

Cover-Up On Campus

Art Briles is without question one of the best high school football coaches in the history of Texas high school football. Starting as an assistant coach at a small town, his intelligence, drive, attention to detail, and creativity led him to head coaching jobs at larger and larger schools. He turned a floundering program at Stephenville High School into a powerhouse that won multiple state championships and intimidated even much larger high schools' football teams.

Not without ambition, Briles then took an assistant coaching job at Texas Tech University and soon became a successful head coach at the University of Houston. Then, he took the top job at Baylor University. Baylor is an "unambiguously Christian" university. Its website read (at the time): "In a world where faith is often the casualty of a serious pursuit of academic achievement, Baylor is a special case." Baylor's chancellor and president, Ken Starr, was an enthusiastic promoter of Christian values. Baylor's athletic director, Ian McCaw, was described by former Clemson football coach Tommy Bowden as a "fine Christian man."

Briles seemed like a good fit for Baylor. As Briles often explains, his Christian faith is very important to him. A columnist wrote that Briles was "polite, courteous, and respectful in a way that harkens back to a different era. He is a good man with a good family." Baylor used its Christian values, as embodied in its Christian leaders, as a lure to recruit students, and student-athletes.

In 2008, Briles began as Baylor's head football coach with the goal of ending a 12-year-string of losing records. It was a struggle during the first two years. But Briles' recruiting ability, coaching acumen, and endless energy soon revived the dormant program. In 2010, Baylor had a winning record and went to its first of six straight bowl games. Soon after, Baylor became a team that was annually in the conversation for the nation's best team. Baylor sent numerous players to the NFL and their quarterback, Robert Griffin III, won the Heisman trophy.

On the surface, all seemed well on the Baylor campus, especially at its brand-new \$266 million football stadium. The campus was abuzz with energy and excitement over the football team's success, which is not surprising in Texas. In 2013, Nick Eatman published [Art Briles: Looking Up: My Journey from Tragedy to Triumph](#). And in 2014, Briles wrote and published an autobiography, [Beating Goliath: My Story of Football and Faith](#).

But all was not well on the Baylor campus. In November 2014, Briles published his autobiography and the football team went 11-2. Baylor rose to as high as #4 in the national rankings. The same year, Patty Crawford was named Baylor's first full-time Title IX coordinator. In her first two years in that role, Crawford received 400 reports of sexual harassment, violence, and assault. Seventeen of those victims made complaints of sexual assault or domestic violence against nineteen



football players, including four alleged gang rapes. Crawford said that cases involving football players involved 10% of her caseload even though football players constituted only 4% of the student body. Lawsuits later alleged 52 rapes by 31 football players from 2011 to 2014.

According to Paula Lavigne and Mark Schlabach in their book Violated: Exposing Rape at Baylor University Amid College Football's Sexual Assault Crisis, Crawford said (regarding the gang rapes): "...the younger guys saw what was happening and that no one ever got in trouble for it, and the behavior continued. 'It was just this weird mentality at Baylor that I haven't seen anywhere else.'"

Throughout Briles' tenure at Baylor, women were assaulted by football players. Not much was done if these women complained to the university. This, of course, discouraged others from complaining so the incidents piled up.

The evidence indicates that Baylor's chancellor Starr was largely unaware of what was going on. His fault lay primarily in not giving attention to ensuring that Baylor was meeting its Title IX obligations to police, investigate, and punish such wrongdoing. As president and chancellor, this was ultimately Starr's obligation.

Briles mostly claimed ignorance. He apologized to the board of regents for not knowing what was going on, although there was quite a bit of evidence that he did know. Many students and parents claimed to have made complaints to the football program. But Briles, who seemed to have a good memory when he wrote his autobiography, repeatedly said that he had no memory of complaints, messages, or conversations that victims claimed occurred. But e-mails and text messages surfaced which showed that Briles often knew of complaints and did his best to ensure that they were kept quiet rather than alert university officials in the Title IX office as he was supposed to do. Baylor's athletic director McCaw sometimes did the same.

In one instance, a football player was arrested for assaulting and threatening to kill a male student (a non-athlete). In response, Briles and McCaw exchanged these messages:

BRILES: Just talked to [the player]—he said Waco PD was there—said they were going to keep it quiet—Wasn't a set up deal... I'll get shill [Baylor director of football operations Colin Shillinglaw] to ck on Sibley [a defense attorney often used by Baylor football players].

McCAW: That would be great if they kept it quiet!

When these cases began showing up in the press, Baylor could no longer play the silent game. The Board of Regents took charge and hired a law firm, Pepper Hamilton, to investigate. Its report was not pretty. Among other factual conclusions that the Board reached after reviewing the Pepper Hamilton report (which it refused to release to the public) were these:

Baylor failed to maintain effective oversight and supervision of the Athletics Department as it related to the effective implementation of Title IX. Leadership challenges and

communication issues hindered enforcement of rules and policies, and created a cultural perception that football was above the rules....

Baylor failed to take appropriate action to respond to reports of sexual assault and dating violence reportedly committed by football players. The choices made by football staff and athletics leadership, in some instances, posed a risk to campus safety and the integrity of the University. In certain instances, including reports of a sexual assault by multiple football players, athletics and football personnel affirmatively chose not to report sexual violence and dating violence to an appropriate administrator outside of athletics. In those instances, football coaches or staff met directly with a complainant and/or a parent of a complainant and did not report the misconduct. As a result, no action was taken to support complainants, fairly and impartially evaluate the conduct under Title IX, address identified cultural concerns within the football program or protect campus safety once aware of a potential pattern of sexual violence by multiple football players.

