

EXHIBIT A

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, JANE DOE 2, JANE *
DOE 3, JANE DOE 4, JANE DOE *
5, and JANE DOE 6, *
Plaintiffs, *
VS. * Cause No. 6:16-cv-173-RP
* JURY TRIAL DEMANDED
BAYLOR UNIVERSITY, *
Defendant. *

ORAL VIDEOTAPED DEPOSITION OF
DAVID E. GARLAND
(VOLUME 1)

a witness in the above entitled and numbered cause,
taken by the Plaintiffs, before Lorna G. Hildebrandt,
Certified Shorthand Reporter #429 in and for the State
of Texas, commencing on the 31st day of May, 2017, from
10:14 a.m. to 4:41 p.m., at the Law Offices of Fulbright
Winniford, P.C., located at 425 Austin Avenue, 22nd
Floor of the ALICO Building, in the City of Waco, County
of McLennan, and State of Texas, in accordance with the
Federal Rules of Civil Procedure and the attached
"Agreement".

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I N D E X

Oral Videotaped Deposition of DAVID E. GARLAND
Examination by Mr. Dunnam 5

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E X H I B I T S

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(NOTE: Document initially marked as Exhibit 5 on Page 108 was withdrawn, and subsequently a new Exhibit 5 was marked on Page 188)

* * * * *

00:00:25 1 THE VIDEOGRAPHER: Going on the record.

10:14:26 2 Today is Wednesday, May 31st, 2017. The time is

10:14:30 3 10:14 a.m. This is the video deposition of David E.

4 Garland.

5 THE REPORTER: And, President Garland, if

6 you would, please raise your right hand to be sworn.

7 **DAVID E. GARLAND,**

8 having been duly sworn to tell the truth, the whole

9 truth, and nothing but the truth, testified as follows:

10 **EXAMINATION**

10:14:48 11 **BY MR. DUNNAM (10:14 a.m.):**

10:14:48 12 Q. Please tell us your name.

10:14:48 13 A. David E. Garland.

10:14:50 14 Q. And what is the correct way I should address you
10:14:54 15 today? Dr. Garland, Mr. Garland, President Garland?

10:14:58 16 A. It doesn't matter to me.

10:14:59 17 Q. Well, I just want to be consistent, and it
10:15:01 18 doesn't matter to me, other than I want to be proper.

10:15:04 19 A. I'm still the President as of today --

10:15:06 20 Q. Okay.

10:15:06 21 A. -- so I guess President would be fine.

10:15:08 22 Q. I will do my best to do that.

10:15:10 23 A. Okay.

10:15:11 24 Q. I've referred to you as "Dr. Garland" so many
10:15:14 25 times, I may --

10:15:15 1 A. That's fine. It doesn't matter to me.

10:15:18 2 Q. So you told us your name. I want to know if
10:15:20 3 you've ever taken a deposition or given a deposition
10:15:23 4 before?

10:15:23 5 A. I have not.

10:15:24 6 Q. I don't want to ask you what your attorneys told
10:15:28 7 you, but -- so let me just go over some things. I'm
10:15:31 8 sure you've been told these things, but you understand
10:15:33 9 you're under oath today?

10:15:34 10 A. Yes.

10:15:35 11 Q. And you understand that we've got a court
10:15:38 12 reporter taking everything down?

10:15:39 13 A. Yes.

10:15:39 14 Q. And we've got a videographer taking everything.
10:15:44 15 You know today, just because we might be informal
10:15:49 16 here and in a conference room of an attorney, you're
10:15:53 17 aware that this is the same as if you were sitting in
10:15:56 18 front of a jury?

10:15:56 19 A. Yes.

10:15:57 20 Q. And can we count on your answers today under
10:15:59 21 oath, even if this matter doesn't go to trial for a
10:16:02 22 period of time?

10:16:03 23 A. Yes.

10:16:04 24 Q. You're going to have an opportunity to read this
10:16:06 25 deposition and make any corrections. You know that?

10:16:09 1 A. I did not know that.

10:16:11 2 Q. Okay. You will, if your attorney requests it,
10:16:13 3 which I'm sure she will.

10:16:15 4 A. Okay.

10:16:15 5 Q. And -- but as we sit here today, I'd like your
10:16:19 6 best answers today. Is that fair enough?

10:16:20 7 A. Sure.

10:16:22 8 Q. And so because of that, if I ask any questions
10:16:26 9 that you don't understand, just tell me.

10:16:30 10 A. Sure.

10:16:30 11 Q. I'll probably even confuse myself. So just make
10:16:34 12 sure that you understand the question before you answer.
10:16:37 13 Is that fair?

10:16:37 14 A. Mm-hmm. Fair.

10:16:39 15 Q. And I know for sure that despite both of our best
10:16:43 16 efforts, we're going to talk over each other, because in
10:16:46 17 conversation it's normal that people talk over one
10:16:50 18 another in conversation. You're going to understand or
10:16:53 19 know what my question is before I'm finished, and we
10:16:59 20 have a tendency to go ahead and answer and that type
10:17:01 21 thing. Let's try to avoid that. I'll try to avoid it.
10:17:05 22 I'll try to let you finish your answer before I start
10:17:07 23 another one, and we're going to do that. With the
10:17:10 24 video, the jury will be able to understand everything,
10:17:14 25 but it will make our court reporter's job --

10:17:15 1 A. Right.

10:17:16 2 Q. -- a lot easier. Is that fair enough?

10:17:18 3 A. Yes.

10:17:18 4 Q. Do you have any other questions about the process
10:17:20 5 here today?

10:17:21 6 A. No.

10:17:21 7 Q. Have you ever given any answers -- I understand
10:17:26 8 you've given a lot of statements to the press, is that
10:17:29 9 right, about these issues we're here today about?

10:17:31 10 A. Some, yes.

10:17:32 11 Q. Okay. And I understand you've given at least one
10:17:37 12 set of statements under oath; is that right?

10:17:40 13 A. You mean the Senate?

10:17:41 14 Q. Yes.

10:17:42 15 A. Senate Hearing? Yes.

10:17:44 16 Q. And you understand those statements were -- even
10:17:46 17 though it wasn't in the courtroom, those were made under
10:17:48 18 oath?

10:17:49 19 A. Yes.

10:17:51 20 Q. And in fact --

10:17:54 21 A. I did not know it at the time, really. I wasn't
10:17:56 22 fully conscious of it, but --

10:17:58 23 Q. Well, can we -- you know -- even if you didn't
10:18:00 24 realize you were under oath, I mean would the statements
10:18:02 25 you gave --

10:18:02 1 A. I tried to be as truthful as possible.

10:18:04 2 Q. Let me get my question out. And I know you knew
10:18:08 3 what I was going to ask you, but even though you were
10:18:12 4 under oath but you didn't realize it, which may be
10:18:15 5 normal, is it fair that my clients can assume that what
10:18:18 6 you told the Texas Senate was truthful?

10:18:20 7 A. It's fair.

10:18:21 8 Q. Fair for us to assume that?

10:18:23 9 A. Yeah.

10:18:24 10 Q. Are you aware of the claims of the 10 young women
10:18:31 11 that I represent?

10:18:31 12 A. I am not fully aware of their claims.

10:18:35 13 Q. Do you know anything about them?

10:18:37 14 A. I do not know -- I don't know what their claims
10:18:42 15 are. I am familiar with perhaps one that I -- that came
10:18:49 16 to, an appeal to me when I was President, but that's the
10:18:54 17 only one that I am aware of.

10:18:56 18 Q. And was that appealed to you when you were
10:18:58 19 President this time or the first time you were
10:19:00 20 President?

10:19:01 21 A. This time.

10:19:02 22 Q. Okay. And today, and just -- I think we should
10:19:04 23 put this on the record. We're going to try to use "Jane
10:19:07 24 Doe" designations for these young women, but we've
10:19:11 25 agreed that if somebody says their name, then we can go

10:19:14 1 back and substitute the appropriate Jane Doe for their
10:19:17 2 name; so I don't want you to be too concerned about
10:19:21 3 that. I mean I don't want you to be spending your time
10:19:25 4 thinking about that rather than thinking about your
10:19:28 5 answer. Okay?

10:19:28 6 A. Okay. Yeah.

10:19:29 7 MR. DUNNAM: And is that correct, Counsel?
10:19:31 8 That's our agreement?

10:19:32 9 MS. BROWN: Yes, our agreement is to protect
10:19:36 10 the confidentiality of student names, and if we
10:19:39 11 inadvertently use a real name, that we will substitute
10:19:43 12 after the fact a pseudonym.

10:19:48 13 BY MR. DUNNAM:

10:19:48 14 Q. Okay. While we're thinking about it, do you know
10:19:52 15 which Jane Doe the one is that made the appeal to you?

10:19:55 16 A. I have forgotten the name.

10:19:57 17 Q. You don't know. So you do not know the young
10:20:00 18 woman's name?

10:20:01 19 A. I've forgotten it, yes.

10:20:04 20 Q. Do you know the circumstances that -- of her
10:20:06 21 situation?

10:20:07 22 A. I have a vague memory of the appeal, but other
10:20:12 23 than that, I don't remember the details.

10:20:15 24 Q. Now, you've been President of -- Do you know
10:20:19 25 whether or not any of -- so let's go -- Let me go back a

10:20:23 1 minute so the jury understands your connection.

10:20:26 2 As you sit here today, you're the President of
10:20:29 3 Baylor University; is that correct?

10:20:30 4 A. That's correct, Interim President.

10:20:32 5 Q. And you've been the Acting President of the
10:20:34 6 university since when?

10:20:35 7 A. June 1 of last year.

10:20:38 8 Q. Did you understand the subject matter that we
10:20:47 9 were going to talk about today? Did you anticipate it
10:20:50 10 or have any understanding about what we were going to
10:20:53 11 talk about today?

10:20:54 12 A. I'm not fully aware what kind of questions you'll
10:20:58 13 ask. I have a general idea that it would be about the
10:21:01 14 sexual assaults that you're representing.

10:21:03 15 Q. And you are aware that we represent 10 young
10:21:06 16 women who have brought claims that they were sexually
10:21:09 17 assaulted, and it involves their treatment by the
10:21:12 18 university. You're aware of that?

10:21:16 19 A. I'm aware that you represent them, yes.

10:21:18 20 Q. And despite that, you sit here today, and you
10:21:20 21 don't know anything about our clients' claims except one
10:21:24 22 of them might have filed an appeal to you?

10:21:25 23 A. No, I do not.

10:21:26 24 Q. Are you not interested in it?

10:21:28 25 A. I am always interested in victims, but -- who are

10:21:32 1 becoming survivors, but I don't know their individual
10:21:34 2 cases.

10:21:35 3 Q. You don't know anything about it?

10:21:37 4 A. I do not know anything except the one.

10:21:41 5 Q. Do you have an opinion of whether their claims
10:21:43 6 are just?

10:21:44 7 A. I don't know their claims to be able to make that
10:21:48 8 evaluation. I don't know the facts of the case.

10:21:51 9 Q. So why didn't you become familiar with them, if
10:21:54 10 you're the President of the university and you knew we
10:21:57 11 were going to talk about their claims?

10:21:58 12 MS. BROWN: Objection to form.

10:22:02 13 MR. DUNNAM: And what would that be?

10:22:05 14 MS. BROWN: I think the question is vague
10:22:09 15 and also intrudes on attorney-client privilege.

10:22:14 16 MR. DUNNAM: Can you read the question
10:22:15 17 again?

10:22:15 18 THE REPORTER: Yes, sir.

10:21:51 19 "So why didn't you become familiar with
10:21:53 20 them, if you're the President of the
10:21:55 21 university and you knew we were going to
10:21:57 22 talk about their claims?"

10:22:31 23 BY MR. DUNNAM:

10:22:31 24 Q. Can you answer that question?

10:22:33 25 A. I assume that this is held in part of the legal

10:22:37 1 process that our lawyers would be taking care of. The
10:22:41 2 President doesn't normally get involved in all of the
10:22:45 3 lawsuits.

10:22:45 4 Q. So were you told not to become familiar with the
10:22:51 5 facts in this case?

10:22:52 6 A. No.

10:22:52 7 Q. You just chose not to?

10:22:55 8 A. I was not -- it was not presented as an -- as an
10:23:00 9 option.

10:23:00 10 Q. Well, it was not presented as an option. So let
10:23:05 11 me ask you this: Who's in a better position to know
10:23:08 12 what happened to these young women, the President and
10:23:10 13 the former Provost and the former President or some
10:23:13 14 lawyers that were hired last year?

10:23:15 15 A. The persons who would be best able to understand
10:23:19 16 the circumstances were those who were directly involved
10:23:22 17 with the -- with the complainants.

10:23:26 18 Q. What about the people that were supervising them
10:23:28 19 and the people that were in charge of the investigation
10:23:31 20 and the people that were in charge of righting the
10:23:33 21 wrongs and correcting the procedures at the university?
10:23:39 22 Should they not know anything about the underlying
10:23:42 23 facts?

10:23:43 24 MS. BROWN: Objection to form.

10:23:44 25 MR. DUNNAM: And what would that be?

10:23:46 1 MS. BROWN: Compound and calls for
10:23:48 2 speculation.

10:23:48 3 BY MR. DUNNAM:

10:23:48 4 Q. Go ahead and answer.

10:23:49 5 A. I can't speculate what they knew or did not know.

10:23:52 6 Q. Let's talk about your history. When did you come
10:23:55 7 to Baylor University?

10:23:56 8 A. 1997.

10:23:57 9 Q. And why did you come to Baylor, or how did you
10:23:59 10 come to Baylor?

10:24:00 11 A. I was asked by the university to come.

10:24:03 12 Q. And where had you been? Where were you?

10:24:05 13 A. I was in Louisville, Kentucky, Southern Baptist
10:24:11 14 Theological Seminary.

10:24:11 15 Q. Give us -- give the jury a little understanding
10:24:13 16 of your background.

10:24:14 17 A. What do you --

10:24:15 18 Q. Well, just, you know, where you come from, where
10:24:17 19 did you grow up, where did you go to school, just -- you
10:24:22 20 know -- just a general background so we know who you
10:24:24 21 are.

10:24:24 22 A. I went to -- I grew up in Baltimore, Maryland. I
10:24:28 23 went to the Naval Academy. I transferred to Oklahoma
10:24:32 24 Baptist University. I did my --

10:24:34 25 Q. How long did you serve in the Navy?

10:24:35 1 A. I was six years, two years active, four years
10:24:39 2 Active Reserve.

10:24:39 3 Q. And what was your rank?

10:24:41 4 A. I was E-5.

10:24:43 5 Q. And did you serve in the States, overseas?

10:24:47 6 A. Only in the States.

10:24:48 7 Q. And what type of service was it?

10:24:49 8 A. Naval Reserve.

10:24:51 9 Q. And what was your degree?

10:24:52 10 A. My degree was Bachelor of Arts, a Master of
10:24:59 11 Divinity and a Ph.D.

10:25:00 12 Q. And Master of Arts in any particular subject
10:25:03 13 matter?

10:25:03 14 A. Master of Divinity.

10:25:05 15 Q. Okay. So that was an undergraduate degree --

10:25:08 16 A. No. It's a Master of Divinity Master degree.

10:25:11 17 Q. Okay. So let me go back because I might not
10:25:14 18 understand the process, and as I understand it, maybe
10:25:18 19 the Naval Academy is different, but you get an
10:25:20 20 undergraduate degree, and then you go get a Master's --

10:25:21 21 A. I went there -- I went there for two years,
10:25:23 22 transferred to Oklahoma Baptist University --

10:25:27 23 Q. Okay.

10:25:27 24 A. -- where I received my Master of Arts.

10:25:27 25 Q. In ...

10:25:29 1 A. In Philosophy.

10:25:30 2 Q. Okay. That's -- I'm sorry. That's what I was
10:25:32 3 trying to get at.

10:25:33 4 Okay. And so you served active duty for how
10:25:37 5 long?

10:25:38 6 A. At the Naval Academy as considered active duty is
10:25:43 7 two years.

10:25:44 8 Q. So while you were at the Naval Academy you were
10:25:47 9 active duty, but when you were transferred to Oklahoma
10:25:49 10 you --

10:25:49 11 A. Was Naval Reserve.

10:25:49 12 Q. -- became Reserve; so you were --

10:25:51 13 A. Active Naval Reserve.

10:25:51 14 Q. When you say you were in the Reserve, Active
10:25:53 15 Naval Reserve how long?

10:25:54 16 A. Four years.

10:25:54 17 Q. And -- Okay. So when did you get your Master's
10:25:59 18 of Divinity?

10:26:00 19 A. 19 ... oh, my goodness, 1973.

10:26:05 20 Q. And where did you go to work, or what did you do
10:26:09 21 after you --

10:26:10 22 A. I was a pastor and a full-time Ph.D. student.

10:26:16 23 Q. And where was that?

10:26:17 24 A. In Louisville, Kentucky. And my pastorate was in
10:26:23 25 Shepherdsville, Kentucky.

10:26:24 1 Q. So you were in the University of Kentucky?

10:26:25 2 A. No. I was at Southern Baptist Theological
10:26:30 3 Seminary.

10:26:30 4 Q. Okay. I'm sorry if you already said that. I
10:26:33 5 missed it.

10:26:33 6 So you got your ... is it a Ph.D. or --

10:26:36 7 A. A Master of Divinity and a Ph.D.

10:26:39 8 Q. Okay. And when did you attain the Ph.D.?

10:26:44 9 A. In 1977.

10:26:45 10 Q. And what did you do after that?

10:26:47 11 A. I was asked to stay on the faculty.

10:26:49 12 Q. And what did you teach?

10:26:50 13 A. I taught New Testament and Greek.

10:26:52 14 Q. I assume you're Baptist?

10:26:54 15 A. Yes.

10:26:54 16 Q. Okay. So just walk us through your employment
10:26:57 17 history through coming to Baylor.

10:27:00 18 A. I taught at Southern Baptist Theological Seminary
10:27:05 19 for 21 years, left, and came to Baylor in 1997 --

10:27:10 20 Q. Okay. And --

10:27:13 21 A. -- to teach at the George W. Truett Theological
10:27:17 22 Seminary.

10:27:17 23 Q. Okay. And I guess you start as an associate
10:27:22 24 professor or assistant professor or what?

10:27:24 25 A. I started as a full professor.

10:27:26 1 Q. Full professor. Okay. And when was the first
10:27:30 2 time you went into any administrative role with Baylor
10:27:34 3 University?

10:27:34 4 A. I believe it was 2002. I'm always fuzzy on
10:27:40 5 dates. And I became Associate Dean.

10:27:43 6 Q. At Truett?

10:27:44 7 A. At Truett.

10:27:45 8 Q. And Truett is the seminary?

10:27:48 9 A. Theological Seminary of Baylor.

10:27:51 10 Q. And you were the Associate Dean. What were your
10:27:55 11 responsibilities as Associate Dean?

10:27:57 12 A. Basically, what Deans do is --

10:28:05 13 Q. That's what I'm asking. I don't know. The jury
10:28:07 14 might know. They might know, but I don't know.

10:28:08 15 A. They hire faculty, direct the faculty, and are in
10:28:16 16 charge of recruiting students and those kinds of things.

10:28:19 17 Q. Do you have any involvement in student conduct
10:28:22 18 issues?

10:28:23 19 A. Not directly.

10:28:24 20 Q. Well, what about indirectly?

10:28:26 21 A. Only the person who -- the Dean of Student
10:28:31 22 Affairs would have had the direct contact with student
10:28:37 23 conduct issues, and appeals would come to the Dean.

10:28:41 24 Q. Not you?

10:28:43 25 A. Well, as Associate Dean, I basically did -- I did

10:28:47 1 those, yes.

10:28:48 2 Q. So the appeals for any student conduct violation
10:28:52 3 would go to you?

10:28:52 4 A. Yes.

10:28:53 5 Q. And walk us through that procedure that has
10:28:56 6 existed. Now, this is -- let me go back, and somebody
10:29:01 7 told me the other day, but let me make sure I've got it.

10:29:04 8 So you're the Associate Dean starting when?

10:29:07 9 A. I think it was 2002. It may be 2001. I can't
10:29:11 10 remember the precise date.

10:29:12 11 Q. Okay. So from that point forward of your tasks,
10:29:18 12 one of them was to consider appeals that came out of the
10:29:24 13 Department of Student Affairs on corrective action --

10:29:28 14 A. Only at the seminary, yeah.

10:29:31 15 Q. Right. So any seminary student that had an issue
10:29:34 16 coming out of a disciplinary issue, I guess ... is that
10:29:38 17 what you would call it?

10:29:38 18 A. Yes.

10:29:39 19 Q. ... for a student conduct violation, the process
10:29:43 20 would end on your desk, and then --

10:29:45 21 A. The process is actually I would become familiar
10:29:49 22 with it, but it also went through the Baylor University
10:29:52 23 student disciplinary process.

10:29:54 24 Q. Okay. So walk us through the process that
10:29:56 25 existed at that time.

10:29:57 1 A. Well, it depends on what the offense was. If it
10:30:03 2 were --

10:30:03 3 Q. Well, a student conduct violation.

10:30:05 4 A. A student conduct violation can be a matter of
10:30:09 5 cheating. It would be sent to the Baylor University
10:30:12 6 Honors Council.

10:30:14 7 Q. Okay. So let's take cheating off the table for a
10:30:17 8 minute. Let's talk about -- so let's -- Describe for me
10:30:20 9 types of personal behavior that are subject to student
10:30:24 10 conduct violations at this time.

10:30:26 11 A. Well, we had a fairly extensive list, but it
10:30:30 12 would be sexual misconduct.

10:30:32 13 Q. What does that include?

10:30:34 14 A. Well, use of pornography, any kind of violation
10:30:42 15 or assault, sexual assault.

10:30:44 16 Q. What about consensual premarital sex?

10:30:48 17 A. That was also, at the seminary, considered to be
10:30:55 18 not acceptable for those who are training to be
10:30:59 19 ministers in the Baptist Convention.

10:31:02 20 Q. Well, I want to -- Let's stick to the student
10:31:05 21 code of conduct, the official policy of the university.
10:31:08 22 That would have applied to the seminary; is that
10:31:10 23 correct?

10:31:10 24 A. The seminary had a stricter policy because of the
10:31:14 25 fact that we're training persons for ministry.

10:31:17 1 Q. Okay. So I assume that the -- and if I ever
10:31:22 2 assume anything that's inaccurate, please correct me.
10:31:24 3 Okay? Fair enough?

10:31:26 4 A. Mm-hmm.

10:31:26 5 Q. One of the things I neglected to add is because
10:31:31 6 -- the video can take you shaking your head.

10:31:34 7 A. Yes, yes.

10:31:34 8 Q. Most people understand "uh-huh" and "huh-uh" --

10:31:37 9 A. Yeah.

10:31:37 10 Q. -- but for the court reporter to write down
10:31:40 11 "uh-huh" or "huh-uh", it's hard to understand them.

10:31:40 12 A. Okay.

10:31:41 13 Q. So while it's normal to answer the way you just
10:31:48 14 did, if you would try to --

10:31:48 15 A. Yes.

10:31:49 16 Q. -- answer audibly.

10:31:50 17 So at the time -- And let's just limit ourselves
10:31:53 18 to this period of time when -- starting in 2001 when you
10:31:56 19 were Associate Dean of Academic Affairs of Truett. You
10:32:01 20 -- There was a university-wide student code of conduct;
10:32:04 21 is that correct?

10:32:05 22 A. Yes.

10:32:06 23 Q. And then in addition, there was a separate ...
10:32:12 24 call it addendum code of conduct that applied to Truett
10:32:16 25 only?

10:32:17 1 A. We had -- we had our own code of conduct --

10:32:20 2 Q. Is it written?

10:32:22 3 A. -- in addition to -- Yes, it was written in the
10:32:24 4 catalog.

10:32:25 5 Q. So let's go back to where we were talking about
10:32:28 6 sexual misconduct. Obviously, we've got issues of
10:32:31 7 sexual assault, you mentioned pornography, and
10:32:35 8 consensual sex you say was a violation of the Truett
10:32:40 9 separate code of conduct. Was it a violation of the
10:32:44 10 university-wide code of conduct?

10:32:44 11 A. I was not familiar with the university-wide. I
10:32:46 12 only had to deal with the Truett Seminary.

10:32:49 13 Q. Okay. Any other personal -- personal conduct
10:32:53 14 that -- other than cheating, that applied?

10:32:56 15 A. Anything in violation of the law.

10:32:59 16 Q. Okay. So walk us through a process of what would
10:33:06 17 happen, how -- Let's just say there was an allegation of
10:33:11 18 consensual premarital sex at Truett. What was the
10:33:16 19 process when you were Associate Dean? This is back in
10:33:18 20 2001.

10:33:19 21 A. This, frankly, did not occur; so I -- you know --
10:33:24 22 I can't remember what our process would have been.

10:33:27 23 Q. What about homosexuality?

10:33:30 24 A. This did not -- Well, there was this -- A case
10:33:37 25 did occur, but it did not come to any kind of process at

10:33:41 1 the seminary. The person --

10:33:42 2 Q. What process?

10:33:44 3 A. The person was receiving a scholarship from the
10:33:49 4 Baptist General Convention of Texas, which depends upon
10:33:53 5 being a member in good standing of a Texas Baptist
10:33:59 6 General Convention of Texas church. The --

10:34:02 7 Q. Congregation member?

10:34:04 8 A. Congregation, in good standing. And the church
10:34:08 9 withdrew the support, and the student then withdrew.

10:34:12 10 Q. So there's never been a student expelled from
10:34:17 11 Truett for being homosexual?

10:34:19 12 A. Not that I'm aware of.

10:34:21 13 Q. Okay. So you're not aware -- even though that
10:34:26 14 you handled the appeals during this period of time, you
10:34:30 15 are not aware, sitting today, of what the process was
10:34:33 16 prior to it reaching your desk?

10:34:36 17 A. The process for the seminary would be to go
10:34:40 18 through the Student Life, and then we would have a
10:34:46 19 committee look at this, and then -- then it became clear
10:34:50 20 that we needed to go through the Baylor University
10:34:51 21 process.

10:34:52 22 Q. And that process was what?

10:34:54 23 A. Sending it to the Honors Council for them to
10:34:57 24 deliberate. We were primarily talking about academic
10:35:02 25 dishonesty.

10:35:05 1 Q. And so you cannot recall a time or an incident
10:35:08 2 during this period of time where a student was
10:35:10 3 disciplined for personal behavior violations of the code
10:35:15 4 of conduct at the -- at Truett?

10:35:18 5 A. I honestly cannot recall.

10:35:21 6 Q. Okay. And let's include alcohol, because we've
10:35:25 7 only talked about sexual issues --

10:35:26 8 A. Mm-hmm.

10:35:27 9 Q. -- alleged sexual misconduct.

10:35:32 10 Do you recall anything where someone was
10:35:34 11 disciplined, put on probation, any type of adverse
10:35:36 12 action taken against them --

10:35:38 13 A. I do not recall.

10:35:38 14 Q. -- for alcohol?

10:35:39 15 A. I do not recall.

10:35:40 16 Q. Okay. So you remained as the Associate Dean of
10:35:45 17 -- Well, let me go back and make sure I cover this, but
10:35:48 18 -- And you don't recall any incidences of reported
10:35:51 19 sexual assault or nonconsensual sexual allegation,
10:35:56 20 inappropriate behavior while you were -- during this
10:35:59 21 period of time from 2001 until, I guess 2005 when you
10:36:03 22 became -- you resigned as Associate Dean?

10:36:06 23 A. I think I did not resign as Associate Dean. I
10:36:09 24 became the Dean in 2007.

10:36:13 25 Q. Okay. So --

10:36:13 1 A. But I do not recall a -- an incident during that
10:36:17 2 time.

10:36:17 3 Q. Okay. So there was a report in the *Waco*
10:36:27 4 *Tribune-Herald* back in January of 2005 that you had
10:36:30 5 stepped down as the Associate Dean position that you
10:36:35 6 held since 2001, and it would be shocking if the
10:36:40 7 newspaper were ever wrong, but you don't recall that?

10:36:42 8 A. I did not step down as Associate Dean until I
10:36:46 9 became appointed as the Dean --

10:36:48 10 Q. Okay.

10:36:49 11 A. -- in 2007.

10:36:50 12 Q. All right. So when you -- Tell us the
10:36:55 13 distinction between being the Associate Dean of Academic
10:36:59 14 Affairs and the Association -- Associate Dean, the
10:37:04 15 position that you obtained in -- or the Dean of the
10:37:11 16 seminary. What was the distinction?

10:37:13 17 A. Well, Associate Dean is primarily concerned with
10:37:19 18 internal academic affairs. The Dean is concerned about
10:37:21 19 also external affairs, financial budgeting, as well as
10:37:28 20 raising money.

10:37:29 21 Q. Is the Dean of the college or the seminary, is
10:37:39 22 that the person that's ultimately responsible for
10:37:41 23 running that department within the university?

10:37:44 24 A. Ultimately responsible for what happens in the --
10:37:50 25 in the school.

10:37:50 1 Q. Why, when you were the Associate Dean of Academic
10:37:54 2 Affairs, would appeals for personal misconduct other
10:37:57 3 than cheating come to your desk, things like drinking or
10:38:01 4 sexual misconduct?

10:38:02 5 A. Will you ask --

10:38:03 6 Q. Why would appeals for student conduct violations
10:38:08 7 other than cheating come to you for an appeal if you
10:38:12 8 were just the Associate Dean of only Academic Affairs?

10:38:15 9 A. I was basically -- the Dean did not live on -- in
10:38:22 10 Waco; and so I basically took care of most things.

10:38:26 11 Q. Do you recall any appeals?

10:38:36 12 A. I do not recall any appeals, except I'm sure
10:38:40 13 there were academic dishonesty issues, but I don't
10:38:47 14 recall specific appeals.

10:38:49 15 Q. Are you sure there weren't any in regard to
10:38:51 16 academic issues?

10:38:52 17 A. Excuse me?

10:38:54 18 Q. Are you sure there weren't any, or are you just
10:38:56 19 guessing? There may have been.

10:38:56 20 A. I'm -- I assume there were. I don't recall
10:39:00 21 specifics.

10:39:02 22 Q. Okay. So you became the Dean of the seminary in
10:39:05 23 2007; is that right?

10:39:07 24 A. I -- That's correct.

10:39:10 25 Q. And at that time, during that period of time, you

10:39:14 1 remained in that position until what time?

10:39:16 2 A. I believe about six months or so later I became
10:39:22 3 the Interim President.

10:39:24 4 Q. So let's talk about this period of time when you
10:39:27 5 were the Dean of the seminary up until -- and let's hold
10:39:31 6 off on you being the President. And that happened, I
10:39:34 7 guess, in August of 2008?

10:39:36 8 A. I -- My dates are confusing, but I think that's
10:39:42 9 correct.

10:39:42 10 Q. Okay. During that period of time, did you recall
10:39:51 11 any appeals reaching your desk for student conduct
10:39:53 12 violations?

10:39:54 13 A. As Dean?

10:39:55 14 Q. Yes.

10:39:55 15 A. No.

10:39:56 16 Q. So from '01 until the time you became President
10:40:03 17 in 2008, what was the process for a student to go
10:40:13 18 through if they were -- if they came forward with an
10:40:20 19 allegation of sexual misconduct? What was the process
10:40:23 20 that student was to go through?

10:40:25 21 A. The process would be likely that they would go
10:40:28 22 to --

10:40:28 23 Q. Well, hold on. I don't want you to say "likely".
10:40:30 24 I want to know if you know or not.

10:40:32 25 A. Well, the process would be for them to go report

10:40:34 1 it to the Student Life, Dean of Student Life at the
10:40:37 2 seminary. That would then be reported to Judicial
10:40:40 3 Affairs at the university.

10:40:41 4 Q. Okay. And let me make sure that -- Is that what
10:40:46 5 you think it was, or that's what you know it was?
10:40:48 6 Because you started --

10:40:49 7 A. I --

10:40:50 8 Q. Hold on a second. Let me finish, if I could. I
10:40:52 9 understand you know what I'm asking, but again, we're
10:40:54 10 trying not to talk over one another.

10:40:56 11 But, so the process -- you started your answer by
10:40:59 12 saying it was "likely" this; and so I don't want you to
10:41:02 13 guess.

10:41:02 14 A. Right.

10:41:03 15 Q. If you really don't know, I'd prefer you say "I
10:41:05 16 don't know", but if you have a -- you know -- if you
10:41:08 17 have a pretty good idea, then go ahead and tell us.

10:41:11 18 A. I really don't know, but it would be partly
10:41:13 19 because we -- I didn't have that experience for us to go
10:41:16 20 through; so I don't recall.

10:41:17 21 Q. Okay. Did anybody make you aware of what the
10:41:20 22 process would be, as the Dean of the university -- of
10:41:23 23 the department, of what the process would be? Even
10:41:27 24 though you never went through it, were you --

10:41:29 25 A. I knew that we would -- if we had a serious case,

10:41:32 1 that we would take it through Judicial Affairs.

10:41:35 2 Q. And how long had there been a Department of
10:41:42 3 Judicial Affairs at the university?

10:41:43 4 A. I do not know the length of that department.

10:41:47 5 Q. Do you -- did you receive any specific training
10:41:51 6 about what the process would be, or is that just your --

10:41:54 7 A. I did not.

10:41:55 8 Q. Okay. So again, let's try to not talk over each
10:41:58 9 other. And again, I'm not trying to fault you.

10:42:01 10 A. Sorry.

10:42:01 11 Q. It is a normal behavior. You know --

10:42:03 12 A. Okay.

10:42:04 13 Q. You probably assume what I'm going to ask, but
10:42:07 14 let me get it out.

10:42:08 15 A. Okay.

10:42:09 16 Q. So what you just told the jury is what you assume
10:42:12 17 the process would have been. Is that a correct
10:42:15 18 characterization?

10:42:15 19 A. At the seminary.

10:42:16 20 Q. All right. But you can't -- sitting here today,
10:42:21 21 you didn't -- you didn't actually know. You just
10:42:23 22 assumed that's what you would have done if someone had
10:42:25 23 come forward with an allegation of sexual assault?

10:42:29 24 A. That is what I assume to be the case.

10:42:31 25 Q. Okay.

10:42:31 1 A. And I know that I would have been asking
10:42:33 2 questions to find out the process.

10:42:35 3 Q. Okay. If it had ever come to your desk?

10:42:38 4 A. That's correct.

10:42:39 5 Q. All right. So ... Okay.

10:42:54 6 All right. So you became the President, and I
10:42:58 7 don't want to play, you know, "guess the date" with you.
10:43:01 8 I was -- I think it was in August of '08, but that could
10:43:04 9 be wrong. Let's just assume it was in '08 at some
10:43:07 10 point. You did say it was -- And you had originally
10:43:11 11 told us that you thought it was about six months after
10:43:13 12 you were Dean of the seminary, but that apparently
10:43:17 13 happened around March of '07, but some --

10:43:19 14 A. Okay. Yeah.

10:43:20 15 Q. Let's just say sometime in '08 you became the
10:43:22 16 President or the Acting President, correct?

10:43:25 17 A. The Interim President.

