

# **LSU mishandled sexual misconduct complaints against students, including top athletes**

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Kenny Jacoby, Nancy Armour and Jessica Luther

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For more than a year, people at the highest levels of the Louisiana State University athletic department fielded complaints about their prized running back, Derrius Guice.

Early in the spring 2016 semester, a member of the LSU diving team told her coach and an athletic department administrator that Guice raped her friend after she'd passed out drunk at a party.

That summer, a female student told two senior athletics administrators that Guice took a partially nude photograph of her without her permission, and then shared it with a team equipment manager and possibly others.

Then, in April 2017, the athletic department received reports of a second rape allegation against Guice, this time by a women's tennis player.

Federal laws and LSU's own policies require university officials to take such allegations seriously and report them to the Title IX office for investigation, as well as to campus police if the incidents occurred on school property.

Yet at each step of the way, LSU officials either doubted the women's stories, didn't investigate, or didn't call the police, allowing Guice to continue his football career.

LSU's failure to adequately address sexual misconduct goes beyond one star running back, a USA TODAY investigation found. Officials in the university's athletic department and broader administration repeatedly have ignored complaints against abusers, denied victims' requests for protections and subjected them to further harm by known perpetrators.

At least seven LSU officials had direct knowledge that wide receiver Drake Davis was physically abusing his girlfriend, a different LSU women's tennis player, but they sat on the information for months, while Davis continued to assault and

strangle her. In another case, the school determined that a fraternity member had sexually assaulted two women, but it refused to move him out of classes he shared with one of them and altogether ignored an allegation against him by a third female student.

USA TODAY also found three cases in which, rather than expelling or suspending male students found responsible for sexual assault, LSU allowed them to stay on campus. The men, non-athletes, received "deferred suspensions," a probationary period during which they must stay out of trouble.

In a fourth case, LSU deferred the suspension of a man who stalked and sexually harassed a fellow student, even after he'd pleaded no contest in court to telephonic harassment.

"I just think that honestly they don't care," one of the women told USA TODAY. "The whole system is on the side of the accused."

Some of the women in this story are not being named because it is USA TODAY's policy not to identify individuals who allege sexual crimes and domestic violence without their permission. Two chose to use their full names.

As part of a broader crackdown on universities for mishandling sexual violence, the U.S. Department of Education's Office for Civil Rights launched a sex-discrimination investigation into LSU in August 2015, after a woman filed a complaint saying that no one informed her of her Title IX options when she reported her sexual assault to campus police. Title IX is the federal law prohibiting sex discrimination in education.

Three years later, in July 2018, investigators dropped the case, saying the victim had stopped communicating with them, records show. Yet when it came to Guice and Davis, LSU officials made similar errors, failing to get the Title IX office or police involved when federal laws and school policies required it, USA TODAY's investigation found.

LSU declined to make 10 coaches and administrators available for interviews. Citing the privacy interests of those involved, school officials did not answer nearly four dozen questions that USA TODAY submitted Nov. 4 about their handling of specific allegations and Title IX cases more generally.

In a statement, LSU said it does not tolerate sexual violence of any form.

"We are unwavering in our commitment to respond promptly to any reports of misconduct, to investigate these reports in a manner that is fair and equitable, to support victims of sexual assault, and to protect the privacy of our students according to the law," the statement said. "Putting an end to sexual assault is an institutional priority, and we are constantly working to achieve that goal."

Guice and Davis included, at least nine LSU football players have been reported to police for sexual misconduct and dating violence since coach Ed Orgeron took over the team four years ago, records show. But the details of how LSU handled complaints against the other seven, including two who played key roles on its 2020 national championship team, remain largely secret.

For three months, LSU refused to release full campus police reports involving four players to reporters. Although such reports often are public, university officials said the cases could still be prosecuted and releasing documents could harm the cases – even though, years later, it has only shared one of them with the East Baton Rouge District Attorney's Office, the office said.

USA TODAY sued LSU in mid-October for access to four of the reports, arguing that its failure to produce them violated state public records laws. On Nov. 13, the university provided three of them. But it redacted the names of the suspects, victims and witnesses, citing not a public records exemption but rather Louisiana's constitutional right to privacy.

