr in the announcement, including a list of his accomplishments. The leaks to the press did not come from the regents. Somehow the media obtained something close to the plan of the regents and then sensationalized it. We are sorry that this happened.

Q: What might the board of regents have done differently?

A: It is hard to be a fiduciary and not a fan, and there are issues of the closeness of the board to athletics. For this reason there will no longer be an athletic committee reporting to the board.

Q: Many faculty members have served through five presidents; President Starr has won faculty members over with his inclusive style of leadership. It is important that the university reaffirm our mission meaningfully in this troubling period, and that we are not left with the impression that President Starr is simply a fall guy or scapegoat.

A: Yes, the regents have tried to do what is right for the mission of the university. Your questions sound like the questions the board struggled with. The regents hope that the loss of a football coach signals that the mission is our most important priority. The mission statement will be included in the press release.

The regents are angry, sad, and humbled by the findings of Pepper Hamilton; and the actions that must be taken as a result were difficult to determine. They ask that, to some degree, the faculty trust their judgment, as they trust the faculty with their service to the university.

Q: How many voting members are on the board of regents? Was the decision to remove President Starr unanimous?

A: There are 30 voting members. The vote was overwhelming at a minimum.

After the departure of the regent chair and other regent representatives following the presentation, the attending faculty discussed the announcement.

A number of concerns were raised quickly. One faculty member suggested that faculty questions be addressed to the new Chair of the Board of Regents,

Ronald Murff. Some faculty still felt that the removal of Ken Starr had the appearance of creating a scapegoat. A faculty member noted a concern that board members may have been too close to Coach Briles and that the coach may have circumvented the president in his appeals to the board. Another faculty member felt that the failure of Title IX implementation at Baylor was not ultimately the fault of President Starr, but rather a culture of complacency at the university. Other faculty members were unsatisfied with the way the story was leaked to the press. A number of faculty members noted that the faculty senate should be proactive in requesting faculty representation in the search committee for a new president.

The faculty regent, faculty senator Lori Baker, was present via teleconference. She was asked her opinion of the faculty regent having voting rights on the board. Senator Baker responded that she did not consider it imperative that faculty have a vote on the board, but that she did want the faculty to be part of this conversation. She felt that it is very hard to find someone who works as well with faculty as President Starr, now the third president in a row that Baylor has fired. It would have been valuable for the faculty regent to have a forum to say those things. One faculty member suggested that voting privileges would require the faculty regent to sign confidentiality agreements. Senator Baker replied that nonvoting regents already sign the same confidentiality agreements as voting regents.

Many faculty members believed that there was an understanding that Pepper Hamilton would produce a complete written report of the findings; they expressed frustration that there would now be no report other than the oral report delivered to the regents and unavailable to faculty. President Starr recommended the external evaluation to the board of regents, and also recommended action and transparency. Some faculty members suggested that there were political issues between the president and the board, which also contributed to his removal. Other senators noted that the president is the official signatory on many appointments and national items for the university, making him legally responsible for such areas as Title IX implementations.

After some discussion of the need for another meeting, the faculty senators decided to reconvene on Tuesday, May 31<sup>st</sup>.

Respectfully submitted,

Steven Pounders  
Recording Secretary