



# Interfraternity Council

MASSACHUSETTS INSTITUTE *of* TECHNOLOGY

## IFC Judicial Committee Outcome Letter

November 12, 2019

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

**To:** Remy Bassett-Audain, Phi Kappa Sigma President

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

Dear Remy,

I'm writing to provide the outcome of an IFC Judicial Committee hearing panel held on November 7, 2019. As you know, a hearing panel was convened to review two reports from MIT Police that were received on September 27, 2019 and September 28, 2019 alleging potential risk management violations as well as a transport of an underage individual who had been drinking at Phi Kappa Sigma. Based on the reports, Phi Kappa Sigma may have violated the following policies:

*MIT Mind and Hand Book*

**II (2). A – Alcohol Policy** (*full text of policy can be found [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. [...] Other alcohol-related behaviors prohibited by MIT include but are not limited to: [...] possession of open containers of alcohol in public spaces [...].

*IFC Risk Management Policy*

**II. Admittance**

- 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.
- E. Those guests who are of legal age and who wish to drink must show proof of age, and then be fitted with a wristband.

**III. Control of Alcohol**

- A. The event monitors must be non-consuming and present until their duty for the event has ended.
- D. Alcohol should not be served to any individual who does not have a proper wristband, whose hand has been marked as an underage guest, or who is not of the age of 21. In addition, no alcohol should be served to an individual who is visibly intoxicated. Party monitors shall monitor the event for guests distributing alcohol or for underage guests possessing alcohol and will deal with such guests accordingly.

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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 ·

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## *FSILG Social Events Policy*

### **Management Requirements for Social Events with Alcohol**

#### **D. Proof of Age**

Proof of age must be checked at all entrances to an event at all times. Only government- issued ID's may be used to verify proof of age. Those attendees that are 21 years of age or older must wear a wristband at all times

At the hearing on November 7, you as well as two other representatives of Phi Kappa Sigma were present as well as the two officers from MIT Police who filed the reports in question. You provided statements regarding the incident and answered questions asked of you by the Panel and by the complainants. The Complainants provided statements regarding the incidents and answered questions asked by the Panel and by you and representatives of Phi Kappa Sigma.

#### **Finding**

After reviewing all information available at the time of the hearing, the Panel has found Phi Kappa Sigma responsible for violating Mind and Hand Book Section II (2) A, IFC Risk Management Policy Section II(A) and Section III(A & D). The Panel found Phi Kappa Sigma not responsible for violating IFC Risk Management Policy Section II(E) and FSILG Social Events Policy Section D. due to a lack of evidence to suggest otherwise as well as due to notes from the complainants that specified most of the guests in attendance were underage.

The Panel found that Phi Kappa Sigma had severe lapses in its risk management that allowed an underage member to work the door risk management slot while intoxicated, an open container of wine to remain on the stairs in front of the house, and multiple underage guests in attendance to become in possession of alcohol. With regards to the underage student who was desperately in need of a medical transport, the Panel found the complainants credible regarding the detail to which it was known that the individual had been drinking at the Phi Kappa Sigma residence after the initial shutdown. Given this, the Panel found that the underage individual was provided a dangerous amount of alcohol and then allowed to leave the house in that condition, which was corroborated multiple times during the hearing by the complainants and during questions asked by the Panel and Phi Kappa Sigma.

#### **Sanctions**

After due consideration, the Panel assigned the following sanctions:

- Phi Kappa Sigma will be placed on organizational probation until April 20, 2020. Probation is a strong warning from the Institute that the fraternity's behavior violated Institute expectations. During the probationary period, Phi Kappa Sigma 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 Phi Kappa Sigma.
- Phi Kappa Sigma is prohibited from hosting and co-hosting social events with alcohol until March 1, 2020.
- Phi Kappa Sigma must revise their risk management plan and send a copy of the revised document to Daniel Gonzalez, Judicial Committee Chair, and Liz Jason, Assistant Dean of FSILGs, by December 11<sup>th</sup>, 2019.
  - As general guidance, these revisions should focus on: a plan that ensures the Risk Manager is checking that risk management duties are being performed adequately, that brothers are disposing of open containers sitting around at events, checking guests with alcohol for wristbands, making sure guests who leave Phi Kappa Sigma are in a safe state to leave, things of that nature.



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- Phi Kappa Sigma must host a risk management meeting with the IFC Risk Manager before March 1, 2020 to go over risk management policies and best practices.
  - At least 75% of membership must be in attendance for the house to successfully complete this requirement. A hand-written attendance sheet must be verified by the IFC Risk Manager and submitted to the next Judicial Committee Chair and Liz Jason, Assistant Dean of FSILG's, by March 1, 2020.

The Panel considered Phi Kappa Sigma's relevant disciplinary history when assigning sanctions as well as the severity of this particular incident and assigned a sanction of organizational probation, with the stipulation for a period where registered events may only be dry. The Panel believes that a lack of attention to control of alcohol and an improper execution of risk management strategy as well as vigilance in insuring best practices occur even when events are not occurring contributed to these incidents.. The Panel was also intrigued by the existence of the risk management quiz for new member education purposes and felt a review of the content and scenarios of the quiz can allow for improvement to make sure future application of the quiz has the desired effect. The Panel believes that while the circumstances of these circumstances are indeed concerning, the steps that Phi Kappa Sigma has taken since the event are steps in the right direction. The Panel feels that a revision of Phi Kappa Sigma's risk management policy can effectively prepare the brotherhood to prevent similar incidents from occurring again. Overall, the Panel believes that the sanctions as designed will enable Phi Kappa Sigma to take the necessary steps to reflect on its risk management practices and use this experience as an opportunity to learn and grow as an organization and be enabled to host successful events in the future.

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 20, 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