



# Interfraternity Council

MASSACHUSETTS INSTITUTE *of* TECHNOLOGY

## IFC Judicial Committee Outcome Letter

October 29, 2019

**From:** Daniel Gonzalez Cunningham, IFC Judicial Committee Chair

**To:** Steven Yang, Chi Phi President

**CC:** Liz Jason, Assistant Dean, FSILGs  
James Reed, Assistant Dean, Student Conduct

Dear Steven,

I'm writing to provide the outcome of an IFC Judicial Committee hearing panel held on October 29, 2019. As you know, a hearing panel was convened to review the complaint that was received on September 5, 2019 alleging several potential rush violations by Chi Phi. Based on the complaint, Chi Phi may have violated the following policies:

### *Recruitment Rules*

#### **Article I: General**

2. All MIT rules governing the provision and consumption of alcohol and drugs apply at all times.

#### **Article IV: Orientation**

5. No person associated with a fraternity shall be near alcohol being served to freshmen.

#### **Article V: Formal Recruitment**

1. Formal Recruitment is dry. No alcohol or alcoholic containers may be on the premises of any fraternity or in the living area of any fraternity member during this period.

### *MIT Mind and Hand Book*

#### **II (2) (A). Alcohol Policy** (shortened, for full text, read [here](#))

MIT prohibits any persons under the age of 21 from possessing or consuming alcohol. Additionally, MIT prohibits persons from providing, serving, or selling alcohol to any person, except as expressly allowed in Institute policy 9.11.2. Small social gatherings (usually considered to be 25 guests or fewer) at which alcohol is served to individuals over the age of 21 is not considered a violation of this policy.

### *IFC Risk Management Policy*

#### **II. Alcohol**

- A. Fraternities are responsible for insuring that the possession, sale, use, or consumption of alcoholic beverages, while on chapter premises or during a fraternity event, any situation sponsored or endorsed by the chapter, or in any event an observer would associate with a fraternity, is in compliance with all MIT, local, state, and federal laws, statutes, and regulations.

At the hearing on October 28, you as well as two other representatives, one advisor, and two observers of Chi Phi were present, and you responded to the complaint. You provided statements regarding the incident and answered questions asked of you by the Panel. The complainant was not present at the hearing.

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Alpha Delta Phi · Alpha Epsilon Pi · Beta Phi Chi · Chi Phi · Delta Kappa Epsilon · Delta Psi · Delta Tau Delta · Kappa Sigma ·

Nu Delta · Phi Beta Epsilon · Phi Delta Theta · Phi Kappa Sigma · Phi Kappa Theta · Phi Sigma Kappa ·

Pi Lambda Phi · Sigma Alpha Epsilon · Sigma Chi · Sigma Nu · Sigma Phi Epsilon · Tau Epsilon Phi ·

Theta Chi · Theta Delta Chi · Theta Xi · Zeta Beta Tau · Zeta Psi



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## **Finding**

After reviewing all information available at the time of the hearing and using a preponderance of the evidence standard, the Panel has found Chi Phi responsible for violating Recruitment Rules Art. 1 (2), Art. IV (5), Mind and Hand Book Section II (2) A, and IFC Risk Management Policy Section II(A). The Panel found Chi Phi not responsible for violating Recruitment Rules Article V (1) based on a lack of evidence supporting that alcohol was present in an apartment owned by Chi Phi brothers cited in the initial complaint.

The Panel found that Chi Phi provided alcohol to first-year students during the period of recruitment. The Panel also found that there were members of Chi Phi near alcohol being served to first-year students at Baker House. Finally, the Panel found that Chi Phi brothers purchased and brought alcohol with them to the beach event. The Panel found the complainant credible, specifically citing the level of detail noted in the complaint regarding alcohol consumption connected to Chi Phi and to first-years consuming alcohol. The Panel also felt that the information cited in the Baker House party report corroborated the statements made by the complainant and contradicted statements Chi Phi made in the hearing.

## **Sanctions**

After due consideration, the Panel assigned the following sanctions:

- Chi Phi will be placed on organizational probation through the end of Fall 2020 rush. Probation is a strong warning from the Institute that the fraternity's behavior violated Institute expectations. During the probationary period, Chi Phi is encouraged to be especially thoughtful in decision-making because additional violations will result in more serious consequences. Please note that this does not directly impose any loss of rights or privileges on Chi Phi.
  - More specifically, further violations of alcohol related policies during CPW 2020 and/or Rush 2020 may result in more severe sanctions, particularly related to Chi Phi's recruiting abilities.
- Chi Phi is required to complete an educational workshop on effective organizational decision-making and accountability sponsored by the Office of Student Conduct by no later than March 15, 2020.
  - i. Chi Phi leadership will need to work with the Office of Student Conduct to schedule a time that will work for house members to attend a 90-minute workshop on decision-making and accountability. The workshop will be led by OSC staff in consultation with the FSILG office and other relevant campus partners.
  - ii. At least 75% of membership must be in attendance for the house to successfully complete this requirement. It is strongly encouraged that all returning members and as many new members as possible attend this workshop.
  - iii. A hand-written attendance sheet must be verified by OSC staff in attendance and submitted to the next Judicial Committee Chair, and Liz Jason, Assistant Dean of FSILG's, by March 30<sup>th</sup>, 2019.
- Chi Phi's recruitment chair for Fall Rush 2020 must meet with a representative of the FSILG Office no later than July 1<sup>st</sup>, 2020 to go over planned rush events and associated logistics before submitting the events to be approved by the IFC Recruitment Chair.
- If the Chi Phi recruitment chair is unable to meet with the FSILG Office in person during the summer, they must attempt to schedule a remote meeting or send a representative on their behalf.



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- Chi Phi's recruitment chair, and leadership if possible, must have a meeting with the FSILG Office and IFC Recruitment Chair between August 15<sup>th</sup>, 2020 and the start of Rush, which is currently scheduled for August 29<sup>th</sup>, 2020. The purpose of this meeting will be to complete an extensive review of the Recruitment Rules and associated MIT Policies to ensure that Chi Phi leadership possesses a thorough understanding that will help prevent similar incidents from occurring again.

The Panel considered Chi Phi's relevant disciplinary history when assigning sanctions and assigned a sanction of organizational probation given numerous warnings that specifically address alcohol related violations, including an incident related to alcohol during CPW. The Panel believes that a lack of attention to control of alcohol and a lack of understanding of the impact of member decisions on the chapter contributed to these incidents, especially during the high-stress recruitment period where a lot is happening at once. The Panel believes that although Chi Phi was found responsible for possessing and serving alcohol during Rush that Chi Phi was not intentionally utilizing alcohol for the purposes of recruitment as the complaint specified. The Panel recognizes that the intentions of Chi Phi may have been aligned with the spirit of Rush and believes that the above sanctions will help Chi Phi align these positive intentions with individual and group actions.

Please note that failure to comply with the above noted sanctions is grounds for additional Judicial Committee action. As noted in the [IFC Judicial Committee Bylaws](#), you have the option to appeal this decision if you so choose; specific details on the appeal process may be found in Article IX of the Bylaws. You have until November 5, 2019 at 5:00 PM to submit an appeal. Appeals may be sent to me directly. Please let me know if you have any additional questions about this outcome or the overall process.

Sincerely,

**Daniel Gonzalez Cunningham**

Judicial Committee Chair, MIT Interfraternity Council