10:43:26 18 Q. Okay. And you remained the Interim President for
10:43:30 19 how long?

10:43:30 20 A. For about 20 months.

10:43:31 21 Q. Right. So what were the circumstances that you
10:43:36 22 became the President?

10:43:38 23 A. I was called out of the blue, and then I flew
10:43:49 24 to --

10:43:49 25 Q. Who called you?

10:43:50 1 A. One of the -- one of the regents.

10:43:52 2 Q. Who?

10:43:52 3 A. Gary Elliston.

10:43:55 4 Q. And was he President of the board or anything, or
10:44:00 5 was he just a regent?

10:44:01 6 A. Yeah, he was just a regent.

10:44:02 7 Q. Was he on -- on any -- We'll go ahead. Let's
10:44:10 8 finish this, and I'll go back and ask you.

10:44:12 9 So you get a call from Mr. Elliston, and you were
10:44:15 10 where?

10:44:15 11 A. Aware of ...

10:44:17 12 Q. You were "where"? You were at Baylor?

10:44:21 13 A. Oh, I was at -- Yes.

10:44:23 14 Q. Okay.

10:44:23 15 A. I was Dean of the seminary.

10:44:25 16 Q. All right. So Elliston calls you out of the
10:44:28 17 blue, and what does he say?

10:44:29 18 A. "Would you consider becoming the Interim
10:44:33 19 President?"

10:44:34 20 Q. And walk me through that discussion.

10:44:36 21 A. I was rather shocked, did not particularly want
10:44:42 22 to be, and was encouraged to reconsider and to accept.

10:44:50 23 Q. So you originally turned it down?

10:44:52 24 A. I originally decided that I did not want to do
10:44:55 25 that.

10:44:55 1 Q. Why not?

10:44:56 2 A. I enjoyed being the Dean of the seminary.

10:45:00 3 Q. Did you feel qualified to be President?

10:45:04 4 A. I -- I personally have -- Being President is a
10:45:13 5 very difficult job, and I didn't consider myself
10:45:17 6 qualified. I was amazed that many others did.

10:45:28 7 Q. Okay. And who is this gentleman here?

10:45:30 8 A. This is David Iler.

10:45:32 9 Q. And what's his role with the university?

10:45:34 10 A. He is part of the General Counsel at Baylor
10:45:37 11 University.

10:45:37 12 Q. Okay. How long has he been in that position?

10:45:41 13 A. I -- Four months? I can only guess. I don't
10:45:50 14 know.

10:45:50 15 Q. Months or years is really what I was trying --

10:45:53 16 A. Months.

10:45:53 17 Q. This year?

10:45:54 18 A. Yes.

10:45:55 19 Q. And we're in 2017, right?

10:46:00 20 A. Yeah. Yes. I'm --

10:46:02 21 Q. Okay. So did Elliston explain to you why there
10:46:10 22 was a need for an Interim President, or had Lilley
10:46:12 23 already left?

10:46:13 24 A. They -- President Lilley had already left.

10:46:16 25 Q. And walk us through the circumstances of his

10:46:21 1 departure as you --

10:46:23 2 A. I was not familiar with those circumstances at
10:46:25 3 all.

10:46:25 4 Q. Did you ever become familiar with them?

10:46:27 5 A. No, I did not.

10:46:28 6 Q. So sitting here today, you do not know why
10:46:30 7 President Lilley left the university?

10:46:32 8 A. I only know that the regents dismissed him from
10:46:36 9 the position.

10:46:37 10 Q. And you don't know why?

10:46:39 11 A. I was not privy to why they did that.

10:46:42 12 Q. Were there any problems with his performance of
10:46:49 13 his job duties that you're aware of?

10:46:51 14 A. I was -- that would -- I was not part of the
10:46:54 15 regents' decision; so I was not aware of what their
10:46:57 16 issues were.

10:46:58 17 Q. Well, so -- but you're taking over this job as
10:47:04 18 President, correct?

10:47:05 19 A. Correct.

10:47:06 20 Q. And you were not curious to know what the
10:47:08 21 deficiencies had been, why you were being brought in,
10:47:12 22 what deficiencies you might be called upon to correct?
10:47:16 23 Were you not curious about that?

10:47:17 24 A. I did not delve into the issues specifically that
10:47:23 25 led to his dismissal. I was aware of things that I

10:47:27 1 needed to do as the Interim President.

10:47:30 2 Q. Well, what were you generally aware of?

10:47:32 3 A. I was generally aware that there was serious
10:47:36 4 dissatisfaction on the part of the faculty toward
10:47:41 5 President Lilley. There was an incidence where several
10:47:46 6 people were rejected for tenure. This caused some
10:47:51 7 dismay among the faculty, but I was not privy to any of
10:47:55 8 the regents' discussions.

10:47:56 9 Q. When you become President of the university, tell
10:48:00 10 me -- tell the jury, what does that mean at Baylor
10:48:03 11 University, being President?

10:48:06 12 A. The President of the university is the Chief
10:48:10 13 Executive Officer.

10:48:10 14 Q. And who is at this time -- and this is the period
10:48:16 15 of time between 2008 and 2010. Who's running the
10:48:19 16 university day to day?

10:48:20 17 A. There are many people running the university day
10:48:23 18 to day.

10:48:23 19 Q. Okay. Well, let's go through who they are. I'm
10:48:26 20 not talking about departments. I'm talking about
10:48:28 21 administrating the university.

10:48:30 22 A. There are -- you know -- there are countless
10:48:34 23 persons. There's the CFO, Chief Financial Officer.

10:48:39 24 Q. Who is that at this time?

10:48:40 25 A. At the time it was Reagan Ramsower.

10:48:43 1 There is the --

10:48:43 2 Q. Did he have any other roles at that time?

10:48:46 3 A. I don't recall other roles.

10:48:48 4 Q. Okay.

10:48:49 5 A. There are -- there is the Chief Academic Officer,
10:48:53 6 the Provost, there is General Counsel, there is the Vice
10:48:59 7 President for Student Life, there is the Vice President
10:49:05 8 for Marketing and Communications, there is the persons
10:49:10 9 in charge of the facilities, and there are persons in
10:49:22 10 charge of alumni relations. It's just a very long range
10:49:27 11 of persons.

10:49:28 12 Q. Okay. So give us -- give the jury an idea of
10:49:35 13 your job functions on a day-to-day basis as the
10:49:38 14 President of the university.

10:49:39 15 A. That's very difficult to do. The job functions
10:49:43 16 vary from day to day, and they're very wide.

10:49:46 17 Q. Well, I don't know -- I don't know them; so I
10:49:49 18 don't know who better to ask than you. So can you walk
10:49:51 19 us through the general functions of the President of the
10:49:53 20 university?

10:49:54 21 A. Well, so many things come across the President's
10:49:58 22 desk related to all of the operations of the university;
10:50:03 23 so it varies from day to day.

10:50:06 24 Q. Well, during your time as the President of the
10:50:13 25 university ... and let's go back, and let's talk about

10:50:16 1 the student code of conduct issues. Do you recall any
10:50:19 2 allegations of sexual assault during the time period
10:50:22 3 when you were the President the first time?

10:50:25 4 A. I do not.

10:50:26 5 Q. And what was the process for someone to go
10:50:33 6 through at that time during those two years?

10:50:35 7 A. The process, it would have been --

10:50:38 8 Q. Again, let me go back, and I just want to caution
10:50:41 9 you. I want to just draw a distinction between what you
10:50:45 10 know --

10:50:45 11 A. Right.

10:50:45 12 Q. -- and what you think it was. Okay?

10:50:48 13 A. Okay.

10:50:48 14 Q. So do you know?

10:50:49 15 A. I do not know specifically, going back to that
10:50:54 16 time, but I do think that it would have gone through
10:50:58 17 Judicial Affairs.

10:50:58 18 Q. Okay. And again, you used the term
10:51:02 19 "specifically" --

10:51:03 20 A. Right.

10:51:04 21 Q. -- and I'm trying to ascertain whether that's a
10:51:07 22 term you use generally.

10:51:09 23 Is there -- Did you know generally what people
10:51:10 24 were to do, or did you -- or just sitting here today,
10:51:13 25 you assume this is what they would have done?

10:51:15 1 A. We had a policy -- we've always had a policy of
10:51:19 2 sexual misconduct; and so it would have gone through the
10:51:22 3 processes in Student Life and then also through Judicial
10:51:26 4 Affairs.

10:51:26 5 Q. Is that what you assume, or is that what you
10:51:29 6 know?

10:51:29 7 A. That's what I know because of the processes that
10:51:34 8 came through Student Life.

10:51:36 9 Q. So during this two-year period of time, a minute
10:51:40 10 ago you said you weren't. You guessed this is what it
10:51:44 11 was.

10:51:44 12 A. Right. I'm -- you know -- my memory is fuzzy
10:51:48 13 because of the lack of -- there were no sexual assault
10:51:52 14 issues that came up during this time.

10:51:55 15 Q. In fact, during your period of time from 2008
10:52:00 16 through 2010, you-all were filing annual reports with
10:52:04 17 the Department of Education notifying the U.S.
10:52:07 18 Government that there were no sexual assaults on Baylor
10:52:10 19 campus during your tenure as President; is that correct?

10:52:13 20 A. That's correct.

10:52:13 21 Q. Who prepared those reports?

10:52:15 22 A. I do not know exactly.

10:52:18 23 Q. Were they -- Were they reports that you approved?

10:52:22 24 A. I would have known about them. I don't know if I
10:52:25 25 signed off on them.

10:52:26 1 Q. Do you recall ever seeing one?

10:52:28 2 A. I do not recall.

10:52:29 3 Q. You just assumed you saw them and signed off on
10:52:32 4 them?

10:52:33 5 A. I did -- I do not know, no.

10:52:35 6 Q. Okay. And again, I'm not trying to get on you.
10:52:38 7 I'm trying to make a distinction --

10:52:39 8 A. Right. I understand.

10:52:41 9 Q. -- between what you say, "Well, I assume this is
10:52:43 10 what happened" as opposed to "Yes, this is what
10:52:46 11 happened". Okay?

10:52:47 12 A. Right. Right.

10:52:49 13 Q. And going back, just to make sure there's no
10:53:06 14 misunderstandings, you're not aware of any specific
10:53:09 15 process a student would go through if they were -- made
10:53:11 16 an allegation of improper sexual behavior. You assume
10:53:16 17 generally this is what it would have been, but sitting
10:53:20 18 here today, you still don't know --

10:53:20 19 A. That's true.

10:53:22 20 Q. -- during this time period?

10:53:22 21 A. That's true.

10:53:23 22 Q. Okay. Do you know who was responsible for
10:53:29 23 determining -- determining the accuracy of these reports
10:53:34 24 that were given to the U.S. Government asserting that
10:53:37 25 there were no sexual assaults at Baylor during this

10:53:41 1 period, this period of time?

10:53:42 2 A. I do not.

10:53:42 3 Q. Who's responsible for it right now?

10:53:48 4 A. Shelley Dietz.

10:53:50 5 Q. Now, after -- So walk us through. You -- Let me
10:54:11 6 go back to the question. We talked about Mr. Ellison
10:54:16 7 calling you. So explain to the jury the -- how the
10:54:21 8 Board of Regents ... and it's called "regents"; is that
10:54:24 9 correct?

10:54:24 10 A. Correct.

10:54:25 11 Q. They're not trustees. They're --

10:54:26 12 A. They're regents.

10:54:28 13 Q. Okay. And let's talk about during this period of
10:54:31 14 time when you were President. Were there any changes in
10:54:34 15 how the board -- governance structure during your time
10:54:39 16 as President?

10:54:40 17 A. I do not remember any changes.

10:54:42 18 Q. Okay. And as far as you were aware, up until the
10:54:44 19 time that you left as President, there had not been any
10:54:47 20 changes in governance during your tenure at Baylor
10:54:50 21 University?

10:54:50 22 A. No.

10:54:51 23 Q. Okay. I guess let me make sure we're not doing a
10:54:55 24 double negative.

10:54:56 25 A. Okay.

10:54:56 1 Q. You were not aware --

10:54:58 2 A. I was not aware.

10:54:59 3 Q. Okay. So how many regents were there at this
10:55:01 4 time?

10:55:02 5 A. Oh, I can't remember exactly. It may have been
10:55:05 6 in the thirties. I just don't remember.

10:55:07 7 Q. Okay. And there's some discussion about that a
10:55:14 8 percentage or a number of regents were selected by the
10:55:18 9 Southern Baptist Convention or something like that. Is
10:55:20 10 that correct?

10:55:20 11 A. That's not correct. They're selected --
10:55:23 12 25 percent are selected by the Baptist General
10:55:27 13 Convention of Texas.

10:55:27 14 Q. Okay. Baptist General Convention?

10:55:30 15 A. That's not the Southern Baptist Convention.

10:55:33 16 Q. Okay. What's the difference?

10:55:33 17 A. The Southern --

10:55:35 18 Q. I'm a Methodist; so --

10:55:36 19 A. The Southern Baptist Convention is a national
10:55:39 20 convention. The Baptist General Convention is only
10:55:41 21 Texas.

10:55:41 22 Q. And Baylor disassociated from the Southern
10:55:48 23 Baptist Convention at some point; is that correct?

10:55:49 24 A. No, they did not disassociate from the Southern
10:55:50 25 Baptist. They did separate from the Baptist General

10:55:53 1 Convention of Texas, but then still allowed 25 percent
10:55:56 2 of their regents to be nominated by the Baptist General
10:56:00 3 Convention of Texas.

10:56:00 4 Q. Okay. So let's talk about that term,
10:56:03 5 "nominated". How are they selected? They're entitled
10:56:07 6 to nominate 25 percent?

10:56:09 7 A. They nominate, and the regents then sit down in
10:56:14 8 consultation with representatives of the Baptist General
10:56:18 9 Convention of Texas and then decide on whom they would
10:56:20 10 like to add as regents.

10:56:22 11 Q. So the 25 percent of the board that is supposedly
10:56:30 12 made up or selected by the Baptist General Convention is
10:56:33 13 actually just nominating. The board selects them; is
10:56:37 14 that correct?

10:56:38 15 A. It's done through consultation with -- mutual
10:56:43 16 consultation, and then they're elected by the Baptist
10:56:49 17 General Convention of Texas.

10:56:49 18 Q. Well, does the board have the right to say "We
10:56:51 19 don't like this nominee, and we veto them" or some --

10:56:56 20 A. I don't know that that ever had happened --

10:56:59 21 Q. That's not what I asked you.

10:57:00 22 A. -- but I assume that is correct.

10:57:02 23 Q. Well, do you know that to be correct, or are you
10:57:05 24 assuming?

10:57:06 25 A. That is correct.

10:57:07 1 Q. Okay. So when we say that the Baptist General
10:57:10 2 Convention gets to select or put 25 percent of the board
10:57:14 3 members on, that's sort of misleading, isn't it?

10:57:16 4 A. I don't believe it's misleading, because there is
10:57:19 5 a mutual cooperation between both, both entities.

10:57:23 6 Q. But at the end of the day, unless the existing
10:57:26 7 regents approve that nominee, they will not go on the
10:57:29 8 board, correct?

10:57:30 9 A. That is -- that is correct.

10:57:30 10 Q. And let me ask you, my understanding is there's a
10:57:34 11 faculty representative; is that true?

10:57:36 12 A. A faculty representative of what?

10:57:38 13 Q. On the Board of Regents.

10:57:40 14 A. There is a -- currently a faculty regent.

10:57:43 15 Q. And how long has that been the case?

10:57:45 16 A. I think that has been maybe four, three to four
10:57:53 17 years.

10:57:53 18 Q. Okay. So during the period of time when you were
10:57:55 19 the President of the university the first time, there
10:57:58 20 was not a faculty representative on the Board of
10:58:01 21 Regents?

10:58:01 22 A. There was not.

10:58:02 23 Q. Was there a student representative on the Board
10:58:06 24 of Regents, non-voting?

10:58:07 25 A. There was not.

10:58:08 1 Q. So we know that the existing board has to approve
10:58:18 2 any nominee from the General Baptist Convention, and
10:58:21 3 that makes up 25 percent of the board. How is the other
10:58:26 4 75 percent of the board -- how was that selected during
10:58:29 5 the time that you were President from 2008 to 2010?

10:58:31 6 A. I was not involved in that process.

10:58:34 7 Q. Well, who selected them is my question?

10:58:36 8 A. The regents select them, but I was not involved
10:58:40 9 in the direct process of electing regents.

10:58:43 10 Q. So while you were President, it's accurate to say
10:58:45 11 that the existing Board of Regents is the ones
10:58:48 12 ultimately and solely responsible for the final decision
10:58:51 13 of who they -- who the oncoming regents will be?

10:58:54 14 A. That is correct.

10:58:54 15 Q. Okay. Is there -- During this period of time,
10:59:09 16 was there anyone that the regents answered to or were
10:59:16 17 accountable to, other than themselves?

10:59:18 18 A. Ultimately to God.

10:59:20 19 Q. Okay. How about someone who is in the ... what's
10:59:29 20 the word? I can't remember the word ... earthly world?

10:59:33 21 A. I assume that -- and I do not know, but I think
10:59:38 22 that the Texas government might have some influence, but
10:59:45 23 -- over some, if there is misuse of their fiduciary
10:59:57 24 authority, but I don't know.

10:59:57 25 Q. Well, that's actually something that Baylor has

11:00:00 1 and always has resisted and was resisting up until last
11:00:05 2 week; is that correct?

11:00:06 3 A. I don't know what you're talking about; so --

11:00:08 4 Q. Well, you appeared before the Texas Senate
11:00:10 5 telling the Texas legislators to stay out of your
11:00:14 6 business; isn't that right?

11:00:14 7 A. I did not tell them to stay out of my -- our
11:00:17 8 business.

11:00:17 9 Q. You requested that they not pass a series of six
11:00:20 10 laws that are currently going to the Governor's desk?

11:00:23 11 A. I don't know what six laws.

11:00:26 12 Q. So as Acting President, the President for the
11:00:29 13 last year, you do not know what legislation has been
11:00:32 14 passed in the Texas legislature affecting Baylor
11:00:35 15 University?

11:00:35 16 A. I do not know what six laws specifically you're
11:00:37 17 talking about.

11:00:38 18 Q. Do you know them generally?

11:00:39 19 A. Yeah, I would need to know what specifically
11:00:42 20 you're talking about.

11:00:43 21 Q. Well, I'm asking you. You're the President of
11:00:45 22 the university. And sitting here today, the
11:00:48 23 legislature, you understand that they recessed Monday,
11:00:51 24 two days ago?

11:00:52 25 A. Yes.

11:00:52 1 Q. And are you aware, even generally, of the
11:00:56 2 legislation that they just passed that may impact Baylor
11:01:00 3 University?

11:01:00 4 A. I am not aware of any specific laws that passed
11:01:07 5 that directly affect Baylor University. Perhaps all of
11:01:10 6 the universities, but I don't know.

11:01:12 7 Q. Who's Baylor's lobbyist?

11:01:16 8 A. Our lobbyist that works for Baylor is Rochonda
11:01:23 9 Farmer-Neal.

11:01:23 10 Q. When was she hired?

11:01:26 11 A. She was hired when I was President, and I do not
11:01:28 12 remember the exact date.

11:01:29 13 Q. The President this current term?

11:01:34 14 A. President when I was President the first time --
11:01:36 15 Interim President the first time.

11:01:38 16 Q. Okay. So let's walk back. We're talking about
11:01:41 17 the governance of the university when you were President
11:01:49 18 the first time.

11:01:52 19 30-some-odd regents sounds a little unwieldy to
11:02:01 20 me, and maybe it's not. How does that 30 regents -- how
11:02:05 21 do 30 people make these types of decisions when they
11:02:11 22 meet four times a year?

11:02:13 23 MS. BROWN: Objection to form.

11:02:15 24 BY MR. DUNNAM:

11:02:16 25 Q. Well, let me ask. How many times do the regents

11:02:18 1 meet per year?

11:02:19 2 A. Four times.

11:02:20 3 Q. Okay. And explain to me how -- what the process
11:02:23 4 is. Is there a -- I don't know the correct terminology,
11:02:28 5 but a smaller working group, a controlled group? I
11:02:32 6 don't know what you want to call it, but is there a
11:02:34 7 smaller group of regents that make decisions or make
11:02:37 8 recommendations to the full board?

11:02:39 9 A. At what time or at what period?

11:02:41 10 Q. During the period of time when you were President
11:02:43 11 the first time.

11:02:44 12 A. There was not.

11:02:45 13 Q. So how did recommendations come to the board?

11:02:50 14 A. Recommendations came from individual regents.

11:02:54 15 Q. And they would debate them and decide them all
11:02:58 16 during a two-day meeting four times a year?

11:03:01 17 A. That's correct.

11:03:02 18 Q. Was there any process for regents to propose
11:03:08 19 issues and then the administration or staff work on
11:03:13 20 those, develop those?

11:03:16 21 A. There -- If issues were raised by the regents,
11:03:20 22 then the administration staff would work on those.

11:03:23 23 Q. Can you recall that ever happening?

11:03:24 24 A. I do not recall.

11:03:26 25 Q. So when you left as President in 2010, what was

11:03:39 1 your next position?

11:03:40 2 A. I went back to being Dean of the seminary
11:03:43 3 full-time. I was always Dean during that time. Then I
11:03:46 4 went back full-time as Dean.

11:03:48 5 Q. Were you involved in the hiring of Professor
11:03:57 6 Starr? I can't remember what he goes by.

11:03:59 7 A. I was -- had no involvement whatsoever.

11:04:02 8 Q. Did you meet with him before he was hired and
11:04:05 9 explain to him the job duties or anything of that
11:04:08 10 nature?

11:04:08 11 A. I met with him before he was hired.

11:04:12 12 Q. And tell us about that. You met with him one
11:04:15 13 time? Was it a --

11:04:16 14 A. I think we met one time.

11:04:18 15 Q. Was it anything more than a casual
11:04:20 16 meet-and-greet, or was it a substantive meeting?

11:04:24 17 A. It was casual meet-and-greet.

11:04:25 18 Q. So it was not a substantive discussion of Baylor
11:04:28 19 governance policy?

11:04:30 20 A. It was not.

11:04:30 21 Q. Okay. Were issues of -- code of conduct issues
11:04:36 22 ever discussed by you and President Starr before he
11:04:39 23 joined the university?

11:04:40 24 A. No.

11:04:41 25 Q. Were they ever discussed after he joined the

11:04:43 1 university?

11:04:44 2 A. With me, no.

11:04:45 3 Q. You said "with me". Was it with someone else?

11:04:50 4 A. I don't know.

11:04:50 5 Q. Okay. That's what I wanted to know.

11:04:53 6 So at some point, I think in 2014, were you named
11:04:58 7 the Provost?

11:05:00 8 A. I was named Interim Provost.

11:05:02 9 Q. Okay. So when you use the term "interim" when
11:05:05 10 you're President and Provost ... both times you were
11:05:09 11 Interim President, Interim Provost ... were there any
11:05:12 12 limitations on your duties in those offices because we
11:05:16 13 put the term "interim" on it?

11:05:18 14 A. There were no limitations.

11:05:19 15 Q. Okay. So you -- so while it was understood that
11:05:23 16 you would be replaced by someone eventually, you were
11:05:27 17 the President of the university?

11:05:28 18 A. I was.

11:05:29 19 Q. And sitting here today, you are the President of
11:05:31 20 the university?

11:05:31 21 A. I am.

11:05:32 22 Q. Okay. So what are the jobs of the Provost?

11:05:36 23 A. The Provost is the Chief Academic Officer. It
11:05:40 24 has to do with hiring of faculty, directing academic
11:05:46 25 programs, budgeting of individual schools; and also,

11:05:58 1 academic dishonesty issues came as part of some appeal
11:06:04 2 process. It was just on the -- not the final appeal,
11:06:08 3 but they also heard academic dishonesty issues. Also,
11:06:13 4 all of the academic planning and vision for the schools.

11:06:20 5 Q. Were you involved in student conduct issues,
11:06:29 6 other than academic misconduct?

11:06:32 7 A. I was only involved in academic dishonesty
11:06:36 8 issues.

11:06:36 9 Q. Were you involved -- And here again, we're
11:06:38 10 talking now, you know, from your period of time from
11:06:41 11 2001 now through the end of you being Provost in what
11:06:46 12 year?

11:06:47 13 A. I assume it's 2015.

11:06:51 14 Q. It's my understanding that it was summer of 2015.

11:06:58 15 A. Yes.

11:06:59 16 Q. Does that sound correct to you?

11:06:59 17 A. That's correct.

11:06:59 18 Q. So you were Provost for about a year?

11:07:01 19 A. I was.

11:07:01 20 Q. Do you recall there ever being any issues or
11:07:03 21 discussions about sexual misconduct, Title IX,
11:07:08 22 discrimination type issues being brought to your
11:07:11 23 attention?

11:07:12 24 A. Title IX issues were brought because we were
11:07:16 25 hiring a Title IX Coordinator.

11:07:18 1 Q. And when was that coordinator hired?

11:07:20 2 A. I can't remember exact dates.

11:07:23 3 Q. Well, approximately?

11:07:24 4 A. It was during my time as Interim Provost; so it
11:07:29 5 would have been 2014 to '15. I don't know exactly.

11:07:32 6 Q. Who was that person?

11:07:33 7 A. That person was Patty Crawford.

11:07:35 8 Q. And were you involved in the decision that you
11:07:38 9 needed -- that Baylor needed a Title IX Coordinator?

11:07:41 10 A. I was not involved in the decision specific --
11:07:47 11 directly, but after the "Dear Colleague Letter" it
11:07:54 12 became very clear that we needed to have a full-time
11:07:58 13 Title IX Coordinator.

11:08:00 14 Q. And when did the "Dear Colleague Letter" come
11:08:03 15 out?

11:08:04 16 A. It came out in 2011.

11:08:05 17 Q. So this is three-four years later you said it
11:08:08 18 became, I guess -- let me -- I mean you said it became
11:08:14 19 very clear that you needed one --

11:08:16 20 A. A full-time --

11:08:17 21 Q. -- after -- Let me finish my question.

11:08:20 22 You said that after the "Dear Colleague Letter"
11:08:22 23 came out, it became very clear that you needed a Title
11:08:26 24 IX Coordinator?

11:08:26 25 A. We always had a Title IX Coordinator, but it

11:08:29 1 became clear that this needed to be somebody who was
11:08:33 2 dedicated solely to the Title IX office.

11:08:36 3 Q. So who was the Title IX Coordinator? Who had
11:08:40 4 that title before Patty Crawford?

11:08:42 5 A. John Whelan had had it, Director of HR, a member
11:08:46 6 of the Executive Council. Then I believe Karla Leper,
11:08:55 7 who was the Chief of Staff to the President, who was on
11:08:58 8 the Executive Council; and then I believe Juan
11:09:02 9 Alejandro, who was also on the Executive Council, who
11:09:06 10 had been Chief Auditor, internal audit.

11:09:10 11 Q. What's the Chief Auditor do?

11:09:13 12 A. Audits the university's financial condition and
11:09:17 13 all of the financial reports.

11:09:18 14 Q. CPA/bookkeeper?

11:09:21 15 A. A CPA, yes.

11:09:23 16 Q. What's that have to do with Title IX compliance?

11:09:27 17 A. Well, I'm not -- It's an additional job.

11:09:33 18 Q. Right. But what does it -- how does it -- I
11:09:36 19 assume this is a CPA or something?

11:09:38 20 A. I was not on the Executive Council at that time;
11:09:42 21 so I don't know what -- what happened -- what exactly,
11:09:45 22 how that functioned.

11:09:46 23 Q. Now, you have been in charge for the last year of
11:09:51 24 trying to correct the wrongs and structural issues at
11:09:56 25 Baylor University because of what has come to light in

11:09:58 1 regard to discrimination against young women involving
11:10:01 2 sexual assault reporting, whatever that -- you've said
11:10:06 3 that, right?

11:10:06 4 MS. BROWN: Objection, form.

11:10:07 5 MR. DUNNAM: What's the form?

11:10:09 6 MS. BROWN: Vague.

11:10:10 7 BY MR. DUNNAM:

11:10:10 8 Q. Did you understand my question?

11:10:11 9 A. No, I did not.

11:10:11 10 MR. DUNNAM: Please read it again.

11:09:47 11 THE REPORTER: "Now, you have been in charge
11:09:49 12 for the last year of trying to correct the
11:09:54 13 wrongs and structural issues at Baylor
11:09:56 14 University because of what has come to light
11:09:58 15 in regard to discrimination against young
11:10:00 16 women involving sexual assault reporting
11:10:00 17 ..."

11:10:00 18 BY MR. DUNNAM:

11:10:00 19 Q. Do you understand -- do you understand the
11:10:00 20 question?

11:10:34 21 A. I don't agree with the question. What I was done
11:10:40 22 -- what I was charged with doing was implementing the
11:10:43 23 recommendations that came from the law firm, Pepper
11:10:46 24 Hamilton.

11:10:46 25 Q. Well, we'll get into detail about that, but why

11:10:49 1 were recommendations made?

11:10:51 2 A. I only came in after the recommendations were
11:10:55 3 made. I do not know the reason why they were made.

11:10:58 4 Q. Well, let me be real -- let me make sure that
11:11:02 5 we've got no misunderstanding.

11:11:03 6 For the last year you've been in charge of
11:11:06 7 implementing and assuring that recommendations are
11:11:10 8 implemented and followed; is that right?

11:11:12 9 A. That's correct.

11:11:13 10 Q. But sitting here today, you do not know why those
11:11:17 11 recommendations were made necessary?

11:11:20 12 A. The recommendations were made necessary from the
11:11:23 13 Findings of Fact, but my focus was entirely on the
11:11:28 14 implementation of the recommendations.

11:11:30 15 Q. That's not what I asked. My question is: Are
11:11:32 16 you aware of the reasons and the rationale that it was
11:11:36 17 necessary to implement these 105 recommendations?

11:11:39 18 A. The reasons and rationale came, I -- from the
11:11:42 19 Findings of Fact. That's all I know.

11:11:45 20 Q. Okay. Let me ask you again.

11:11:47 21 So you are not aware of the actual reasons for
11:11:51 22 the implementation of any of the 105 recommendations,
11:11:55 23 other than they've been recommended that you-all do?

11:11:59 24 A. They were recommended out of the Findings of Fact
11:12:03 25 which were published. That's what I'm aware of, of the

11:12:06 1 Findings of Fact.

11:12:06 2 Q. Are you aware of anything other than what is
11:12:09 3 contained in that written report about the underlying
11:12:11 4 need for the 105 recommendations?

11:12:13 5 A. I'm only aware of what was written in the final
11:12:16 6 Findings of Fact.

11:12:17 7 Q. So you're not aware of anything other than what
11:12:19 8 the public knows about the rationale and the need for
11:12:22 9 these 105 recommendations?

11:12:24 10 A. I'm aware of what was written in the Findings of
11:12:27 11 Fact.

11:12:27 12 Q. And that's all?

11:12:28 13 A. That's correct.

11:12:28 14 Q. What did you review in order to prepare for your
11:12:31 15 deposition today?

11:12:32 16 A. I reviewed some statements that I had and -- had
11:12:38 17 made in the newspaper, at the Senate Hearing -- and at
11:12:44 18 the Senate Hearing.

11:12:44 19 Q. So you reviewed statements you've made. Can you
11:12:44 20 tell us --

11:12:47 21 A. Statements, yes.

11:12:47 22 Q. Can you walk me through what those are?

11:12:49 23 A. I can't remember all of those statements.

11:12:51 24 Q. Well, how many -- about how many? I mean are we
11:12:53 25 talking about one or two or a dozen or more?

11:12:55 1 A. I can't -- The Senate Hearing was a long -- but I
11:13:04 2 can't -- I can't identify the number.

11:13:05 3 Q. You can't even give me a range?

11:13:07 4 A. No.

11:13:07 5 Q. Two to 20?

11:13:09 6 A. I don't know how many statements. It was just --
11:13:13 7 they were not -- weren't isolated. It was a number of
11:13:16 8 statements. It was just comments that were collected in
11:13:20 9 newspaper articles, etcetera.

11:13:21 10 Q. How did you review your Senate testimony?

11:13:26 11 A. I just read it.

11:13:28 12 Q. So it was transcribed?

11:13:29 13 A. Yes.

11:13:30 14 Q. And as we sit here today, do you stand by your
11:13:34 15 testimony?

11:13:35 16 A. It depends on -- There were some things in the
11:13:40 17 testimony that I would rephrase.

11:13:42 18 Q. Okay. Well, we'll go over it. Do you remember
11:13:46 19 anything at the moment, though?

11:13:47 20 A. No.

11:13:48 21 Q. Nothing stands out?

11:13:49 22 A. No.

11:13:49 23 Q. So let's go back. We were talking about you had
11:14:00 24 a casual greeting with President Starr, and then he was
11:14:08 25 hired, correct?

11:14:08 1 A. That's correct. That's correct. It was after he
11:14:11 2 was hired.

11:14:11 3 Q. Now, while you were President the first time, who
11:14:18 4 was your go-to person?

11:14:22 5 MS. BROWN: Objection to form.

11:14:23 6 BY MR. DUNNAM:

11:14:24 7 Q. Do you know what that means, right-hand person,
11:14:27 8 number two? Who was your --

11:14:29 9 A. There was no number two. My go-to persons was
11:14:33 10 the entire Executive Council.

11:14:35 11 Q. So, you know, there's been some discussion that
11:14:38 12 your office was right next-door to Reagan Ramsower's and
11:14:42 13 how you said, at least in the media that, you know, you
11:14:49 14 were constantly in contact with him. Is he one of those
11:14:52 15 people or --

11:14:52 16 A. I was constantly in contact with all of the
11:14:54 17 members of the Executive Council. They met with me
11:14:58 18 regularly.

11:14:58 19 Q. That's not what I asked you.

11:14:58 20 A. And we met once a week.

11:15:00 21 Q. That's not what I asked you. I asked you -- And
11:15:01 22 again, if I'm -- you know -- if you don't understand the
11:15:05 23 question, just let me know.

11:15:06 24 I just asked you if he was one of those people?

11:15:08 25 A. He was one of those persons, yes.

11:15:10 1 Q. Was his importance any more or less than the
11:15:14 2 others?

11:15:15 3 A. It was not more or less.

11:15:16 4 Q. And would this basically be your Executive
11:15:20 5 Council you're talking about?

11:15:21 6 A. The Executive Council.

11:15:39 7 MR. DUNNAM: Andrea, do you know which --
11:15:47 8 where that is? I've got it right here. Let me find it.
11:16:23 9 (Searching through documents.) There we go.

11:16:23 10 (Exhibits 1 and 2 marked.)

11:16:23 11 THE REPORTER: 1 and 2.

11:16:24 12 BY MR. DUNNAM:

11:16:24 13 Q. So, President Garland, I'm going to hand you
11:16:42 14 what's been marked as Exhibit Number 1 and Exhibit
11:16:44 15 Number 2, and there are some handwritten notes on it.
11:16:49 16 We took this off of some Baylor website. And so if the
11:16:53 17 handwritten notes are inaccurate, let me know, but
11:16:56 18 someone on staff was trying to figure out the time
11:16:59 19 periods for those of the various Executive Council.