LSU continues to withhold police and Title IX records from at least two women who've requested copies of their own files. Samantha Brennan, the woman who said Guice photographed her without her consent, said she never wanted to press charges against him. But LSU told her she'd have to wait to access her police report until the statute of limitations ends – six years from the time of the incident.

USA TODAY and Brennan sued LSU for access to her full police report. The lawsuit is ongoing.

"LSU didn't do the right thing back in 2016, but I was hoping they would do the right thing now," Brennan said. "Unfortunately that was not the case, and the harder they fought to keep me from my police report, the harder I fought to obtain it."

LSU has acknowledged formally disciplining two of the nine athletes: Davis and Peter Parrish, a quarterback accused of raping a woman in a car outside a bar earlier this year. LSU suspended Parrish for one year. The university expelled Davis, but not until July 2019 – four months after his criminal conviction, and 10 months after he'd already left the school.

Guice's attorney has said he was never disciplined, and LSU attorney Johanna Posada confirmed in response to a public records request that four other athletes were not disciplined, either. They include running back Tae Provens, linebacker Jacob Phillips, tight end Zach Sheffer, all accused of rape; and safety Grant Delpit, who was accused of recording a woman during sex without her knowledge and sharing the video with others. Provens was arrested; his case remains open, the district attorney's office said. The others have not been criminally charged.

The school would not confirm or deny if it disciplined two other players accused of dating violence – defensive linemen Davon Godchaux and Ray Parker – citing privacy interests. Both were arrested. Godchaux was not charged in court; Parker's case is pending, the DA's office said.

USA TODAY reached out to all of the players directly or through attorneys or team spokesmen. Provens, Phillips and Davis declined to comment. Sheffer hung up when contacted by a reporter and did not return messages. Delpit denied the allegations through his attorney.

"Until being recently advised in connection with this USA TODAY investigation, Mr. Delpit was unaware of any police report or Title IX complaint having been lodged against him in 2017," his attorney, Shawn Holley, said in a statement. "To date, he has not seen any report identifying him in connection with this alleged incident."

Parrish sued the school alleging unfair treatment but withdrew the lawsuit in September, after a judge declined to temporarily lift his suspension. Parrish, who transferred to the University of Memphis in August, denied the allegation through his attorney.

The other athletes did not respond, including Guice, whose attorney previously denied the rape allegations against his client.

In a separate statement, Orgeron said his football program "takes any allegation very seriously" and that he has followed Title IX reporting protocols.

"We are committed to a culture of safety, equity and accountability for all students and staff. We provide education, training and resources to combat violence, sexual misconduct, and inequality," Orgeron said in his statement. "When we become aware of accusations, we have an obligation to immediately report every allegation to the University's Title IX office so that appropriate due process can be implemented."

Elizabeth Taylor, a Temple University professor who studies sexual assault and harassment within athletics organizations, said LSU exhibits the same "pattern of continually mishandling these types of incidents" that was seen at Baylor, Penn State and Michigan State.

"I don't assume that any of these coaches don't understand that what's happening is wrong," Taylor said. "I think they're making decisions that are best for the success of the program, and they're making the decision to put the safety and well-being of other students behind a player's ability to play on a Saturday afternoon."

## **'All the higher-ups' knew**

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On July 9, 2016, Brennan, a student who worked part-time in LSU's football recruiting office, met Guice at Bogie's bar in Tigerland, an area about a mile from campus popular with students for socializing and drinking. Her friend, Luke Dudley, a student equipment manager on the football team, introduced them.

Brennan drank "way too much," she told USA TODAY. At the end of the night, Dudley dropped her off at her apartment, which was in the same complex where Guice lived. "That's kind of all I remember," she said.

The next day, Brennan said, she woke up naked and alone in her bed. Later that morning, she got a text from Guice, asking if she had his wallet.

"I came back to your apartment last night," Guice told her, according to the text exchange Brennan shared with USA TODAY.

"Really?" she responded. "I must have passed out."

