

Ex-Baylor athletic director: Black athletes made scapegoats

By [David Barron](#), Houston Chronicle

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Photo: LM Otero, STF

FILE - In this Dec. 5, 2015, file photo, Baylor helmets on shown the field after an NCAA college football game in Waco, Texas. The NCAA is conducting an "ongoing, pending investigation" into Baylor University in the wake of a sexual assault scandal that led to the firing of football coach Art Briles and the departure of the school president, the school's lawyers confirmed in a federal court filing. (AP Photo/LM Otero, File)

Former Baylor University athletic director Ian McCaw says university regents staged what he called an "Enron coverup scheme" to scapegoat Baylor's football program, and African-American players in particular, to deflect attention from a campus-wide sexual assault scandal, according to a deposition filed Wednesday in federal court in Waco.

McCaw's comments in a June 19 deposition were included in a motion filed by Houston attorney Chad Dunn, who represents 10 women whose lawsuit against the school alleges that Baylor violated federal law by denying them educational opportunities after they were assaulted.

If true, Dunn said, McCaw's comments cast an increasingly harsh light on what Baylor regents claim were their efforts to overturn a climate at Baylor that contributed to sexual abuse of female students by instituting a series of reforms and changes that included the ousters of former Baylor president Kenneth Starr and football coach Art Briles.

"If what (McCaw) says is true, it means that there has been no reform at the school, just a laser light show to deflect attention," Dunn said.

Dunn quotes several passages from McCaw's deposition in a motion filed with U.S. District Judge Robert Pittman in Waco, who is presiding over the case filed by 10 Baylor students identified as Jane Does. The motion seeks several categories of documents previously withheld from production by Baylor's attorneys.

"Baylor has spent tens of millions of dollars trying to blame the sexual assault problem completely on football while at the same time secretly paying and recommending them," Dunn said in his motion. "... The court should take this opportunity to strike down the machinations of Baylor ... and to make clear to all that the truth will not be concealed."

Baylor said in a statement Wednesday that it would continue to oppose providing certain materials to the court and said that McCaw's comments critical of Baylor regents quoted in the motion were "based on speculation, hearsay and even media reports." Dunn responded that Baylor can clear up any concerns about misleading comments by agreeing to make public McCaw's deposition, which has been filed with the court but is under seal from public view for 15 days.

Dunn's motion quotes McCaw, who was Baylor's athletic director from 2001 through May 2016, as saying that Baylor regents concocted an "elaborate plan that essentially

scapegoated the black football players and the football program for being responsible for what was a decades-long, university-wide sexual assault scandal."

McCaw also said in his deposition, according to the motion, that Baylor regents attempted to deflect attention away from their own failures and that regents chairman Richard Willis and regent Cary Gray manipulated and inserted false and misleading information into a report prepared for the school by the Philadelphia law firm Pepper Hamilton.

In addition to its statement, a Baylor spokesman said that Baylor regents, including Gray, were not present when the findings of fact submitted by Pepper Hamilton were drafted.

McCaw said he was offered a chance to remain at Baylor as athletic director but declined to do so because he was "disgusted at that point with the regents, the racism, the phony finding of fact" in the Pepper Hamilton report and because he "did not want to be part of some Enron coverup scheme" by the Baylor administration.

The coverup effort, McCaw said, involves Pepper Hamilton, six Baylor regents, at least two senior Baylor administrators and the school's general counsel.

McCaw, who is now athletic director at Liberty University, includes additional "damaging recollections" regarding Baylor in the sealed deposition, Dunn said in the motion, saying that it is up to the court to "determine whether the light of truth will be allowed to shine."

Dallas attorney Rogge Dunn, who represents former Baylor Title IX coordinator Patty Crawford and former Title IX office staff member Gabrielle Lyons, said McCaw's comments as quoted in the motion filed Wednesday vindicates Crawford's complaints about the attitude of Baylor regents toward the plague of sexual assaults on the Baylor campus.

"Patty has said that the board stonewalled her, and this certainly indicates that the board was not an innocent bystander but an active participant in efforts to suppress what was going on and to protect the Baylor brand at all costs," Dunn said.