11:17:01 20 And so let's look at Number 1 right now, and why
11:17:04 21 don't you tell us when you think -- and do you recall
11:17:06 22 those were the members of the Executive Council?

11:17:08 23 A. I was not involved in the Executive Council. At
11:17:14 24 this time Todd Still was the Provost. I was not.

11:17:19 25 Q. Okay. And so let's look at -- So you don't know,

11:17:22 1 Exhibit Number 1, if any of those individuals were on
11:17:26 2 the Executive Council during the time up until May of
11:17:29 3 2016?

11:17:30 4 A. I do not know, but if this comes from the Baylor
11:17:34 5 University website, I assume it's correct.

11:17:36 6 Q. And I'm not going to represent that to you.
11:17:38 7 We'll figure out what's accurate later on.

11:17:41 8 Do you recall any of those individuals being on
11:17:44 9 there when you assumed the role as President?

11:17:47 10 A. At which time?

11:17:49 11 Q. Exhibit 1, the second time.

11:17:50 12 A. Yes.

11:17:51 13 Q. Who?

11:17:52 14 A. Reagan Ramsower, Tommye Lou Davis, Juan
11:17:58 15 Alejandro, Pattie Orr, Karen Kemp, Brian Nicholson,
11:18:04 16 Kevin Jackson, and Dave Rosselli.

11:18:07 17 Q. So let's -- it might be easier to tell us which
11:18:11 18 ones were not on the Executive Council when you became
11:18:13 19 the second -- Interim President for the second time?

11:18:17 20 A. Todd Still, Ian McCraw, Charles Beckenhauer,
11:18:23 21 those three.

11:18:23 22 Q. Okay. So let's look at Exhibit Number 2 and ask
11:18:28 23 -- let's ask you whether or not that accurately reflects
11:18:32 24 the Executive Council while you have been President this
11:18:35 25 current time?

11:18:37 1 A. That is correct. There has been an addition.

11:18:45 2 Q. And who is the addition?

11:18:47 3 A. That is Doug Welch, who is Chief Compliance
11:18:51 4 Officer.

11:18:51 5 Q. And has there been anyone that has been taken
11:18:55 6 off?

11:18:58 7 A. No.

11:19:03 8 Q. So Ken Starr is hired, and you go back -- Well,
11:19:21 9 let me rephrase that.

11:19:22 10 While you're the President the first time, you
11:19:27 11 remained the Dean?

11:19:28 12 A. Yes.

11:19:29 13 Q. And then after Ken Starr was hired, you just went
11:19:34 14 back to being only the Dean of Truett?

11:19:36 15 A. That's correct.

11:19:37 16 Q. And he was hired in approximately when? 2010?

11:19:45 17 A. 2010.

11:19:46 18 MR. DUNNAM: Okay. We've been going about
11:19:53 19 an hour. Do you want to take a quick break?

11:19:57 20 MS. BROWN: Yeah.

11:19:58 21 MR. DUNNAM: And let me just say on the
11:20:00 22 record any time you want to take a break ...

11:20:02 23 THE WITNESS: Yes, sir.

11:20:02 24 MR. DUNNAM: ... just let me know. Okay?

11:20:04 25 THE WITNESS: Yes.

11:20:05 1 MR. DUNNAM: I don't want to wear you out.
11:20:07 2 It's not a marathon. And I'll try to take a break every
11:20:10 3 hour just -- if it's a good time to do that. Fair
11:20:12 4 enough?

11:20:12 5 THE WITNESS: Sure.

11:20:13 6 MS. BROWN: Gives the reporter a break.

11:20:16 7 THE VIDEOGRAPHER: Going off the record.
11:20:17 8 The time is 11:20 a.m.

11:20:19 9 (Recess taken from 11:20 to 11:33 a.m.)

11:33:46 10 Back on the record. Today is Wednesday,
11:33:56 11 May 31st, 2017. The time is 11:33 a.m. This is disc
11:34:01 12 two of the video deposition of David E. Garland.

11:34:04 13 BY MR. DUNNAM:

11:34:15 14 Q. President Garland, when was the first time that
11:34:17 15 you ever had any Title IX training?

11:34:19 16 A. When I was Interim President this year.

11:34:22 17 Q. 2017 or '16?

11:34:36 18 A. 2016.

11:34:38 19 Q. Approximately what time, what season?

11:34:42 20 A. Oh, I -- I'm sorry, I can't remember what
11:34:49 21 exactly, but -- no.

11:34:50 22 Q. Before or after the board made its findings last
11:34:53 23 spring?

11:34:54 24 A. I don't understand. What --

11:34:57 25 Q. Well, the board issued its findings last spring;

11:35:01 1 is that correct?

11:35:01 2 A. That's correct, yeah.

11:35:02 3 Q. And people refer to this "Pepper Hamilton
11:35:05 4 Report". That's a misnomer, isn't it? That's actually
11:35:08 5 -- the document we'll go over, but that's actually the
11:35:11 6 board's findings, is it not?

11:35:12 7 A. That's correct. It's the Findings of Fact of the
11:35:14 8 board.

11:35:14 9 Q. So was that before or after the board findings
11:35:17 10 that you had Title IX training?

11:35:18 11 A. It was when I became Interim President; so it was
11:35:22 12 after.

11:35:22 13 Q. What's that?

11:35:23 14 A. It was after, yes.

11:35:24 15 Q. Okay. And prior to that time, had you had any --
11:35:29 16 let's not -- I mean I don't -- I think you know what I
11:35:32 17 mean by "Title IX training", but let me make sure I
11:35:37 18 don't misstate.

11:35:38 19 Was there any training that you received before
11:35:40 20 that time that was similar in nature in regard to sexual
11:35:46 21 assault, sexual assault reporting, discrimination,
11:35:49 22 discrimination training, discrimination reporting,
11:35:51 23 anything that -- any training that you had had before
11:35:55 24 you became President this time that you would consider
11:35:59 25 equivalent or to include similar issues?

11:36:03 1 A. No.

11:36:03 2 Q. Okay. What was your involvement in the -- or
11:36:12 3 what is your awareness or knowledge about the decision
11:36:15 4 to have some investigation by Baylor law professor
11:36:23 5 Jeremy Counsellor into issues of sexual misconduct or
11:36:31 6 that area?

11:36:32 7 A. I had no knowledge of that.

11:36:34 8 Q. Were you aware that he had been?

11:36:36 9 A. I was not aware.

11:36:37 10 Q. So when did you become aware that Jeremy
11:36:42 11 Counsellor -- or even sitting here today, do you know
11:36:45 12 that Jeremy Counsellor did some kind of investigation or
11:36:49 13 report?

11:36:49 14 A. I did not. I was away on sabbatical leave. I
11:36:52 15 was out of town; so I was totally unaware of anything
11:36:57 16 about this.

11:36:57 17 Q. And that wasn't what I asked you.

11:36:59 18 A. I --

11:36:59 19 Q. Sitting here today, are you aware that Jeremy
11:37:02 20 Counsellor did some kind of investigation or report
11:37:05 21 until I just asked you that question?

11:37:06 22 A. No, I did not know that.

11:37:07 23 Q. Okay. Would it surprise you to know that he did?

11:37:11 24 A. He is the faculty athletic representative. It
11:37:18 25 does surprise me.

11:37:19 1 Q. Okay. Do you know why Baylor deemed it necessary
11:37:23 2 to get some type of outside investigation that
11:37:29 3 ultimately was the hiring of Pepper Hamilton?

11:37:33 4 A. I do not.

11:37:34 5 Q. So sitting here today, do you know why the
11:37:39 6 decision was made to hire an outside investigative law
11:37:44 7 firm?

11:37:45 8 A. I understand it now to be because there were
11:37:52 9 newspaper accounts of sexual assaults by football
11:37:55 10 players.

11:37:55 11 Q. And that's the reason that there was the decision
11:38:05 12 to bring on and have an outside investigative effort?

11:38:11 13 A. I was not here or present or involved in that
11:38:17 14 decision; so I don't know.

11:38:18 15 Q. Well, I'm asking -- I mean you've been the
11:38:20 16 President for a year now, and I'm asking for your
11:38:22 17 understanding today. And your statement just a minute
11:38:25 18 ago why that was done, that's what you believe why it
11:38:29 19 was done; is that correct?

11:38:30 20 A. That's correct.

11:38:31 21 Q. Okay. Sitting here today, do you know what they
11:38:45 22 were tasked to do, Pepper Hamilton?

11:38:46 23 A. I was not involved in the hiring or charged to
11:38:51 24 Pepper Hamilton.

11:38:51 25 Q. I understand that, but your -- today do you know

11:38:57 1 what they were hired or charged to do?

11:38:59 2 A. No, I do not know specifics what they were hired
11:39:03 3 or charged to do by the Board of Regents. I was not
11:39:06 4 involved.

11:39:06 5 Q. Do you know generally what they were retained and
11:39:09 6 hired to do?

11:39:10 7 A. My assumption from the recommendations that they
11:39:15 8 produced were they'd provide legal counsel from what we
11:39:19 9 can do to have best practices in these areas.

11:39:22 10 Q. So you never -- you've never -- up until today
11:39:25 11 you've never asked someone "Hey, why did we decide to
11:39:28 12 hire these guys?"

11:39:29 13 A. No, I've never asked.

11:39:31 14 Q. Were you not curious?

11:39:33 15 A. I was not curious.

11:39:34 16 Q. Did you not believe that it would assist you in
11:39:37 17 implementing the recommendations to understand how those
11:39:40 18 recommendations came to be?

11:39:42 19 A. I did not. I -- all I needed to do was implement
11:39:46 20 the recommendations.

11:39:47 21 Q. And sitting here today, you still don't believe
11:39:50 22 it is important to understand why the need for the
11:39:52 23 recommendations came to be?

11:39:53 24 A. What was important was to implement the
11:39:57 25 recommendations.

11:39:57 1 Q. Okay. That's not what I asked you.

11:39:59 2 A. Yeah.

11:40:00 3 Q. Sitting here today, you still do not believe it
11:40:04 4 is necessary for your job functions in implementing the
11:40:09 5 recommendations that you understand why the
11:40:10 6 recommendations were necessary?

11:40:11 7 A. No, I do not.

11:40:12 8 Q. So how do you know that the recommendations will
11:40:17 9 address the problems, if you don't know what the
11:40:18 10 problems were?

11:40:19 11 A. I know that the recommendations address issues
11:40:24 12 related to best practices at the university, and to me
11:40:28 13 that's the most important thing.

11:40:30 14 Q. And how do you know that?

11:40:32 15 A. How do I know what?

11:40:34 16 Q. You say you know that these will address the
11:40:37 17 issues. How do you know that they will address the
11:40:38 18 issues if you don't know what the issues were?

11:40:40 19 A. The issues raised in the recommendations.

11:40:44 20 Q. And it was not and it's still not important to
11:40:48 21 you to understand how any recommendation came to be?

11:40:53 22 A. It was not important to me, no.

11:40:57 23 Q. And it's still not?

11:40:59 24 A. I was not hired to reinvestigate the Findings of
11:41:03 25 Fact.

11:41:03 1 Q. And sitting here today, it's still not important,
11:41:11 2 in your mind?

11:41:12 3 A. It, in my mind, is not important.

11:41:15 4 Q. Okay. When is the first time you had a meeting
11:41:25 5 regarding issues related to concerns of sexual -- Well,
11:41:40 6 let me restate that.

11:41:41 7 When is the first time that you ever recall a
11:41:44 8 meeting regarding Title IX?

11:41:46 9 A. A meeting regarding Title IX was my first day.

11:41:51 10 Q. And Kenneth Starr had left?

11:41:55 11 A. Yes.

11:41:55 12 Q. Do you know why he left?

11:41:58 13 A. He was fired by the board -- or removed from
11:42:04 14 office by the Board of Regents.

11:42:05 15 Q. Why?

11:42:06 16 A. I was not privy to that decision.

11:42:07 17 Q. Today do you know why he was removed?

11:42:09 18 A. I was not privy to any decision.

11:42:11 19 Q. That's not what I asked you.

11:42:13 20 Today do you know why he was removed?

11:42:15 21 A. I do not. I do not know why precisely he was
11:42:18 22 removed.

11:42:19 23 Q. Do you know generally why he was removed?

11:42:21 24 A. I do not know generally. It's for the Board of
11:42:25 25 Regents to decide to hire and fire the President; so

11:42:28 1 that's what they did.

11:42:29 2 Q. So you never went to any of the regents and said
11:42:32 3 "Hey, listen, I want to understand why he was let go so
11:42:36 4 I won't make the same mistakes"?

11:42:37 5 A. I did not.

11:42:38 6 Q. You never asked for any reason of any member of
11:42:39 7 the Board of Regents, "Hey, why did you-all decide to
11:42:43 8 let Kenneth Starr go?"

11:42:49 9 A. I did not.

11:42:51 10 Q. Do you believe that the decision to -- Well,
11:42:58 11 let's characterize -- I want to characterize correctly
11:43:01 12 what happened to him, because it's been stated that he
11:43:05 13 was fired, it was said that he was removed, it was said
11:43:09 14 that he was allowed to resign; and so what happened to
11:43:12 15 Kenneth Starr?

11:43:14 16 A. I honestly do not know precisely what happened.
11:43:21 17 I believe from newspaper reports that he was just asked
11:43:31 18 to step down as President, maybe stay on as Chancellor,
11:43:35 19 but I was not -- I was not even here at the time. I do
11:43:39 20 not know.

11:43:39 21 Q. So all you know about how and why Kenneth Starr
11:43:47 22 was let go is what you've read in the newspaper?

11:43:50 23 A. That's correct.

11:43:51 24 Q. You had no interest in finding out?

11:44:01 25 A. I did not.

11:44:02 1 Q. You had no interest in determining what he may or
11:44:06 2 may not have done wrong so that you wouldn't repeat his
11:44:10 3 decisions? You had no interest?

11:44:12 4 A. I -- My charge was to work on implementing the
11:44:17 5 recommendations that came out of the Pepper Hamilton
11:44:21 6 findings.

11:44:21 7 Q. And I'm sorry, that's not what I asked you.

11:44:23 8 I asked you: You had no interest?

11:44:25 9 A. I had no interest.

11:44:26 10 Q. And you still don't?

11:44:27 11 A. I still do not.

11:44:29 12 Q. Do you know what they paid him?

11:44:35 13 A. I have no idea.

11:44:36 14 Q. Do you know if they paid him?

11:44:38 15 A. I assume they paid him.

11:44:40 16 Q. Do you believe that he engaged in any misconduct?

11:44:45 17 A. I do not know that he engaged in any misconduct.

11:44:49 18 Q. You just have no clue why they let him go, other
11:44:53 19 than what you've read in the newspaper?

11:44:55 20 MS. BROWN: Objection to form.

11:44:57 21 MR. DUNNAM: What did you say? What is
11:44:57 22 that?

11:44:58 23 MS. BROWN: Asked and answered.

11:44:59 24 BY MR. DUNNAM:

11:45:00 25 Q. Okay. Go ahead. Let's repeat the question.

11:45:04 1 You just have no clue why they let him go, other
11:45:07 2 than what you've read in the newspaper?

11:45:09 3 A. From what I've read in the newspaper and is on
11:45:14 4 account in his book, that's all I know.

11:45:16 5 Q. You know where he says it had to do with other
11:45:20 6 issues that they had been trying to get rid of him for
11:45:23 7 the last two years. Is that your understanding?

11:45:25 8 A. I do -- That's what he says. That's all I know.

11:45:28 9 Q. Do you believe him to be a truthful person, based
11:45:30 10 on your experiences with him over the years?

11:45:33 11 A. My experience is that he would be truthful.

11:45:36 12 Q. At the time that you became President, was Art
11:45:43 13 Briles still the coach of the football team, Head Coach?

11:45:46 14 A. No, he was not.

11:45:47 15 Q. And do you know why -- Well, what happened to
11:45:52 16 him?

11:45:53 17 A. I was not involved in any of those personnel
11:45:58 18 decisions.

11:45:58 19 Q. Today do you know what happened to him?

11:46:00 20 A. He was removed as football coach.

11:46:03 21 Q. Do you know whether he received compensation upon
11:46:07 22 his exit?

11:46:09 23 A. I do know that there was mediation.

11:46:13 24 Q. Okay. Do you know whether or not he received
11:46:15 25 compensation upon his leaving?

11:46:18 1 A. From mediation, there was compensation.

11:46:21 2 Q. Of what? How much?

11:46:23 3 A. I can't reveal that. I'm not --

11:46:25 4 Q. Well, I'm asking you to reveal it.

11:46:27 5 A. I don't know the exact number, but it was --

11:46:30 6 Q. Well, give us a range.

11:46:31 7 A. I can't. I can't recall the exact number.

11:46:39 8 Q. Well, give us a general number, a range.

11:46:42 9 MS. BROWN: And I'm going to object. This
11:46:44 10 is one of the issues pending before the Court on pending
11:46:46 11 motions and that we'll have a resolution of the
11:46:51 12 objections that have been raised to the disclosure of
11:46:53 13 that information.

11:46:54 14 MR. DUNNAM: I mean you can object to the
11:46:56 15 question if you want today, and I'm not going to -- I'm
11:46:58 16 asking the question.

11:47:01 17 BY MR. DUNNAM:

11:47:01 18 Q. And so what did they pay Art Briles upon leaving?
11:47:06 19 And I'm not asking for an exact figure, but
11:47:09 20 approximately how much money?

11:47:10 21 A. I don't recall the exact amount.

11:47:11 22 Q. I didn't ask you that.

11:47:13 23 A. I don't recall.

11:47:14 24 Q. I asked you an approximate amount.

11:47:15 25 A. I don't recall an approximate amount.

11:47:17 1 Q. Over \$10 million?

11:47:19 2 A. I do not recall.

11:47:20 3 Q. Over \$15 million?

11:47:22 4 A. I don't recall.

11:47:23 5 Q. Did you -- did you attend the mediation?

11:47:28 6 A. No, I did not.

11:47:29 7 Q. Well, how did you -- who told you the amount?

11:47:31 8 A. The General Counsel told me -- not an amount.

11:47:33 9 They told me that they were mediating.

11:47:35 10 Q. Well, a minute ago you said you couldn't reveal
11:47:38 11 the amount, which would indicate you knew the amount.

11:47:40 12 A. I just -- I don't know the amount, but if I did
11:47:43 13 know it, I couldn't -- I don't think I'm allowed to
11:47:46 14 reveal it.

11:47:47 15 Q. So under oath today, you have no idea of the
11:47:51 16 approximate amount of money?

11:47:52 17 A. No, I do not.

11:47:53 18 Q. And you don't know whether it was over or under
11:47:56 19 \$5 million?

11:47:56 20 A. I do not.

11:47:57 21 Q. Do you believe that Art Briles engaged in
11:48:04 22 misconduct?

11:48:05 23 A. I am not -- did not investigate Art Briles; so I
11:48:10 24 do not know.

11:48:10 25 Q. Well, you've been the President for a year since

11:48:13 1 he left. Do you believe today that he engaged in any
11:48:16 2 misconduct?

11:48:17 3 A. I -- I do not believe that I know the facts
11:48:22 4 related to what happened.

11:48:23 5 Q. You understand that in media reports and in
11:48:28 6 litigation Baylor and Baylor regents have stated in
11:48:32 7 court filings specific -- specific allegations of what
11:48:38 8 would appear to be very significant misconduct by Art
11:48:42 9 Briles, correct?

11:48:43 10 A. That's correct.

11:48:43 11 Q. And Baylor and those regents have done that and
11:48:47 12 made those allegations while you've been President of
11:48:49 13 the university, correct?

11:48:50 14 A. That's correct.

11:48:51 15 Q. Do you know whether or not those allegations made
11:48:54 16 by the regents and Baylor University while you've been
11:48:58 17 President are accurate?

11:48:58 18 A. I believe they're accurate.

11:49:00 19 Q. Okay. And so my question is those allegations,
11:49:03 20 do you believe that it constitutes misconduct?

11:49:07 21 A. I believe that that constitutes grounds for
11:49:10 22 dismissal.

11:49:11 23 Q. Well, you believe that. That means -- did he
11:49:16 24 violate his contract, you believe?

11:49:18 25 A. I do not know the details of his contract.

11:49:21 1 Q. Well, do you believe it was -- warranted for-
11:49:24 2 cause termination?

11:49:26 3 A. I don't know how to judge for-cause termination.

11:49:30 4 Q. But you believe it was misconduct?

11:49:33 5 A. I believe there are accusations of misconduct.

11:49:37 6 Q. Well, the accusations are coming from Baylor
11:49:40 7 University, they're coming while you're President of the
11:49:41 8 university, and you just said that you think those are
11:49:44 9 accurate.

11:49:46 10 A. If it comes from the regents, they were directly
11:49:50 11 familiar with the reports. I believe they're accurate.

11:49:53 12 Q. What does "pernicious" mean?

11:50:17 13 A. "Pernicious" means something that is abhorrent.

11:50:24 14 Q. Does it mean -- I didn't know; so I looked it up.
11:50:31 15 You said that the actions of Art Briles were not
11:50:34 16 pernicious, and the dictionary says it means harmful.
11:50:38 17 Did you mean something else?

11:50:39 18 A. I define it as abhorrent.

11:50:41 19 Q. Okay. So ... Give me just a second.

11:50:54 20 Well, let's talk about what Baylor has said. And
11:51:48 21 I'm looking at a document ...

11:52:03 22 (Exhibit 3 marked.)

11:52:03 23 ... that's been marked Exhibit Number 3, and I
11:52:13 24 want to ask you if you've ever seen that document? And
11:52:16 25 I'll represent to you that that is a document that was

11:52:18 1 filed by members of the Baylor Board of Regents in a
11:52:21 2 lawsuit where Baylor is a party with a gentleman whose
11:52:26 3 last name I have a hard time pronouncing. I think it's
11:52:29 4 Shillingwell; is that right?

11:52:29 5 MR. DUNN: Shillinglaw.

11:52:29 6 BY MR. DUNNAM:

11:52:32 7 Q. Shillinglaw. Have you seen that before?

11:52:36 8 A. I've seen this document.

11:52:38 9 Q. Okay. So I want to turn you to page 13 of that
11:52:40 10 document. This indicates -- indication is that --
11:52:51 11 indicates and it states ... I'm looking at paragraph 1
11:52:53 12 ... that player misconduct by the football team was
11:53:00 13 systematically brushed off and kept away from Judicial
11:53:03 14 Affairs. Do you think that's proper conduct?

11:53:05 15 A. That is a violation of policy.

11:53:09 16 Q. Do you think that systematically brushing off and
11:53:15 17 keeping away player misconduct was harmful to the
11:53:19 18 university?

11:53:20 19 A. It was harmful to the -- to the victims and to
11:53:24 20 the university.

11:53:24 21 Q. There is -- The next statement talks about that
11:53:30 22 "the football program was a black hole into which
11:53:33 23 reports of the misconduct such as drug use, physical
11:53:36 24 assault, domestic violence, brandishing of guns,
11:53:39 25 indecent exposure and academic fraud disappear". Do you

11:53:42 1 read that? Did I read that right?

11:53:43 2 A. Yes.

11:53:43 3 Q. And you believe that occurred?

11:53:44 4 A. I am not familiar with any of the details related
11:53:47 5 to those accusations.

11:53:48 6 Q. Where do these details come from?

11:53:51 7 A. I do not know exactly where those details came
11:53:56 8 from. I'm not familiar with them.

11:53:57 9 Q. Well, do you have any idea where they came from?

11:54:00 10 A. My -- You're asking for spec --

11:54:03 11 Q. Well, what's your understanding?

11:54:04 12 A. My understanding would be that it may have come
11:54:07 13 from the oral report from Pepper Hamilton.

11:54:10 14 Q. Okay. The -- At the bottom of page 13 we start a
11:54:19 15 series of text messages from Coach Briles, and in one he
11:54:27 16 talks about illegal consumption of alcohol from a, I
11:54:33 17 guess, underage football player, and Coach Briles texts
11:54:37 18 this: "Hopefully he's under" the "radar enough that
11:54:40 19 they won't recognize name -- did he get ticket from
11:54:43 20 Baylor police or Waco? ... Just trying to keep him away
11:54:46 21 from our judicial affairs folks ..."

11:54:48 22 Do you read that? Did I read that right?

11:54:50 23 A. Yes.

11:54:50 24 Q. Where did that information come from?

11:54:52 25 A. I have no idea what --

11:54:54 1 Q. Do you have any -- You have no idea where it came
11:54:57 2 from?

11:54:57 3 A. None.

11:54:58 4 Q. Well, how do individual regents gain access to
11:55:02 5 that information?

11:55:03 6 A. I do not know.

11:55:04 7 Q. Do you believe it's proper that regents use
11:55:06 8 information obtained from Pepper Hamilton's
11:55:09 9 investigation to personally defend themselves in
11:55:12 10 lawsuits?

11:55:13 11 A. I don't know where they got that information.

11:55:15 12 Q. Do you believe that would be proper, if that's
11:55:18 13 where they got it?

11:55:19 14 A. I --

11:55:19 15 MS. BROWN: Objection to form.

11:55:21 16 BY MR. DUNNAM:

11:55:21 17 Q. Do you believe that it would be proper if that
11:55:23 18 was -- if they got that from Baylor University --

11:55:23 19 A. I don't --

11:55:26 20 Q. -- revealing details of information?

11:55:28 21 A. I don't know that it would be improper.

11:55:33 22 Q. Okay. And what do you think about Coach Briles'
11:55:37 23 attitude about this particular misconduct?

11:55:44 24 A. Well, it suggests that our Judicial Affairs folks
11:55:49 25 were vigilant in carrying out their duties, and they

11:55:52 1 were trying to avoid an incident going to Judicial
11:55:58 2 Affairs.

11:55:58 3 Q. I'm sorry. You said it indicates they were --
11:56:03 4 that your Judicial Affairs --

11:56:03 5 A. They were --

11:56:04 6 Q. -- people were vigilant?

11:56:05 7 A. They were carrying out -- it's the expectation
11:56:09 8 that they would carry out their responsibilities and
11:56:13 9 assuming that the player would be appropriately
11:56:19 10 punished.

11:56:20 11 Q. Okay. And that would be a violation of the code
11:56:23 12 of conduct, drinking?

11:56:26 13 A. Underage drinking, yes.

11:56:28 14 Q. So --

11:56:31 15 A. It's a violation of the law.

11:56:32 16 Q. Okay. But let's talk about pursuant to the code
11:56:35 17 of conduct. Is drinking by anyone, any student, a
11:56:40 18 violation of the code of conduct?

11:56:41 19 A. It is a violation.

11:56:42 20 Q. Adult or otherwise?

11:56:43 21 A. A violation for students.

11:56:44 22 Q. Regardless of age?

11:56:46 23 A. Regardless.

11:56:48 24 Q. On or off campus, does that matter?

11:56:52 25 A. It does not matter --

11:57:00 1 Q. To the university?

11:57:01 2 A. -- to the university.

11:57:02 3 Q. So if we have a 22-year-old law student who is
11:57:07 4 consuming alcohol off campus at a local restaurant,
11:57:13 5 that's a violation of the Baylor code of conduct?

11:57:16 6 A. You know, I'm not directly familiar with that
11:57:20 7 specific code of conduct, but it -- I do not think it's
11:57:26 8 something that's going to be brought before Judicial
11:57:29 9 Affairs.

11:57:29 10 Q. Well, if it is -- if it is reported, is it -- do
11:57:32 11 you know whether or not it's a violation of the code of
11:57:35 12 conduct, as you sit here today?

11:57:36 13 A. I do not. I do not know.

11:57:37 14 Q. Okay. Let's look at the next page. This is on
11:57:41 15 page -- top of page 14. So this is 2013, and there's a
11:57:49 16 discussion that -- and go ahead and read it without me
11:57:54 17 reading to you, and then we'll go over it.

11:57:56 18 A. (Reading silently.)

11:58:20 19 MR. DUNN: (Handing document to Ms. Brown.)

11:58:20 20 MS. BROWN: Thank you.

11:58:25 21 BY MR. DUNNAM:

11:58:25 22 Q. You've read it?

11:58:26 23 A. Yes.

11:58:26 24 Q. So looking at that, it appears that a young woman
11:58:29 25 had been subject to a football player brandishing a gun

11:58:33 1 at her, and coaches were made aware of the situation,
11:58:38 2 and it was not reported to Judicial Affairs. Do you
11:58:41 3 think that was proper on the part of Coach Briles?

11:58:43 4 A. That is -- Those issues should be reported to
11:58:46 5 Judicial Affairs.

11:58:46 6 Q. And you believe that the failure to report that
11:58:49 7 is harmful to students?

11:58:52 8 A. I do not know the full circumstances, but if some
11:58:58 9 -- if a student is traumatized, I think that should have
11:59:02 10 been handled through disciplinary procedures.

11:59:05 11 Q. My question was do you think the failure to
11:59:07 12 report that is harmful to students?

11:59:09 13 A. Failure to report is potentially harmful.

11:59:12 14 Q. The next one is about a football player that
11:59:15 15 "exposed himself and asked for favors". And this was
11:59:33 16 reported by Mr. Shillinglaw to Coach Briles, and the
11:59:36 17 fact that it was at a salon and a spa while he was
11:59:40 18 getting a massage was "not quite as bad". Do you agree
11:59:44 19 with that statement?

11:59:45 20 A. I don't know the full details of this incident;
11:59:48 21 so it's hard to evaluate.

11:59:50 22 Q. Well, do you agree that the fact that a gentleman
11:59:52 23 exposes himself to a woman at a -- just because it's at
11:59:56 24 a salon or a spa while getting a massage, that that's
12:00:00 25 not as bad as indecent exposure elsewhere?

12:00:04 1 A. Well, I don't know the full details of what
12:00:06 2 happened, and it was not investigated.

12:00:08 3 Q. It was not investigated?

12:00:10 4 A. That -- as far as I know.

12:00:12 5 Q. Well, how did it get -- how did it get in here,
12:00:13 6 if it wasn't investigated?

12:00:15 7 A. I do not know where this came from.

12:00:16 8 Q. Okay. So let's take it as face value, because it
12:00:20 9 was filed by the regents; you agree with that, right,
12:00:23 10 this document?

12:00:25 11 A. Correct.

12:00:26 12 Q. And you believe it to be true. You don't believe
12:00:30 13 they'd file something false, do you?

12:00:32 14 A. I don't know where they got this from.

12:00:34 15 Q. Okay. But that's not what I asked you.

12:00:35 16 What I asked you is: You don't believe they
12:00:37 17 would file something false with a Court, do you?

12:00:38 18 A. No.

12:00:38 19 Q. You know these gentlemen?

12:00:40 20 A. Yes.

12:00:40 21 Q. Okay. So let's take it at face value, what it
12:00:44 22 says, that some player exposed himself, and the fact
12:00:49 23 that it happened at a salon or a spa while he was
12:00:53 24 getting a massage somehow to Coach Briles made that more
12:00:57 25 acceptable behavior. Do you agree with that, that it's

12:01:02 1 more acceptable behavior?

12:01:04 2 A. I don't believe it's acceptable behavior.

12:01:05 3 Q. The fact that the young woman is evidently
12:01:07 4 alleged to be a stripper, would that make it more
12:01:10 5 acceptable behavior?

12:01:11 6 A. I do not believe it's acceptable behavior.

12:01:14 7 Q. Do you think that the failure to report that was
12:01:16 8 harmful to students?

12:01:17 9 A. I do not know the context of the details, and I
12:01:22 10 don't know if students are involved specifically, if
12:01:26 11 this is a student who was ex -- someone that exposed --
12:01:31 12 if this was a student who was a victim or not.

12:01:34 13 Q. Does it make a difference?

12:01:36 14 A. It does make a difference when it relates to
12:01:39 15 Title IX because it's concerned directly about students.

12:01:43 16 Q. I'm not asking about Title IX in this question.
12:01:46 17 I'm asking about base morality. The fact that a
12:01:50 18 football player exposed himself to a young woman,
12:01:55 19 whether she was a student or not, does that make it less
12:01:58 20 your concern?

12:01:58 21 A. No, it doesn't make it less my concern. It's
12:02:01 22 unacceptable behavior.

12:02:03 23 Q. Okay. And do you think that if you have a
12:02:05 24 student football player on campus who is exposing
12:02:08 25 himself to young women, whether they be strippers or

12:02:11 1 not, is acceptable behavior?

12:02:13 2 A. This ... this is unacceptable behavior, and it
12:02:16 3 needed to be investigated.

12:02:17 4 Q. Okay. And was it investigated?

12:02:19 5 A. I do not know.

12:02:20 6 Q. Was -- And do you care?

12:02:22 7 A. I do care.

12:02:23 8 Q. Then why don't you know?

12:02:24 9 A. I do not know anything of the details from
12:02:28 10 September 2013.

12:02:29 11 Q. Okay. Let's go on to the next.

12:02:37 12 The next one we have an issue of Coach Briles
12:02:41 13 texting Ian McCaw. He was in what position?

12:02:46 14 A. Ian McCaw was Director of Athletics.

12:02:49 15 Q. And we have an "assault and threatening to kill a
12:02:56 16 non-football -- non-athlete ... operations staff
12:03:00 17 official --" No. I'm sorry. Sorry. "... a player was
12:03:03 18 arrested for assault and threatening to kill a non-
12:03:05 19 athlete."

12:03:06 20 Was that a student non-athlete?

12:03:08 21 A. I do -- It doesn't make it clear.

12:03:14 22 Q. And you don't know?

12:03:15 23 A. No.

12:03:16 24 Q. He talked to the player. He said police were
12:03:19 25 there. "They were going to keep it quiet. That would

12:03:24 1 be great if they kept it quiet."

12:03:27 2 Do you believe that is appropriate behavior for
12:03:30 3 Mr. McCaw and Coach Briles?

12:03:32 4 A. I believe any instance of accounts of arrest or
12:03:39 5 threats, assaults should have been investigated.

12:03:42 6 Q. Do you think the failure to investigate that and
12:03:45 7 the effort to keep it quiet involving the Waco Police
12:03:48 8 Department was harmful to students at Baylor University?

12:03:52 9 MS. BROWN: Objection to form.

12:04:05 10 MR. DUNNAM: I asked a question. Do you
12:04:07 11 think that was harmful to students, the failure to
12:04:10 12 report this and the efforts to keep it quiet? Was that
12:04:13 13 harmful to students?

12:04:15 14 MS. BROWN: Same objection.

12:04:17 15 THE WITNESS: I do not know the details of
12:04:20 16 this situation; so I can't evaluate that.

12:04:22 17 BY MR. DUNNAM:

12:04:23 18 Q. So on its face, if you accept the truth of the
12:04:26 19 statement, you don't know whether or not that was
12:04:28 20 harmful to students?

12:04:29 21 A. I believe any player on a football team who is
12:04:32 22 guilty of assault or threatening should be investigated,
12:04:36 23 and if he's found guilty, then, that there should be
12:04:40 24 appropriate discipline.

12:04:40 25 Q. That's not my question.

12:04:43 1 My question is the failure to do that, what
12:04:45 2 you've just said, do you believe that's harmful to
12:04:47 3 students?