Brennan told USA TODAY she doesn't remember Guice coming to her apartment or giving him permission to be there. But she recalled her living room being disheveled the next morning with Guice's wallet in her couch cushions.

A few days later, Brennan said, a co-worker told her a nude photo of her was circulating around the football team. Dudley later told Brennan that Guice had sent it to him, according to text messages she shared with USA TODAY.

Brennan said the photo showed her shirtless in her bedroom, walking into her bathroom while facing away from the camera.

"I wasn't posing for it. He just snapped it," she said. "Without my permission."

Sharon Lewis, LSU's head of football recruiting and Brennan's boss, heard about the photo and called Brennan into her office on July 22, 2016. Lewis also brought in senior associate athletic director Miriam Segar, who was introduced to Brennan as a "victim's advocate," Brennan recalled.

"I was a mess," she said. "I was so embarrassed that all of these people knew."

The same day, Segar accompanied Brennan to the campus police department to file a report, which Brennan did. Brennan declined to press charges against Guice, saying she didn't want to ruin his life.

Lewis and Segar weren't the only ones aware of the photo. "All the higher-ups at LSU" knew about it, Dudley told Brennan in a text message, adding that he was called into a meeting about it.

When contacted by a reporter, Dudley said he would call back later. He did not, nor did he return a subsequent voicemail.

LSU policies required campus officials to report the allegation to the Title IX office to conduct an initial investigation. But the Title IX office never reached out to Brennan, she said.

When football practice for the 2016 season began in early August, Guice was a full participant. He went on to have a breakout, record-setting sophomore season.

Brennan said she left LSU after the fall semester.

"I remember thinking, this guy isn't going away. He's a baby. He's going to be here the next couple of years," she said. "So yeah, I can't be here."

## **University conceals Guice records**

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This year, USA TODAY reporters investigating two rape allegations against Guice – one by a woman's tennis player, the other by a student who was not an athlete – filed a public records request with LSU seeking all campus police reports involving him. In response, LSU provided reports for two non-criminal incidents involving Guice but did not provide Brennan's report nor mention its existence, in violation of the state public records law.

Brennan's report might have stayed buried had she not read [USA TODAY's August investigation about the rape allegations against Guice](#) and contacted the reporters, alerting them that she, too, had had an incident with him. On Aug. 19, Brennan herself requested a copy of her police report.

After several delays, LSU sent her a one-page, four-sentence "initial report." It lacked numerous details, including Guice's name and her claim that he'd shared the photo with others, which is a felony under Louisiana law.

When Brennan asked for the rest of the file, two LSU officials told her she could not have it because the statute of limitations in the case had not expired, she said. This, despite the fact that Brennan never pressed charges – nor does she intend to – and the campus police had never shared the case with prosecutors, the DA's office said.

LSU also refused to provide records to the tennis player who said Guice raped her. The woman and her attorney have called and written LSU repeatedly over the past three months, but the school has yet to produce a single document, they said.

Meanwhile, Guice is facing criminal charges in Virginia after a former girlfriend accused him of physically assaulting her multiple times and strangling her until she lost consciousness earlier this year. The Washington Football Team, which drafted Guice in the 2018 NFL draft's second round, released him shortly after his arrest on Aug. 7.

Guice is out on bond. No NFL team has picked him up.

## **Early warnings about Drake Davis**

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Davis was a highly recruited, multisport athlete who, like Guice, was raised in Baton Rouge. He turned down offers from Alabama, Ohio State and other top universities to play as a wide receiver for the Tigers, who described him as "one

of the most athletic players perhaps to ever wear an LSU football uniform."

In January 2017, the second semester of his freshman year, Davis began dating an LSU women's tennis player – not the same one who said Guice raped her. The relationship soon turned violent, the woman told police and USA TODAY, with Davis leaving the woman bruised or bleeding on at least six occasions over the course of just over one year.

Ultimately Davis pleaded guilty to two assaults; prosecutors dropped other charges against him in exchange.

