

# Cultivating Institutional Courage: Changing How Baylor University Responded to Sexual Assault by Athletes

## Teaching Notes

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PREVIEW

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### Case Study Summary

The relationship between college athletics programs and sexual violence is not always easy to discern. Like other schools with big time sports, the visibility of football reveals Baylor University's values and approaches to safety, student wellbeing, and campus climate, but these are just some factors in a microcosm. With more attention to the campus conditions that Baylor University football represents, we can better understand how the football program is also a proxy for the broader institutional response to campus sexual assault and how colleges and universities foster institutional betrayal or institutional courage in a scandal scenario. In this case study, students are asked to consider how colleges and universities respond to the complex moral, ethical, and leadership issues of campus sexual assault.

### Teaching Objectives

In this case, students grapple with the conditions that support or hinder the Title IX coordinator's ability to lead campus prevention, reporting, and response to sexual assault and sexual violence on campus. Upon completion of this case, students will know the difference between institutional courage and betrayal, how to identify when someone has been impacted by sexual assault, unhealthy relationship signs, and implementing campus reporting and response requirements and best practices. Additionally, Title IX has typically been considered the purview of women's interests and the protagonist in this case study is the Title IX coordinator, a leadership and administrative position that every U.S. college and university must appoint or designate. As such, this case offers the opportunity to integrate gendered constructs of policy, leadership, and decision-making and the implications of this gendering of campus responsibilities and oversight in these complex campus leadership issues in a time when sexual violence is of greatest concern.

### Target Audience

This case is designed for courses in sport management, student affairs, higher education administration, human resource management, and leadership at the graduate level. This case would also be appropriate for higher education law and policy courses or in courses that teach the legal aspects of education or sport that cover Title IX policy. It may also be useful in human resource management courses that focus specifically on women in management, managing workplace diversity compliance, managing an inclusive workforce, and other courses that address diversity issues in the workplace, especially in utilizing a feminist and power-conscious framework that disrupts how social institutions and cultural beliefs privilege men's interests and subordinate women's interests (Levit & Verchick, 2016; Linder, 2018) (see "Additional Discussion Topics"). In addition, this case can be used as a professional development tool for staff and coaches in athletic departments and student affairs staff on college campuses, including residential life, student discipline, legal affairs, crisis intervention, and campus safety.

### Suggested Teaching Strategy

This case can be taught in a class discussion or in a group assignment format. In the class discussion format, students interrogate Baylor University's response, discuss the characteristics of institutional betrayal, then apply what they have learned from the sexual assault reporting and response resources to discuss and debate several alternate steps and outcomes. Other class discussions may include those that interrogate the gendered nature of implementing Title IX policy and how various leaders can support the Title IX coordinator role at Baylor University.

### Group Project Assignment Strategies

This case can also be used in a group project where students assess the prevention, reporting, and response at their specific campus. Groups of five or six students work through a report of sexual assault by an athlete from the case on a campus of their choosing. Student groups select a campus, then investigate and evaluate

the existing campus obligations and resources for sexual assault reporting and response. Groups develop a campus profile based on public reporting about the institutional context (e.g., public/private, athletic program status, campus safety and security data). Groups also analyze the campus structures, using the resources provided in the case, to compare the reporting and response structures available to the campus community to the mandates and guidelines for sexual assault reporting and response. Groups offer an overall assessment of the potential for institutional betrayal or courage if an incident of sexual assault by an athlete is reported.

## Additional Discussion Topics

Teaching strategies can also include a class or small-group discussions on ancillary topics, such as:

- The lack of National Collegiate Athletics Association (NCAA) rules that address sexual assault and violence (Jacoby et al., 2019).
- Institutional decisions to hire coaches with instances of sexual assault by athletes on their teams, including the re-hiring of Art Briles to coach high school football (Mt. Vernon Independent School District, 2019).
- An intersectional interrogation of campus climate that takes into account economic privilege, masculinity, and the nuances of the residential campus that allow sexual assault and rape culture to persist (Hirsch & Khan, 2020). Rape culture is further reinforced by different types of sexual aggression. Direct students to the National Center on Domestic and Sexual Violence's Continuum of Sexual Aggression and the Spectrum of Sexual Misconduct at Work, both linked in References.
- In addition, this case centers the experiences of women as targets in a heteronormative context of sexual assault and violence, underscoring the social and cultural power imbalances between women and men. However, this further normalizes sexual assault victims as limited to "cisgender heterosexual white women ... [erasing] ... men, women of color, and trans and gender non-conforming people" who are also targets of sexual assault (Linder et al., 2020).
- Teaching peers how to speak up, developing peer advocates and allyship education, and encouraging the influence of the #MeToo movement in the willingness of peers to confront teammates (NCAA, 2017).
- Exploring the ways in which sexual and relationship violence, institutional betrayal, and institutional courage impact workplaces. For example, such discussions can explore the ways to stop cultures of silence from immunizing those who perpetrate or perpetuate harm from accountability. In the higher education context, this can look like employees being active bystanders to effectively respond to student concerns as they arise, or discussing how to engage or protect faculty, staff, or other employees who are sometimes victimized by students, employees, or others (see Faculty Against Rape, n.d.). In non-educational contexts, the National Sexual Violence Resource Center (NSVRC) (see Sexual Violence and the Workplace: Information for Employers, n.d.), Time's Up, Workplaces Respond, or other groups can help expand discussion to how this issue relates to workplaces in certain industries (e.g., see the Elephant in the Valley Survey, n.d.) or to employment contexts in general.