12:04:48 4 A. The failure to investigate is -- is harmful.

12:04:52 5 Q. So the next one talks about that we had a player
12:05:04 6 who was suspended for repeated drug violations, and the
12:05:08 7 bottom line was that he was meeting with the Vice
12:05:11 8 President for Student Life, and if he did not reinstate
12:05:13 9 him, the President would, correct?

12:05:15 10 A. That's correct, what it says.

12:05:17 11 Q. And so it would appear that this was just -- or I
12:05:23 12 guess that President Starr was the President at the
12:05:25 13 time?

12:05:25 14 A. Yes.

12:05:25 15 Q. And do you believe that it would be appropriate
12:05:28 16 for the President of the university to reinstate an
12:05:32 17 individual over the objection of the Vice President for
12:05:34 18 Student Life if the allegations were true of repeated
12:05:38 19 drug violations?

12:05:39 20 A. It depends on the circumstances and the details
12:05:42 21 of the case.

12:05:43 22 Q. You realize that these things were filed in an
12:05:45 23 effort to demonstrate misconduct on the part of Art
12:05:50 24 Briles? Do you know that?

12:05:50 25 A. Yes.

12:05:51 1 Q. And you've told us you think they're true?

12:05:55 2 A. I think so.

12:05:56 3 Q. Do you think that that is indicative of
12:05:57 4 misconduct for Coach Briles?

12:06:00 5 A. Uhm ...

12:06:04 6 Q. If you don't know, it's okay.

12:06:05 7 A. I don't know, no.

12:06:06 8 Q. We have another player that's caught selling
12:06:12 9 drugs, and Coach Briles says: "I'm hoping it will take
12:06:15 10 care of itself - if not we can discuss the best way to
12:06:21 11 move on it", and it was never reported, and the coach
12:06:25 12 arranged for the player to transfer to another school.

12:06:33 13 Do you think that's misconduct?

12:06:36 14 A. I do not know what he means, "the best way to
12:06:39 15 move on it".

12:06:41 16 Q. Okay. Let's talk about the next one.

12:06:49 17 A player was arrested for marijuana. Do you
12:06:58 18 believe that that conduct is misconduct by Coach Briles,
12:07:04 19 or do you know?

12:07:04 20 A. What is the mis -- what is the misconduct?

12:07:07 21 Q. Well, go ahead. He was arrested for possession
12:07:11 22 of marijuana.

12:07:11 23 A. Okay. A student's arrested?

12:07:14 24 Q. Well, you can read it. I don't want you to
12:07:16 25 assume anything. I'd like you to read it. This is the

12:07:18 1 bottom paragraph on page 14.

12:07:20 2 A. (Reading silently.) I'm not sure of what the
12:07:32 3 details involved here. I'm not -- I can't -- I'm not
12:07:41 4 clear from what he says is what, because all he's asking
12:07:43 5 is "What do you think we should do?" I don't know what
12:07:46 6 that means.

12:07:46 7 Q. So you don't see any misconduct in that?

12:07:49 8 A. I don't know what he -- if it's misconduct to say
12:07:54 9 "Let me know what you think we should do."

12:07:57 10 Q. Okay. Page 21. If you'd turn to page 21 for me.

12:08:08 11 The first full paragraph talks about some -- it's
12:08:13 12 discussing some players and their conduct with a woman,
12:08:18 13 and Coach Briles said: "Those are some bad dudes --"

12:08:22 14 A. What page? Excuse me.

12:08:24 15 Q. I'm sorry. Page 21.

12:08:26 16 A. I'm sorry. (Turning page.) Yes.

12:08:31 17 Q. Looking at the first full paragraph, this is a
12:08:36 18 discussion of some young ... I assume football players,
12:08:40 19 but we'll just call them "bad dudes" that were involved
12:08:43 20 with a young woman, and we can look at -- and I'll tell
12:08:46 21 you what, let's -- I guess I skipped too far ahead.

12:08:50 22 Let's look at page 20. It's talking about the
12:08:53 23 earliest report of gang rape. Well, you can see that in
12:08:59 24 context on page 20. So there was evidently a gang rape
12:09:04 25 involving five football players on some young woman.

12:09:08 1 And Coach Briles, when he looked at the names of the
12:09:16 2 individuals involved, and that's on the first full
12:09:18 3 paragraph on page 21, he says: "Those are some bad
12:09:21 4 dudes. Why was she around those guys?"

12:09:29 5 Do you believe that it is -- that the -- that any
12:09:33 6 young woman is to blame --

12:09:35 7 A. No.

12:09:35 8 Q. -- for misconduct of a young man that resulted in
12:09:42 9 their sexual assault?

12:09:45 10 A. (No audible response.)

12:09:59 11 Q. If you'd like to take a break, you can.

12:10:05 12 A. My answer is no.

12:10:10 13 Q. These allegations appear to be troubling to you?

12:10:29 14 A. Yes.

12:10:31 15 Q. And I don't want -- I don't know how else to say
12:10:35 16 this, other than to say if they're troubling to you, why
12:10:38 17 are you not aware of the circumstances of the sexual
12:10:43 18 assaults of my 10 clients? Do you not want to be aware?

12:10:49 19 A. I am not aware of the names. I'm not aware of
12:10:53 20 the details. What I was tasked to do was to make sure
12:10:58 21 these things do not happen again at Baylor University.

12:11:00 22 Q. What things?

12:11:01 23 A. These allegations as I've just -- just read here.

12:11:04 24 Q. But do you -- you don't even know -- you have no
12:11:08 25 clue of what things happened to my 10 clients?

12:11:11 1 A. I do not.

12:11:12 2 Q. And if you -- Why would you not want to know what
12:11:16 3 had happened to these young women to assure it never
12:11:19 4 happened again?

12:11:20 5 MS. BROWN: I'm objecting to form. It's --
12:11:23 6 Well, objection to form.

12:11:24 7 BY MR. DUNNAM:

12:11:25 8 Q. I want to know why you don't want to know.

12:11:27 9 A. I -- I know what has to be done in the
12:11:31 10 recommendations. That's what I have to do.

12:11:34 11 Q. But you don't know why it has to be done,
12:11:36 12 correct?

12:11:37 13 A. I know from the Findings of Fact that come from
12:11:40 14 the board of recommendations, Findings of Fact that led
12:11:44 15 to the recommendations.

12:11:45 16 Q. Do you know that two -- that Baylor University
12:11:48 17 told two of my clients that they needed to avoid
12:11:53 18 reporting these issues, otherwise their parents might
12:11:57 19 find out they were sexually assaulted? Do you know
12:12:00 20 that?

12:12:00 21 A. I do not know that.

12:12:01 22 Q. Do you believe that's appropriate?

12:12:03 23 A. That is completely inappropriate, according to
12:12:05 24 our current policies and procedures.

12:12:07 25 Q. And what policy or procedure do you have right

12:12:09 1 now that would address that issue?

12:12:11 2 A. Those issues, we make it -- well, there are all
12:12:15 3 kinds of things that we've done. One, we have
12:12:17 4 encouraged students to -- through all of our
12:12:22 5 orientations and teaching, that they must -- that they
12:12:27 6 need to report, they should report, they're free to
12:12:30 7 report, and they're able to report without any kind of
12:12:33 8 consequences to them, and so that they can -- so it's
12:12:37 9 encouraged.

12:12:40 10 We also have a policy that if any student ever
12:12:43 11 reports a sexual assault, responsible parties at the
12:12:47 12 university ... which are all of the faculty and staff
12:12:49 13 ... must report those incidents through the -- through
12:12:54 14 Title IX; so that could never happen again at Baylor
12:12:59 15 University.

12:12:59 16 Q. What? You're talking about page 21 or what I
12:13:05 17 told you about my clients?

12:13:06 18 A. No. I'm talking about your clients being
12:13:09 19 discouraged from reporting.

12:13:10 20 Q. Are you aware that my client -- I have a client
12:13:14 21 that was told instead of going to the local hospital for
12:13:17 22 a rape kit, that she should go to a clinic down the
12:13:21 23 street and say that she had sex with a boy she didn't
12:13:25 24 know well so that she could get an STD test?

12:13:28 25 A. I do not know that.

12:13:29 1 Q. Do you think that's appropriate?

12:13:31 2 A. According to our current policy, that is not
12:13:33 3 appropriate.

12:13:34 4 Q. Well, what about the policy before Pepper
12:13:38 5 Hamilton? Was that -- Or was there no policy to address
12:13:41 6 that?

12:13:41 7 A. There were policies addressing sexual misconduct
12:13:46 8 at Baylor University.

12:13:46 9 Q. Was that proper -- proper procedure?

12:13:48 10 A. That, I do not know the details how she presented
12:13:51 11 herself. I don't know any of the --

12:13:53 12 Q. She presented herself as a freshman at the
12:13:57 13 university in the clinic saying "I was sexually
12:13:59 14 assaulted. I don't know what to do."

12:14:00 15 A. I don't know any of the details of that.

12:14:02 16 Q. Do you think that that conduct by the employee of
12:14:07 17 Baylor University was proper?

12:14:08 18 A. Not knowing the details, I can't evaluate what
12:14:13 19 happened.

12:14:13 20 Q. I'm asking you to assume those are the details
12:14:16 21 for the purposes of my question, that a freshman young
12:14:18 22 woman goes into the health clinic, she reports that she
12:14:21 23 was sexually assaulted, they discouraged her from
12:14:25 24 reporting and implied to her that her parents would find
12:14:27 25 out and she hadn't told the parents yet, and they told

12:14:30 1 her to go down the street to a clinic and lie to them so
12:14:34 2 that she could get an STD test and a pregnancy test.

12:14:38 3 A. Is this hypothetical?

12:14:39 4 Q. No. This is what happened to my client which you
12:14:42 5 don't know about.

12:14:42 6 A. I don't know. I don't know the details.

12:14:43 7 Q. I'm telling you what happened. Is that
12:14:45 8 appropriate?

12:14:46 9 A. I do not -- I need to investigate what the
12:14:49 10 details were to be able to evaluate this.

12:14:51 11 Q. Well, I thought that you-all had -- were
12:14:53 12 investigating. Last fall you reported you were
12:14:55 13 investigating 125 individuals that had reported sexual
12:14:59 14 assault that were not related to football. What's
12:15:02 15 happened to that investigation?

12:15:03 16 A. I do not know what -- That has not come to my
12:15:07 17 office, and that -- so I don't know what those --

12:15:09 18 Q. So what is happening with this investigation of
12:15:12 19 the people that reported, the 125 young women?

12:15:15 20 A. I do -- I do not know what's happened.

12:15:18 21 Q. But I thought you just reported that all of the
12:15:20 22 recommendations have been enacted.

12:15:25 23 A. The recommendations have structurally been
12:15:28 24 enacted.

12:15:29 25 Q. What does that mean, "structurally"?

12:15:31 1 A. Well, there are some that are still ongoing in
12:15:34 2 process related to issues, reporting line and things
12:15:38 3 like that.

12:15:38 4 Q. Which ones are those?

12:15:40 5 A. I can't remember exactly, but reporting lines,
12:15:43 6 making sure that everybody coordinates in reporting so
12:15:46 7 it goes up through -- so we have a centralized way of
12:15:49 8 knowing what everything is that's happening.

12:15:50 9 Q. So all of them have been enacted, or some of them
12:15:53 10 have been enacted?

12:15:54 11 A. All of them have been enacted --

12:15:54 12 Q. So --

12:15:56 13 A. -- and it's been audited.

12:15:57 14 Q. It's been audited?

12:15:58 15 A. Yes.

12:15:59 16 Q. What does that mean?

12:16:00 17 A. That means that people came in and went through
12:16:04 18 all of the 105 recommendations through our internal
12:16:07 19 audit, and they evaluated whether we did fulfill what
12:16:12 20 was intended in the recommendations.

12:16:16 21 Q. And who did that?

12:16:18 22 A. That was done by our internal auditor, and it was
12:16:21 23 done by Pepper Hamilton, now Cousins [phonetic] ... what
12:16:25 24 -- I don't know the new name, Cousins.

12:16:29 25 Q. So looking at the allegations that we have in

12:16:55 1 Exhibit Number ... and I apologize, I think it's Exhibit
12:16:58 2 Number 3, but if you'd look at the front page.

12:17:00 3 A. It's 3.

12:17:01 4 Q. So looking at the allegations that have been made
12:17:03 5 by the regents against Coach Briles, do you still
12:17:09 6 believe that his conduct was not pernicious?

12:17:11 7 A. "Pernicious" means deliberately abhorrent, and I
12:17:17 8 do not believe the word "pernicious" is -- if you define
12:17:21 9 it as harmful, then that's quite different, but that's
12:17:24 10 not what I meant by "pernicious".

12:17:29 11 Q. Well, do you believe it was harmful?

12:17:31 12 A. I believe that what he did in keeping things from
12:17:35 13 being reported so that investigations could happen and
12:17:39 14 the disciplinary process could be carried out is
12:17:42 15 harmful.

12:17:43 16 Q. Do you still believe he's a good man?

12:17:47 17 A. I can make no judgment about one's goodness or
12:17:51 18 badness.

12:17:51 19 Q. Well, you've told the -- you've told the media
12:17:53 20 that you believe he's a good man. If you want, I'll
12:17:55 21 find the quote.

12:17:56 22 A. I -- That was in a media, and I'm not going to
12:18:00 23 make a judgment. I'm not going to say he's a bad man to
12:18:04 24 the media.

12:18:04 25 Q. Even though he would do things that were harmful

12:18:07 1 to young women who were students of Baylor University?

12:18:10 2 A. That does not make one a bad, evil person.

12:18:13 3 Q. Okay. So why did you accept the job as Interim
12:18:32 4 President this last time?

12:18:33 5 A. The Board of Regents had honored my wife by
12:18:38 6 naming the School of Social Work after her. She passed
12:18:44 7 away, and I felt a debt, an obligation to -- when they
12:18:50 8 called upon me to do it again as part of fulfilling my
12:18:55 9 -- a sense of duty.

12:18:58 10 Q. And what were your -- You've talked about you
12:19:03 11 were hired to implement these recommendations. Were you
12:19:06 12 charged with anything else?

12:19:07 13 A. Well, that was just part of the general
12:19:11 14 responsibility of being President.

12:19:13 15 Q. And you've continued to fulfill all of the other
12:19:17 16 duties of President?

12:19:17 17 A. What duties do you mean?

12:19:20 18 Q. The ones that you talked about your first go-
12:19:21 19 around.

12:19:22 20 A. Yes. Yes.

12:19:22 21 Q. The issues at Baylor regarding sexual violence in
12:19:33 22 and around the campus, you have characterized that as
12:19:37 23 "societal"?

12:19:38 24 A. As what?

12:19:40 25 Q. Societal.

12:19:42 1 A. I believe from news reports that I've read that
12:19:45 2 these things occurred across many campuses -- have
12:19:48 3 occurred across many campuses.

12:19:50 4 Q. But you specifically said the problems are
12:19:52 5 "societal". And if you want, I'll --

12:19:56 6 A. Yes. Yes, I would say that.

12:19:57 7 Q. Okay. And what do you mean by that?

12:20:00 8 A. I mean that we have a society in which
12:20:05 9 pornography is ubiquitous, and it creates a negative
12:20:10 10 attitude in treatment of other persons sexually.

12:20:17 11 Q. Why were -- why was -- Have you seen the reports
12:20:57 12 Pepper Hamilton did that was involved in some form or
12:21:01 13 fashion at Penn State?

12:21:02 14 A. No.

12:21:03 15 Q. Were you -- Have you seen the reports that Pepper
12:21:09 16 Hamilton may have been involved in at Occidental?

12:21:11 17 A. No.

12:21:12 18 Q. You've made the statement that what Baylor did in
12:21:19 19 this investigation was unprecedented. Do you know that
12:21:24 20 to be true?

12:21:25 21 A. I do not know that to be true.

12:21:28 22 Q. So why did you say that?

12:21:30 23 A. I -- I was not fully aware of what happened
12:21:35 24 elsewhere. I did believe that what Baylor had done in
12:21:40 25 the exhaustive recommendations, 105, were very

12:21:49 1 significant and also publishing (inaudible).

12:21:49 2 THE REPORTER: "And also ..."

12:21:49 3 THE WITNESS: ... very significant and also
12:21:56 4 publishing these as a measure of transparency.

12:22:02 5 THE REPORTER: Thank you.

12:22:03 6 BY MR. DUNNAM:

12:22:03 7 Q. So if there's transparency, how come when we read
12:22:07 8 that report we do not know the individual names of
12:22:09 9 administrators/coaches who were responsible for the
12:22:12 10 misconduct or the failures that Pepper Hamilton noted?

12:22:17 11 A. I can't answer that question.

12:22:19 12 Q. So do you know who the coaches and the
12:22:27 13 administrators are who were responsible for the
12:22:29 14 failures?

12:22:30 15 A. These were the persons who were ultimately
12:22:33 16 dismissed from their positions.

12:22:34 17 Q. Who?

12:22:35 18 A. Well, there would have been Coach Briles, Coach
12:22:40 19 Shillinglaw was named, and ... and ultimately the
12:22:43 20 Athletic Director.

12:22:45 21 Q. Do you agree with the statements from the Board
12:22:48 22 of Regents that the issues with sexual misconduct/
12:22:52 23 sexual violence at Baylor University, the football team
12:22:56 24 is only involved in approximately 10 percent of those
12:23:01 25 incidents that have been reported?

12:23:03 1 A. I don't know that for a fact.

12:23:05 2 Q. Have you been told that by anyone?

12:23:07 3 A. I have been told that, yes.

12:23:09 4 Q. By?

12:23:09 5 A. By regents.

12:23:11 6 Q. Okay. So when we fire the football coach and we
12:23:15 7 fire an assistant coach and we fire the Athletic
12:23:19 8 Director and that's all we fire, how are we addressing
12:23:23 9 the mishandling and the failures of the university in
12:23:26 10 regard to the other 90 percent of sexual assault victims
12:23:31 11 at Baylor University?

12:23:32 12 A. We addressed it through the 105 recommendations
12:23:35 13 and revising policies and procedures.

12:23:38 14 Q. But there's been no personal accountability for
12:23:42 15 the individuals other than -- and from the football
12:23:45 16 program who made the decisions to retaliate against
12:23:48 17 victims to discourage reporting. Is that true?

12:23:52 18 A. I do not know that to be true. I don't know the
12:23:54 19 details.

12:23:54 20 Q. Has any non-football related employee of Baylor
12:24:00 21 University been demoted or discharged as a result of the
12:24:04 22 decisions that were made to victimize and discourage
12:24:10 23 reporting of sexual assault of non-football related
12:24:13 24 assaults?

12:24:14 25 A. I don't know that anyone has been demoted that

12:24:20 1 has -- I don't know of any specific case where persons
12:24:23 2 have done that and they have not been demoted.

12:24:25 3 Q. Well, name the ones that were demoted.

12:24:27 4 A. There were no -- none that I know of that were
12:24:30 5 demoted. Personnel decisions were made before I became
12:24:33 6 President.

12:24:33 7 Q. Well, are you aware that -- Well, let's look at
12:24:46 8 your report.

12:25:02 9 (Exhibit 4 marked.)

12:25:02 10 MS. BROWN: Jim, if this is going to lead
12:25:05 11 into a long series of questions, this might be a good
12:25:07 12 time for lunch.

12:25:09 13 MR. DUNNAM: That's fine with me.

12:25:10 14 MS. BROWN: But it's up to you. I'm not
12:25:11 15 trying to break --

12:25:11 16 MR. DUNNAM: No.

12:25:12 17 MS. BROWN: -- your flow.

12:25:12 18 MR. DUNNAM: I mean It's 12:30. I don't
12:25:13 19 have a flow. I just sort of bounce around. You figured
12:25:17 20 that out by now, right?

12:25:21 21 No, that's fine with me. That's why I said
12:25:24 22 any time you want. I think we've gone about another
12:25:27 23 hour and 35 minutes, and it's 12:30. Chad's stomach is
12:25:32 24 rumbling.

12:25:33 25 MS. BROWN: It's up to you, but I think this

12:25:35 1 would be a good time.

12:25:36 2 MR. DUNNAM: No. That's fine with me.

12:25:38 3 THE VIDEOGRAPHER: Going off the record.

12:25:39 4 The time is 12:25 p.m.

12:25:45 5 (Luncheon recess taken from 12:25 to 1:32 p.m.)

13:32:06 6 Back on the record. Today is Wednesday,

13:33:40 7 May 20th -- May 31st, 2017. The time is 1:32 p.m. This

13:33:45 8 is disc three of the video deposition of David E.

13:33:48 9 Garland.

13:33:48 10 BY MR. DUNNAM:

13:33:58 11 Q. So, President Garland, I'm just going back to

13:34:03 12 make sure. My understanding is until you got your

13:34:05 13 briefing, I guess, after becoming President for your

13:34:08 14 current term, you were not aware of any sexual

13:34:13 15 misconduct, sexual assaults or anything of that nature

13:34:15 16 occurring at Baylor University; is that right?

13:34:19 17 A. I was not.

13:34:19 18 Q. Okay. And are you aware, as we sit here today,

13:34:23 19 that while you were Interim President for the first

13:34:28 20 time, that one of our clients who's referred to as "Jane

13:34:34 21 Doe Number 7" was sexually assaulted --

13:34:36 22 A. I was not.

13:34:37 23 Q. -- while you were President?

13:34:38 24 A. I was not.

13:34:39 25 Q. Are you aware that while you were the Provost,

13:34:43 1 during that period of time, that I believe Jane Does
13:34:49 2 Numbers 8 and 9 were sexually assaulted as students of
13:34:54 3 Baylor?

13:34:54 4 A. I was not.

13:34:55 5 Q. You're still not aware of that?

13:34:57 6 A. No.

13:34:57 7 Q. And you know this lawsuit's been pending for
13:35:02 8 10 months, something like that? Are you aware of that?

13:35:05 9 A. I am not aware of how long.

13:35:07 10 Q. And are you aware that during your current term
13:35:12 11 as President, that one of our clients, Jane Doe Number
13:35:17 12 10, a young woman attending Baylor University, was
13:35:20 13 sexually assaulted?

13:35:22 14 A. I know that that particular client made an
13:35:26 15 appeal.

13:35:27 16 Q. Okay. But the other, I guess, three we just
13:35:31 17 talked about when you were Interim President before and
13:35:35 18 Provost before, you weren't aware of it until I just
13:35:40 19 told you; is that right?

13:35:42 20 A. That's correct.

13:35:42 21 Q. Does that bother you?

13:35:45 22 A. What bother --

13:35:46 23 Q. Your lack of awareness that young women were
13:35:49 24 sexually assaulted under your watch while you were
13:35:54 25 Provost.

13:35:54 1 A. I'm very concerned for young women, but I was not
13:35:56 2 made aware of it.

13:35:57 3 Q. And you haven't felt the need to go find out who
13:36:05 4 these young women are, what happened to them, or what
13:36:11 5 the university can do for them to help remediate or
13:36:21 6 somehow assist them with the problems they've had as a
13:36:24 7 result of how Baylor treated them after the assault?

13:36:27 8 A. I believe that investigations would be done and
13:36:33 9 what happened with the investigations, and there would
13:36:36 10 be remediation, but I don't -- it's not my
13:36:40 11 responsibility as President to do that.

13:36:42 12 Q. Whose responsibility is it?

13:36:43 13 A. Well, it would be legal counsel and -- you know
13:36:48 14 -- I don't know the cases; so I don't know what's
13:36:50 15 happened.

13:36:50 16 Q. But legal counsel, are they responsible for --
13:36:53 17 for example, if we have a young woman who's a junior and
13:37:00 18 she's sexually assaulted and reports it to Baylor, she's
13:37:06 19 made to sign a document acknowledging that she was
13:37:08 20 consuming alcohol, and she's placed on probation; she
13:37:14 21 starts to enroll for the next semester, and she has not
13:37:18 22 completed her community service for being on probation
13:37:25 23 for having a drink ... I may be wrong, but I think it's
13:37:28 24 shortly before she turned 21, off campus; her admission
13:37:32 25 was barred because she hadn't completed enough community

13:37:35 1 service hours, her dad has to intervene, and finally she
13:37:40 2 gets enrolled? Is that how the university should have
13:37:44 3 treated her?

13:37:44 4 A. I don't know --

13:37:45 5 MS. BROWN: Objection to form.

13:37:47 6 BY MR. DUNNAM:

13:37:47 7 Q. Is that how the university should have treated
13:37:50 8 her?

13:37:50 9 A. I don't know any of the details.

13:37:51 10 Q. I'm telling you the details. Assuming those are
13:37:55 11 true, is that how the university should have treated
13:37:57 12 her?

13:37:57 13 A. I don't know the details.

13:37:57 14 Q. I'm telling you the details.

13:37:57 15 A. I do not know. I haven't had any access to the
13:37:59 16 investigation of this case.

13:38:00 17 Q. That's not what I'm asking.

13:38:02 18 I'm having you assume that what I'm telling you
13:38:05 19 is accurate. Is that the way that a student at Baylor
13:38:08 20 University should be treated?

13:38:09 21 A. Under the current policy, a student who reports a
13:38:13 22 sexual abuse/sexual assault would not be punished for
13:38:19 23 consuming alcohol.

13:38:19 24 Q. But this young woman was, and I'm not asking
13:38:22 25 about today. I'm asking that this is how -- if this is

13:38:24 1 how this young woman was treated, was that proper?

13:38:27 2 A. I do not know how this young woman was treated.
13:38:29 3 I do not know any of the details.

13:38:31 4 Q. I'm telling you how she was treated, and I'm
13:38:34 5 asking you to assume that. If that is true, is that
13:38:37 6 proper?

13:38:37 7 A. I do not know the details related to this
13:38:40 8 incident. I can't make a judgment.

13:38:42 9 Q. Why -- Did someone tell you that you -- that you
13:38:46 10 should avoid learning the details of the conduct of the
13:38:50 11 university and the specifics? Has anyone told you that?

13:38:53 12 A. No.

13:38:54 13 Q. So again, I'm going to ask you a very direct
13:38:57 14 question. Okay? I think it's a yes-or-no answer. If
13:39:01 15 you need to explain it, that's acceptable, but assume
13:39:05 16 that what I'm telling you is accurate, that this is how
13:39:08 17 this young woman was treated. Was that proper?

13:39:12 18 A. If that were the case --

13:39:15 19 Q. Would that be proper?

13:39:16 20 A. -- and it could be proven in the details in the
13:39:20 21 investigation, that is not the way we treat students
13:39:23 22 now. It should not have been the way she was -- should
13:39:25 23 have been treated.

13:39:26 24 Q. So let's go forward with this young woman who, I
13:39:31 25 believe, had roughly a 3.9 in a very rigorous degree

13:39:38 1 program at the time she was sexually assaulted. After
13:39:41 2 she had been placed on probation, after her enrollment
13:39:44 3 had been barred and she finally got in, she threw down
13:39:48 4 three F's in her studies. She had issues with academic
13:39:54 5 probation, scholarship type issues. Would that be
13:39:57 6 surprising to you?

13:39:58 7 MS. BROWN: Objection to form.

13:39:59 8 THE WITNESS: I -- Since I don't know the
13:40:01 9 case, I just can't answer that question.

13:40:03 10 BY MR. DUNNAM:

13:40:03 11 Q. If that happened to a young woman ... and I want
13:40:07 12 you to assume that it did ... would it be proper for the
13:40:11 13 university to offer her assistance, whether it be
13:40:14 14 counseling, whether it be tutoring, or whatever, to help
13:40:18 15 a young woman who's gone from a 3.9 to making three F's
13:40:22 16 in courses? Would it be proper for the university to
13:40:24 17 assist her?

13:40:25 18 A. Yes, I think it's proper to assist her.

13:40:27 19 Q. And do you think it would be improper for the
13:40:29 20 university to refuse to assist her?

13:40:32 21 A. Once again, I don't know --

13:40:33 22 Q. You don't know?

13:40:34 23 A. -- whether the case -- whether the university did
13:40:37 24 refuse to assist her.

13:40:38 25 Q. Well, I'm telling you they did. Do you think

13:40:41 1 that would be improper?

13:40:43 2 A. I don't -- I don't know that that actually
13:40:46 3 happened; so I -- I don't know anything about the case.

13:40:48 4 Q. Do you think that if she retook the classes and
13:40:52 5 made acceptable grades and Baylor charged her a second
13:40:56 6 time for those classes, would that be proper?

13:40:59 7 A. I -- if -- I simply don't know the case.

13:41:03 8 Q. Are you willing to answer the question "yes" or
13:41:04 9 "no"? I'm just asking would it be proper for the
13:41:07 10 university to charge her twice if she had failed classes
13:41:11 11 as a result of the trauma of sexual assault?

13:41:14 12 A. As a result of the trauma that's been
13:41:16 13 investigated and has been adjudicated, then I think it
13:41:21 14 would be improper to charge her again.

13:41:23 15 Q. But only if it's been adjudicated?

13:41:26 16 A. After it's been adjudicated.

13:41:27 17 Q. If she applied for grade forgiveness because she
13:41:31 18 retook the classes and she made acceptable grades, do
13:41:34 19 you think it would be proper to -- would you have to
13:41:37 20 adjudicate it before you'd be willing to consider grade
13:41:40 21 forgiveness?

13:41:41 22 A. I would be willing to consider grade forgiveness,
13:41:45 23 given the situation, but I don't know this case.

13:41:46 24 Q. And you -- Well, let me ask this: We may be --
13:41:51 25 The jury is obviously hearing you today, and it's --

13:41:56 1 you're still the President of the university, and they
13:41:59 2 may hear from you live at trial.

13:42:04 3 Do you have any intention of going back ... now
13:42:06 4 that we've asked you these questions about what you
13:42:09 5 think of these young woman ... of going back and
13:42:11 6 learning about them?

13:42:13 7 A. I would have to wait to see what my lawyers told
13:42:16 8 me I needed to do.

13:42:17 9 Q. What if they -- what if you don't talk to your
13:42:19 10 lawyers? Do you have any personal desire to go back and
13:42:21 11 figure out what happened to these 10 young women?

13:42:23 12 A. It's -- I am very concerned for the young women,
13:42:26 13 but I'm not going to investigate something that I --
13:42:29 14 that's not -- out of my purview.

13:42:32 15 Q. Well, "out of your purview"; three of these
13:42:34 16 happened under your role as -- actually, four happened
13:42:38 17 under your role as either President or Provost. And you
13:42:42 18 still -- you feel like you have no personal stake in
13:42:45 19 that?

13:42:46 20 A. I have -- I do not know anything about these
13:42:49 21 cases. I don't know whether they were reported, whether
13:42:52 22 they were investigated or not.

13:42:54 23 Q. And again, to make sure that we understand one
13:43:01 24 another, because if -- if you're going to go out now and
13:43:05 25 investigate these issues to where you can answer my

13:43:10 1 questions, that's what I want to know, because I want to
13:43:13 2 know if you're going to show up whenever we're in trial
13:43:15 3 and say "Oh, I've looked at these all now, and I know
13:43:18 4 everything about them." Do you have any intention of
13:43:20 5 going and doing that?

13:43:21 6 A. Not right now.

13:43:22 7 Q. Would you mind, if you decide to do that, you let
13:43:24 8 your counsel know so she can let me know and we maybe
13:43:27 9 can ask you some more questions? Would that be fair?

13:43:29 10 A. I would have to ask the counsel.

13:43:31 11 Q. Okay. Do you know what the words "deliberate
13:43:37 12 indifference" mean? What do those mean to you?

13:43:40 13 A. "Deliberate" is intentional indifference --

13:43:40 14 Q. Okay.

13:43:42 15 A. -- and not caring.

13:43:43 16 Q. And -- Okay. Now, you testified before the Texas
13:43:54 17 Senate; is that correct?

13:43:55 18 A. That's correct.

13:43:56 19 Q. And you testified under oath, correct?

13:44:00 20 A. Correct.

13:44:00 21 Q. And you signed, actually, a document. They
13:44:03 22 didn't -- they don't make you raise your right hand in
13:44:06 23 the legislature. They have you sign an affirmation
13:44:09 24 before you testify saying that you're going to testify,
13:44:12 25 you want to testify, and you affirm in writing, signing

13:44:16 1 your name, that you will tell the truth?

13:44:17 2 A. Yes.

13:44:18 3 Q. Okay. So I'm going to hand you a document, and
13:44:21 4 let's ...

5 (Exhibit 5 marked.)

6 Oh, wait. Let's mark this one. Let me make
7 sure.

8 THE REPORTER: I can get another --

9 MR. DUNNAM: So --

10 THE REPORTER: Do you want to make this
11 Number 6?

12 MR. DUNNAM: Yes. And, Counsel, do you have
13 an -- Actually, these are stapled in two separate -- two
14 separate sections --

15 MS. BROWN: Thank you.

16 MR. DUNNAM: -- because we had one typed and
17 we misstated where to start the transcribe --
18 transcription; so they're actually -- they go together;
19 so I'd like to offer those for the deposition as one
20 exhibit, and we can staple them. I mean they're in
21 chronological order. They're time-stamped. And is that
22 acceptable, or do we need to mark them twice -- mark two
23 of them?

24 MS. BROWN: No. You can mark it as one
25 exhibit.

13:45:23 1 (Exhibit 6 marked. Exhibit 5 withdrawn.)

13:45:23 2 BY MR. DUNNAM:

13:45:23 3 Q. Okay. So we're going to -- Dr., we're going to
13:45:25 4 hand you what's been marked as Exhibit 6. And you said
13:45:31 5 before you showed up you had read a transcript of your
13:45:33 6 testimony. Okay? Right?

13:45:34 7 A. Yes.

13:45:35 8 Q. Okay. So actually, I got the last of this early
13:45:41 9 this morning; and so -- I didn't do it. Our court
13:45:45 10 reporter here did. So we'll -- if there's something
13:45:48 11 wrong with it, then I'm sure it will be pointed out by
13:45:51 12 some lawyers or something at some point, but I'd like to
13:45:53 13 go through this, and I'll -- we'll represent to you that
13:45:56 14 we -- my office didn't participate other than requesting
13:46:00 15 that this be done. Okay?

13:46:02 16 A. Yes.

13:46:02 17 Q. Okay. So let's -- Hold on a second.

13:47:08 18 Let's start on page 8. Fair enough? I think
13:47:20 19 this is questioning from Senator West. Now, you
13:47:26 20 indicated to the Texas Senate that you had not attended
13:47:29 21 the first meeting where Pepper Hamilton briefed the
13:47:33 22 regents; is that right?

13:47:34 23 A. That's correct.

13:47:35 24 Q. But they had been hired by the board, correct?

13:47:40 25 A. That's correct.

13:47:41 1 Q. And they had done, as you told Senator West, an
13:47:48 2 exhaustive investigation, correct?

13:47:49 3 A. I don't know if I used the word "exhaustive", but
13:47:52 4 they did an investigation.

13:47:54 5 Q. Well, let's find it. Let's look on page 11.

13:48:25 6 "Do you feel, sir --" this is on line 3 "-- that
13:48:28 7 there's been an exhaustive investigation of these issues
13:48:32 8 at your university?" And you said: "Yes, I believe
13:48:34 9 so", correct?