Interviews with the woman, her father and several teammates, as well as a detailed LSU Police Department arrest report released after the case closed, demonstrate how LSU officials who were told of the abuse – including by the woman and Davis directly – repeatedly failed to act on the information, each time leaving her vulnerable to Davis' increasingly violent attacks.

"All I wanted was for someone to sit him down and tell him, 'Hey, this is not acceptable, don't do this again,' " the woman told USA TODAY. "But no one did anything, and it escalated and just went from 0 to 100 really fast."

The woman said she told a team athletic trainer, Donavon White, that Davis punched her in the stomach in May 2017 during an argument. The woman's father said he also reported it to Mike Sell, his daughter's coach at LSU who serves as women's tennis co-head coach alongside wife Julia Sell.

The woman's father told USA TODAY he spoke to Mike Sell twice in the summer of 2017 about his daughter's toxic relationship with Davis. In their second call, the father said he specifically stated that Davis had punched her. According to the father, Mike Sell responded, "Couldn't be possible, wouldn't be possible."

Phone records the father shared with USA TODAY corroborate his calls to Mike Sell on two days during that time. The father shared the same information with an LSU police detective in August 2018, a police report shows.

LSU policy requires employees who witness or are told about possible sexual misconduct or dating violence to notify the school's Title IX coordinator, who conducts an initial investigation. But USA TODAY found no evidence that White, Mike Sell or Julia Sell informed anyone. They later told police that they did not learn of the abuse until a year later – White in April 2018, and the Sells in June 2018, police records show.

A former tennis player disputed that, saying she personally reported Davis' abuse to Julia Sell "six to seven months before that, at least."

"I'm sure they knew, because I talked to her," the former player said of Julia Sell. "They just didn't care, or they didn't believe her."

LSU declined to make the Sells available for an interview and did not answer questions about them or White. When contacted by a reporter, White hung up the phone after a question about protocols for reporting abuse.

The father said he never spoke to Mike Sell again. "They made their decision," he said. "After that, we knew (our daughter) would be beaten up, and we knew LSU would cover it up."

The first time LSU staff followed the law and school policies in reporting Davis was the following year, in April 2018, when he punched the woman again, this time in the ribs. Still in pain three weeks later, the woman went to LSU athletic trainers to get examined.

On April 25, the woman told White, senior athletic trainer Micki Collins and senior associate athletic director Segar that Davis had punched her for the second time in the past year, prompting Segar to file a Title IX report, a police report shows. The woman said the same to LSU's lead Title IX investigator, Jeffrey Scott, in a May 21 interview, according to the report.

Because the incident happened in her on-campus apartment, university officials were required under a federal law known as the Clery Act to report it to campus police, which must determine if Davis posed a serious or ongoing threat and whether to notify others. University officials would not say if that happened, but the incident does not appear in LSU's public Clery crime log.

Additionally, LSU investigators did not interview Davis for more than two months, records show. By then, he'd assaulted the tennis player at least three more times, including strangling her twice, the woman told police and USA TODAY.

## Davis' abuse escalates

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According to police reports, in the early hours of June 18, 2018, an intoxicated Davis entered the woman's apartment using a key she had given him, jumped on her in her bed, strangled her, hit her and ripped her earring out in the process.

The woman's roommate called police around 2 a.m., when she woke up to the woman screaming, the reports show.

LSU police officers separated Davis and the woman but made no arrests. Both told officers it was a verbal argument that had not turned physical. She told an LSU police detective the full version two months later, records show.

"I was scared," the woman said. "Obviously football has the power. I thought LSU would kick me out, or that something would happen to my scholarship."

The incident caught the attention of LSU officials. After months of mounting evidence of Davis' violence, Jonathan Sanders, who runs LSU's student judicial affairs, called Davis in for an interview on July 11.

The interview focused only on the June 18 incident, even though the woman had reported other assaults by Davis months earlier. Davis again claimed the argument had not turned physical. The woman said the same when Sanders interviewed her two weeks later, though she acknowledged that Davis had punched her previously, records show.

