

Indiana U. Hit With Sex Abuse Claims Over Sports Doc Exams

By **Gianna Ferrarin**

Law360 (October 16, 2024, 9:49 PM EDT) -- Indiana University has been accused in a new lawsuit of turning a blind eye to the sexual misconduct of a longtime physician for the IU men's basketball team who allegedly routinely assaulted student athletes.

The proposed class action suit, filed by two former IU basketball players in Indiana federal court on Tuesday, alleges that the university "maintained a policy of deliberate indifference" as Dr. Bradford Bomba Sr. subjected athletes to medically unnecessary and abusive rectal examinations. Bomba was the IU Hoosiers' team physician for nearly 30 years until the late 1990s, according to the suit.

In September, IU announced that it had been made aware of allegations and had retained Jones Day to conduct an independent investigation.

The complaint brings two claims under Title IX, which prohibits sex-based discrimination in federally funded education programs. According to the suit, the physician's harassment was "so severe, pervasive [and] objectively offensive" that it deprived plaintiffs and their teammates of access to educational opportunities at IU.

Kathleen DeLaney, an attorney for the former athletes, told Law360 in a Wednesday interview that she hopes the university will "walk the walk" in light of its September acknowledgment of the allegations. The university promised at the time that it would take "any warranted actions" following the investigation.

"We hope that that proves to be true and that they acknowledge the scope of this tragedy and compensate the victims fairly for what they've suffered," DeLaney said. "We also hope that by bringing attention to this issue, that it will end up protecting other student athletes and avoid this type of behavior in the future."

The complaint details the experiences of former professional basketball players Haris Mujezinovic and Charlie Miller, who allege they were subjected to "invasive" and "demeaning" rectal examinations by Bomba when they played for the Hoosiers.

"There was no articulable, medically necessary reason for Dr. Bomba Sr. to routinely perform anal, rectal or prostate examinations on healthy, highly active college student athletes," the plaintiffs said in their complaint.

Mujezinovic and Miller also alleged that the physician's "routine sexual assaults" were common knowledge among team members who "openly discussed" them in front of Hoosier men's basketball staff.

"Dr. Bomba Sr.'s routine sexual assaults were such common knowledge among the Hoosier team and its staff, both before and after Mujezinovic and Miller joined the team, the team and its staff referred to Dr. Bomba Sr. as 'Frankenstein' due to the large size of his hands and fingers," the suit said.

The suit alleges that IU violated Title IX by failing to take effective measures to prevent harm to students and perpetuating a culture of "tacit acceptance of Dr. Bomba Sr.'s sexual misconduct."

According to the suit, Indiana University's men's basketball coaches, assistant coaches, medical care

team and other officials at the university had "actual knowledge" of the assaults and "authority to take corrective action." The suit also states that IU had "control over the context" in which the alleged sexual assaults occurred, in part because the university required athletes to submit to annual physical examinations as a condition of their participation in the basketball program.

"Title IX was designed to protect students — like the plaintiffs — from being preyed on by known sexual assailants," the suit said. "Instead, Mujezinovic, Miller, and their former teammates were forced to choose between enduring the sexual abuse Dr. Bomba Sr. inflicted or abandoning their chance to play for a highly prestigious basketball program and complete their education at IU."

IU is subject to Title IX because it has received federal funding, including in the form of federal student financial aid, at "all times relevant" to the complaint, the suit said.

The lawsuit follows several high-profile Title IX cases against universities over alleged sexual misconduct by physicians. In 2022, for example, the University of Michigan struck a \$490 million **settlement** to resolve allegations by over 1,000 individuals who said they were sexually abused by a former university sports doctor.

"We hope that Indiana University will acknowledge this dark chapter in the athletic department's history and follow the example set by the University of Michigan and other Big Ten schools by compensating the victims of abuse," DeLaney said in a Tuesday statement announcing the suit.

In September, IU said the investigation by Jones Day would involve witness interviews, engagement with medical experts and a review of available documentation to determine whether Bomba Sr.'s conduct was "within the standard of care" and which medical professionals or other staff were aware of the conduct.

IU noted the firm's "experience in sensitive and similar investigations."

"To be clear, this is a fully independent and comprehensive investigation that will follow the facts. Indiana University will abide by its findings and take any warranted actions," IU said in the statement. "To protect the integrity of the investigation, the institution will refrain from further comment while the review is ongoing."

A representative for IU referred Law360 to the university's September statement on the investigation.

Counsel information for IU was not immediately available.

Mujezinovic and Miller are represented by Kathleen A. DeLaney, Matthew R. Gutwein and Alexander J. Pantos of DeLaney & DeLaney LLC.

The case is Mujezinovic et al. v. Trustees Of Indiana University, case number 1:24-cv-01827, in the U.S. District Court for the Southern District of Indiana.

--Editing by Peter Rozovsky.