13:48:37 10 A. Yes.

13:48:38 11 Q. And in fact, you told Senator West that, to the
13:48:42 12 best of your recollection, there had been no stone left
13:48:44 13 unturned?

13:48:45 14 A. I did not say that.

13:48:46 15 Q. Okay. Well, hang on. Let's see what you said:
13:48:49 16 "No stone has been left unturned?", he asked.

13:48:53 17 You said: "... may be some stones, but we've
13:48:54 18 tried to find as many stones as we could unturn."

13:48:57 19 A. That's correct.

13:48:57 20 Q. Okay. Well, how is that different than --

13:48:58 21 A. That's different than "no stone unturned". I --
13:49:03 22 "There may be some stones."

13:49:03 23 Q. Well, I said "that you knew of" is what I think I
13:49:05 24 asked you --

13:49:06 25 A. That's correct.

13:49:07 1 Q. -- but fair enough.

13:49:10 2 Okay. So let's go back to -- in coming up with
13:49:12 3 the findings, you are aware, or do you just know from
13:49:15 4 reading the newspaper, that Pepper Hamilton was given
13:49:19 5 broad latitude and reviewed e-mails and text messages
13:49:23 6 and personnel files and any document they wanted?

13:49:28 7 A. I believe that's correct.

13:49:29 8 Q. How do you -- Why do you believe that?

13:49:31 9 A. Because I have simply heard that. I don't know
13:49:35 10 from where exactly, but I understood that that's what
13:49:38 11 they did.

13:49:38 12 Q. And look at page 9.

13:49:47 13 A. Pardon?

13:49:48 14 Q. Looking at page 9, Senator West asked you: "So
13:49:54 15 what about the notes?" And this is on line 22: "Did
13:49:57 16 they have any notes that they used to make the
13:49:59 17 presentation?"

13:50:02 18 Do you agree with me he's talking about Pepper
13:50:04 19 Hamilton? He's asking about --

13:50:06 20 A. Yes.

13:50:06 21 Q. And you said: "Having heard the oral reports, I
13:50:09 22 think they worked from notes, yes, sir."

13:50:11 23 A. Yeah.

13:50:12 24 Q. When did you hear the oral reports?

13:50:14 25 A. On the -- on June 1.

13:50:16 1 Q. And who -- So what was this briefing on June 1?

13:50:22 2 A. What, now?

13:50:24 3 Q. When was the June -- I mean what was the June 1
13:50:26 4 briefing that you were at?

13:50:27 5 A. It was an oral report of what -- of the findings.

13:50:31 6 Q. And so were you in with the regents when they did
13:50:34 7 the oral report?

13:50:34 8 A. No, I was not.

13:50:35 9 Q. Okay. So was this a subsequent meeting?

13:50:37 10 A. This was a subsequent meeting with members of the
13:50:39 11 Executive Council.

13:50:40 12 Q. And who was present?

13:50:41 13 A. I can't remember exactly who was President --
13:50:45 14 present. There were mostly members of the Executive
13:50:48 15 Council.

13:50:48 16 Q. Was Pepper Hamilton there?

13:50:49 17 A. They were the ones presenting.

13:50:51 18 Q. And how long was that presentation?

13:50:54 19 A. I had to leave in the middle because I had to go
13:50:57 20 to a Big 12 meeting that day.

13:51:00 21 Q. So how long were you there?

13:51:02 22 A. I was about two-and-a-half hours.

13:51:04 23 Q. And do you know now how long that meeting was?

13:51:09 24 A. I do not remember -- I do not know. I left.

13:51:11 25 Q. You said halfway through; so I'm just curious.

13:51:14 1 A. I don't know. I don't know how long it went.

13:51:16 2 Q. And so let's go through. What did they tell you?

13:51:21 3 MS. BROWN: Objection, calls for privileged
13:51:23 4 information, attorney-client privilege, work product.

13:51:26 5 I would instruct the witness not to answer
13:51:31 6 questions that ask you to repeat what the attorneys
13:51:35 7 said.

13:51:35 8 BY MR. DUNNAM:

13:51:37 9 Q. So, President Garland, is it your intention -- is
13:51:43 10 it your intention to follow your lawyer's advice here
13:51:47 11 today and not answer my question?

13:51:49 12 A. Yes, it is.

13:51:50 13 Q. And if I ask you any question about what was said
13:51:57 14 at the meeting of the Executive Committee that you
13:51:59 15 attended where Pepper Hamilton gave an oral
13:52:02 16 presentation, is it your intention not to answer those
13:52:04 17 questions?

13:52:04 18 A. I believe that's covered by attorney-client
13:52:06 19 privilege; so I should not answer.

13:52:07 20 Q. Okay. And you refuse to answer that; is that
13:52:09 21 correct?

13:52:09 22 A. I believe I should not answer.

13:52:11 23 Q. Okay. But Pepper Hamilton did have notes,
13:52:20 24 correct?

13:52:21 25 A. That I do not know. I just inferred that. Most

13:52:24 1 of the report was oral, and they were not reading.

13:52:30 2 Q. Well, I mean, let's carry over. You say: "I

13:52:34 3 think they worked from notes, yes, sir." And then

13:52:39 4 Senator West says: "Okay. So they had notes -- they

13:52:42 5 had notes that they used in order to make the oral

13:52:47 6 report?" And you said: "Yes, sir."

13:52:48 7 A. I simply inferred that, but I do not know that

13:52:51 8 for a fact. I didn't see their notes. I didn't see, I

13:52:54 9 heard. It was an oral report.

13:52:56 10 Q. So you're sitting there for two-and-a-half hours,

13:52:59 11 and you never -- you can't tell us whether or not they

13:53:01 12 were working from notes or not?

13:53:02 13 A. I cannot.

13:53:03 14 Q. Was there a PowerPoint presentation?

13:53:05 15 A. None that I remember.

13:53:06 16 Q. So they just talked to you, and you do not know

13:53:10 17 -- despite what you told Senator West, you don't know

13:53:13 18 whether --

13:53:13 19 A. I really do not know.

13:53:14 20 Q. -- there were notes or not?

13:53:17 21 Now, you indicated that most of the -- of what

13:53:19 22 was said was oral. Was there anything in writing

13:53:21 23 provided to you?

13:53:22 24 A. Nothing.

13:53:22 25 Q. Anything else, other than what was oral?

13:53:27 1 A. I don't know what that might --

13:53:29 2 Q. I don't know. You were one that said most of it
13:53:31 3 was in oral -- oral.

13:53:32 4 A. No. It was -- it was oral.

13:53:32 5 Q. Okay.

13:53:34 6 A. It was all oral.

13:53:34 7 Q. All right. Now, Senator West goes on, and you
13:53:39 8 said: "... we turned it over to the NCAA, as well."

13:53:43 9 Is that the notes?

13:53:44 10 A. I'm not sure what the question was. Where is
13:53:48 11 that?

13:53:48 12 Q. So we're carrying down. "Were those --" He's
13:53:53 13 talking about the notes. "Were those -- Now, you know
13:53:55 14 that there's an investigation by the State right now?"

13:53:57 15 A. Right.

13:53:58 16 Q. And you said: "Yes."

13:54:00 17 "Okay. Now, will that information in those notes
13:54:02 18 be made available as part of the investigation that's
13:54:05 19 being done by law enforcement?"

13:54:07 20 And you said you didn't know --

13:54:08 21 A. I did not know.

13:54:09 22 Q. -- "but we've given them" everything, but then
13:54:11 23 you said -- you volunteered: But "we've also turned it
13:54:14 24 over to the NCAA"; so were the notes turned over to the
13:54:18 25 NCAA?

13:54:19 1 A. I don't know what notes existed. What I meant
13:54:22 2 was that when the NCAA asked for information, we gave
13:54:27 3 them the information they asked for. I do not know what
13:54:32 4 precisely that information was. I don't know what the
13:54:35 5 -- so ...

13:54:36 6 Q. Okay. So we'll come back to Exhibit Number ... I
13:54:44 7 think it was 5?

13:54:44 8 THE REPORTER: 6.

13:54:45 9 BY MR. DUNNAM:

13:54:45 10 Q. ... 6 in just a minute.

13:54:46 11 Let's look at Exhibit Number 4. It's right --
13:54:50 12 it's in front of you right here. So tell us what
13:54:54 13 Exhibit Number 4 is.

13:54:55 14 A. This is the Board of University -- Baylor
13:54:59 15 University Board of Regents Findings of Fact.

13:55:01 16 Q. Do you agree with the findings of the Board of
13:55:06 17 Regents that prior to the implementation of the
13:55:09 18 recommendations that you were in charge of implementing,
13:55:17 19 that Baylor University was wholly failing to comply with
13:55:23 20 Title IX as indicated in this report?

13:55:25 21 A. I believe that comment should be read in light of
13:55:28 22 the whole report, because there are words that are used
13:55:32 23 in this that said "inconsistently", which implies that
13:55:37 24 there were times when it was done; so I -- I think that
13:55:41 25 that statement should be read in the context of

13:55:44 1 everything in the report.

13:55:45 2 Q. Okay. Well, let's go through the report. Fair
13:55:47 3 enough?

13:55:47 4 A. Yes.

13:55:48 5 Q. Page one: "Pepper's Findings of Fact, as set
13:55:55 6 forth in greater detail, reflect a fundamental failure
13:55:59 7 by Baylor to implement Title IX of the Violence Against
13:56:04 8 Women Reauthorization Act of 2013."

13:56:05 9 Do you agree with that statement?

13:56:06 10 A. I believe that there were failures. I'm not sure
13:56:09 11 I would use the statement "fundamental". I believe
13:56:12 12 there were cases where indeed we did implement Title IX,
13:56:17 13 but I -- simply because they use the word
13:56:20 14 "inconsistent".

13:56:21 15 Q. Well, so you disagree with the Board of Regents'
13:56:24 16 finding that there was a fundamental failure by Baylor
13:56:29 17 to implement these laws?

13:56:30 18 A. I believe that that should be interpreted in
13:56:33 19 light of the context where they also -- they talk about
13:56:36 20 specific instances.

13:56:37 21 Q. Well, I'm going to go through those, but my
13:56:39 22 question is do you agree with this sentence, or do you
13:56:41 23 disagree with the Board of Regents?

13:56:43 24 A. I believe "fundamental failure" does not mean
13:56:47 25 wholesale that basically -- because they referred to

13:56:52 1 "inconsistent" application for the Title IX.

13:56:54 2 Q. So you do not believe there was a fundamental
13:56:59 3 failure to implement Title IX and the Violence Against
13:56:59 4 Women Reauthorization Act?

13:57:05 5 A. I believe that was --

13:57:05 6 MS. BROWN: Objection to form.

13:57:06 7 BY MR. DUNNAM:

13:57:06 8 Q. I just want to know if you agree or disagree with
13:57:09 9 the statement --

13:57:09 10 A. I believe that there were failures.

13:57:11 11 Q. And you -- but you do not believe they were
13:57:13 12 fundamental failures?

13:57:14 13 A. I do not believe -- I believe that there were
13:57:15 14 failures, not -- I would use a different word.

13:57:17 15 Q. What word would you use?

13:57:20 16 A. I'd use "that reflects a failure -- some failures
13:57:24 17 of Baylor to implement the Title IX of -- Title IX of
13:57:28 18 the Education Amendments of 1972 consistently".

13:57:31 19 Q. Okay. So in here we find Baylor -- "Pepper found
13:57:38 20 that the efforts to implement were slow, ad hoc,
13:57:42 21 hindered by a lack of institutional support and
13:57:45 22 engagement by senior leadership." Do you agree with
13:57:47 23 that finding?

13:57:47 24 A. I do not know because -- from the evidence, but I
13:57:50 25 believe that the next question and the next statement is

13:57:53 1 that they "were wholly inadequate to consistently
13:57:59 2 provide a prompt and equitable response."

13:58:02 3 So there were cases, I think, where this was the
13:58:04 4 case but not always the case.

13:58:05 5 Q. I'm just going -- These are not my -- this is not
13:58:09 6 my words. You understand that?

13:58:11 7 A. Yes.

13:58:11 8 Q. This is what the Board of Regents, 30-plus
13:58:15 9 regents found, published and has -- have, I guess you
13:58:19 10 could say bragged about for the last year, right?

13:58:21 11 A. Yes.

13:58:22 12 MS. BROWN: Objection, form.

13:58:22 13 BY MR. DUNNAM:

13:58:24 14 Q. You say this is -- you said: "This is
13:58:25 15 unprecedented, what the regents did in this case,"
13:58:28 16 publishing these findings?

13:58:29 17 A. I said that.

13:58:30 18 Q. Okay. So I just want to go through, and we can
13:58:33 19 talk in detail about each one of these however you want,
13:58:36 20 but I intend to go through their findings, because you
13:58:39 21 said we need to go through it in detail because you do
13:58:42 22 not agree with the broad finding at the top. I just
13:58:46 23 want to go through these --

13:58:46 24 A. Right.

13:58:47 25 Q. -- and see what you disagree with and what you

13:58:49 1 don't. Okay? So let's try this one more time.

13:58:53 2 Do you agree that "Baylor's efforts to implement
13:58:57 3 Title IX were slow, ad hoc, and hindered by lack of
13:59:01 4 institutional support and engagement by senior
13:59:06 5 leadership"? Do you agree with that?

13:59:07 6 A. I believe in the next statement where it says
13:59:09 7 "student conduct ... were wholly inadequate to
13:59:12 8 consistently provide a prompt and equitable response."

13:59:16 9 Q. So you disagree with that sentence?

13:59:18 10 A. I believe it is corrected by the next sentence.

13:59:20 11 Q. Who's the senior leadership that hindered things
13:59:26 12 by lack of institutional support and engagement?

13:59:29 13 A. That I do not know.

13:59:31 14 Q. Well, you told the Texas Senate that everyone
13:59:42 15 culpable for these failures were no longer at Baylor.
13:59:48 16 Do you recall that?

13:59:48 17 A. I do recall that.

13:59:50 18 Q. So how do you know that to be true, if you don't
13:59:52 19 know who the senior leadership is that were the ones
13:59:56 20 that did not provide the institutional support or proper
13:59:59 21 engagement? How do you know that to be true, what you
14:00:02 22 told the Senate?

14:00:04 23 A. Well, I may have been misled, but I understood
14:00:06 24 that personnel decisions were evaluated, and those
14:00:09 25 persons were removed.

14:00:10 1 Q. Who told you that?

14:00:11 2 A. Well, just simply the fact that people were
14:00:15 3 removed. No one told me specifically.

14:00:17 4 Q. Well, so you told the Senate everyone was gone,
14:00:24 5 but you may have been misled. Is that what you're
14:00:28 6 saying?

14:00:28 7 A. I may have been mistaken or misled.

14:00:30 8 Q. By who?

14:00:31 9 A. I believe that's correct.

14:00:32 10 Q. Who told you everybody culpable is gone?

14:00:36 11 A. No -- no one told me.

14:00:37 12 Q. You just assumed that?

14:00:39 13 A. I just assumed it.

14:00:40 14 Q. Well, how could you be misled if it's just an
14:00:40 15 assumption? "Misleading" connotes that somebody told
14:00:44 16 you.

14:00:44 17 A. I may have misinterpreted the fact that these
14:00:47 18 persons were gone. There was no -- none that I was
14:00:50 19 aware of in any investigation that someone was find --
14:00:55 20 found to be culpable.

14:00:56 21 Q. In reading this document, "institutional
14:00:59 22 support", and this is discussing the university, there
14:01:02 23 is a section at the back that I will agree only deals
14:01:05 24 with the football program, correct?

14:01:07 25 A. That's correct.

14:01:08 1 Q. This statement, particularly in the summary he's
14:01:14 2 talking about the university as a whole as an
14:01:17 3 institution. Do you agree with that?

14:01:18 4 A. I think this statement is, yes.

14:01:20 5 Q. All right. And so whatever senior leadership we
14:01:22 6 -- was involved, do you know that to include somebody
14:01:25 7 more than Art Briles and Mr. Shillinglaw and Mr. McCaw?

14:01:30 8 A. I do -- I do not know exactly what they were
14:01:32 9 talking about.

14:01:32 10 Q. Okay. The next sentence, and this is the one you
14:01:44 11 just wanted to talk about; so let's talk about it. It
14:01:47 12 talks about that "based on a high-level audit of all
14:01:50 13 reports of sexual harassment and violence for three
14:01:53 14 academic years from 2012-'13 through '14-'15, Pepper
14:01:59 15 found that the University's student conduct processes
14:02:01 16 were wholly inadequate to consistently provide a prompt
14:02:05 17 and equitable response under Title IX."

14:02:08 18 And we'll go through each finding as it
14:02:12 19 continues, but do you agree with that sentence?

14:02:14 20 A. I assume it's correct. I was not present from
14:02:19 21 2-12 -- 2012 to 2015; so I don't know that for a fact.

14:02:23 22 Q. You don't know whether -- And you've made no
14:02:25 23 effort to ascertain whether it's correct or not?

14:02:27 24 A. I'm not -- I've just heard the report, but this
14:02:30 25 is a summary from the report. I do not know.

14:02:33 1 Q. Well, you sat through two-and-a-half hours, at
14:02:34 2 least, of Pepper Hamilton's summary of everything; so
14:02:38 3 you do know more than what's just in this report; is
14:02:41 4 that correct?

14:02:41 5 A. I do know that the instances that they brought,
14:02:44 6 they were primarily -- they were all entirely related to
14:02:48 7 the football program.

14:02:49 8 Q. Okay. And what was the purpose of that meeting?

14:02:51 9 A. The purpose was to orient us, I believe, as to
14:02:57 10 why the President had been dismissed, the coach had been
14:03:02 11 dismissed, and also the Athletic Director.

14:03:04 12 Q. And it says that "Baylor failed to consistently
14:03:10 13 support complainants through the provision of interim
14:03:14 14 measures." Is that true?

14:03:15 15 A. With the emphasis on consistence --
14:03:17 16 "consistently", which means that they failed in some
14:03:20 17 cases to support complainants.

14:03:22 18 Q. Do you believe it's proper even once to fail to
14:03:26 19 support a young woman who's been the subject of sexual
14:03:28 20 assault within your university?

14:03:31 21 A. I believe it's a serious failure not to support
14:03:34 22 victims of sexual assault.

14:03:36 23 Q. And is there any justification for -- because you
14:03:38 24 keep wanting to talk about "consistently". Why do you
14:03:42 25 want to talk about -- why do you want to point that out?

14:03:43 1 A. Because in many ways we were supportive of
14:03:45 2 complainants. I -- because if they're saying
14:03:48 3 "consistently", then that means there were cases where
14:03:52 4 they did.

14:03:52 5 Q. But you don't know whether they were -- whether
14:03:54 6 "consistently" means more often than not, less often
14:03:59 7 than not; you don't know because you just don't know
14:04:00 8 anything, right?

14:04:01 9 A. I do not.

14:04:01 10 Q. You just don't know?

14:04:02 11 A. That's correct.

14:04:03 12 Q. Okay. All right. "... the University --
14:04:07 13 University failed to take action to identify and
14:04:09 14 eliminate a potential hostile environment, prevent its
14:04:13 15 recurrence, or address its effects for individual
14:04:15 16 complainants or the broader campus community."

14:04:18 17 Now, that element doesn't say "consistently". It
14:04:22 18 says they failed to do it. Do you agree with that?

14:04:24 19 A. The statement was -- if this came from their
14:04:28 20 investigation, I -- that's what -- the conclusion they
14:04:33 21 draw -- drew.

14:04:33 22 Q. And --

14:04:34 23 A. I can't verify it.

14:04:36 24 Q. You can't verify it, but -- so I guess -- and I
14:04:40 25 apologize if I keep going back to this, but you were the

14:04:43 1 President.

14:04:43 2 A. Not at this time.

14:04:44 3 Q. But this is talking about a period of time in the
14:04:48 4 past. You agree with that?

14:04:50 5 A. It's a period of time.

14:04:51 6 Q. And you had been the President of this university
14:04:54 7 for 20 months, almost two years, correct?

14:04:56 8 A. Correct.

14:04:57 9 Q. You've been the Provost for how long?

14:05:00 10 A. One year.

14:05:01 11 Q. For a year. So for three years prior to you
14:05:05 12 becoming President as you currently are, you had had a
14:05:09 13 senior leadership role at Baylor University?

14:05:11 14 A. Correct.

14:05:12 15 Q. And you have no independent knowledge one way or
14:05:15 16 the other whether these things are true?

14:05:16 17 A. These never came to my attention.

14:05:18 18 Q. The fact that they did not come to your attention
14:05:22 19 as the President and the Provost of the university, does
14:05:25 20 that indicate to you that there was a fundamental
14:05:27 21 failure at that time?

14:05:28 22 A. At -- I was not President of the university at
14:05:32 23 these times.

14:05:32 24 Q. Well, what about the times you were President and
14:05:36 25 Provost?

14:05:36 1 A. I was not President and Provost. I was Provost
14:05:39 2 during this time, but that is the Chief Academic
14:05:41 3 Officer. These issues do not come to the Chief Academic
14:05:45 4 Officer.

14:05:45 5 Q. Were you on the Executive Council?

14:05:47 6 A. Yes, I was.

14:05:48 7 Q. Do they come to the Executive Council?

14:05:50 8 A. I do not remember them coming to Executive
14:05:52 9 Council.

14:05:52 10 Q. Do you think if during a period of time when this
14:05:54 11 occurred when there were 125 young women who reported
14:05:59 12 sexual assault on the university, are you troubled that
14:06:03 13 that never came to your attention as a member of the
14:06:05 14 Executive Council?

14:06:06 15 A. I do not know why that did not come --

14:06:07 16 Q. Are you troubled that it did not come to your
14:06:09 17 attention?

14:06:09 18 A. I don't know the circumstances or the details of
14:06:12 19 any of these reports, whether they were reported or not.

14:06:14 20 Q. Let me try this again.

14:06:16 21 Are you troubled by the fact that during your
14:06:17 22 time on the Executive Council none -- you were not aware
14:06:21 23 of any of this that was going on that were fundamental
14:06:24 24 failures of the university?

14:06:25 25 A. I do not know that they were -- these things were

14:06:27 1 going on. Had I -- So I can't answer that "yes" or
14:06:31 2 "no".

14:06:31 3 Q. When were you Provost?

14:06:34 4 A. I was Provost from 2014-2015.

14:06:37 5 Q. So this was going on when you were Provost,
14:06:40 6 because they're talking specifically about 2014 and '15.

14:06:43 7 A. These things never came to my attention.

14:06:45 8 Q. I agree. So my question, let me ask it again:
14:06:49 9 Does it trouble you in 2014 and '15 when you were on the
14:06:54 10 Executive Council of the university that none of these
14:06:57 11 issues were brought to your attention? Does that
14:06:59 12 trouble you or not?

14:07:01 13 A. I do not know why they would not have been
14:07:03 14 brought to my attention; so I don't know why -- what I
14:07:06 15 would be troubled about, because I assume they were
14:07:09 16 being dealt with differently, but it just did not come
14:07:11 17 to my attention.

14:07:12 18 Q. Will you agree that now we know that they were
14:07:15 19 not being handled properly?

14:07:16 20 A. I do not know that they were mishandled. I don't
14:07:19 21 know what cases you're specifically talking about.

14:07:21 22 Q. I'm talking about in this report where it uses
14:07:25 23 the term "failure" during this time period about 20
14:07:28 24 times.

14:07:30 25 Are you not willing to acknowledge to me that the

14:07:34 1 statements in here that there were fundamental failures
14:07:37 2 while you were Provost of this university are accurate?

14:07:39 3 A. I can't evaluate -- The ones that I'm aware of in
14:07:43 4 this -- in this Findings of Fact were related to the
14:07:46 5 football program.

14:07:46 6 Q. Because the only briefing that you had the
14:07:51 7 benefit of related to football?

14:07:52 8 A. That's correct.

14:07:53 9 Q. Okay. Does that trouble you, that nobody thought
14:08:00 10 it important to tell you about the other 90 percent of
14:08:04 11 the young women who were victims of sexual assault and
14:08:08 12 reported it to the university, that no one has ever
14:08:11 13 talked to you about that?

14:08:11 14 A. I do not know why that happened. And I do not
14:08:14 15 know if that is the actual case.

14:08:18 16 Q. Well, you do know that you-all told the *Dallas*
14:08:23 17 *Morning News* when your regents went up there to meet
14:08:25 18 with the editorial people that football was 10 percent
14:08:29 19 of the problem?

14:08:30 20 A. I -- The regents have more information than I do
14:08:34 21 about that.

14:08:35 22 Q. Well, let's move on for a minute.

14:08:43 23 So I don't think you ever answered; so let me
14:08:47 24 just ask you because I am just trying to -- because you
14:08:51 25 keep pointing back that this is why you need to have

14:08:54 1 your -- these recommendations implemented.

14:08:56 2 You've told me that you don't know any facts why
14:08:59 3 these findings were made; so I'm asking you do you
14:09:02 4 believe the findings are accurate?

14:09:04 5 A. I assume that the findings are accurate, but what
14:09:10 6 is important is for us to pivot to the future in order
14:09:13 7 to make sure that these kinds of accusations or events
14:09:17 8 or whatever do not happen.

14:09:20 9 Q. And in pivoting -- so in pivoting to the future,
14:09:23 10 are we not to hold accountable the individuals that made
14:09:26 11 the decisions that resulted in failure after failure of
14:09:30 12 the university to address the needs of these young
14:09:32 13 women? Are we to ignore the people responsible for --

14:09:35 14 A. I do not --

14:09:36 15 Q. -- these failures?

14:09:37 16 A. I do not believe that people were -- that that
14:09:40 17 was ignored, but I just simply don't know the details of
14:09:44 18 those cases.

14:09:44 19 Q. So when we go through and talk about failure
14:09:47 20 after failure, you believe that there's no need to go
14:09:50 21 back and hold anyone other than the people that we've
14:09:53 22 talked about, Starr, Briles, McCaw, Shillinglaw,
14:09:57 23 accountable for the failures in how these young women
14:10:02 24 were treated?

14:10:04 25 A. I would assume that in the investigation they did

14:10:07 1 hold the persons they judged to be accountable in the
14:10:10 2 names that came up.

14:10:11 3 Q. But as we sit here today, you know of no one that
14:10:15 4 was let go, other than the four individuals we've talked
14:10:18 5 about?

14:10:18 6 A. No.

14:10:19 7 Q. In fact, who's Bethany McCraw?

14:10:25 8 A. She is in Judicial Affairs.

14:10:28 9 Q. She's still there?

14:10:29 10 A. Yes.

14:10:30 11 Q. And has her role changed?

14:10:32 12 A. Her role has changed. She doesn't handle any
14:10:36 13 Title IX cases, but this is just because we now have a
14:10:43 14 Title IX Coordinator; and so she does -- her role is
14:10:46 15 basically student violations other than sexual assault.

14:10:49 16 Q. Was she -- was her job duties altered because of
14:10:57 17 how she had mishandled anything in the past?

14:11:00 18 A. I did not -- I was -- That happened before I
14:11:04 19 became President; so I don't know.

14:11:05 20 Q. Has she received a pay raise?

14:11:14 21 A. I have no idea.

14:11:14 22 Q. So who would know?

14:11:18 23 A. Her supervisor.

14:11:21 24 Q. Who verified the accuracy -- Let me ask do you
14:11:42 25 know whether Pepper Hamilton wrote this?

14:11:44 1 A. I do -- They did not write it, because this is
14:11:48 2 the "Baylor University Board of Regents Findings of
14:11:50 3 Fact", not Pepper Hamilton's.

14:11:52 4 Q. Well, I understand that it's on Baylor Board of
14:11:55 5 Regents' letterhead. My question is did --

14:11:57 6 A. No. It's the title of it. It is "Baylor
14:12:00 7 University Board of Regents"; so it comes from -- from
14:12:02 8 the Board of Regents.

14:12:04 9 Q. My question is do you know who drafted it?

14:12:05 10 A. No, I do not.

14:12:06 11 Q. Did Pepper Hamilton draft it?

14:12:07 12 A. I do not know who drafted this.

14:12:09 13 Q. Who was responsible for verifying that the
14:12:16 14 failures noted were indeed accurate?

14:12:20 15 A. I do not know. This -- All of this occurred/
14:12:24 16 transpired before I became President.

14:12:25 17 Q. Okay. Let's carry on.

14:12:30 18 Bottom of page 1: "Pepper Hamilton found exact
14:12:34 19 -- examples of actions taken by University
14:12:36 20 administrators that directly discouraged complainants
14:12:39 21 from reporting or participating in student conduct
14:12:42 22 processes."

14:12:43 23 Do you agree with that statement?

14:12:45 24 A. I -- Yes.

14:12:48 25 Q. Who were the university administrators that

14:12:51 1 directly discouraged complainants from reporting or
14:12:54 2 participating in the process?

14:12:56 3 A. I can only guess.

14:12:58 4 Q. You don't know?

14:12:58 5 A. I do not know.

14:12:59 6 Q. Well, go ahead and guess, if you have an idea.

14:13:02 7 A. I believe it was the Chief of the Baylor
14:13:05 8 University Police.

14:13:06 9 Q. Was he fired?

14:13:08 10 A. He -- This is not during my time, but I
14:13:13 11 understand that he was replaced. I do not know the
14:13:15 12 circumstances.

14:13:16 13 Q. You know Mr. Ramsower. Did you watch the "60
14:13:23 14 Minutes" --

14:13:23 15 A. No, I did not.

14:13:24 16 Q. You didn't watch it?

14:13:26 17 Well, you were on it, weren't you?

14:13:27 18 A. I was on it.

14:13:29 19 Q. Are you aware that Mr. Ramsower said that when
14:13:35 20 they asked him as head of public safety why he was not
14:13:40 21 the person accountable, he directed the attention and
14:13:44 22 the blame at the Police Chief and said he's no longer at
14:13:47 23 the university?

14:13:48 24 A. I didn't watch it; so I don't know what Dr.
14:13:51 25 Ramsower said.

14:13:51 1 Q. Who was this Chief of Police?

14:13:54 2 A. The Chief of Police was Chief Doak.

14:13:58 3 Q. And when was he -- when did he leave the
14:14:00 4 university?

14:14:00 5 A. I don't know the dates exactly.

14:14:02 6 Q. Was it when you were President?

14:14:04 7 A. No.

14:14:04 8 Q. It was before you were President?

14:14:05 9 A. I -- Yes.

14:14:07 10 Q. Do you know whether he was let go?

14:14:09 11 A. I do not know any of the details.

14:14:12 12 Q. Anyone other -- Now, this says "University
14:14:19 13 administrators", plural; so are you saying that that is
14:14:22 14 only Chief Doak?

14:14:24 15 A. I have no clue what the university
14:14:27 16 administrators -- who they are -- who they were. I'm
14:14:30 17 perplexed by it.

14:14:31 18 Q. Why?

14:14:32 19 A. I don't know who it is, "University
14:14:34 20 administrators".

14:14:35 21 Q. Are you interested in who it is?

14:14:37 22 A. I would be interested if they -- if there was
14:14:41 23 some serious malfeasance regarding their carrying out of
14:14:48 24 their duties.

14:14:48 25 Q. Well, do you think that if a university

14:14:50 1 administrator directly discourages a rape victim from
14:14:55 2 reporting her rape, that that is serious?

14:14:57 3 A. I do believe that's serious.

14:14:58 4 Q. And so are you interested in knowing who did
14:15:00 5 that?

14:15:01 6 A. I believe that I think I know who did that from
14:15:08 7 -- that -- yes.

14:15:09 8 Q. Who?

14:15:09 9 A. I believe it was the Chief of Police.

14:15:11 10 Q. Anyone else?

14:15:14 11 A. I do not know of anyone else.

14:15:15 12 Q. Well, this says "University administrators". Is
14:15:18 13 the Chief of Police an administrator? I'm just curious.

14:15:21 14 A. He would be a university administrator.

14:15:22 15 Q. Okay. And so are you interested in who the other
14:15:24 16 administrators are?

14:15:25 17 A. I do not know who that could possibly be.

14:15:27 18 Q. I'm not asking you whether you -- I'm asking are
14:15:30 19 you interested in finding out?

14:15:31 20 A. I would have thought that the regents, having
14:15:34 21 read that, would have known and have taken action --
14:15:37 22 would have investigated and taken action, but I don't
14:15:40 23 know anything about this situation.

14:15:42 24 Q. As President of Baylor University, are you
14:15:44 25 interested in finding out who the other administrators

14:15:47 1 were who directly discouraged rape victims from
14:15:50 2 reporting their assaults?

14:15:51 3 A. I only know of one case where that --

14:15:54 4 Q. Are you interested in determining who the other
14:15:56 5 people are?

14:15:56 6 A. I don't know how to determine who those are.

14:15:58 7 Q. How about asking someone a question, "Who is it?"

14:15:58 8 A. I --

14:16:02 9 Q. Is that -- is that too much for you to do?

14:16:04 10 MS. BROWN: Objection, form.

14:16:04 11 BY MR. DUNNAM:

14:16:06 12 Q. Is that too much for you to do?

14:16:07 13 A. You know, my -- I just don't know who it could
14:16:10 14 be, and I don't -- and I've had other responsibilities
14:16:15 15 than looking and reinvestigating the investigation.

14:16:16 16 Q. Are you deliberately making the decision not to
14:16:20 17 ask that question? Have you made a deliberate decision
14:16:23 18 not to say "Who's the other --" that's a conscious
14:16:26 19 decision you've made, right?

14:16:28 20 A. I've not -- I've not been concerned about this
14:16:32 21 issue.

14:16:32 22 Q. All right. And have you thought about it?

14:16:33 23 A. No, I've not.

14:16:34 24 Q. Well, can you think about it right now? Do you
14:16:38 25 think it's a good thing for you to find out?

14:16:40 1 A. I'm leaving the office of President; so it will
14:16:43 2 not be under my responsibility to find out.

14:16:46 3 Q. You got this report. It came out a year ago,
14:16:51 4 right?

14:16:51 5 A. Correct.

14:16:52 6 Q. And you became President ... when was it again?

14:16:57 7 A. June.

14:16:57 8 Q. June 1. So it's about June 1; so you've been
14:17:04 9 there a year, and you decided -- you read this report.

14:17:08 10 How many times have you read this?

14:17:10 11 A. I've read the recommendations is the primary
14:17:14 12 concern that I was -- that I was involved in, and
14:17:18 13 nowhere in the recommendations did it say to come find
14:17:21 14 out who university administrators were or whatever. It
14:17:24 15 was dealing with policies and procedures. It did not
14:17:28 16 deal with personnel.

14:17:29 17 Q. President Garland, I don't -- you know -- I hope
14:17:36 18 not to spend all day here. Okay? And I'm asking you
14:17:40 19 specific questions for a reason, to hurry this along,
14:17:44 20 actually. And I just asked you -- I only asked you one
14:17:48 21 thing. Have you read this --

14:17:49 22 A. Yes, I've read it.

14:17:50 23 Q. -- and how many times have you read it?

14:17:51 24 A. I can't count the number of times.

14:17:54 25 Q. And you understand you went off on the

14:17:56 1 recommendations, and you realize I didn't ask you about
14:17:56 2 those.

