

## ***Baylor's Silence on Sexual Assault***

In the 2011 season, the Baylor University football team finished in the Top 25 polls for the first time since 1986. During the 2013 season, the team won the Big 12 Conference Championship and played in the Fiesta Bowl. This winning streak continued in the 2014 season. But while the Baylor Bears were winning on the field, university officials took little action to investigate allegations of rape and sexual assault by the student athletes. In a lawsuit filed in 2017 against the university, victims alleged that at least 31 of the team's players committed 52 sexual assaults between the years 2011 and 2014.

One of the victims described going to Baylor's campus police after she was assaulted. She was told there was nothing the campus police could do because the assault took place off campus. When she sought counseling at the university health center, she was told that no one could help her at the moment and to put her name on a waiting list or seek help off campus. One victim's mother tried to reach out to football coach Art Briles and was told by his secretary that his office was aware of the alleged rape and they were looking into it. Briles never returned any follow-up calls from the victim's father. An October 2013 incident did result in a June 2014 sexual assault indictment against football player Sam Ukwuachu. During his trial investigators disclosed that an internal university investigation had cleared Ukwuachu of any wrongdoing.

In a written statement, Briles insisted that he was not involved in any cover-up. He stated, "First that anyone...has been hurt, physically, sexually, emotionally, or spiritually is tragic. I would do anything in my power to try and prevent that. ...I did not cover-up any sexual violence. I had no contact with anyone that claimed to be a victim of sexual or domestic assault." He continued, "When I was alerted that there might have been an assault, my response was clear: the alleged victim should go to the police, report it, and it should be prosecuted. And I never knowingly played anyone with a sexual assault allegation."

In the wake of investigations, Baylor released a statement to *The New York Times* that said: "There should be no doubt that, rather than worrying about its 'brand,' Baylor leadership has been focused on doing the right thing." The statement continued, "No other college or university has made such wholesale leadership changes based on that self-examination. No other college or university has eagerly embraced an ambitious slate of 105 recommended changes." In May 2016, Briles was relieved of his tenure as coach and university president Ken Starr resigned. Athletic director Ian McGaw also later resigned.

Football players implicated in sexual assault charges have left or been expelled. In June 2014,



athlete Tevin Elliott was found guilty on two counts of sexual assault. In August 2015, Ukwuachu was convicted of sexual assault. A third athlete, Shawn Oakman, was arrested in April 2016 on charges of sexual assault and awaits trial in 2018.

**Concept:** Consequentialism

**Ethical Insight:**

Consequentialism is an ethical theory that judges whether or not something is right by what its consequences are. Difficulties arise when the proper consequences are not taken into account. Officials at Baylor University did not take action to investigate male student athletes who had been accused of sexually assaulting female students. Indeed, it seems officials protected these athletes from publicity and criminal charges that should have followed these assaults. In making this decisions, it appears that university officials focused on the beneficial results to Baylor in terms of publicity, fan excitement, and financial support that flowed to the university from its having a successful and high-profile football team. Unfortunately, Baylor officials did not consider the harmful impact of their actions upon the women who were assaulted. They created an unsafe atmosphere where male student athletes were enabled to harm others, more female students were likely to be victimized, and lasting damage was done to the institution when the truth came out.

**Discussion Questions:**

1. What harms were caused by Baylor University's failure to take action to diligently investigate sexual assault allegations? What harms were Baylor officials trying to prevent by their cover-up of these assaults?
2. If officials had taken the consequences to the sexual assault victims into account sooner, do you think their response to the allegations would have been different? Why or why not?
3. Coach Art Briles stated that he "never knowingly played anyone with a sexual assault allegation." However, a *Wall Street Journal* report indicated that Briles knew of an alleged violent incident but did not report it to the school's judicial affairs staff or the police. What are the reasons and rationalizations that could have prompted Briles' failure to act? Explain.
4. If you were an athlete on the football team and became aware of sexual assault allegations against one of your teammates, what would you do and why? What harms are potentially produced by doing this? What harms are potentially produced by *not* doing this?
5. When the survivors of sexual assault sought help from university officials, police, and the health center, they were met with indifference. To what extent do universities have a moral responsibility to their students? How should universities ensure they meet these responsibilities? Explain your reasoning.

6. Baylor University is only one of many educational institutions that, in recent years, have come under scrutiny for failing to address sexual misconduct on campus. What do you think universities are ethically required to do to support victims of sexual misconduct and prevent future misconduct?
7. How can universities promote ethical behavior among faculty, staff, and students?
8. How can individuals promote ethical behavior among their peers?

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Silence at Baylor

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From the desk of Coach Art Briles

[https://www.scribd.com/document/340738534/Briles-Letter#from\\_embed](https://www.scribd.com/document/340738534/Briles-Letter#from_embed)