At least three other athletes, however, told Sanders that the woman was covering for Davis, records show. The woman's roommate, a volleyball player, said that Davis had, in fact, strangled the woman that night. A fellow tennis player said she helped cover bruises on the woman's neck with makeup the next day. A football player and roommate of Davis' said he knew of the violence and that assistant football coach Mickey Joseph would call him each week asking if the woman was at his and Davis' apartment.

Joseph had also accompanied Davis to his July 11 interview with Sanders, records show.

LSU declined to make Joseph available for an interview and did not answer questions about his involvement in the case, or whether it is appropriate for coaches to attend interviews in Title IX cases. LSU noted that students are permitted to bring an adviser of their choosing to interviews "for support."

Despite the woman's and the witnesses' statements, LSU appears to have taken no formal disciplinary action against Davis. According to the woman, the coaching staff banned Davis from the weight room that summer but reinstated him once practices for the 2018 season began. Davis participated in the team's first practice on Aug. 4, according to news reports.

Segar finally called campus police on Aug. 16, when the woman showed her photos of bruises and scratches that she said Davis had given her, as well as text messages in which he had threatened to kill her and encouraged her to kill herself. LSU police officers arrested and charged Davis the next day with felony dating violence.

Orgeron indefinitely suspended Davis from football. A reporter for The Advocate, a newspaper in Baton Rouge, asked Orgeron at a post-scrimmage [press conference](#) if he or anyone at LSU knew about the allegations before the arrest. Orgeron declined to answer.

In fact, a top LSU athletics administrator had been sitting on a confession from Davis for four months.

On April 14, 2018, Davis admitted to punching the woman in a text message conversation with deputy athletic director Verge Ausberry, police records show. The conversation was not revealed until late August, when police found it after obtaining a search warrant for Davis' phones.

LSU declined to make Ausberry available for an interview and declined to answer questions about him, including whether he shared the information with the Title IX office or police. LSU last year promoted him to executive director of external relations for the university, in addition to executive deputy athletic director.

USA TODAY requested copies of all text messages sent and received by Ausberry over a weeklong period at that time. LSU policies require employees to retain records of all correspondence for at least five years, but the university said Ausberry checked his phone and found no messages.

LSU police arrested Davis a second time on Sept. 16, 2018, after detectives learned he was continuing to see and physically assault his girlfriend, against court orders. Davis withdrew from the university a day later, school directory information shows.

Davis in March 2019 pleaded guilty to two batteries and violating a protective order. Four months later, the East Baton Rouge Sheriff's Office arrested him again for battery of a different dating partner. That case has been delayed because of the coronavirus, a court official said.

LSU in July 2019 expelled Davis for violating its student conduct code and Title IX policy "on multiple occasions during the summer and fall of 2018," disciplinary records obtained by USA TODAY show.

His expulsion came as news to the woman, who said LSU never told her about it.

## **Flawed Title IX process**

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It's not only athlete cases that have stalled in LSU's Title IX process. Delays, missteps and inaction have also plagued cases involving ordinary students, according to interviews with five women who've gone through the process, as well as corroborating documents they provided USA TODAY.

In spring 2019, Elisabeth Andries, an LSU industrial engineering major, encountered a familiar face in one of her classes: the fraternity member who she said sexually assaulted her two years earlier, when she was a freshman.

It happened on a fraternity bus trip to New Orleans, Andries said. The frat member, who was a friend, had invited her as his date. They drank heavily, to the point that she was vomiting, she said. Although her memory of the night is fuzzy, she recalled her date moving her to the back of the bus, ripping open her shirt and touching her without her consent.

"I remember repeatedly saying 'stop' and 'no,' " Andries said. "I think I just kind of blacked out after that."

Andries said she tried to ignore him in the class they had together two years later, but couldn't. She started to suffer chronic panic attacks, she said, so she reported the incident to the school.

As it turned out, another female student had already reported the same man for sexually assaulting her in almost the exact same way, the same night, on the same bus trip.

Both women decided to move forward with a Title IX case. They did not file police reports.

USA TODAY is not naming the fraternity member at the request of the women, who fear retaliation from him. He did not return phone and social media messages from a reporter.