14:17:58 3 A. I understand.

14:17:58 4 Q. Okay. So let's try something. I don't want to
14:18:00 5 limit your answer. I want you to answer things fully.
14:18:04 6 If something's "yes" or "no", I would like for you to
14:18:07 7 say "yes" or "no", but if you need to explain, I'd like
14:18:09 8 you to do that. Fair enough?

14:18:11 9 A. Yes.

14:18:11 10 Q. But I would ask that when I ask a question, you
14:18:14 11 wait until I'm done and you listen to the question I
14:18:16 12 actually asked and not what you want to say. Okay? If
14:18:20 13 you'll answer my question and then you want to say
14:18:22 14 something, great, I'm all for that. I do not want to
14:18:25 15 limit you. Okay?

14:18:26 16 So my question is: Have you read these board
14:18:29 17 findings, and how many times have you read them?

14:18:32 18 A. I've read them. I can't count the number.

14:18:34 19 Q. When was the first time you read them?

14:18:36 20 A. The -- June 2nd.

14:18:39 21 Q. So these came out when?

14:18:45 22 A. I do not know when they came out.

14:18:48 23 Q. So you decided not to read it until you became
14:18:55 24 President?

14:18:56 25 A. I was not privy to it until I became President.

14:18:59 1 Q. Well, I may be wrong, we'll get somebody to
14:19:11 2 check, but I think they were released to the world in
14:19:13 3 May. I don't know how you weren't privy until --

14:19:16 4 A. I was out of town.

14:19:17 5 Q. You were out of town. Where were you?

14:19:18 6 A. I was in Colorado.

14:19:20 7 Q. And so despite the fact that these things are all
14:19:22 8 over the internet, all over the TV, you just didn't read
14:19:24 9 them until you came --

14:19:26 10 A. I did not read them.

14:19:27 11 Q. Okay. So you had them since June 2nd, and my
14:19:31 12 question is: You've made a decision not to ask who
14:19:35 13 these administrators are?

14:19:37 14 A. I did not ask who these university administrators
14:19:40 15 were.

14:19:41 16 Q. Okay. It also says that the "University
14:19:44 17 administrators contributed to or accommodated the
14:19:51 18 hostile environment". Do you agree with that statement?

14:19:54 19 A. I assume that these particular ones did. I do
14:20:00 20 not know who they are.

14:20:01 21 Q. And you have chosen not to ask?

14:20:07 22 A. I -- I did not ask.

14:20:08 23 Q. Did it ever cross your mind? I mean I'm just
14:20:13 24 asking is this a decision you made, "I just said I'm not
14:20:15 25 going to ask", or was it you weren't --

14:20:18 1 A. It never crossed my mind.

14:20:20 2 Q. Never crossed your mind until today?

14:20:22 3 A. No.

14:20:22 4 Q. In one instance those actions constituted
14:20:28 5 retaliation against a complainant for reporting sexual
14:20:32 6 assault. Do you know who made the decision to retaliate
14:20:35 7 against this young woman?

14:20:36 8 A. I do not know who that was, and I'm -- I have no
14:20:41 9 idea.

14:20:41 10 Q. And you elected not to find out?

14:20:44 11 A. I elected not to find out.

14:20:47 12 Q. So I go back to this, because you stated under
14:20:51 13 oath to the Texas Senate that the administrators
14:20:54 14 responsible -- we can go look at your -- you know -- if
14:20:57 15 you have any question about it, we'll look at the
14:20:59 16 transcript, but you asserted to the Texas Senate that
14:21:02 17 all of the administrators responsible for these failures
14:21:05 18 were no longer at the university.

14:21:06 19 A. I believe that was correct, because the ones that
14:21:10 20 I knew about were the folks that were dismissed.

14:21:11 21 Q. So who was it, Art Briles, McCaw, Shillinglaw or
14:21:16 22 Starr, who retaliated against a sexual assault victim
14:21:20 23 for reporting? Which one?

14:21:21 24 A. I do not know.

14:21:22 25 Q. Do you believe if it was one of them, it would

14:21:24 1 have been proper to pay them a dime when they were let
14:21:29 2 go? Would it be proper, if it was one of them?

14:21:31 3 A. I'm not able to make that kind of judgment
14:21:34 4 because of contract issues. I don't know.

14:21:36 5 Q. I don't understand what that means.

14:21:38 6 A. Well, if they're under certain contracts and
14:21:40 7 they're let go, I don't know what kinds of things could
14:21:43 8 be required.

14:21:44 9 Q. Well, you think -- Do you have a contract?

14:21:55 10 A. No. Just for my teaching contract, with tenure.

14:22:00 11 Q. So your -- you don't know whether it would have
14:22:08 12 been proper or not to pay someone who was leaving who
14:22:13 13 had retaliated against a young woman for reporting
14:22:17 14 sexual assault? You don't know whether that's proper or
14:22:20 15 not?

14:22:20 16 A. I don't know the details or this particular case.

14:22:23 17 Q. And you have no intention of learning those
14:22:25 18 details; is that true?

14:22:27 19 A. I have not found any need to know those details.

14:22:29 20 Q. Okay. All right. Let's go on to the Overview of
14:22:42 21 Engagement. You do agree that they were hired to
14:22:45 22 conduct an independent and external review; is that
14:22:48 23 correct?

14:22:48 24 A. That's what it says.

14:22:49 25 Q. Of how Baylor handled Title IX?

14:22:52 1 A. That's -- that's what it says.

14:22:55 2 Q. There was no limitation on what they could
14:22:59 3 investigate?

14:23:01 4 A. Where is that?

14:23:02 5 Q. I'm asking. Or do you know?

14:23:04 6 A. I do not know. I --

14:23:05 7 Q. Okay. Who was on the Special Committee of the
14:23:08 8 Board of Regents that accepted the recommendation to
14:23:16 9 engage Pepper Hamilton?

14:23:17 10 A. I was not President at that time, not present at
14:23:20 11 the Regents Meeting; so I have no idea.

14:23:22 12 Q. Do you know what the "access to personnel and
14:23:25 13 data" was, what they accessed?

14:23:27 14 A. I do not know.

14:23:28 15 Q. Do you know whether they looked at student
14:23:35 16 e-mails?

14:23:36 17 A. I -- I do not know what they looked at.

14:23:39 18 Q. You have no idea anything what they looked at?

14:23:41 19 A. No. It says here: "e-mails, mobile device data,
14:23:47 20 documents from current and former Baylor employees". I
14:23:51 21 don't know -- it doesn't say students, but I don't -- so
14:23:54 22 I don't know.

14:23:54 23 Q. Let's move to page 4, because that's where it
14:24:11 24 starts to talk about the specifics, and let's go through
14:24:17 25 page 5 where it starts the new section; so I just want

14:24:21 1 to look at this one section entitled "Failure to
14:24:25 2 Prioritize, Recognize, Implement and Resource Title IX".
14:24:28 3 Are you familiar with that section?

14:24:30 4 A. Yes.

14:24:30 5 Q. If you need extra time to familiarize it, just
14:24:35 6 let me know, because I want to ask you about it.

14:24:37 7 A. Okay. (Briefly scanning document.)

14:25:04 8 Q. Okay?

14:25:04 9 A. Yes.

14:25:05 10 Q. So I'm trying to avoid having to go line by line
14:25:07 11 with you. I just -- you know -- if your answer is the
14:25:09 12 same to everything, then I have no desire to --

14:25:12 13 A. Yeah.

14:25:12 14 Q. -- beat a dead horse.

14:25:14 15 If we look at this section entitled "Failure to
14:25:22 16 Prioritize, Recognize, Implement and Resource Title IX",
14:25:22 17 do you agree with the findings of all of the failures
14:25:24 18 that are listed in that section?

14:25:26 19 A. I believe they identified failures.

14:25:30 20 Q. And do you believe the findings are accurate?

14:25:33 21 A. I think their judgment is probably correct.

14:25:39 22 Q. But you have no first- or secondhand information
14:25:42 23 as to why -- as to whether or not they're correct?

14:25:46 24 A. No, I do not.

14:25:46 25 Q. And you felt and still believe that that is not

14:25:50 1 within your purvey as a University President who is
14:25:55 2 charged with implementing all of the recommendations?

14:25:58 3 A. I do believe it's my job to implement the
14:26:01 4 recommendations so that we have -- we do not fail to
14:26:06 5 prioritize, recognize and implement Title IX.

14:26:07 6 Q. But not for you to understand the details of what
14:26:12 7 these failures actually were?

14:26:13 8 A. I -- My goal is to find out what actually we must
14:26:15 9 do to prioritize, recognize and implement Title IX and
14:26:20 10 provide the adequate resources, and I believe we have
14:26:23 11 done that.

14:26:23 12 Q. But not actually what happened that constitutes
14:26:27 13 the failures noted?

14:26:28 14 A. No, because they -- those would be reflected in
14:26:31 15 the recommendations, "Here's what we have to fix".

14:26:34 16 MR. DUNNAM: Can we take a quick break? I
14:26:37 17 think we've hit about another hour.

14:26:40 18 THE VIDEOGRAPHER: Going off the record.
14:26:42 19 The time is 2:26 p.m.

14:26:44 20 (Recess taken from 2:26 to 2:43 p.m.)

14:43:13 21 Back on the record. Today is Wednesday,
14:43:20 22 May 31st, 2017. The time is 2:43 p.m. This is disc
14:43:25 23 four of the video deposition of David Garland.

14:43:29 24 BY MR. DUNNAM:

14:43:30 25 Q. So, President Garland, how many briefings are you

14:43:35 1 aware of that Pepper Hamilton gave?

14:43:41 2 A. I am aware of ... I'm aware of three.

14:43:50 3 Q. And give me approximately -- We know the main --
14:43:52 4 we know the one you talked about that you went to that
14:43:54 5 you-all talked about football, right?

14:43:56 6 A. Yeah. I was in one briefing.

14:43:58 7 Q. And then we know about the one with the full
14:44:03 8 board that was 10 hours or something like that, right?

14:44:06 9 A. I don't know how long it was, but they had a
14:44:09 10 briefing.

14:44:09 11 Q. Okay. And you know Mr. Murff said it was
14:44:13 12 10 hours?

14:44:14 13 A. I don't know that.

14:44:15 14 Q. You don't know that?

14:44:16 15 And then what was the other one, the third one?

14:44:18 16 A. There were some other regents that they wanted
14:44:24 17 former regents to be briefed on.

14:44:26 18 Q. When was that?

14:44:27 19 A. I can't recall when that was.

14:44:30 20 Q. Well, was it before or after your briefing?

14:44:32 21 A. It was after mine.

14:44:34 22 Q. And who were the former regents?

14:44:35 23 A. I can't recall exactly who they were. I just
14:44:39 24 knew that they were being briefed.

14:44:40 25 Q. Can you name any of them?

14:44:42 1 A. I can't. I can't remember.

14:44:46 2 Q. Who was setting up these briefings?

14:44:48 3 A. I do not know.

14:44:49 4 Q. Who was interacting with Pepper Hamilton?

14:44:53 5 A. I assume the primary person would have been
14:45:01 6 General Counsel, but I did not interact with them
14:45:04 7 directly.

14:45:04 8 Q. Well, did you interact with them through someone?

14:45:07 9 A. I did not interact with them through someone. It
14:45:11 10 would be -- they were being dealt with through General
14:45:15 11 Counsel.

14:45:15 12 Q. Do you know that to be true, or are you assuming?

14:45:17 13 A. I just assumed that.

14:45:19 14 Q. So the correct statement is you didn't deal with
14:45:21 15 them at all, directly or indirectly, and you don't know
14:45:24 16 who did?

14:45:24 17 A. I did not deal with them directly.

14:45:26 18 Q. Well, what about indirectly?

14:45:28 19 A. I did not -- Well, I got their reports --

14:45:31 20 Q. Right.

14:45:32 21 A. -- and the recommendations.

14:45:33 22 Q. Right. And you don't know who with the
14:45:35 23 university had interaction --

14:45:36 24 A. It would have been General Counsel.

14:45:38 25 Q. Well, "would have been", I don't know what that

14:45:41 1 means. I don't want you to guess.

14:45:42 2 A. I ... I ...

14:45:44 3 Q. I mean "I don't know" is a fine answer. I mean

14:45:47 4 --

14:45:47 5 A. I don't know.

14:45:48 6 Q. -- whatever is true.

14:45:49 7 A. Yeah. Yeah.

14:45:50 8 Q. Okay. There's been reports and, I think,

14:45:57 9 discussions about a meeting in February, a group of

14:46:01 10 regents that -- either in Waco or they flew up to Pepper

14:46:06 11 Hamilton and they had some kind of a pre-briefing or

14:46:11 12 status update or something like that?

14:46:12 13 A. In February of when?

14:46:13 14 Q. Of last year, 2016.

14:46:16 15 A. I don't know about that.

14:46:18 16 Q. Now, when did you have the meeting with Gina

14:46:28 17 Smith at Pepper Hamilton where you-all had a discussion

14:46:32 18 about the assurances that she gave you and why they had

14:46:39 19 been brought in?

14:46:39 20 A. Pardon? I don't know the question, what --

14:46:43 21 Q. You had a discussion with Gina Smith of Pepper

14:46:46 22 Hamilton?

14:46:46 23 A. That was at my first regent meeting the day

14:46:50 24 before she gave some more briefings.

14:46:54 25 Q. And the "some more briefings" were the ones to

14:46:57 1 you in the Executive Committee?

14:46:59 2 A. Not the Findings of Fact, but she was just
14:47:01 3 talking with us about how to implement -- how we should
14:47:05 4 be implementing the recommendations.

14:47:06 5 Q. Okay. So that's what I mean. Is that a fourth
14:47:09 6 meeting?

14:47:09 7 A. I don't know what number that would be.

14:47:11 8 Q. Okay. Well, I just asked you how many times that
14:47:14 9 Pepper Hamilton had meetings briefing.

14:47:16 10 A. Well, you asked me briefings, but this was just
14:47:19 11 meeting about --

14:47:20 12 Q. Okay. Well, how many times have you met with
14:47:22 13 Pepper Hamilton?

14:47:22 14 A. I can't remember. Maybe -- I don't know.

14:47:25 15 Q. Do you have any idea?

14:47:26 16 A. I would only be guessing.

14:47:29 17 Q. So once a month?

14:47:32 18 A. Not once a month. It was occasional.

14:47:36 19 Q. Well, how many meetings do you recall?

14:47:39 20 A. Maybe three or four.

14:47:46 21 Q. So we have a regents meeting the next day, and
14:47:50 22 you meet with Gina Smith of Pepper Hamilton, right?

14:47:52 23 A. Correct.

14:47:53 24 Q. And she tells you that "I was talking with Gina
14:48:00 25 yesterday, and she guaranteed me that because they're so

14:48:04 1 well known ..." I guess to the Office of Civil Rights
14:48:08 2 "... we are going to be protected just because we hired
14:48:11 3 them." Did she tell you that?

14:48:12 4 A. What she told me --

14:48:14 5 Q. I'm asking did she tell you that?

14:48:16 6 MS. BROWN: I'm going to need to consult
14:48:19 7 with Dr. Garland on any potential privilege issues
14:48:23 8 related to this area of questioning.

14:48:28 9 MR. DUNNAM: That's fine, but this is out of
14:48:32 10 Q & A with the *Waco Tribune-Herald*.

14:48:35 11 MS. BROWN: Well, you can ask him about
14:48:37 12 whether he made that statement.

14:48:37 13 MR. DUNNAM: Okay. I just --

14:48:39 14 MS. BROWN: I'm not sure how expansive the
14:48:42 15 conversation might have been and whether other topics
14:48:44 16 were addressed.

14:48:45 17 MR. DUNNAM: All I've asked him is did he
14:48:47 18 say this, did she tell him that.

14:48:49 19 THE WITNESS: I did say that.

14:48:50 20 BY MR. DUNNAM:

14:48:50 21 Q. And did she tell you that?

14:48:52 22 A. I don't know if she told me in exactly those
14:48:55 23 words.

14:48:56 24 Q. But she told you -- that was the gist of what she
14:48:59 25 told you?

14:48:59 1 A. That was the gist, and it had to do primarily --

14:49:04 2 MS. BROWN: I have to interject. Dr.

14:49:08 3 Garland, I would instruct you not to reveal

14:49:11 4 attorney-client privileged information you may have

14:49:14 5 received from an attorney from Pepper Hamilton, and it's

14:49:17 6 fine for you to discuss the statement that you made to

14:49:20 7 the newspaper. I don't know what else you were about to

14:49:23 8 say.

14:49:23 9 BY MR. DUNNAM:

14:49:27 10 Q. Okay. And you said this is maybe not verbatim,

14:49:31 11 but it's accurate what she told you; is that correct?

14:49:34 12 A. I did make that statement.

14:49:36 13 Q. I just want -- I want to know if she made it to

14:49:39 14 you. I want to know if the statement you made was

14:49:42 15 accurate.

14:49:43 16 A. The statement that I made is, I think, what we

14:49:48 17 discussed in general.

14:49:49 18 Q. Okay. How do you know the 105 recommendations

14:50:03 19 have been structurally implemented?

14:50:05 20 A. Because we've had it audited by Pepper Hamilton

14:50:09 21 -- well, Gina and Leslie came back, audited it, we had

14:50:12 22 an internal audit and -- to verify that we did fulfill

14:50:19 23 what was -- what the intentions were in the

14:50:22 24 recommendations.

14:50:23 25 Q. So all you know is that Pepper Hamilton told you

14:50:26 1 that you-all have -- you-all have implemented them?

14:50:29 2 A. No. We did our own audit of these
14:50:34 3 recommendations and then had them confirmed.

14:50:37 4 Q. Who did that?

14:50:38 5 A. We had a -- Who did what? Excuse me.

14:50:44 6 Q. Who did your audit, your own audit?

14:50:47 7 A. Well, we had different teams working on different
14:50:50 8 sections of the recommendation. So they basically
14:50:55 9 verified what we had done, and then we had our internal
14:50:58 10 auditor with other help do it, and then they went
14:51:03 11 through it with Gina and Leslie to ultimately verify
14:51:08 12 that we, indeed, had completed these.

14:51:11 13 (Exhibit 7 marked.)

14:51:11 14 Q. And so do you have personal knowledge of whether
14:51:16 15 or not they've actually been implemented, other than
14:51:20 16 what somebody's told you?

14:51:21 17 A. I've gone through all of the rec -- all of the
14:51:24 18 recommendations and the statements of who was
14:51:28 19 responsible and the evidence that it has been completed;
14:51:33 20 so I have it from documents.

14:51:34 21 Q. From documents?

14:51:36 22 A. From a document that documents "here we are in
14:51:39 23 the status of all of these 105 recommendations".

14:51:41 24 Q. So if we look at -- Let me hand you what's been
14:51:44 25 marked as Exhibit 7. Are those the recommendations that

14:51:47 1 you indicate have been enacted?

14:51:50 2 A. Yes.

14:51:50 3 Q. And what documents exist that prove to you that
14:51:55 4 they have been enacted?

14:51:58 5 A. I'm not sure what --

14:52:00 6 Q. Well, you just said that from documents you know
14:52:03 7 that they've been enacted.

14:52:04 8 A. Yeah, we went through all of these, yeah, the
14:52:06 9 Excel spreadsheet, who was -- who was responsible, all
14:52:11 10 of the persons responsible, and then what actions have
14:52:12 11 been taken, and then the verification that these were
14:52:15 12 done.

14:52:16 13 Q. Okay. So let's just go through them. Let's look
14:52:19 14 at -- let's just start close to the top. Let's look at
14:52:24 15 one point -- 1.3. This indicates that Baylor has
14:52:30 16 offered -- because these have been enacted. They've
14:52:33 17 "offered institutional and personal apologies and
14:52:35 18 appropriate remedies". What have they done?

14:52:37 19 A. They have sought out all of the persons who we
14:52:40 20 have invest -- who have reported and have tried to make
14:52:45 21 the appropriate apologies and remedies, but it comes
14:52:49 22 from those we have records of.

14:52:51 23 Q. So there are records of -- you --

14:52:54 24 A. Persons who filed, who filed -- that would file
14:53:03 25 the sexual assault claim.

14:53:04 1 Q. So -- And the number that the regents gave *Dallas*
14:53:10 2 *Morning News*, the numbers fluctuated, but the last
14:53:12 3 number reported was 125. Are you aware of that?

14:53:15 4 A. I am aware of that number, yes.

14:53:17 5 Q. And do you think that's an accurate number?

14:53:19 6 A. I can't judge whether that's an -- I don't know
14:53:21 7 where they drew their numbers from.

14:53:23 8 Q. Do you know whether or not the 125 young women
14:53:28 9 who were victims of sexual assault and reported that
14:53:32 10 during the period noted have all been personally
14:53:37 11 contacted and provided with institutional and personal
14:53:41 12 apologies?

14:53:42 13 A. I do not know if those 125 -- I don't know if
14:53:45 14 those -- what that number is, but I assume that we have
14:53:52 15 reached out. We've made public apologies, as well, but
14:53:55 16 I think this is one of the things that we have worked
14:53:59 17 hard on and is also difficult.

14:54:01 18 Q. So how many -- Why is it difficult?

14:54:04 19 A. Because finding the persons and making contact
14:54:06 20 with them and finding out from the records who has been
14:54:12 21 -- who we have reports of filing sexual assaults.

14:54:15 22 Q. So how many have you --

14:54:19 23 A. I don't know the number.

14:54:20 24 Q. So how do you know it's been done?

14:54:23 25 A. Well, because it was verified that we had done

14:54:26 1 it. And I didn't personally check or investigate to see
14:54:29 2 if each and every single one had been contacted.

14:54:33 3 Q. So someone -- someone has told you, "Hey, we
14:54:38 4 offered institutional and personal apologies to all of
14:54:42 5 these young women, and that's been accomplished", and
14:54:44 6 you just said "Okay"?

14:54:45 7 A. That's correct.

14:54:46 8 Q. All right. What type of appropriate remedies
14:54:48 9 have they been offered?

14:54:49 10 A. I do not know.

14:54:49 11 Q. Do you have any idea?

14:54:50 12 A. I know in some cases, but I don't know in all
14:54:55 13 cases.

14:54:55 14 Q. Does whether or not what you were telling the
14:54:57 15 public being accurate matter to you?

14:55:02 16 A. Yes, it does.

14:55:02 17 Q. So why have you made no effort to personally
14:55:05 18 verify any of this?

14:55:07 19 A. I can't personally verify all of those that -- we
14:55:11 20 have to delegate the responsibility.

14:55:12 21 Q. You are the spokesman for the university that's
14:55:13 22 been out touting this over and over, over the last month
14:55:16 23 or so; is that correct?

14:55:17 24 A. That's correct.

14:55:18 25 Q. But sitting here today, are you willing to swear

14:55:23 1 that they've all been -- all of this has been
14:55:26 2 accomplished?

14:55:27 3 A. I'm -- I am willing to say that we have done a
14:55:32 4 good faith effort, and it's been audited that we've
14:55:35 5 tried to accomplish all of these 105 recommendations.

14:55:37 6 Q. Well, trying to. That's not what you told the
14:55:40 7 public. You've told the public that these things have
14:55:42 8 been accomplished; and so you haven't told them "we
14:55:45 9 tried to do this". You said "we've done it". So which
14:55:48 10 is accurate?

14:55:49 11 A. What is accurate is that we have made a good
14:55:52 12 faith effort in doing all of these 105 recommendations,
14:55:57 13 and we didn't say that we accomplished all of them. It
14:56:02 14 was structurally. We tried to do it structurally.

14:56:05 15 Q. What does "structurally" mean?

14:56:07 16 A. "Structurally" means that we made a -- made
14:56:09 17 structural efforts to do all of these things. Some are
14:56:12 18 left to be done and are still in place in process.

14:56:14 19 Q. You mean "structurally" just means you-all
14:56:17 20 enacted a policy that said "we're going to do this"? Is
14:56:20 21 that what that means?

14:56:21 22 A. No. We did more than that. We did enact
14:56:23 23 policies, but we also have done everything we could to
14:56:28 24 reach out to victims.

14:56:29 25 Q. So what actions on Baylor's part constitutes

14:56:33 1 appropriate remedies?

14:56:34 2 A. That depends on the circumstances of details.

14:56:37 3 Q. All right. Well, give me one remedy that you
14:56:39 4 believe is appropriate.

14:56:41 5 A. One remedy is that when a student -- when a
14:56:46 6 victim who is a survivor had a significant drop in GPA
14:56:55 7 where the next semester you had a series of F's is that
14:56:58 8 we -- you cannot remove those F's from the transcript,
14:57:02 9 but you can remove them from the grade point average,
14:57:05 10 and I know that for -- that we've done that.

14:57:07 11 Q. And if that has not been for a young woman, is
14:57:12 12 that a failure on Baylor's part?

14:57:13 13 A. It's a failure that can be rectified.

14:57:16 14 Q. And only Baylor has the power to do that; is that
14:57:19 15 right?

14:57:20 16 A. I -- Well, I take it that if that's in their
14:57:27 17 transcript, that that would be Baylor's responsibility.

14:57:31 18 Q. Are there any other appropriate remedies that
14:57:37 19 you're aware of that have been considered or offered?

14:57:40 20 A. One of the appropriate remedies is to meet with
14:57:45 21 victims, the President meet with survivors and listen to
14:57:49 22 them, hear them out and personally offer apologies.

14:57:53 23 Q. And how many have you done of those?

14:57:55 24 A. I've done three.

14:57:59 25 Q. Out of 125?

14:58:01 1 A. I don't know what the 125 -- I don't know that
14:58:05 2 number is --

14:58:05 3 Q. Have you made any effort to assure that you're
14:58:08 4 meeting with as many as possible?

14:58:09 5 A. I have made it clear that I would meet with any
14:58:13 6 survivor who wanted to meet with the President.

14:58:16 7 Q. To who?

14:58:19 8 A. I beg your pardon?

14:58:21 9 Q. Who did you --

14:58:22 10 A. These persons initiated that.

14:58:24 11 Q. No. I'm talking about you said you've made it
14:58:27 12 clear. You made it clear to who?

14:58:27 13 A. I made it clear to the administration, legal
14:58:29 14 counsel, that I would be willing to meet with any -- any
14:58:33 15 survivor.

14:58:34 16 Q. Well, saying "Hey, you can come see me and I'll
14:58:39 17 talk to you" is different than going out and
14:58:43 18 aggressively trying to find women to --

14:58:45 19 A. I don't believe --

14:58:45 20 Q. -- apologize to.

14:58:45 21 A. I do not believe you can treat survivors
14:58:48 22 aggressively.

14:58:48 23 Q. I didn't say you should treat them aggressively.
14:58:51 24 I said you should make an aggressive effort to go out.

14:58:58 25 A. I don't -- We have not done that with this.

14:59:00 1 Q. You just basically, if somebody calls --

14:59:02 2 A. That's correct.

14:59:02 3 Q. -- and wants to talk to you, you say "Hey, I'll
14:59:04 4 be willing to talk to them"?

14:59:05 5 A. That's correct.

14:59:06 6 Q. And you've done that with three young women?

14:59:08 7 A. That's correct.

14:59:08 8 Q. How many women have been offered appropriate
14:59:11 9 remedies?

14:59:11 10 A. I do not know.

14:59:12 11 Q. We go down, and it talks about to "develop
14:59:26 12 protocols to address the restorative and ongoing needs
14:59:28 13 of victims of reported sexual assault between 2011 and
14:59:31 14 2015".

14:59:32 15 What protocols have been established to
14:59:34 16 accomplish this?

14:59:36 17 MS. BROWN: What number are you on?

14:59:38 18 MR. DUNNAM: Which one is that, Ms. Mehta?
14:59:40 19 I don't have a number on it. It doesn't have a number
14:59:42 20 on that one.

14:59:44 21 MS. MEHTA: Here, let me look at that.
14:59:55 22 Let's see.

14:59:55 23 MR. DUNNAM: I think it's on the -- there.

14:59:56 24 It's on page 2. It's Number Roman Numeral
15:00:01 25 II.1.

15:00:10 1 BY MR. DUNNAM:

15:00:10 2 Q. So my question is, and we'll look at Roman
15:00:15 3 Numeral II.1, what protocols have been established to
15:00:19 4 accomplish this?

15:00:19 5 A. I do not know the precise protocols regarding
15:00:20 6 that.

15:00:20 7 Q. Do you know the general protocols?

15:00:21 8 A. I do not know the general.

15:00:23 9 Q. Do you know anything about them --

15:00:24 10 A. Hmm-mm.

15:00:24 11 Q. -- other than it's on this piece of paper?

15:00:26 12 A. It's on this piece of paper, and I know some
15:00:29 13 other persons are responsible for carrying it out.

15:00:31 14 Q. But you don't know what it's going to take to
15:00:33 15 carry it out --

15:00:34 16 A. No.

15:00:34 17 Q. -- or what the protocols are?

15:00:38 18 Okay. If we look at -- it says contact -- Roman
15:00:56 19 Numeral II.2: "Contact known victims in the specific
15:00:58 20 cases identified in this review to determine if there
15:01:01 21 are appropriate remedies consistent with the goals of
15:01:04 22 Title IX."

15:01:05 23 What have you-all done on that?

15:01:06 24 A. I don't know precisely what has been done.

15:01:09 25 Q. What's generally been done?

15:01:11 1 A. I know that victims have been -- in cases have
15:01:15 2 been contacted, but I don't know how many, and I don't
15:01:19 3 know precisely what the remedies were.

15:01:21 4 Q. Can you give me an example of one?

15:01:24 5 A. Of ...

15:01:24 6 Q. Of one of them. What was done?

15:01:27 7 A. I -- The one was basically to address the issues
15:01:35 8 that she -- that she wanted to be heard by the
15:01:40 9 President, the Vice President for Student Affairs --

15:01:45 10 Q. Was that you --

15:01:46 11 A. -- and General Counsel.

15:01:46 12 Q. -- as President?

15:01:48 13 A. Well, I happened to be the current President.

15:01:52 14 Q. Well, but was that individual victim -- did she
15:01:58 15 meet with you, or was that when Mr. Starr was President?

15:02:01 16 A. Excuse me. What?

15:02:03 17 Q. You said someone was contacted and met the
15:02:06 18 President. Was that you or Starr?

15:02:08 19 A. Yeah, it was -- it was me. She wanted to meet
15:02:10 20 with the President.

15:02:10 21 Q. Okay. Well, I wasn't sure whether this was
15:02:14 22 previous.

15:02:14 23 A. Yeah.

15:02:15 24 Q. So do you know of any other victim that was
15:02:18 25 contacted?

15:02:19 1 A. I do not.

15:02:19 2 Q. And do you know what the appropriate remedies
15:02:25 3 were to be?

15:02:26 4 A. I do not know specific cases.

15:02:30 5 Q. The next one, II.3: "Conduct review of past
15:02:46 6 cases from 2011 to '15 to consider pattern, trends,
15:02:50 7 climate", has that been done?

15:02:52 8 A. Yes, it has.

15:02:53 9 Q. And how many past cases have you determined
15:02:56 10 exist?

15:02:56 11 A. I do not know the number.

15:02:57 12 Q. Who conducted the review?

15:03:00 13 A. I do not remember exactly who was in charge of
15:03:02 14 this team -- particular team.

15:03:04 15 Q. What team was it?

15:03:06 16 A. It was the Restorative Remedies Team, but I don't
15:03:10 17 know the names of the specific -- I can't remember the
15:03:14 18 names of the specific persons involved in addressing
15:03:18 19 these issues.

15:03:18 20 Q. Do you under -- Do you know what the pattern,
15:03:19 21 trends and climate were that were determined?

15:03:22 22 A. I do not know specifically.

15:03:24 23 Q. Do you know generally?

15:03:25 24 A. No.

15:03:26 25 Q. You just don't know at all?

15:03:28 1 A. No.

15:03:28 2 Q. So why do you say "specifically"?

15:03:28 3 A. Well, I don't know.

15:03:31 4 Q. Why don't you say "I don't know"?

15:03:32 5 A. I just don't know.

15:03:33 6 Q. Okay. I mean that's -- I'm not trying to badger

15:03:36 7 you --

15:03:36 8 A. Right.

15:03:37 9 Q. -- but you keep saying "specifically", and that

15:03:38 10 requires me to say "Well, do you know generally?" I'm

15:03:41 11 trying to make sure there's not something; so --

15:03:43 12 A. No.

15:03:44 13 Q. Okay. All right. The next one -- Well, hold on.

15:03:55 14 Let's go to II.5: "Identify victims who made reports,

15:04:01 15 but later withdrew from Baylor, to understand if the

15:04:01 16 withdrawal was connected to Title IX concerns."

15:04:03 17 Were -- Do you know of any -- any identified

15:04:07 18 victims that that would apply to?

15:04:09 19 A. I do not know that, no.

15:04:10 20 Q. Are you aware that our Jane Doe -- Jane Doe

15:04:15 21 Number 1 is actually one of those young women --

15:04:17 22 A. I did not know.

15:04:17 23 Q. -- who was raped and dropped out during the same

15:04:19 24 time period? Are you aware of that?

15:04:21 25 A. I'm not aware of Jane Doe 1 at all.

15:04:23 1 Q. Okay. But you're not aware of any -- whether or
15:04:25 2 not this has actually been done or not?

15:04:28 3 A. I know that efforts have been made, but I don't
15:04:31 4 know --

15:04:31 5 Q. Do you know what the efforts are?

15:04:32 6 A. Well, that they attempted to identify victims
15:04:35 7 from the reports and to investigate and find out -- find
15:04:39 8 the victim or survivor.

15:04:41 9 Q. Who did it?

15:04:42 10 A. I do not remember the name exactly.

15:04:44 11 Q. So how do you know it was accomplished?

15:04:46 12 A. Simply because it was notified that it was done
15:04:49 13 and audited.

15:04:51 14 Q. So is it -- so is it -- is it true, without me
15:04:54 15 going through all of these 105 recommendations, that
15:05:00 16 what you know is that someone has told you that all of
15:05:02 17 this has been done?

15:05:02 18 A. That's correct.

15:05:03 19 Q. And you have no independent personal knowledge of
15:05:06 20 what, in fact, was actually done and actually whether it
15:05:09 21 was done. Everything you know is what somebody's told
15:05:12 22 you?

15:05:12 23 A. Except in the ones where I am particularly
15:05:15 24 responsible, listed as the responsible party.

15:05:19 25 Q. And what is that? What are those?

15:05:20 1 A. Well, they're in governance; and so they're --
15:05:28 2 now I've got to go through each one of these, but
15:05:31 3 they're -- I'm -- we divided up all of the assignments
15:05:35 4 with various persons responsible, and where the
15:05:38 5 President is involved that's where I'm responsible.

15:05:41 6 Q. I just need to know that because, you know, I
15:05:43 7 don't want to talk about things that you really just
15:05:45 8 don't even know about.

15:05:47 9 A. Right.

15:05:47 10 Q. But I'd like to know which ones that you would
15:05:49 11 know something about.

15:05:50 12 A. Well, dealing with the policies, Title IX Policy,
15:05:57 13 Number V, where we have had our Title IX policy
15:06:04 14 completely reviewed, procedures completely reviewed and
15:06:07 15 revised, practices consistently completely revised.

