**Statement by Baylor University:**

The Plaintiffs have become hidden figures in this litigation, serving as a backdrop for Plaintiffs’ counsel’s continued campaign to broadly investigate the operations of Baylor University. Despite the Plaintiffs’ counsel’s scorched-earth discovery of Board operational issues, these matters are not before the Court in this case. The stories of 10 female students who have reported incidents of sexual assault are.

The Court has made it abundantly clear through prior rulings that this case is about whether Baylor created a “heightened risk of sexual assault” that actually caused the specific Plaintiffs’ assaults or that Baylor was deliberately indifferent to the Plaintiffs’ reports of their alleged assaults (which range from September 2003 to February 2016). These are serious claims made by the 10 former students, and Baylor is appropriately focused on providing discovery in response to these claims.

Baylor is not seeking to restrict discovery of the handling of non-party alleged sexual assaults that occurred between Sept. 1, 2003, and Feb. 28, 2016, nor is Baylor seeking to restrict discovery pertaining to the Plaintiffs’ specific incidents. Baylor’s request is far narrower: it objects to the discovery of non-party, post-February 2016 sexual assaults and the discovery of board operational issues, the athletics department and alleged internal disputes relating to the Pepper Hamilton investigation.

Unfortunately, resources, time and money continue to be diverted by the Plaintiffs’ counsel with an orchestrated sideshow into matters that lack relevance to the case before the Court. To be clear: This legal matter is not related to the Pepper Hamilton investigation, the transition of Ken Starr, Ian McCaw, Art Briles or other University personnel, nor the after-the-fact actions of the Board of Regents. Such events and decisions post-date the Plaintiffs’ alleged assaults and could not have created a “heightened risk” for any of the Plaintiffs because these events and decisions had not yet occurred.

Baylor has made sweeping changes and significant progress under new University leadership, including the implementation of 105 recommended improvements in infrastructure, training, education, and policies and procedures in response to past sexual and interpersonal violence involving our campus community. Baylor’s unwavering commitment is to our students – to continue to educate, train and respond appropriately and work continuously to ensure a safe, supportive and healthy campus for all students.

**Additional Points to Be Addressed:**

* Baylor University has a large Board in which many different opinions are held and expressed in accordance with the appropriate guidelines and bylaws. This is a sign of good governance. As such, Baylor is not aware of any opinions expressed by Mr. Stewart in his deposition that would affect his status on the Board.

* Baylor Regent Jerry Clements addressed the Pepper Hamilton investigation and subsequent review in this Aug. 22, 2018 interview:<https://www.wacotrib.com/news/higher_education/baylor-regents-probe-quieted-in-house-doubts-of-pepper-hamilton/article_879e48ea-0d20-584d-bf99-33204465ddd8.html>

* An audio or video recording of the Pepper Hamilton presentation does not exist.

* Timeline of Dr. Reagan Ramsower:
	+ Served as Senior Vice President for Operations and Chief Financial Officer of Baylor University.
	+ Among the persons reporting to him included those with oversight responsibility for the campus police function. Contrary to prior assertions, Dr. Ramsower was never the “head of Baylor's Department of Public Safety”, or responsible for “handling any student complaints”, nor was he “responsible for compliance before a proper Title IX Coordinator was hired in 2014.”
	+ The Baylor Office of Judicial Affairs never reported to Dr. Ramsower.
	+ Dr. Ramsower was not involved in the Board of Regents’ deliberations or any decision-making in response to the Pepper Hamilton May 26, 2016, presentation.
	+ The Title IX Coordinator did not come under Dr. Ramsower’s direct supervision until the summer of 2016. This was on a short-term basis, pending the filling of a newly created position of Chief Compliance Officer to which the Title IX Office would report.
* The Court’s past rulings show that the relevant inquiry is evidence relating to the handling of assault cases that predated Plaintiffs’ alleged assaults. With this evidence, Plaintiffs can explore what employees knew or did in response to past reports and what campus environment existed for the Plaintiffs. Why a particular regent did or did not support the Findings or certain employment decisions after the investigation is far afield and not proportional to the needs of the case.

* Plaintiffs also claim that student records that post-date their own alleged assaults are needed to show whether Baylor maintained a “policy of intentional discrimination that substantially increased Plaintiffs’ risk of being sexually assaulted.” The cases cited by Plaintiffs are readily distinguishable. While these decisions in those cases might support Plaintiffs’ request for discovery regarding a university investigation related to their own alleged assaults, neither stands for the proposition that Plaintiffs are entitled to discovery of subsequent assaults or broad-based discovery regarding the regents, athletics, Pepper Hamilton, and any and all employment decisions occurring after the Findings of Fact.