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Keeping Baylor Nation Informed

Sept. 3, 2015

Dear Baylor Nation:

The recent criminal conviction of former student-athlete Sam Ukwuachu has brought deep anguish to our campus. As we have said unequivocally, acts of sexual violence contradict every value Baylor University upholds as a caring Christian community.

Important new information emerging from the recent judicial proceedings has made us aware of painful details of a brave survivor – and Baylor student-athlete at the time – who deserves our compassion and understanding. Our hearts break for any victim of such an unspeakable crime against human dignity. Her moving testimony at trial greatly disturbed all of us. What she said in court prompted us to take swift action, which I will clarify later in this letter.

Recent news reports have triggered intense scrutiny of our University. Now with the assistance of an independent investigator, I want to make sure that Baylor Nation is fully informed of our actions, as we continue to discover all that we need to in order to understand fully the circumstances surrounding this tragedy.

Some have concluded that we could have done more. Perhaps so. Our independent investigation will soon reveal if opportunities exist for improvements in the way we respond to allegations of sexual violence. But I retain full confidence in our Student Life professionals.

Let me be clear: I hold in the highest regard those who have dedicated their careers to the care of our students. It is also important to acknowledge why we may not have known more than we did. In higher education, our processes for examining allegations of sexual violence – which are consistent with those of other universities nationally – differ dramatically from the standards employed in a criminal investigation. Universities do not enjoy subpoena power. They cannot compel witnesses to testify under oath. Nor can universities require mental health professionals, counselors or physicians to disclose

information about complainants.

Under governing law, universities typically must complete their investigations in 60 calendar days from the day of the initial report. In addition, universities are severely limited in their opportunity to review SANE (Sexual Assault Nurse Examiner) exams, which often prove to be critical evidence in criminal trials of sexual assault. In fact, such exams are entirely under the control of the local district attorney or local law enforcement. They are not the property of the victim, much less the university.

Nevertheless, we must always be vigilant to ensure that our processes – particularly those associated with the safety and well-being of our students – are not only robust and comprehensive, but entirely beyond reproach. That is why I took immediate action to ascertain the quality of our entire university-wide approach to both the prevention of and response to sexual violence. Our initial internal inquiry was led by Jeremy Counsellor, Professor of Law at Baylor Law School, Baylor's Faculty Representative to the Big 12 Conference and a former Assistant District Attorney. Professor Counsellor's inquiry, wise judgment and thoughtful guidance led promptly to our second action – a recommendation to our Board of Regents to retain outside counsel both to investigate these matters thoroughly and to review comprehensively our internal processes.

Last evening, we announced that Baylor Regents had retained the services of the Philadelphia law firm Pepper Hamilton LLP, led by partners Gina Maisto Smith and Leslie Gomez. Ms. Smith and Ms. Gomez are nationally recognized experts in the institutional response to all aspects of sexual misconduct issues. They will report to a Special Committee of Baylor's Board of Regents, not the Administration. Their guidance will help us pinpoint where we are strong and where we may need to improve.

Pepper Hamilton's independent investigation will proceed even as we continue vigorously to support the work and essential student services of our Title IX Office. Federal regulations and recommendations with respect to the proper handling of allegations of campus sexual assault have evolved significantly – and rapidly – over the last few years. Baylor has been among the universities across the nation responding swiftly to these emerging mandates and seeking to ensure the safety of our campus. Aably led by Patty Crawford, our Title IX Office is rapidly becoming a point of pride for us.

Let me also speak to allegations that Coach Art Briles knowingly recruited to his team someone with a history of criminal violence. Our coach vehemently denied these allegations, and the sports media eventually got the story right. The player's former coach at Boise State initiated contact with us. At no time did any Boise State official ever disclose any record of physical violence toward women. A variety of news sources ultimately corroborated the accuracy of Coach Briles' account. In addition, in recent days, Coach Briles has made it absolutely clear that he is fully supportive of the independent investigation which will – among other things – ensure the thoroughness of the transfer admission of student-athletes, as well as of policies and procedures designed to safeguard the character and well-being of our entire student body.

Today, as I walked across the campus in these early days of the fall semester, I spoke with numerous students. They love Baylor. As I spoke with them, freshmen and upperclassmen alike, I was reminded of the high honor and weighty responsibility we have to ensure that our students receive a transformational Baylor education in a completely safe environment characterized by deep compassion and loving care. That we solemnly pledge to do.

In our response to violent acts that plague our society and at times visit our beloved campus, we must always hold close our sacred mission. As we move forward, we will continue to gain clarity as to where our processes can be improved. We will make those improvements and remain open – always – to how we can do better.

In abiding love for Baylor,

Ken Starr

President and Chancellor

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