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Regional

Something was rotten at Baylor University

Kenneth “Ken” Starr is a national figure. He has been a federal judge and U.S. solicitor general, and became famous for his controversial investigation of members of the Clinton administration. Appointed as special prosecutor to investigate the suicide death of deputy White House counsel Vince Foster and the Whitewater real estate investments of Bill Clinton, he ended up looking into an extramarital affair of then President Clinton with Monica Lewinsky. Clinton was ultimately impeached for lying under oath, which made Starr something of a darling figure among conservatives.

His experience in academia includes a visiting professorship at George Mason University, an institution that has received large donations from conservative donors. In 2004 he became dean of the Pepperdine University School of Law, an institution that had originally appointed him as the founding dean of the School of Public Policy in 1996. Starr resigned that position two years later after the Lewinsky scandal erupted.

Pepperdine is a private, Christian university located in Malibu, Calif., known for attracting a lot of conservative scholars and donors. One of the reasons cited behind Starr’s resignation was that Pepperdine had received substantial donations from billionaire Richard Mellon Scaife, known as a fierce Clinton critic, who through his media outlets had supported the speculation that Foster’s death was actually a murder. Some thought that was a conflict of interest.

In June 2010 Starr accepted the position of president and chancellor of Baylor University. Baylor, located in Waco, Texas, is another private, Christian university.

Yet, in May 2016, Baylor’s board of regents voted to remove Starr as their president but kept him in the more ceremonial and fundraising oriented position of chan-

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cellor, as well as chair and professor of Constitutional law at the university’s law school. He also maintained his position as a member of the board of trustees of the Baylor College of Medicine. A week later he also resigned his position as chancellor. Reportedly, he is to keep his current salary of more than \$600,000 a year.

Starr’s removal as president (and the firing of the head football coach Art Briles and other personnel) was the result of a nine-month investigation into the handling of sexual assaults by members of the Baylor football team.

For Baylor, as well as for other institutions of higher education, football is king. Yet, after many press reports on sexual assaults at the institution, the board of regents ordered an investigation conducted by the law firm Pepper Hamilton. The main point made in the report was that the university’s processes for dealing with such complaints were “wholly inadequate” and that high-level administrators and athletics staff members had “directly discouraged” students from reporting assaults and, in one case, retaliated against a student who reported an incident.

In a statement, Board of Regents Chair Richard Willis, wrote, “We were horrified by the extent of these acts of sexual violence on our campus ... this investigation revealed the university’s mishandling of reports in what should have been a supportive, responsive, and caring environment for students.”

The regents also enacted a number of changes in policies and practices that included better oversight over the athletics department. This move by the board of making the report public while conducting personnel changes is a preemptive strike – common among legal defense teams – so they can better control future events while looking better publicly. By retaining Starr in a demoted capacity, they also keep many of their conservative donors happy.

That Starr has fallen into this quagmire is startling. As a lawyer, former federal prosecutor, and former college dean, Starr should have been well versed in Title IX. This is a federal statute that protects people from any kind of sexual discrimination and harassment. This is one of the legal instruments that institutions of higher education fear the most for a number of reasons. First, it means having the feds investigating them for years. Second, these investigations tend to unearth bad practices and policies and since sexual issues are involved, they attract a lot of public attention. Third, institutions of higher education can face heavy penalties, including loss of federal funds. That means less money in the form of student aid and zero federal grants for scholarly and pedagogical pursuits. When that happens an institution’s ability to recruit and retain good students and top-notch faculty becomes severely diminished.

As noted in the independent report, “In certain instances, including reports of a sexual assault by multiple football players, athletics and football personnel affirmatively chose not to report sexual violence and dating violence to an appropriate administrator outside of athletics.” These words are almost identical to what federal and private investigators have found

when dealing with similar cases elsewhere. Remember what happened with the “Sandusky affair” at Penn State University, only in that case children were the victims.

Baylor’s troubles should send a strong message to other institutions of higher education that value athletics above everything else. This is not the first, nor probably the last, of athletics-related scandals in a university setting. Hopefully, one of these days these institutions will give athletics their appropriate place while positioning academics as the real core of a higher education.

The last important lesson from the Baylor case is that governing boards of colleges and universities should be more careful when choosing their leaders. Although to hire a celebrity who has been admired for his ideological leanings seems a great opportunity to get someone who can attract publicity and money, that does not mean that the person in question is really qualified to lead the institution.

One of the most recognizable lines from Shakespeare’s Hamlet is “Something is rotten in the state of Denmark.” Those of us who follow happenings at institutions of higher education know that this line is also applicable to some colleges and universities, where incompetence and misplaced priorities, combined with bad leadership, generate news that damages the institution and, by extension, the whole higher education enterprise.

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