15:06:13 16 We specifically in V.2 made an amnesty provision
15:06:18 17 so that no sexual -- no person -- no student who reports
15:06:22 18 a sexual assault will ever be punished for the
15:06:25 19 circumstances in which that might -- that assault may
15:06:29 20 have occurred.

15:06:30 21 We have revised the Title IX appeal process.

15:06:34 22 Q. So I'm not -- just so you don't have to -- I
15:06:38 23 don't want to cut you off. If you need to elaborate,
15:06:41 24 that's fine, but if we went through Roman Numeral V,
15:06:45 25 "Title IX Policy", those are things that you were

15:06:47 1 personally involved in knowing that it was accomplished?

15:06:50 2 A. Yes. And we met every week for two to three
15:06:56 3 hours with every team leader reporting on what -- on the
15:06:58 4 progress of what they've been doing; and so I have heard
15:07:01 5 orally what we've been doing.

15:07:02 6 Q. All right. So under -- other than Section Number
15:07:05 7 V, is there any other section of these recommendations
15:07:07 8 that you have -- you personally know yes, these things
15:07:10 9 were done, or you had sufficient oversight that you're
15:07:13 10 not just taking someone's word for it?

15:07:15 11 A. I -- In Section X I was involved also with
15:07:28 12 "Athletics Department"; and so that -- and when we come
15:07:35 13 back to relationship with the board, governance --

15:07:40 14 Q. Okay.

15:07:42 15 A. -- yeah.

15:07:42 16 Q. So if we carve out X, V and III --

15:07:49 17 A. I was not directly involved.

15:07:50 18 Q. And you really don't know what's been done to
15:07:54 19 assure that that's actually been accomplished?

15:07:57 20 A. I do know what's been done to assure it is from
15:08:00 21 the audit by Pepper Hamilton and by our internal
15:08:02 22 auditor.

15:08:03 23 Q. But if I asked you about the things that -- other
15:08:10 24 than III, V and X, your answers would be similar to what
15:08:13 25 we just talked about in Number II?

15:08:15 1 A. Correct.

15:08:16 2 Q. That it would be similar; so there's no need for
15:08:19 3 me to repeat all of that?

15:08:19 4 A. That's correct.

15:08:20 5 Q. Okay. So this meeting that you went to where you
15:08:35 6 were there for about two-and-a-half hours, subject
15:08:38 7 matter was football, and you said you had to leave early
15:08:40 8 to go to some Big 12 meeting; is that right?

15:08:45 9 A. That's correct.

15:08:46 10 Q. And what was the subject matter of the Big 12
15:08:49 11 meeting?

15:08:49 12 A. I can't recall. No, I take it back. It was
15:09:02 13 basically expansion.

15:09:04 14 Q. Okay. Any other subject matter other than -- I
15:09:08 15 mean I remember that, and it was in the newspaper and
15:09:10 16 all of that, but -- so you're in a meeting, they're
15:09:14 17 discussing -- you hadn't -- at this point -- Let me step
15:09:19 18 back.

15:09:20 19 At this point, you had participated in no
15:09:25 20 detailed briefing from Pepper Hamilton, correct?

15:09:28 21 A. Just a two-and-a-half-hour briefing.

15:09:32 22 Q. Well, I mean up until that meeting started, this
15:09:35 23 is your first meeting to hear the details of what
15:09:39 24 underlines the Findings of Fact; is that correct?

15:09:42 25 A. That's correct.

15:09:43 1 Q. And up to that point, no one had told you about
15:09:48 2 it, you hadn't asked anybody about it, and this is your
15:09:51 3 first opportunity to hear the details of why did these
15:09:58 4 failures all occur, and in detail what were the
15:10:01 5 failures, correct?

15:10:02 6 A. That's correct.

15:10:03 7 Q. And so you sit down, they start talking about
15:10:06 8 football, and as I understand it, it's pretty bad acts
15:10:12 9 on the football administration and how things were
15:10:15 10 handled, correct? That was the subject matter?

15:10:18 11 A. The cases, individual cases were --

15:10:21 12 Q. Football?

15:10:22 13 A. -- were specific cases that involved football
15:10:26 14 players.

15:10:26 15 Q. And the activities that were discussed for the
15:10:30 16 first time with you in detail were the ones where --
15:10:33 17 were the types of activities from which these
15:10:36 18 recommendations were derived; is that right?

15:10:39 19 A. I -- I assume that's correct.

15:10:40 20 Q. All right. And you left the meeting at some
15:10:44 21 point before it ended, correct?

15:10:46 22 A. That is correct.

15:10:46 23 Q. In order to go talk with people about Big 12
15:10:50 24 expansion?

15:10:51 25 A. That's correct.

15:10:52 1 Q. Was that more important than understanding what
15:10:55 2 had happened, the failures in the university to protect
15:10:57 3 sexual assault victims? Was that more important to you?

15:11:00 4 A. It was a very important part of my job. The
15:11:03 5 Executive Council, we're all involved in this; and so we
15:11:08 6 -- so I had -- what I had from this was the
15:11:11 7 recommendations, which were the primary responsibility
15:11:15 8 that I had for the university.

15:11:16 9 Q. Whose decision was it that your attendance and
15:11:20 10 participation in the Big 12 expansion discussion was
15:11:24 11 more important than you finishing the Pepper Hamilton
15:11:28 12 briefing on what had happened to young men -- women at
15:11:34 13 Baylor? Who decided it was more important --

15:11:37 14 A. I don't know.

15:11:37 15 Q. -- to you to go to the Big 12 meeting?

15:11:41 16 A. I don't know that anyone decided what was more
15:11:43 17 important --

15:11:43 18 Q. Well, who decided --

15:11:44 19 A. -- that I be able to -- This was my second day on
15:11:48 20 the job, and I was told that I was to go to the Big 12
15:11:48 21 conference; so I don't know.

15:11:51 22 Q. Who told you that?

15:11:52 23 A. My secretary told me that that was scheduled; so
15:11:54 24 I went to the Big 12.

15:11:55 25 It is -- You cannot send to the Big 12 a -- the

15:12:00 1 Presidents need to be present.

15:12:02 2 Q. And where was this meeting?

15:12:03 3 A. It was in Dallas.

15:12:04 4 Q. And when did it start?

15:12:07 5 A. I -- It started in -- I can't remember exactly.

15:12:14 6 Probably in the afternoon, 4:00 or 5:00.

15:12:16 7 Q. Did you -- So who told your secretary that you
15:12:24 8 should be at this meeting instead of remain at this
15:12:27 9 meeting?

15:12:28 10 A. Well, the -- I was just given my schedule. I
15:12:33 11 don't know. But the -- I did have opportunity for other
15:12:37 12 people to inform me what was going on with the Findings
15:12:42 13 of Fact and that I could ask questions if I needed to,
15:12:47 14 but primarily the responsibility was what do we do with
15:12:50 15 the recommendations.

15:12:51 16 Q. Do you know who told your secretary?

15:13:03 17 A. No, I do not.

15:13:04 18 Q. Okay. Does the President handle administrative
15:13:24 19 personnel issues?

15:13:25 20 A. It depends on what administrative personnel
15:13:28 21 you're talking about.

15:13:29 22 Q. Letting go people that are part of the senior
15:13:32 23 administration and Executive Council.

15:13:34 24 A. Yes.

15:13:34 25 Q. So why -- what was -- What did you think when you

15:13:43 1 heard Patty Crawford was resigning?

15:13:46 2 A. I can't remember what I thought at the time.

15:13:50 3 Q. You have no recollection of what went through
15:13:53 4 your mind --

15:13:54 5 A. No.

15:13:54 6 Q. -- when you heard that your Title IX Coordinator
15:13:56 7 was resigning?

15:13:58 8 A. A bit surprised, I'm sure, but I don't.

15:14:01 9 Q. Did you have any indication? Was it a total
15:14:03 10 surprise, or did you --

15:14:04 11 A. No, it wasn't a total surprise there.

15:14:06 12 Q. Why not?

15:14:07 13 A. Because we were having some difficulties with her
15:14:10 14 management.

15:14:12 15 Q. What were the difficulties?

15:14:17 16 A. She was an excellent empathic counselor, but
15:14:20 17 there were management issues in handling the Title IX
15:14:23 18 office.

15:14:23 19 Q. Explain to me what they were.

15:14:31 20 A. There was turnover, and there were scheduling
15:14:31 21 difficulties.

15:14:31 22 Q. Why was there turnover?

15:14:33 23 A. I do not know specifically.

15:14:34 24 Q. Was the turnover her fault, or was it other
15:14:37 25 issues?

15:14:37 1 A. I don't know specifically the issues.

15:14:41 2 Q. Was the university dissatisfied with her at the
15:14:45 3 time she left?

15:14:46 4 A. There was attempts to help her become a better
15:14:52 5 manager.

15:14:53 6 Q. Was the university dissatisfied with her when she
15:14:56 7 left the university?

15:14:57 8 A. The university was doing everything that they
15:15:03 9 could to make her successful in her job.

15:15:06 10 Q. Let me try this again.

15:15:08 11 Was the university dissatisfied with her at the
15:15:11 12 time she left?

15:15:12 13 A. Seeking to improve performance suggests some
15:15:16 14 element of dissatisfaction.

15:15:18 15 Q. What was the dissatisfaction?

15:15:20 16 A. The dissatisfaction was the management of the
15:15:23 17 Title IX office.

15:15:24 18 Q. That there was some turnover?

15:15:25 19 A. There was turnover.

15:15:27 20 Q. What else?

15:15:28 21 A. I'm not -- I can't recall exactly all of the
15:15:31 22 other issues.

15:15:31 23 Q. Who was involved with you in trying to address
15:15:36 24 these issues with Patty Crawford?

15:15:39 25 A. Who was involved with me?

15:15:40 1 Q. Yes.

15:15:41 2 A. Her direct supervisor and --

15:15:43 3 Q. Who was that?

15:15:44 4 A. It would have been at that time -- it was later

15:15:48 5 moved from -- to -- from Juan Alejandro to Reagan

15:15:54 6 Ramsower.

15:15:54 7 Q. At that time who was it?

15:15:56 8 A. At that time it was Reagan Ramsower.

15:15:58 9 Q. And how long had he been over her?

15:16:00 10 A. I can't remember exactly. It was -- I don't know

15:16:05 11 exactly how long that was.

15:16:05 12 Q. Had you ever counseled with Patty Crawford prior

15:16:09 13 to her leaving?

15:16:09 14 A. No, I did not.

15:16:10 15 Q. Did you ever instruct anyone to counsel with her

15:16:15 16 about deficiencies in her office?

15:16:17 17 A. I did not.

15:16:18 18 Q. Do you know of anyone that ever counseled with

15:16:21 19 her about deficiencies in her office?

15:16:23 20 A. I did.

15:16:23 21 Q. Who?

15:16:24 22 A. The Vice President for Human Resources, and as

15:16:29 23 well as --

15:16:29 24 Q. Who is that?

15:16:30 25 A. That is Cheryl Gochis and ... and her supervisor.

15:16:36 1 Q. Reagan Ramsower?

15:16:40 2 A. Yes.

15:16:40 3 Q. Okay. So tell us about the counseling that was
15:16:47 4 -- that was given to Ms. Crawford about deficiencies
15:16:51 5 within her office or concerns.

15:16:52 6 A. I was not directly involved in the counseling to
15:16:57 7 her.

15:16:57 8 Q. Well, what were you told?

15:16:59 9 A. What?

15:16:59 10 Q. What did Ramsower tell you or the HR lady tell
15:17:04 11 you about "Hey, this -- we talked to Patty today and --"

15:17:07 12 A. I was just told that they talked to Patty today
15:17:09 13 to try and help her improve.

15:17:11 14 Q. Anything else?

15:17:11 15 A. That's it.

15:17:12 16 Q. Did you ever participate in these meetings?

15:17:16 17 A. No.

15:17:16 18 Q. Did you ever overhear these meetings?

15:17:19 19 A. No.

15:17:19 20 Q. There is a statement by Ms. Crawford that Mr.
15:17:24 21 Ramsower was not supportive, that he would not provide
15:17:28 22 her the recommendations or the support she needed. Is
15:17:33 23 that accurate?

15:17:34 24 A. That she said that?

15:17:36 25 Q. No. Is what she said accurate?

15:17:38 1 A. I disagree.

15:17:39 2 Q. And how do you know that?

15:17:40 3 A. Because we invested heavily in the Title IX
15:17:43 4 office, and we were willing to do -- we had prioritized
15:17:46 5 it and were willing to do whatever we could to make it a
15:17:50 6 successful office.

15:17:51 7 Q. Did Mr. Ramsower ever say that victims have
15:17:56 8 mental issues?

15:17:58 9 A. I have no idea.

15:17:59 10 Q. Would that be a concern to you if he did?

15:18:02 11 A. I would find it extremely surprising, since he
15:18:07 12 has a sibling who has mental issues.

15:18:10 13 Q. Would it be of concern to you if he did that?

15:18:13 14 A. I don't know that he did that.

15:18:14 15 Q. I asked you would it be of a concern to you if he
15:18:17 16 did do that?

15:18:18 17 A. If I knew that for a fact, that he did that, that
15:18:21 18 would be a concern.

15:18:21 19 Q. And you are aware that Pepper Hamilton found
15:18:26 20 victim blaming as an issue ongoing at Baylor University?

15:18:30 21 A. I believe that victim blaming did occur in some
15:18:33 22 cases.

15:18:33 23 Q. And as we sit here today, you don't know of
15:18:36 24 anyone -- you don't know who the individuals were who
15:18:40 25 were involved in victim blaming?

15:18:42 1 A. I do not.

15:18:44 2 Q. Okay. So Ms. Crawford leaves. She had been
15:18:53 3 there for how long?

15:18:54 4 A. I do not know the exact dates. About 2014 to 20
15:19:05 5 -- I don't know the exact dates.

15:19:07 6 Q. And she actually expressed her concerns and
15:19:11 7 reasons for leaving both in writing and in the press,
15:19:18 8 correct?

15:19:18 9 A. That's correct.

15:19:19 10 Q. And what did you do to determine whether or not
15:19:25 11 her allegations were accurate?

15:19:27 12 A. I met with the supervisor, her supervisor.

15:19:31 13 Q. Ramsower?

15:19:32 14 A. I met with Dr. Ramsower. I met with the persons
15:19:36 15 who had been directly involved in --

15:19:38 16 Q. Who?

15:19:38 17 A. Cheryl Gochis, who is Vice President of HR, and
15:19:46 18 others who dealt -- I can't remember who else, but to
15:19:51 19 deal with what was the -- was there any foundation for
15:19:54 20 these concerns.

15:19:54 21 Q. Now, her concerns were primarily addressed at
15:19:59 22 support she received from those very individuals, right?

15:20:02 23 A. Her concerns were accusations that she had not
15:20:08 24 received support.

15:20:09 25 Q. From those individuals?

15:20:10 1 A. Particularly from ... from her supervisor.

15:20:17 2 Q. Reagan Ramsower?

15:20:18 3 A. That's correct.

15:20:18 4 Q. Is there some reason you don't want to use his
15:20:21 5 name? She had more than one supervisor; so when you --

15:20:23 6 A. I prefer to refer to him as "Dr. Ramsower".

15:20:23 7 Q. Okay. Well --

15:20:25 8 A. I've used his name.

15:20:27 9 Q. Okay. Well, I mean you keep calling him
15:20:28 10 "supervisor". She had more than one; so every time you
15:20:31 11 say "supervisor" I have to clarify "Is that Ramsower?"
15:20:33 12 Fair enough?

15:20:34 13 A. Dr. Ramsower, yes.

15:20:35 14 Q. Okay. Dr. Ramsower.

15:20:37 15 So how long has Dr. Ramsower been with the
15:20:40 16 university?

15:20:40 17 A. I have no idea.

15:20:41 18 Q. Really no clue?

15:20:42 19 A. No, sir.

15:20:42 20 Q. Was he there when you arrived?

15:20:44 21 A. Yes.

15:20:44 22 Q. And is it accurate that when he -- when you came
15:20:47 23 on as President, he was -- added to his title was COO?

15:20:54 24 A. If the -- That happened before I started; so I
15:21:01 25 know him primarily as CFO. Titles don't -- that doesn't

15:21:07 1 really communicate to me very much.

15:21:08 2 Q. What's his title today?

15:21:10 3 A. I think it's CFO. I'm not sure what titles are.

15:21:15 4 Q. You don't even know what his title is?

15:21:18 5 A. No. No, I don't.

15:21:19 6 Q. Is he -- What's his responsibility for day-to-day
15:21:24 7 running of the school?

15:21:25 8 A. He is over admissions, he is over budget, and he
15:21:33 9 also supervises or is concerned with Human Resources.

15:21:40 10 Q. Is he still over public safety?

15:21:42 11 A. Public safety is primarily with -- No, I don't
15:21:49 12 believe that's correct.

15:21:49 13 Q. When was that removed from him?

15:21:51 14 A. I do not know.

15:21:52 15 Q. Is he still over Title IX?

15:21:55 16 A. No.

15:21:57 17 Q. He's not over that coordinator?

15:21:59 18 A. The coordinator meets with him, but the
15:22:02 19 coordinator has direct report to the President. I mean,
15:22:06 20 well, excuse me. The coordinator of Title IX is now
15:22:12 21 directly reporting to the Chief Compliance Officer, who
15:22:15 22 meets both with Reagan Ramsower and has direct report to
15:22:21 23 the President and is also a member of the Executive
15:22:23 24 Council.

15:22:23 25 Q. Okay. So in -- my understanding is that Baylor

15:22:29 1 has interacted with a number of outside entities in
15:22:35 2 regard to the issues of sexual assault at the
15:22:39 3 university. Is that correct?

15:22:40 4 A. I'm not -- what --

15:22:42 5 Q. Big 12, correct?

15:22:44 6 A. Well, explain.

15:22:45 7 Q. Big 12.

15:22:47 8 I'm asking about outside entities that Baylor has
15:22:50 9 been interacting with for issues arising out of the
15:22:56 10 sexual assaults.

15:22:57 11 A. And what do you mean, "interacting"?

15:22:59 12 Q. Big 12 withholding money from you, or has.

15:23:02 13 A. That's correct.

15:23:02 14 Q. Okay. And so you-all are meeting with the Big 12
15:23:05 15 and trying to assure them that you-all are all straight
15:23:08 16 and narrow now, right?

15:23:10 17 A. The Big 12 will be -- I believe will be
15:23:16 18 conducting their own audit of our Pepper
15:23:18 19 Hamilton Report.

15:23:18 20 Q. All right. And then my understanding is you-all
15:23:21 21 are having meetings, and there's investigations
15:23:23 22 involving the NCAA; is that correct?

15:23:24 23 A. The NCAA -- NCAA is investigating.

15:23:29 24 Q. Then there's the Southern Association of Colleges
15:23:33 25 and Schools, correct?

15:23:34 1 A. That's correct.

15:23:36 2 Q. And there's the Texas Rangers?

15:23:39 3 A. That is correct.

15:23:40 4 Q. Is there anybody I've missed?

15:23:42 5 A. I don't believe so.

15:23:43 6 Q. So have you -- Who is the person at Baylor that
15:23:48 7 is the liaison interfacing -- the person going to the
15:23:53 8 meetings involving NCAA?

15:23:55 9 A. The persons involved with the NCAA would be our
15:24:00 10 Chief Academic Compliance Officer. It would also be the
15:24:03 11 Athletic Director, and we have an outside attorney
15:24:07 12 working with us.

15:24:08 13 Q. Are you involved in any of those meetings?

15:24:10 14 A. I am not.

15:24:11 15 Q. Have you been to any of those meetings?

15:24:13 16 A. I have not.

15:24:13 17 Q. What about with the NCAA or the Big -- the Big
15:24:18 18 12? I'm sorry.

15:24:19 19 A. The Big 12? I go to Big 12 meetings because it's
15:24:22 20 a very important part of what Baylor is. It's an
15:24:25 21 extremely important part of the university. Our
15:24:27 22 relationship to the Big 12, as I understand, when we
15:24:32 23 complete the Pepper Hamilton evaluations, that they will
15:24:36 24 then have a -- choose persons to audit it.

15:24:41 25 Q. When you complete the Pepper Hamilton --

15:24:42 1 A. When we hand over what we've done with the Pepper
15:24:47 2 Hamilton Report, we'll hand it over to the Big 12. Then
15:24:50 3 I believe that they're going to pick persons to come and
15:24:52 4 audit that.

15:24:53 5 Q. So Pepper Hamilton is still doing something?

15:24:56 6 A. Pepper Hamilton is not. I mean I'm talking about
15:24:59 7 what we did in our accomplishments in the
15:25:03 8 recommendations.

15:25:04 9 Q. So is that not compiled yet?

15:25:08 10 A. Pardon?

15:25:08 11 Q. Is that not compiled yet?

15:25:09 12 A. Yes, it's been compiled, and yet -- we have yet
15:25:11 13 to turn it over to -- I don't know what the
15:25:13 14 circumstances are with the Big 12.

15:25:14 15 Q. So who are the people responsible as the liaisons
15:25:20 16 or interfacing with the Big 12 in regard to these
15:25:23 17 issues?

15:25:23 18 A. The President is the one who interfaces with the
15:25:23 19 Big 12.

15:25:25 20 Q. All right. So who have you met with?

15:25:25 21 A. I have not met -- About what?

15:25:27 22 Q. About these issues and the concerns that the Big
15:25:31 23 12 has about holding money and all of that.

15:25:33 24 A. Well, I've been -- I've met with the other Big 12
15:25:36 25 Presidents.

15:25:36 1 Q. And so tell us about those meetings.

15:25:38 2 A. What do you need?

15:25:41 3 Q. I just want to know --

15:25:42 4 A. I reported to the Presidents what we had done,
15:25:46 5 what -- gave them the Findings of Fact and the
15:25:50 6 recommendations, and I've also reported on what we've
15:25:55 7 done, that the President I assume is going to be meeting
15:25:58 8 tomorrow and will be also reporting.

15:26:01 9 Q. So the incoming President is meeting with the Big
15:26:05 10 12 tomorrow?

15:26:06 11 A. Correct.

15:26:06 12 Q. And so who is -- who else, other than you, from
15:26:09 13 Baylor goes to those meetings -- went to those meetings
15:26:12 14 involving the sexual assault concerns?

15:26:15 15 A. The -- in one meeting three regents attended --

15:26:19 16 Q. Who?

15:26:19 17 A. -- and reported.

15:26:20 18 The Chair of regents, David Harper, and ... and
15:26:31 19 ... oh, my goodness.

15:26:33 20 Q. Is Harper the Chair, or is the Chair a separate
15:26:39 21 person?

15:26:39 22 A. Mark Harper is the Chair.

15:26:39 23 Q. Okay. So Mark Harper --

15:26:42 24 A. And it was those two and ... and I can't
15:26:45 25 remember. My mind goes blank.

15:26:47 1 Q. Okay. Well, we will leave a blank in the
15:26:50 2 deposition. If you think of it, can you fill it in?

15:26:52 3 A. I think it may have just been the two. I can't
15:26:57 4 remember.

15:26:57 5 Q. Okay. Well, we'll leave a blank, and if there's
15:27:00 6 a third, could you put the name in? Fair enough?

15:27:03 7 A. Yes.

15:27:03 8 (INFORMATION REQUESTED: _____
15:27:03 9 _____
15:27:04 10 _____.)

15:27:04 11 Q. Anybody else go to any of those meetings with the
15:27:06 12 Big 12 concerning the sexual assault concerns?

15:27:09 13 A. The Athletic Director went to -- Mack Rhoades
15:27:14 14 went to the one meeting.

15:27:15 15 Q. Is Rhoades the Athletic Director?

15:27:18 16 A. Mack --

15:27:20 17 Q. I don't know. I'm just asking.

15:27:21 18 A. Yes, that's correct.

15:27:22 19 Q. Who's the football coach?

15:27:25 20 A. Matt Rhule.

15:27:26 21 Q. Matt Rhule. Okay. That's what got me there, two
15:27:28 22 R's.

15:27:29 23 A. Yeah.

15:27:29 24 Q. All right. Anybody else?

15:27:30 25 A. The General Counsel, Chris Holmes, went to one

15:27:36 1 meeting; and so --

15:27:38 2 Q. Okay. How about the meetings with the Southern
15:27:42 3 Association of Colleges and Schools?

15:27:42 4 A. We've had no meetings with them. We have
15:27:45 5 submitted reports. Their concern is about safety. And
15:27:50 6 so we did an initial report and submitted it to them, I
15:27:56 7 believe, in August. They required another year to just
15:28:02 8 show -- so that we can demonstrate the effectiveness of
15:28:06 9 the changes that we made.

15:28:06 10 Q. Who drafted the report?

15:28:08 11 A. There were several people that drafted the
15:28:11 12 report, but the primary person responsible was in the
15:28:14 13 Provost's office. It would have been Wes Null, who's
15:28:20 14 Vice Provost for Academic Affairs.

15:28:21 15 Q. And did you review that report?

15:28:23 16 A. I did.

15:28:23 17 Q. Did you approve of what was put in it?

15:28:26 18 A. I did.

15:28:27 19 Q. What about the Texas Rangers?

15:28:29 20 A. I have not had any contact with the Texas
15:28:31 21 Rangers.

15:28:31 22 Q. Do you know who at the university is the liaison
15:28:34 23 or contact with the Rangers?

15:28:35 24 A. I believe Brian Nicholson is the one who's had
15:28:39 25 primary contact with the Texas Rangers.

15:28:41 1 Q. Why was there no --

15:28:48 2 A. And excuse me. I believe they've also dealt with
15:28:52 3 General Counsel, but I've not had any contact with the
15:28:55 4 Texas Rangers.

15:28:56 5 Q. Well, why was no written report received from
15:29:03 6 Pepper Hamilton?

15:29:04 7 A. I do not know. I was not President at the time.
15:29:08 8 I was not privy to what was going on.

15:29:10 9 Q. Well, I mean didn't you tell the Texas Senate
15:29:14 10 that it had to do with you wouldn't get a report for
15:29:16 11 months and months and you had to --

15:29:18 12 A. You know, that's -- that's what I have been told.
15:29:22 13 I do not know for an actual fact why that was the case.

15:29:28 14 Q. So why did you swear to that under oath to the
15:29:30 15 Texas Senate if you didn't know it for a fact?

15:29:33 16 A. I -- Well, that's what I was told; so --

15:29:42 17 Q. Who told you that?

15:29:43 18 A. I can't know the exact regents, but the regents,
15:29:50 19 and I don't remember exactly who said that.

15:29:51 20 Q. Do you believe that if problems of sexual assault
15:30:26 21 at a university are not addressed properly, that that
15:30:33 22 will increase the risk to the other students in the
15:30:37 23 future at that university?

15:30:40 24 MS. BROWN: Objection to form.

15:30:43 25 THE WITNESS: I believe sexual assault must

15:30:47 1 always be taken seriously, and every step must be taken
15:30:52 2 to prevent those from happening.

15:30:53 3 BY MR. DUNNAM:

15:30:53 4 Q. And my question is that -- do you believe that if
15:30:58 5 it is not addressed, if it is not taken seriously, that
15:31:02 6 it will endanger and heighten the risk in the future?

15:31:08 7 MS. BROWN: Objection to form.

15:31:10 8 THE WITNESS: I believe that Baylor would
15:31:13 9 always take seriously sexual assault.

15:31:15 10 MR. DUNNAM: Did I ask you that? I mean did
15:31:17 11 I ask you that? I know you're trying to say whatever
15:31:19 12 somebody told you to say, but did I ask you that?

15:31:22 13 MS. BROWN: Objection, form.

15:31:22 14 BY MR. DUNNAM:

15:31:23 15 Q. Did I ask you that?

15:31:24 16 A. Ask your question again.

15:31:26 17 Q. Do you believe that the failure of a university
15:31:29 18 or any institution to take seriously reporting of sexual
15:31:34 19 assault and deal with it aggressively, the failure to do
15:31:40 20 that increases the risk of that conduct being repeated
15:31:44 21 in the future?

15:31:45 22 MS. BROWN: Objection to form.

15:31:46 23 THE WITNESS: Any institution that might not
15:31:48 24 take these things seriously and would ignore them would
15:31:54 25 be a danger to students.

15:31:56 1 MR. DUNNAM: And it would increase the risk
15:31:58 2 ongoing, the longer the institution failed to take it
15:32:03 3 seriously and address it?

15:32:03 4 MS. BROWN: Objection to form.

15:32:05 5 MR. DUNNAM: Do you agree with that?

15:32:07 6 THE WITNESS: I can't imagine any
15:32:09 7 institution not taking this seriously and addressing it.

15:32:13 8 MR. DUNNAM: I didn't ask you that. See,
15:32:15 9 that's the issue, I didn't ask you that.

15:32:15 10 I asked you if the longer a university
15:32:18 11 avoided, or an institution, a corporation, a government
15:32:22 12 entity, any institution ... the longer they don't take
15:32:26 13 it seriously and do the things that need to be done, it
15:32:30 14 continues to increase the risk over time.

15:32:30 15 MS. BROWN: Objection --

15:32:33 16 MR. DUNNAM: Do you agree with that?

15:32:34 17 MS. BROWN: Objection to form.

15:32:35 18 THE WITNESS: The evidence of clergy sexual
15:32:37 19 abuse in some churches demonstrates that to be the
15:32:41 20 true case.

15:32:42 21 MR. DUNNAM: And that's just common sense,
15:32:43 22 isn't it?

15:32:44 23 MS. BROWN: Objection, form.

15:32:45 24 THE WITNESS: What's common sense?

15:32:46 25 MR. DUNNAM: That if we don't take

15:32:48 1 incidences of improper conduct seriously, that that
15:32:53 2 conduct is likely to continue and even grow, correct?

15:32:58 3 MS. BROWN: Objection, form.

15:33:01 4 THE WITNESS: I don't know that there's a
15:33:03 5 one-to-one correspondence that it will foster further
15:33:06 6 instances, but I do believe any incidence of sexual
15:33:10 7 assault must be taken seriously.

15:33:13 8 MR. DUNNAM: And if it's not taken
15:33:14 9 seriously, it heightens the risk in the future to it
15:33:17 10 occurring again?

15:33:18 11 MS. BROWN: I have to object again.
15:33:20 12 Objection, form.

15:33:22 13 THE WITNESS: If you're talking about a
15:33:26 14 specific institution like Baylor --

15:33:28 15 MR. DUNNAM: I'm not. I'm asking about any
15:33:31 16 institution, any institution that does not -- And I
15:33:34 17 think we've talked about this. I just want to make sure
15:33:36 18 because you keep bouncing around.

15:33:38 19 But an institution of any nature, for
15:33:41 20 example, the church you just mentioned. And they've had
15:33:43 21 issues in churches, and the Catholic Church has gotten
15:33:47 22 maybe the most attention. But if something is not dealt
15:33:50 23 with, it increases the risk of it reoccurring in the
15:33:54 24 future. Do you agree with that?

15:33:55 25 MS. BROWN: Objection to form.

15:33:57 1 THE WITNESS: I believe that we should take
15:33:58 2 seriously any sexual assault and address the issue.

15:34:02 3 BY MR. DUNNAM:

15:34:03 4 Q. Because it will -- if you don't address it, it
15:34:06 5 will continue; is that correct?

15:34:07 6 A. No. Because it's the right thing to do, that you
15:34:09 7 must --

15:34:09 8 Q. Do you --

15:34:12 9 A. You must take these things seriously and address
15:34:14 10 them as best you can.

15:34:15 11 Q. Other than on, you know, morality of the moment,
15:34:19 12 don't you believe it has an effect in the future?

15:34:23 13 A. I can't judge --

15:34:23 14 MS. BROWN: Objection to form.

15:34:25 15 THE WITNESS: -- can't judge what actually
15:34:27 16 can happen --

15:34:27 17 MS. BROWN: Excuse me. You have to let me
15:34:29 18 get my objection in before you respond.

15:34:31 19 Objection to form.

15:34:32 20 BY MR. DUNNAM:

15:34:34 21 Q. Go ahead.

15:34:34 22 A. Just repeat the question.

15:34:36 23 Q. I think you answered it.

15:34:39 24 Were you involved in the contact with the *Wall*
15:34:46 25 *Street Journal* that was -- that occurred immediately

15:34:50 1 prior to the "60 Minutes" story?

15:34:52 2 A. I was not.

15:34:53 3 Q. Did you give them interviews?

15:34:55 4 A. No.

15:34:56 5 Q. Can you think of any time that you have overruled
15:35:17 6 a recommendation of Reagan Ramsower?

15:35:23 7 A. I normally don't get recommendations from Reagan
15:35:27 8 Ramsower.

15:35:28 9 Q. I didn't ask you if you normally got
15:35:30 10 recommendations.

15:35:31 11 A. I do not -- cannot think of any.

15:35:33 12 MR. DUNNAM: Let's take a quick break for a
15:36:32 13 second.

15:36:32 14 THE VIDEOGRAPHER: Going off the record.
15:36:34 15 The time is 3:36 p.m.

15:36:38 16 (Recess taken from 3:36 to 3:51 p.m.)

15:51:15 17 (Replacement Exhibit 5 marked.)

15:51:15 18 Back on the record. The time is 3:51 p.m.

15:51:18 19 BY MR. DUNNAM:

15:51:19 20 Q. So, President Garland, I've got just a few more
15:51:25 21 questions. That should make you happy. I may jump
15:51:29 22 around a bit because I'm trying to fill in a few holes.
15:51:31 23 Is that fair enough?

15:51:32 24 A. Yes.

15:51:32 25 Q. So if I jump somewhere and it's too drastic, let

15:51:37 1 me know.

15:51:37 2 I'm going to hand you what's been marked Exhibit
15:51:39 3 Number 5, and I'm going to ask you what that is?

15:51:40 4 A. This is my final comments to the paper as a
15:51:50 5 "guest columnist: Baylor committed to preventing sexual
15:51:54 6 violence".

15:51:55 7 Q. And who wrote that?

15:51:56 8 A. I -- Someone in the PR office gave the skeleton,
15:52:04 9 and I edited it.

15:52:07 10 Q. And who's the PR office?

15:52:09 11 A. I honestly don't know. I mean in Communications.

15:52:12 12 Q. So who is -- how did this -- Who put this on your
15:52:17 13 desk? Who put the outline on your desk?

15:52:19 14 A. The Vice President for Communications.

15:52:20 15 Q. Who is that?

15:52:21 16 A. Jason Cook.

15:52:22 17 Q. Was Bunting involved in it?

15:52:26 18 A. Not that I know of.

15:52:28 19 Q. Why was Bunting hired?

15:52:30 20 A. Bunting was hired because the Ketchum public
15:52:38 21 relations firm decided to withdraw.

15:52:44 22 Q. So Baylor had a PR firm before Bunting?

15:52:48 23 A. Long before, yes.

15:52:49 24 Q. And it was named Ketchum?

15:52:52 25 A. Yes, Ketchum.

15:52:55 1 Q. And how long -- do you know generally how long
15:52:58 2 Ketchum had been the PR firm --

15:52:58 3 A. No.

15:53:00 4 Q. -- for Baylor?