## Trigger Warnings and Campus Resources

Students will have varying levels of comfort and experience with discussion of sexual assault and violence. Some students may be survivors of sexual assault themselves and at various stages of dealing with the aftermath of the experience. Other students may be impacted in other ways. There is a trigger warning in the case for readers who wish to skip the descriptions of events. In addition, information about campus resources for campus sexual assault should be offered at the outset and throughout any portion of class discussions or assignments for those who would benefit from these resources while participating in this case. When teaching this case, instructors should alert students in advance of the session that the topics will cover sexual assault and other violence and that the discussion can cause a range of emotions. Information should be circulated in advance via email, the learning management system, or distributed at an earlier session that contains the information for confidential resources that are available on campus. For example:

As a reminder, our topic on [Instructor/Facilitator to insert DATE] will cover topics of sexual and other violence. This topic can cause a range of emotions. If you would like to speak with confidential resources, those are

available on campus at: [list campus resources such as student health, campus counseling, or campus help hotline].

Inviting guests to class such as the campus Title IX coordinator, staff from other student health and wellbeing units, or non-profit organizations focusing on allyship, advocacy, or recovery can also be incorporated into a teaching plan to foster an inclusive, welcoming approach to the learning environment.

## Suggested Answers to Discussion Questions

1. What are the ways in which students, athletes, or employees may exhibit signs that they have been impacted by sexual assault? What are the signs of healthy and unhealthy relationships? What long-term impacts can these experiences of sexual violence have in the educational and workplace context?

Students may exhibit several signs of trauma (flight, fight, freeze, or fawn), change in mental wellness, self-blame, apathy, or other changes in behavior such as shifts from an outgoing baseline to withdrawn (such as repeated absences or hypervigilance), quiet to obnoxious, or peaceful to aggressive. This includes other forms of distraction or avoidance, such as overscheduling or hyper-focus. Students should also be able to list the 10 signs of an unhealthy relationship between individuals, which are the relationship moving too swiftly, possessiveness, manipulation, isolation, sabotage, belittling, guilt, volatility, deflecting responsibility, and betrayal. These experiences have long-term environmental impacts for work and school environments such as mental illness or long-term disabilities, threats of school or workplace safety, absenteeism, and decreased morale and productivity.

2. What are institutional betrayal, institutional courage, and examples of these phenomena on the Baylor campus and in its athletic program?

In this response, students should be able to explain institutional betrayal and identify the 10 characteristics of institutional courage and apply both to Baylor University using the resources in the NCAA Sexual Violence Prevention Tool Kit, which is also linked to in the case. For example, students should be able to identify the five areas of commitment implementation tools and checklists in the NCAA Toolkit and the course of action Baylor University should have taken by applying the resources from the NCAA Toolkit to Baylor University.

3. What are the campus characteristics of Baylor University, such as Baylor's regional profile, institutional priorities, and values, that foster institutional betrayal in this case?

Characteristics might include campus honor code, religious affiliation, campus or department policies, due process, new regulations, public affairs, level of sport profile and reputation, priority of reputation, and to what extent a culture sexual assault is normalized.

4. Imagine you are athletics personnel informed of the Tevin Elliot allegation for the first time. Using the resources available to you from your own campus and the NCAA Sexual Violence Prevention Tool Kit (2016, pp. 18–24), identify your reporting obligations and the steps you would take to submit a Title IX report.

Students should be able to identify campus policy that delineates whether or not they have a responsibility to report the information to the Title IX coordinator or another person. The goal of this question is to prompt students to map the resources on the campus to establish a reporting plan as a resource for future use (prior to being in crisis response mode).

5. What are the challenges the Title IX coordinator faced in complying with Title IX guidelines and in cultivating institutional courage? What could the institution have done differently to enable the Title IX coordinator to be successful?

Students should identify issues related to untimely notice and failure to follow proper reporting protocols on the part of personnel and institutional barriers related to resources and collusion for a cover up. Siloed communication between campus entities such as athletics, central administration, and senior leadership also created challenges complying with Title IX guidelines in this case. In addition, the institutional failure by key actors to give autonomy and full authority to manage the Title IX process provided challenges for the Title IX coordinator. The case offers the findings from both the court rulings and the Pepper Hamilton report in identifying the specific actions that interfered with the success of the Title IX coordinator to foster Title IX compliance and cultivate institutional courage. Finally, students should be able to identify the other stakeholders and campus conditions that contributed to the reluctance and inaction of the institution that directly and indirectly impacted the success of the Title IX coordinator.

Suggestions for a more optimal response can be drawn from the legal rulings, the Pepper Hamilton report, the case, and the resources provided or linked to, such as the NCAA Toolkit. Responses should also draw on the institutional courage framework found in the case and in the resources and references.

6. What is Baylor's responsibility to athletes who are accused and/or convicted of sexual assault? The NCAA rules do not prohibit athletes found responsible for sexual or violent misconduct from competition or transfer (Jacoby et al., 2019). What is the university's responsibility when recruiting athletes who have a history of violence or sharing information with other institutions when athletes or employees are accused and/or convicted of sexual assault?

The legal and moral obligations in these open-ended questions do not have clear answers. There are a number of additional questions that can be posed to help clarify the institutional responsibilities, such as questions over: (1) the role of campus honor codes; (2) athletic department policies; (3) campus judicial boards; and (4) due process procedures. There are also the Title IX guidelines themselves, which are subject to change by the U.S. Department of Education. Additional factors may also include the relative impunity after scandals in higher education at individual institutions or more broadly (Rooney & Smith, 2019).

### Further Reading

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