

NEWS

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Contact: Sheila Haddock
858-259-3011
sheila@zalkin.com

Dating Violence Victim Expands Lawsuit Against Baylor, Adds Briles, McCaw, Waco Police Department

Lawsuit alleges that Baylor and law enforcement officials created a culture of violence against women in which Baylor football players were above the law

Waco, TX - Former Baylor student Dolores Lozano filed an amended complaint in federal court Friday renewing her Title IX claims against Baylor University and adding three new defendants: Former Baylor head coach Art Briles, former athletic director Ian McCaw, and the City of Waco.

U.S. District Judge Robert Pitman last week granted Lozano's request to amend her complaint, effectively allowing her to resurrect Title IX claims dismissed in 2017. In addition to more detailed allegations supporting her claims under Title IX, the new complaint includes allegations of negligence against Baylor, Briles and McCaw, and civil rights violations against the Waco Police Department (Waco PD). The lawsuit claims Baylor and Waco PD acted together to create an environment in which sexual harassment and violence, including dating violence and domestic abuse, was rampant and Baylor football players were above the law.

The new complaint details three assaults Lozano suffered at the hands of her then-boyfriend Baylor running back, Devin Chafin, in March and April of 2014. Lozano relates her repeated efforts to seek help from Baylor officials and Waco PD. Lozano alleges Baylor athletic department staff dismissed her concerns about Chafin's drug use and escalating abusive behavior and took no action to discipline Chafin or protect her, even after she provided photographs of injuries she sustained in a March 2014 incident in which Chafin pushed, kicked and choked her. Lozano similarly alleges that Waco PD, despite recording her report as a felony assault, failed to investigate or offer her any support or protection from future assaults.

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Lozano alleges that Baylor's actions and failure to act amounted to unlawful sexual harassment and discrimination on the basis of gender in violation of Title IX. She claims that, prior to the assaults by Chafin, Baylor had actual knowledge that sexual misconduct and domestic abuse was pervasive in its football program. She asserts that Baylor allowed untrained athletic department staff to engage in ad-hoc, internal disciplinary procedures to create the appearance they were responsive to complaints. Lozano claims that by routinely ignoring and/or discrediting female student victims of sexual misconduct and dating violence committed by football players, Baylor emboldened players to commit further violence without fear of repercussions.

The complaint cites several failures on the part of Baylor, Briles and McCaw, that Lozano maintains constitute negligence. These alleged failures include the failure to properly train staff and students, the failure to investigate and respond to reports of sexual assault and dating violence and the failure to monitor or supervise Chaffin, despite having knowledge of his drug use and verbal and physical abuse of Lozano.

Finally, Lozano alleges that the City of Waco, through the Waco PD, violated her right to equal protection and substantive due process under the Fourteenth Amendment. Lozano alleges that Waco PD routinely manipulated, intimidated and discouraged women from pursuing complaints of sexual assault and violence based on gender and gender stereotypes. Further, according to the complaint, Waco PD concealed violence committed by Baylor football players and acted in concert with Baylor, the athletic department and the football program to shield players from prosecution and public attention, thereby empowering them to commit further violence against women.

"Ms. Lozano is grateful for this opportunity to finally be heard," said Sheila P. Haddock, Zalkin Law Firm attorney. "After being discounted, dismissed, and demeaned both by the university she loved and the law enforcement agency she looked to for help, Ms. Lozano looks forward to exposing the deep-seated systemic gender discrimination that contributed to her abuse and the abuse of other women."

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With offices in San Diego, CA, the firm's lawyers have represented hundreds of survivors of childhood sexual abuse and achieved groundbreaking results in numerous high-profile clergy abuse cases across the United States. The Zalkin Law Firm has also aggressively represented victims of campus sexual assault in Title IX claims against campuses across the country. The firm's clients have been survivors who suffered child sexual abuse and sexual assault while students or while members of religious and other organizations, including the Catholic Church, foster care, Boy Scouts, recovery homes, foreign student exchange programs, colleges and the Jehovah's Witnesses. The firm has negotiated over \$200 million in settlements for victims in Catholic clergy sex abuse cases. www.zalkin.com.