The Title IX case dragged on for more than six months, during which LSU rarely gave the women updates, twice extended the frat member's deadlines to appeal without notifying them, and denied their requests for protection from him during the case, according to the women and their emails with school officials.

Andries requested to swap out of the class she shared with him, or take it online, she said, but LSU refused.

"They told me I had to sit and stay in it," said Andries, who is still at LSU. "They kept saying there was nothing they could do."

Andries said she asked the school to notify her professor about the case, to explain her absences. It didn't.

LSU also declined to issue a no-contact order between her and the frat member; because they hadn't been talking, "there isn't any communication to cease," a Title IX employee said in an email to Andries. Instead, LSU gave her a template for a letter that she could send him directly, instructing him not to contact her.

"For obvious reasons, I did not do that," Andries said.

LSU in June 2019 found the frat member responsible for sexually assaulting both women, case records the women shared with USA TODAY show. At every stage of the appeal process, LSU upheld the guilty verdict.

Yet even after finding him responsible twice, LSU refused to switch him out of the classes that he and Andries were set to share during the upcoming, fall 2019 semester, emails show. Instead, Andries said she was told that she would have to be the one to switch, because she was "the uncomfortable one," and he had the same rights as her.

In early September, Sanders – who had served as the school's Greek life director before becoming student advocacy and accountability director in 2016 – issued sanctions against the frat member: a meeting on anger management and healthy relationships, a course on ethics and decision-making, and a deferred suspension for four semesters.

Deferred suspension, under LSU policy, is a period in which the student must stay out of trouble. The suspension kicks in only if the student commits a second offense, and the school finds him responsible again.

This time, the other woman in the case appealed, feeling the sanctions were inadequate. The case went before a university hearing panel of faculty and student representatives.

Before the hearing panel, Sanders asked the women if they had additional evidence to present. They said they did – a new sexual assault allegation against the frat member by a third female student, who had confided in Andries and offered to speak to investigators. They gave Sanders her name and also suggested he speak to the fraternity president from the time.

No one from LSU ever contacted the third woman about the allegation, the woman told USA TODAY – a violation of federal and university Title IX policies. And Sanders called the wrong fraternity president, the women said.

LSU declined to make Sanders available for an interview and did not answer any questions about its handling of the case.

Despite Sanders' missteps, the panel in late September 2019 voted to increase the sanctions against the frat member, suspending him for two semesters and banning him from campus. His five-business-day appeal deadline came and went, and the women thought the ordeal was over.

But at a football game two weeks after the ruling, Andries saw the frat member in the student section, she said. When the women told LSU, they said, the school informed them that it had granted the frat member another extension, and that he was allowed to remain on campus.

LSU denied the frat member's final appeal that October.

LSU's lengthy and cumbersome Title IX process is intentional, the other woman in the case believes. The school, she said, fears lawsuits and knows perpetrators are more likely than survivors to sue.

"If we get worn down enough, we're just going to give up at some point," she said. "I think it's all designed so that everybody just gives up and goes home."

Many universities operate from a fear of being sued in Title IX cases, said Sarah Nesbitt, a policy and advocacy organizer for the nonprofit, Know Your IX, citing a huge uptick in lawsuits filed by disciplined male students against their universities in the past five years.

"Schools are not oblivious to the fact that even if they can defeat a lawsuit, it's still a drain on resources," Nesbitt said.

Such an approach may explain why LSU's punishments for sexual offenders have often amounted to a slap on the wrist. Two other, current female students separately told USA TODAY that LSU issued deferred suspensions to the men who raped them.

In one such case, Sanders initially sentenced the male student to a yearlong suspension, according to records the woman shared with USA TODAY. But the hearing panel postponed it upon the student's appeal, instead allowing him to graduate before the suspension would take effect.

"They told me, 'It's best to just let him graduate and then you never have to see them again,'" the woman said. "I said, 'That's not the point. The point isn't that I have to see him again; the point is that he did this and nothing happened.'"

The woman could have appealed the decision, she said, but by that time the case had already dragged on for five months. She decided to let it go.

"It had been so long and already taken so much of my time and energy and stress, that I just kind of gave up," the woman said.

"I just wanted it to be over with."