

# EXHIBIT A

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 WACO DIVISION

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

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

15 a witness in the above entitled and numbered cause,  
16 taken by the Plaintiffs, before Lorna G. Hildebrandt,  
17 Certified Shorthand Reporter #429 in and for the State  
18 of Texas, commencing on the 31st day of May, 2017, from  
19 10:14 a.m. to 4:41 p.m., at the Law Offices of Fulbright  
20 Winniford, P.C., located at 425 Austin Avenue, 22nd  
21 Floor of the ALICO Building, in the City of Waco, County  
22 of McLennan, and State of Texas, in accordance with the  
23 Federal Rules of Civil Procedure and the attached  
24 "Agreement".  
25

\* \* \* \* \*

**I N D E X**

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

**A P P E A R A N C E S**

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(NOTE: Document initially marked as Exhibit 5 on Page 108 was withdrawn, and subsequently a new Exhibit 5 was marked on Page 188)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

7 \* \* \* \* \*

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### CHANGES AND SIGNATURE

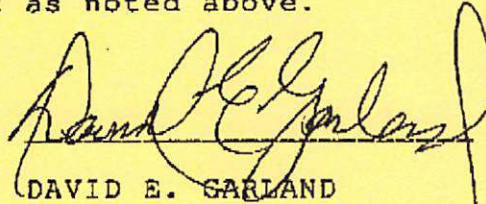
**REASON**

181, lines 8-10 "The only two who attended with me were Ron Murff and David Harper." Reason: recalled the names.

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1 I, DAVID E. GARLAND, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4  
5   
6 DAVID E. GARLAND

7  
8 Colorado  
9 THE STATE OF ~~TEXAS~~  
10 COUNTY OF Larimer

11 Before me, Jennifer Suter, on this day  
12 personally appeared DAVID E. GARLAND, known to me (or  
13 proved to me under oath or through Texas Drivers License  
14 (description of identity card or other document) to be  
15 the person whose name is subscribed to the foregoing  
16 instrument and acknowledged to me that they executed the  
17 same for the purposes and consideration therein  
18 expressed.

19 Given under my hand and seal of office this 7  
20 day of June, 2017.

21 JENNIFER M. SUTER  
22 NOTARY PUBLIC  
23 STATE OF COLORADO  
24 NOTARY ID 20164032709  
25 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.)

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 WACO DIVISION

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

8 REPORTER'S CERTIFICATION  
9 DEPOSITION OF: DAVID E. GARLAND  
DATE TAKEN: MAY 31, 2017

10 I, Lorna G. Hildebrandt, Certified Shorthand Reporter  
11 in and for the State of Texas, hereby certify to the  
12 following:

13 That the witness, DAVID E. GARLAND, was duly sworn by  
14 the officer and that the transcript of the oral  
15 videotaped deposition is a true record of the testimony  
16 given by the witness;

17 That the deposition transcript was submitted on the  
18 5th day of June, 2017 to the witness through his  
19 attorney of record, JIM DUNNAM, Esquire, for  
20 examination, signature and return to me within 30 days  
21 after submission;

22 That the amount of time used by each party at the  
23 deposition is as follows:

24 JIM DUNNAM - 04 HOURS: 16 MINUTES  
25 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

## 1 FURTHER CERTIFICATION

2 The original deposition was/was not returned to the  
3 deposition officer on \_\_\_\_\_, 2017;

4 If returned, the attached Changes and Signature page  
5 contains any changes and the reasons therefor;

6 If returned, the original deposition was delivered to  
7 JIM DUNNAM, Custodial Attorney;

8 That \$\_\_\_\_\_ is the deposition officer's  
9 charges to the Plaintiffs for preparing the original  
10 deposition transcript and any copies of exhibits;

11 That the deposition was delivered in accordance with  
12 the Rules, and that a copy of this certificate was  
13 served on all parties shown herein.

14 Certified to by me this \_\_\_\_ day of \_\_\_\_\_,  
15 2017.

16  
17 \_\_\_\_\_  
LORNA G. HILDEBRANDT  
18 Texas CSR Number: 429  
Expiration Date: 12-31-18  
19 Firm Registration Number: 50  
P.O. Box 7424  
20 Waco, Texas 76714-7424  
Telephone No.: 254/840-3661

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