In addition, some football coaches and staff took improper steps in response to disclosures of sexual assault or dating violence that precluded the University from fulfilling its legal obligations. Football staff conducted their own untrained internal inquiries, outside of policy, which improperly discredited complainants and denied them the right to a fair, impartial and informed investigation, interim measures or processes promised under University Policy. In some cases, internal steps gave the illusion of responsiveness to complainants but failed to provide a meaningful institutional response under Title IX. Further, because reports were not shared outside of athletics, the University missed critical opportunities to impose appropriate disciplinary action that would have removed offenders from campus and possibly precluded future acts of sexual violence against Baylor students. In some instances, the football program dismissed players for unspecified team violations and assisted them in transferring to other schools....

In addition to the failures related to sexual assault and dating violence, individuals within the football program actively sought to maintain internal control over discipline for other forms of misconduct. Athletics personnel failed to recognize the conflicts of interest in roles and risk to campus safety by insulating athletes from student conduct processes. Football coaches and staff took affirmative steps to maintain internal control over discipline of players and to actively divert cases from the student conduct or criminal processes. In some cases, football coaches and staff had inappropriate involvement in disciplinary and criminal matters or engaged in improper conduct that reinforced an overall perception that football was above the rules, and that there was no culture of accountability for misconduct.

The regents ultimately fired or forced the resignations of Starr, McCaw, and Briles.

Discussion Questions:

1. Many friends and family members will swear that Starr, McCaw, and Briles are, indeed, fine Christian men. Hundreds of former players will swear to coach Briles' character. Briles, Starr and McCaw were confident in their conduct. Briles said: "I like the way we've handled [the scandal] as a university, an athletic department, and a football program." Yet they, especially Briles and McCaw, seem to have made serious moral mistakes in their handling of this scandal. Could the overconfidence bias provide a partial explanation for why these good men made bad decisions? Explain.
 - a. Could their confidence in their own character and religiosity have subverted careful moral decision making? Discuss.
2. The video quotes behavioral psychologists Tenbrunsel and Bazerman as writing:

"It's likely that most of us overestimate our ethicality at one point or another. In effect, we are unaware of the gap between how ethical we think we are and how ethical we truly are."

 - a. Do you see evidence of that in the Baylor situation? If so, what?
 - b. Have you seen evidence of it in your own life? Explain.
 - c. Are you confident of your own moral character?
 - d. Have you ever made ethical choices that, in retrospect, appear to have been poor ones? How might you have been subject to the overconfidence bias yourself?
3. When people focus too much on one part of the picture, other aspects may fade from view. It seems clear that Starr, McCaw, and Briles were determined to lead Baylor to football prominence. They correctly surmised that athletic success on the field would lead to a financial bonanza for the school—new stadiums, new buildings, record alumni donations. These goals were set and met, but at a terrible price it seems. The moral standards that should have guided the recruiting of football players and the investigations into their wrongdoing faded into the background for these three men who were focused on other accomplishments. Could [ethical fading](https://ethicsunwrapped.utexas.edu/glossary/ethical-fading) [for a brief definition of this concept, watch: <https://ethicsunwrapped.utexas.edu/glossary/ethical-fading>] also have played a role in the poor decision making that facilitated this scandal? Explain your reasoning.
4. When goals conflict, something has to give. In the case of Baylor, it was arguably the safety and welfare of the campus's female student population. With Starr, McCaw, and Briles being single-mindedly committed to attaining football success (and its attendant benefits), they consciously or unconsciously disregarded and disrespected their campus's young women. Explain how [conflicts of interest](https://ethicsunwrapped.utexas.edu/glossary/conflict-of-interest) [for a brief definition, watch: <https://ethicsunwrapped.utexas.edu/glossary/conflict-of-interest>] can give rise to poor

ethical decision making. Do you think conflicts of interest may have played a role in this case? If so, how?

5. Most people have a sort of mental scoreboard in their heads where they compare their image of themselves as good people with their actual deeds. So, when we do something we're not exactly proud of, we will often seek opportunities to help others so we can get our mental scales back in balance. This is called moral compensation. Unfortunately, the reverse is also true. When we feel we have done especially well, we often give ourselves permission to do something a little wrong. Our internal moral scoreboard shows a surplus and we give ourselves permission not to live up to our own moral standards... just this once. This is called moral licensing. We often see it when high-profile televangelists are caught profiting from their parishioners' contributions, or when "family values" politicians are caught with prostitutes, or (perhaps) when Christian football coaches are caught excusing the misdeeds of football players they need in order to win the next game. The coaching team at Baylor had been praised for their many successes and their representation of good Christian values. Do you think moral licensing might have played a role in this scandal? If so, how?
 - a. Have you ever been guilty of moral licensing? Discuss.
6. Neither McCaw nor Briles looked himself in the mirror one morning and said: "To heck with the safety of young women. I've got football games to win." But human beings are amazing rationalizers. We are very good at finding reasons not to live up to our own standards. A common rationalization in the college sports world, and one that was likely at play at Baylor, is often referred to as [altruistic cheating](https://ethicsunwrapped.utexas.edu/glossary/altruistic-cheating) [for a brief definition, watch: <https://ethicsunwrapped.utexas.edu/glossary/altruistic-cheating>]. It doesn't feel so bad to cheat or engage in other wrongdoing if we can say to ourselves that we are doing it to help others and not for purely selfish reasons. Thus, coach Briles could give players a second chance – players whose conduct had gotten them thrown out of other universities – by saying: "I feel a duty, a need and a desire to help other people when things aren't going their way." Does the notion of altruistic cheating make sense to you?
 - a. Could altruistic cheating also have played a part in this scandal? If so, how?

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