15:53:00 5 A. No, I do not.

15:53:01 6 Q. And who was the person you interacted with at
15:53:04 7 Ketchum?

15:53:06 8 A. I've forgotten that person's name.

15:53:08 9 Q. Can we leave a blank, and if you remember the
15:53:12 10 name, will you put it in for me?

15:53:14 11 A. Certainly. I did not interact with them
15:53:17 12 directly. They primarily worked through the Vice
15:53:20 13 President for Communications.

15:27:03 14 (INFORMATION REQUESTED: _____
15:27:03 15 _____
15:53:21 16 _____.)

15:53:21 17 Q. And so why did they withdraw?

15:53:25 18 A. I can't speculate on -- as to why.

15:53:28 19 Q. Did anyone tell you why they withdrew?

15:53:30 20 A. No, no one did.

15:53:32 21 Q. They just -- next thing you knew they said "We
15:53:35 22 don't want to work for you anymore"?

15:53:37 23 A. That's correct.

15:53:37 24 Q. And who was responsible for finding Bunting?

15:53:42 25 A. The Vice President for Communications and ... and

15:53:55 1 I can't remember who else that began looking for other
15:53:59 2 persons to work -- who worked in this area.

15:54:03 3 Q. Do you know how long before Bunting was hired
15:54:05 4 that Ketchum gave notice they were leaving?

15:54:08 5 A. I don't recall the exact time.

15:54:13 6 Q. Months, weeks?

15:54:15 7 A. It would have been weeks, but I don't know.

15:54:17 8 Q. And were any regents involved in the decision of
15:54:22 9 who to replace Ketchum with?

15:54:24 10 A. I can't say for certain. I do not believe they
15:54:29 11 were.

15:54:30 12 Q. Do you know anyone who interviewed Bunting?

15:54:33 13 A. I do know that the Vice President for
15:54:38 14 Communications was heavily involved in the interviews
15:54:40 15 process.

15:54:41 16 Q. Did you-all contact them, or did they contact you
15:54:44 17 initially?

15:54:44 18 A. I -- I don't know whether -- who contacted whom.

15:54:49 19 Q. And I guess the Director of Communications would
15:54:52 20 know that?

15:54:53 21 A. The Vice President would know that.

15:54:55 22 Q. Who -- Did you ever meet with Bunting before they
15:54:59 23 were retained?

15:55:00 24 A. No.

15:55:03 25 Q. Have you met -- have you met with them since they

15:55:05 1 were retained?

15:55:06 2 A. Yes.

15:55:07 3 Q. And when was that first meeting?

15:55:09 4 A. The first meeting, I don't know exact dates, but
15:55:14 5 it would have been in preparation for the "60 Minutes".

15:55:19 6 Q. And what did they tell you?

15:55:20 7 A. Just -- they gave discussions, they gave
15:55:25 8 information about what "60 Minutes" might be -- what
15:55:29 9 they might be interested in and ... and just basically
15:55:36 10 TV stuff.

15:55:38 11 Q. Did they give talking points?

15:55:40 12 A. No, they did not.

15:55:41 13 Q. They gave you nothing in writing?

15:55:44 14 A. Nothing in writing.

15:55:45 15 Q. Have you ever received anything from Bunting in
15:55:47 16 writing?

15:55:48 17 A. Nothing in writing except, you know, their --
15:55:57 18 just when they would put out PR pieces or whatever.

15:56:03 19 Q. Was Bunting involved in the PR pieces that we've
15:56:08 20 seen that Baylor has issued, the press releases, the
15:56:11 21 statements from you and your office?

15:56:12 22 A. They were -- Not from my -- not directly from me,
15:56:16 23 but I think they were involved in Baylor statements.

15:56:19 24 Q. When you would meet with editorial boards, for
15:56:26 25 example, the Q & A that you and Mr. Murff had with the

15:56:32 1 *Waco Tribune-Herald*, did you meet with Bunting in
15:56:34 2 advance --

15:56:34 3 A. No.

15:56:35 4 Q. -- to discuss that?

15:56:35 5 A. They were not hired at that time.

15:56:37 6 Q. Okay. What about subsequent meetings? Because
15:56:40 7 there was basically a tour of ed. boards, wasn't there?

15:56:43 8 A. I was not involved in that.

15:56:44 9 Q. Okay. Is Bunting still involved today in media
15:56:51 10 strategy?

15:56:52 11 A. No. It's basically -- our office is doing this.

15:56:57 12 Q. Has their relationship been terminated?

15:57:02 13 A. I do not know for sure.

15:57:03 14 Q. How much was Bunting paid?

15:57:05 15 A. I have no idea.

15:57:05 16 Q. Who would know?

15:57:07 17 A. I -- I would guess the Communications Department,
15:57:16 18 but I can't be --

15:57:17 19 Q. So I'm trying to understand. So, you know, I may
15:57:21 20 be wrong, but I assume these people aren't cheap; and so
15:57:25 21 this is some financial commitment of the university that
15:57:28 22 is diverting funds from other needs, whatever they might
15:57:30 23 be, and is the Communications Director authorized to
15:57:36 24 expend tens or hundreds of thousands of dollars on a PR
15:57:41 25 firm without your permission?

15:57:42 1 A. They work through -- with a budget, and it's been
15:57:47 2 customary that we have always used outside firms for
15:57:52 3 help to outsource some things. In this case, I don't
15:57:57 4 know what the amount was, but the regents were also
15:58:02 5 involved.

15:58:02 6 Q. That's what I'm trying to figure out is who was
15:58:05 7 involved in this stuff. Did the regents -- That's what
15:58:06 8 I asked earlier. Did the regents participate in the
15:58:07 9 decision to hire Bunting?

15:58:09 10 A. I do not think -- I do not know, no --

15:58:09 11 Q. And --

15:58:11 12 A. -- but I don't think that was the case.

15:58:13 13 Q. You don't think it was?

15:58:14 14 A. I believe that we hired Bunting, as far as the
15:58:19 15 administration.

15:58:19 16 Q. And you believe that the budget or whatever
15:58:21 17 expenditure was made on Bunting was done without the
15:58:26 18 regents' awareness?

15:58:27 19 A. I don't remember that they were -- that we asked,
15:58:31 20 because we have a budget. We can make those decisions.

15:58:34 21 Q. But you weren't involved. They just paid this
15:58:38 22 guy --

15:58:38 23 A. I was --

15:58:38 24 Q. -- and you don't know what they paid him or --

15:58:40 25 A. I was not involved.

15:58:41 1 Q. And you weren't consulted about it?

15:58:43 2 A. Consulted in ...

15:58:44 3 Q. About the decision to hire them.

15:58:47 4 A. Yes, I was consulted, but I was not consulted
15:58:49 5 about fees or anything.

15:58:50 6 Q. All right. Did you -- Who made the decision?

15:58:51 7 So did you make the decision "Yes, I want to hire
15:58:54 8 them"?

15:58:54 9 A. We -- we made the decision as a group.

15:58:56 10 Q. Who is the group?

15:58:58 11 A. The Vice President for Communications and myself,
15:59:03 12 and I can't remember who else was involved.

15:59:05 13 Q. Was Ramsower involved?

15:59:06 14 A. I can't remember.

15:59:07 15 Q. You stated to the Waco paper that you were
15:59:21 16 interested in changing the culture and root cause of
15:59:26 17 these assaults. Other than pornography, what are the
15:59:30 18 cultural and root causes, in your opinion, of these
15:59:33 19 assaults?

15:59:34 20 A. I would argue that pornography is the primary
15:59:39 21 cause; and so I don't -- I'm not an expert on the
15:59:45 22 psychological causes of what causes persons to do this.

15:59:49 23 Q. Aside from pornography, is there anything else
15:59:53 24 you're referring to when you talk about "root causes"?
15:59:55 25 And I think a term you used was "cultural", "cultural

16:00:00 1 issues".

16:00:00 2 A. Yeah, I believe that these are cultural issues,
16:00:03 3 but I -- I'm not an expert in this area. I do know
16:00:09 4 research that identifies pornography as a contributing
16:00:12 5 factor.

16:00:13 6 Q. And all I'm trying to ask is when you said that
16:00:15 7 to the Waco paper, "cultural and root causes", not
16:00:19 8 whether you've done studies, but when you said that,
16:00:24 9 pornography was what was in your mind, and that's it?

16:00:26 10 A. That is primarily what was in my mind.

16:00:32 11 Q. Anything else?

16:00:32 12 A. No. That's primarily pornography.

16:00:36 13 Q. Okay. And you talked about implementing a
16:00:39 14 "masculinity program". What does that mean?

16:00:42 15 A. There -- This was a program which would teach men
16:00:51 16 how to behave like men properly with females.

16:00:57 17 Q. So can you elaborate? I mean I know what that
16:01:01 18 means to me.

16:01:01 19 A. There is --

16:01:02 20 Q. I want to know what that means to you.

16:01:03 21 A. There is a perception amongst some that
16:01:08 22 masculinity is tied to violence, machismo, being able to
16:01:16 23 assert yourself in power over another person.

16:01:22 24 Q. And so what was the -- was a masculinity program
16:01:27 25 adopted and implemented?

16:01:29 1 A. No, it was not.

16:01:30 2 Q. Was any program implemented to deal with issues
16:01:46 3 of pornography?

16:01:48 4 A. There have been programs that have been initiated
16:01:52 5 to deal with pornography addiction so students who are
16:02:00 6 -- have that addiction can meet with groups to help them
16:02:05 7 overcome it.

16:02:05 8 Q. When were those programs initiated?

16:02:08 9 A. These were -- I believe they -- in fact, I think,
16:02:14 10 and I don't know for sure, but I think they've been
16:02:16 11 going on for some time.

16:02:17 12 Q. So these weren't -- those were not implemented in
16:02:21 13 response to these issues of masculinity programs that
16:02:25 14 you talked about?

16:02:26 15 A. No. These are -- these are something part of --
16:02:30 16 Student Life is always concerned about the well-being of
16:02:34 17 our students, and they were also addressing these
16:02:38 18 issues.

16:02:38 19 Q. Are there -- are there -- Aside from yourself and
16:02:51 20 Dr. Ramsower, who are the board members who are most
16:02:56 21 involved in attempting to address these issues since you
16:03:02 22 became President and before, if you know?

16:03:05 23 A. I do not know who it would have been before, but
16:03:09 24 the Chair of the Audit Committee has been heavily
16:03:13 25 involved. His name is Dan Hord, and he has been heavily

16:03:19 1 involved not only with Title IX issues, also with the
16:03:22 2 Coordinator of Title IX, but as part of the Audit
16:03:27 3 Committee this has been a primary concern.

16:03:28 4 Q. Any other regents?

16:03:31 5 A. That have been -- that --

16:03:33 6 Q. Most involved in trying to address the problems
16:03:37 7 at Baylor.

16:03:38 8 A. Because Title IX came primarily under the Audit
16:03:45 9 Committee, it was Dan Hord primarily.

16:03:49 10 Q. Well, I mean when I read the newspaper or watch
16:03:53 11 TV or whatever, I see a number of regents that appear
16:03:58 12 more often than others, and that's what I'm trying to
16:04:03 13 get at. I know that there are a lot of regents, and I
16:04:06 14 would be maybe inaccurate, and if so, say so, but I
16:04:11 15 think it would be unusual to expect that you had 35
16:04:14 16 people that were really hands-on; and so I want to know
16:04:16 17 who the regents are who have been the most hands-on
16:04:19 18 throughout this turmoil.

16:04:21 19 A. Well, I would -- Hands-on regarding what?

16:04:24 20 Q. Dealing with the problems that arose with sexual
16:04:29 21 assault at Baylor University and the efforts to deal
16:04:31 22 with it.

16:04:31 23 A. The regents basically delegated those
16:04:34 24 responsibilities to the administration to address, and
16:04:39 25 that is our responsibility to do that. They monitor

16:04:43 1 this, and we report to the regents what we've done.

16:04:46 2 Q. But are you just reporting to all 30 in a written
16:04:49 3 format, or are you meeting with a smaller group of
16:04:52 4 regents or talking with them on the phone?

16:04:55 5 A. The Audit Committee would -- I think that the
16:05:00 6 Chair would be involved in phone call conversations, but
16:05:04 7 primarily it was reporting to the regents as a whole.

16:05:07 8 Q. And who's on the Audit Committee?

16:05:10 9 A. I can't go through the list. I don't -- I would
16:05:18 10 miss a name. I don't know.

16:05:19 11 Q. Other than --

16:05:20 12 A. I know who the Chair is.

16:05:22 13 Q. That's Hord?

16:05:23 14 A. Dan Hord, yes.

16:05:25 15 Q. Other than Hord, how many people are on it?

16:05:27 16 A. There are about -- you know -- I'd have to have
16:05:32 17 my list out in front of me to be able to be specific.

16:05:36 18 Q. Is it published? Is it a published list?

16:05:38 19 A. Yes. The board publishes on its website all of
16:05:45 20 the -- all of the committees and the members of the
16:05:48 21 committee, and there has been for the next meeting a
16:05:52 22 transition where they have changed the number of
16:05:56 23 committees and who's on them --

16:05:56 24 Q. So --

16:05:58 25 A. -- so that will have changed.

16:06:01 1 Q. So if we wanted to know the regents that have
16:06:05 2 been most involved, we would look first to the members
16:06:08 3 of the Audit Committee; is that fair?

16:06:08 4 A. That would be correct.

16:06:09 5 Q. And then which other committees would we look to?

16:06:12 6 A. I would think committees related to student body;
16:06:20 7 so ...

16:06:21 8 Q. Do you know? You said you "would think". I'm
16:06:24 9 just --

16:06:24 10 A. I don't remember the exact agenda in those
16:06:27 11 meetings. I do know that -- that the Audit Committee
16:06:33 12 has been primarily --

16:06:34 13 Q. Are agendas in writing?

16:06:37 14 A. The agendas are in writing, and they're published
16:06:40 15 on the website.

16:06:40 16 Q. Now, I want to -- I want to go back because I
16:06:43 17 know that there is transition within the board that's on
16:06:47 18 -- been ongoing since, and I'd like to go back to the
16:06:50 19 2004 period because we have clients whose issues go back
16:06:55 20 that far; but the names that I've seen, names of people
16:07:00 21 involved in these throughout the years, Mr. Murff, has
16:07:04 22 he been heavily involved in the issues?

16:07:06 23 A. Mr. Murff is Chairman of the Board and,
16:07:10 24 therefore, has been heavily involved in everything.

16:07:11 25 Q. Okay. The former Chair before him was who?

16:07:15 1 A. Richard Willis.

16:07:19 2 Q. So would the same apply for him in terms of his
16:07:23 3 involvement in Title IX issues, if any?

16:07:24 4 A. That I don't know. I was not in the
16:07:28 5 administration at that time.

16:07:28 6 Q. And who was before him?

16:07:29 7 A. Buddy Jones, I believe.

16:07:36 8 Q. Okay. And do you recall who was before Mr.
16:07:39 9 Jones?

16:07:39 10 A. Dary Stone.

16:07:42 11 Q. And those are names I've heard. I've heard
16:07:45 12 Jones, Stone, Murff, Willis. Are there any others that
16:07:50 13 have been more involved than others?

16:07:52 14 A. Not that I -- not that I know of.

16:07:56 15 Q. When we turn on "60 Minutes", you know, we see
16:07:59 16 Neal Jeffrey, we see ... I think Ms. Stevens; is that
16:08:03 17 correct?

16:08:03 18 A. That's correct.

16:08:04 19 Q. We see Mr. Gray; is that correct?

16:08:08 20 A. That's correct.

16:08:08 21 Q. So that's what I'm trying to get at. Who are the
16:08:12 22 people that are going out there and meeting with the
16:08:14 23 editorial boards and figuring out -- I assume if they're
16:08:18 24 meeting and talking on "60 Minutes" or meeting with
16:08:20 25 editorial boards, that they know what they're talking

16:08:23 1 about. They've informed themselves; is that correct?

16:08:25 2 A. As regents, yes.

16:08:26 3 Q. And so who are these point people on the regents,
16:08:30 4 other than those I've just named?

16:08:32 5 A. I do not know why they were even picked to speak
16:08:37 6 at "60 Minutes". They're not necessarily the point
16:08:41 7 people, but --

16:08:42 8 Q. Who picked them?

16:08:43 9 A. I do not know.

16:08:44 10 Q. And did some of them interview with the *Wall*
16:08:49 11 *Street Journal*?

16:08:49 12 A. I believe Cary Gray interviewed with the *Wall*
16:08:55 13 *Street Journal*, but I don't know.

16:08:56 14 Q. What was the *Wall Street Journal* approached
16:08:59 15 about? I think that was at the point where Baylor
16:09:02 16 mentioned gang rapes for the first time and those types
16:09:05 17 of things. Why the *Wall Street Journal*? They're not
16:09:08 18 particularly known as where you go for your sports news.

16:09:11 19 A. I honestly don't know why.

16:09:13 20 Q. Okay. So who else? So we've got Mr. Gray, Ms.
16:09:20 21 Stevens, Mr. Jeffrey. Was he a regent?

16:09:24 22 A. He's a regent.

16:09:26 23 Q. Okay. Murff, Willis, Jones, Stone?

16:09:30 24 A. He's not a regent.

16:09:32 25 Q. They were, right?

16:09:33 1 A. Right.

16:09:34 2 Q. Okay. Who else --

16:09:35 3 A. Who --

16:09:37 4 Q. -- have met with -- Who decided who was going to
16:09:39 5 be on "60 Minutes"?

16:09:40 6 A. I do not know.

16:09:40 7 Q. Who decided who was going to talk to *Wall Street*
16:09:43 8 *Journal*?

16:09:43 9 A. I do not know.

16:09:44 10 Q. Who decided who was going to meet with the *Dallas*
16:09:47 11 *Morning News*?

16:09:47 12 A. I do not know.

16:09:48 13 Q. How did you come to meet with the *Waco Trib*? Who
16:09:52 14 asked you to do that?

16:09:53 15 A. The first time after the regent meeting, I think
16:09:59 16 it was arranged by the Vice President for
16:10:04 17 Communications.

16:10:04 18 Q. Who -- Now, when we look at these meetings with
16:10:08 19 the Big 12, and you are meeting with -- it's my
16:10:11 20 understanding that these meetings that were -- And I
16:10:13 21 want to talk about the Big 12 in connection with their
16:10:16 22 concerns about what was happening on Baylor campus and
16:10:19 23 sexual assault. Okay? Fair enough?

16:10:21 24 A. Yes.

16:10:21 25 Q. All right. In those meetings, were those the

16:10:25 1 university Presidents of Big 12?

16:10:27 2 A. Yes.

16:10:27 3 Q. And you were there to represent Baylor
16:10:29 4 University?

16:10:29 5 A. Absolutely, yes.

16:10:31 6 Q. And were the Presidents of these universities
16:10:37 7 very active and involved in the discussions about this,
16:10:40 8 or did they -- were they passive and just listened to
16:10:42 9 what you had to say?

16:10:43 10 A. How do you define "passive" and "active"?

16:10:47 11 Q. Well, you can use words that you -- that you can
16:10:49 12 define for me. I'm trying to characterize the
16:10:51 13 involvement of those Presidents in these meetings.

16:10:53 14 A. They were passive and listened.

16:10:57 15 Q. Okay. Did any of them appear more concerned than
16:11:01 16 other ones about the conduct, or did they just listen to
16:11:04 17 what you had to say?

16:11:05 18 A. They were concerned about the conduct and were
16:11:10 19 very hopeful that we were rectifying the situation.

16:11:13 20 Q. And so who among those Presidents --

16:11:15 21 A. I can't recall.

16:11:17 22 Q. Who among the Presidents, if any, was the one
16:11:20 23 asking the most questions and the most concerned?

16:11:22 24 A. I -- you know -- there was just a general
16:11:26 25 discussion.

16:11:26 1 Q. So let me -- I don't want to mischaracterize
16:11:29 2 this, but are you suggesting that -- Well, how many
16:11:32 3 meetings were there or have there been about this
16:11:36 4 subject matter?

16:11:36 5 A. About what?

16:11:37 6 Q. About this subject matter.

16:11:39 7 A. There were two --

16:11:42 8 Q. Do you recall --

16:11:42 9 A. -- that specifically --

16:11:43 10 Q. -- approximately when?

16:11:44 11 A. No, I don't. It's a seasonal thing. I can't
16:11:51 12 recall exactly to give precise dates.

16:11:56 13 Q. Okay. And the Presidents were at all of them; is
16:11:58 14 that correct?

16:11:58 15 A. Not all of the Presidents were. Some -- Once the
16:12:04 16 President of Kansas was sick; so --

16:12:06 17 Q. Okay. So am I characterizing correctly that they
16:12:09 18 said "We want to know what's happening", and it's fair
16:12:12 19 to say that you showed up, you told them what had
16:12:15 20 happened, and they were fairly passive about it?

16:12:18 21 A. We -- I told them what we were doing to fix the
16:12:20 22 problem --

16:12:20 23 Q. Okay.

16:12:21 24 A. -- because my primary responsibility was not to
16:12:26 25 reinvestigate the Findings of Fact but to implement the

16:12:31 1 recommendations.

16:12:31 2 Q. Did they -- Did they ask questions or ask for
16:12:32 3 information about what had happened?

16:12:34 4 A. No.

16:12:34 5 Q. Okay. Who is the Big 12 using to do the audit?

16:12:42 6 A. I do not know.

16:12:42 7 Q. Do you have a timeline on that?

16:12:44 8 A. No. There's no timeline. It's up to them.

16:12:46 9 Q. So is there any -- is there -- Have you ever seen
16:12:48 10 any kind of master timeline that Baylor has done to
16:12:54 11 catalog and chronologically set out a timeline of the
16:13:00 12 events of relevance in terms of Baylor's Title IX
16:13:03 13 compliance or dealing with sexual assault issues?

16:13:08 14 A. I've not seen that.

16:13:09 15 Q. Has it always been Baylor's policy when a victim
16:13:26 16 wanted the assistance of counsel in regard to any aspect
16:13:31 17 of the investigation, that they could not have counsel
16:13:37 18 of their choice --

16:13:37 19 A. I don't know --

16:13:38 20 Q. -- involved?

16:13:38 21 A. I don't know that that's part of the policy.

16:13:43 22 Q. So can they, or can they not have counsel?

16:13:46 23 A. I believe Title IX is evolving in its
16:13:53 24 implementation. Normally victims or survivors would
16:13:58 25 come without counsel, but I believe that may be all

16:14:01 1 changing, and I'm not sure about that --

16:14:01 2 Q. Was there ever a --

16:14:02 3 A. -- because it is evolving.

16:14:03 4 Q. Was there -- Well, okay. Was there ever a point
16:14:05 5 before it evolved where they were prevented from having
16:14:08 6 counsel participate with them?

16:14:10 7 A. I can't answer that definitively. It's normal
16:14:13 8 that counsel were not present.

16:14:15 9 Q. Why did -- When Ms. Crawford wrote -- she wrote a
16:14:26 10 letter outlining her issues addressed to Dr. Ramsower;
16:14:32 11 is that right?

16:14:32 12 A. That's correct.

16:14:33 13 Q. Why wasn't it addressed to you?

16:14:40 14 MS. BROWN: Objection, form.

16:14:41 15 THE WITNESS: I can't speculate as to why.

16:14:46 16 BY MR. DUNNAM:

16:14:46 17 Q. Okay. And in investigating her complaints in
16:14:57 18 that letter ... which you read, correct?

16:14:58 19 A. Yes.

16:14:59 20 Q. ... what you did to ascertain who was right and
16:15:03 21 wrong is you talked to the two individuals who she had
16:15:06 22 the most criticism about; is that correct?

16:15:09 23 A. I ... I did, yes.

16:15:11 24 Q. And that's all you did, correct?

16:15:12 25 A. No. I also talked with other people who had been

16:15:18 1 in meetings with her. In many ways I was very surprised
16:15:24 2 because she met in every single meeting when we were
16:15:27 3 around the table discussing the implementations of the
16:15:31 4 recommendations, and never once did she raise objections
16:15:35 5 where she could have raised those objections.

16:15:37 6 Q. And who are these people you talked to, in
16:15:40 7 addition to the HR person and Dr. Ramsower?

16:15:43 8 A. The persons who were on her committee and --

16:15:46 9 Q. Who?

16:15:46 10 A. I forget exact -- who exactly it was.

16:15:51 11 Q. Do you recall any person in particular that you
16:15:53 12 met and spoke with, other than Ramsower and the HR
16:15:59 13 Director?

16:15:59 14 A. The name escapes me; so I'm sorry. I'll have to
16:16:05 15 fill in the blank.

16:16:05 16 Q. Well, let's leave -- we'll leave another blank
16:16:08 17 there. If you think about it, that's fine.

16:16:10 18 A. Andrea Dixon.

16:16:12 19 Q. Okay. Ms. Dixon. And what did she tell you?

16:16:15 20 A. She said that Ms. Crawford tended to be overly
16:16:24 21 emotional in meetings.

16:16:26 22 Q. In what context?

16:16:29 23 A. In the meetings where we were discussing how we
16:16:31 24 implement and address the recommendations.

16:16:34 25 Q. Well, what would cause her to get emotional?

16:16:37 1 A. I do not know.

16:16:38 2 Q. Well, I mean do you think that, in and of itself,
16:16:40 3 is a problem?

16:16:40 4 A. Apparently, it arose as a problem from the
16:16:44 5 perspective of others.

16:16:45 6 Q. Well, do you think this is an emotional subject?

16:16:50 7 A. It's a highly emotional subject.

16:16:52 8 Q. So why would that be inappropriate?

16:16:54 9 And you don't know the context?

16:16:55 10 A. I do not know the context, but it was not in the
16:16:58 11 context of discussing these issues, but the context of
16:17:02 12 discussing how do we implement the Title IX, the
16:17:08 13 recommendations.

16:17:09 14 Q. And so why did you side with Dr. Ramsower over
16:17:12 15 Ms. Crawford?

16:17:13 16 A. Because I felt like her objections were primarily
16:17:19 17 repeatedly that she needed to be involved in every
16:17:24 18 single thing involved in the recommendations. She was
16:17:25 19 hired to be the Coordinator of the Title IX office, and
16:17:29 20 that was her primary responsibility.

16:17:33 21 The 105 recommendations are so broad that we
16:17:37 22 can't -- that we had to divide things up into a large
16:17:41 23 group. 80 people were involved in this, and -- and I
16:17:45 24 just felt like it was -- it was not her job to be the
16:17:50 25 primary person to be in charge of implementation of

16:17:53 1 everything.

16:17:54 2 In fact, we hired somebody who their primary job
16:17:58 3 was to implement and herd all of the various groups to
16:18:05 4 make sure we would reach completion on the -- and that
16:18:07 5 was her primary job.

16:18:08 6 Q. And other than the information you received about
16:18:12 7 she got emotional at some meetings about the need to
16:18:15 8 implement these policies, the information that you've
16:18:17 9 just described to us is information you received from
16:18:22 10 Dr. Ramsower and the HR Director?

16:18:25 11 A. What information?

16:18:26 12 Q. The information you just said, why you sided with
16:18:29 13 him.

16:18:29 14 A. No. I read what she said in her letter, and it's
16:18:32 15 constantly that she needed to be involved in this and
16:18:35 16 constantly -- and I decided this is simply not correct.
16:18:38 17 She just needs to be doing her job, which is
16:18:41 18 coordinating the Title IX office, that this is
16:18:45 19 absolutely a top priority to be able to meet the needs
16:18:48 20 of the students, and not being involved in every single
16:18:53 21 committee that was trying to implement the
16:18:55 22 recommendations.

16:18:56 23 Q. Now, you're aware that she indicated that at one
16:18:59 24 point she was contacted and asked for names of
16:19:02 25 assailants that Title IX was investigating; is that

16:19:08 1 correct?

16:19:09 2 A. I don't --

16:19:10 3 Q. She has stated that at one time that she was
16:19:18 4 asked to identify the names of assailants, an assailant
16:19:23 5 or assailants, that had complaints against them within
16:19:26 6 Title IX, by administration. Are you aware of that?

16:19:30 7 A. I do not know that.

16:19:31 8 Q. Well --

16:19:31 9 A. And I don't know who asked.

16:19:33 10 Q. Dr. Ramsower?

16:19:35 11 A. I don't know that.

16:19:35 12 Q. And that she gave him the name, and he took
16:19:39 13 action. You're not aware of that?

16:19:42 14 A. No. No.

16:19:43 15 Q. So when -- We have the board's acknowledgment of
16:19:52 16 failure after failure. You've acknowledged that, right?

16:19:55 17 A. I acknowledge that they -- in their report we
16:19:59 18 admit that we had failures.

16:20:01 19 Q. So when can you say that Baylor's indifference
16:20:08 20 and failures stopped?

16:20:10 21 MS. BROWN: Objection to form.

16:20:13 22 THE WITNESS: The Findings of Fact do not
16:20:16 23 identify indifference. I think the very fact that we
16:20:20 24 issued the Findings of Fact reflects our considerable
16:20:23 25 concern about these issues and the implementation of the

16:20:27 1 105 recommendations.

16:20:29 2 BY MR. DUNNAM:

16:20:29 3 Q. So you say the fact that we failed this, we
16:20:33 4 didn't do this, and we discouraged this and whatever,
16:20:36 5 that ... well, that's just good people make mistakes?
16:20:39 6 Is that what you're saying?

16:20:40 7 A. No, I do not say that.

16:20:41 8 Q. Well, what is it, then?

16:20:42 9 A. I said that there's no evidence, I think, of
16:20:46 10 total indifference to these kinds of issues. There was
16:20:49 11 inconsistency in applying the Title IX rules that we had
16:20:54 12 in place at the time.

16:20:55 13 Q. So when did the failures identified in the Board
16:21:00 14 of Regents' findings stop?

16:21:02 15 A. Their findings go ... I think you pointed out as
16:21:08 16 2012 to 2015. That was their investigation.

16:21:12 17 Q. So when did those failures stop?

16:21:14 18 A. I can't identify when failures stopped. I know
16:21:17 19 when we started to address them.

16:21:19 20 Q. Which was when?

16:21:20 21 A. Immediately after the Findings of Fact and
16:21:24 22 recommendations were published.

16:21:27 23 Q. A year ago?

16:21:28 24 A. That's when we direct -- took direct action in
16:21:34 25 the specific references coming out of the Findings of

16:21:43 1 Fact. I can't answer the question before that time
16:21:45 2 because I was not in office.

16:21:48 3 Q. So that completes our questions for today, and
16:21:59 4 we're going to reserve our questions that we may have in
16:22:02 5 addition -- that we do have in addition after the Court
16:22:04 6 rules on the issues it has before it. And if President
16:22:12 7 Garland decides it's important for him to learn about
16:22:16 8 the --

16:22:16 9 A. You've got 30 more minutes to call me
16:22:19 10 "President", and then you're just going to call
16:22:21 11 me "Professor".

16:22:22 12 MR. DUNNAM: Well, I'm just trying to do
16:22:24 13 what I said I'd do.

16:22:25 14 But anyway, we're going to complete our
16:22:26 15 questions for today and reserve our other questions
16:22:30 16 until after the Court rules on these issues and, also,
16:22:34 17 if President Garland ever decides it's important to make
16:22:38 18 the effort to learn the facts about what happened to our
16:22:41 19 clients and/or these other people.

16:22:45 20 MS. BROWN: Objection to the sidebar. And
16:22:48 21 we'd like to take a break when you're done.

16:22:50 22 MR. DUNNAM: Okay. Well, I just told you
16:22:55 23 we're reserving our other questions.

16:22:57 24 MS. BROWN: All right. We'd like to.

16:22:59 25 THE VIDEOGRAPHER: Going off the record.

16:23:00 1 The time is 4:22.

16:41:30 2 (Recess taken from 4:22 until 4:41 p.m.)

16:41:30 3 THE REPORTER: We are off the video and just
16:41:37 4 on the record.

16:41:38 5 MS. BROWN: We'll reserve our questions.
6 Thank you.

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I, DAVID E. GARLAND, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

David E. Garland
DAVID E. GARLAND

Colorado
THE STATE OF ~~TEXAS~~
COUNTY OF Larimer

Before me, Jennifer Suter, on this day personally appeared DAVID E. GARLAND, known to me (or proved to me under oath or through Texas Drivers License (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7 day of June, 2017.

JENNIFER M. SUTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164032709
MY COMMISSION EXPIRES AUGUST 25, 2020

Jennifer M. Suter
Notary Public in and for
The State of ~~Texas~~
Colorado
My commission expires:

(DEPOSITION ADJOURNED AT APPROXIMATELY 4:41 P.M.)

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JANE DOE 1, JANE DOE 2, JANE *
DOE 3, JANE DOE 4, JANE DOE *
5, and JANE DOE 6, *
Plaintiffs, *
VS. * Cause No. 6:16-cv-173-RP
* JURY TRIAL DEMANDED
BAYLOR UNIVERSITY, *
Defendant. *

REPORTER'S CERTIFICATION
DEPOSITION OF: DAVID E. GARLAND
DATE TAKEN: MAY 31, 2017

I, Lorna G. Hildebrandt, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, DAVID E. GARLAND, was duly sworn by
the officer and that the transcript of the oral
videotaped deposition is a true record of the testimony
given by the witness;

That the deposition transcript was submitted on the
5th day of June, 2017 to the witness through his
attorney of record, JIM DUNNAM, Esquire, for
examination, signature and return to me within 30 days
after submission;

That the amount of time used by each party at the
deposition is as follows:

JIM DUNNAM - 04 HOURS: 16 MINUTES
ANDREA MEHTA - (NO TIME USED)
CHAD W. DUNN - (NO TIME USED)
LISA A. BROWN - (NO TIME USED)

1 DAVID R. ILER - (NO TIME USED);

2 That pursuant to information given to the deposition
3 officer at the time said testimony was taken, the
4 following includes counsel for all parties of record:

5 JIM DUNNAM, Attorney for Plaintiffs
6 ANDREA MEHTA, Attorney for Plaintiffs
7 CHAD W. DUNN, Attorney for Plaintiffs
8 LISA A. BROWN, Attorney for Defendant
9 DAVID R. ILER, Attorney for Defendant.

10 I further certify that I am neither counsel for,
11 related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Further certification requirements will be certified
16 to after they have occurred.

17 Certified to by me this 5th day of June, 2017.

18 /s/ Lorna G. Hildebrandt
19 LORNA G. HILDEBRANDT
20 Texas CSR Number: 429
21 Expiration Date: 12-31-18
22 Firm Registration Number: 50
23 P.O. Box 7424
24 Waco, Texas 76714-7424
25 Telephone No.: 254/840-3661

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FURTHER CERTIFICATION

The original deposition was/was not returned to the deposition officer on _____, 2017;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to JIM DUNNAM, Custodial Attorney;

That \$_____ is the deposition officer's charges to the Plaintiffs for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with the Rules, and that a copy of this certificate was served on all parties shown herein.

Certified to by me this ____ day of _____, 2017.

LORNA G. HILDEBRANDT
Texas CSR Number: 429
Expiration Date: 12-31-18
Firm Registration Number: 50
P.O. Box 7424
Waco, Texas 76714-7424
Telephone No.: 254/840-3661

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