



Case Study: Baxter v. Sigma Chi

Presented by Risk Management Foundation

Directions

1. You have been chosen as either the prosecutor representing Ryan Baxter, or as the counsel representing Sigma Chi.
2. Discuss with your colleagues the best arguments and prepare to present your position to the opposition in a mock trial.

The Case

Late one summer, the Sigma Chi Chapter held an informal Pre-Rush party. Classes had yet to begin, the weather that evening was great, and friends were happy to see each other after the summer break. No kegs or drugs were present at the event, but cans of beer were available and had been purchased with chapter funds. What started as a small, “unofficial party,” surged to over 200 guests, forcing Consul Jason Kohl shut down the party around 12:30 AM.

Ryan Baxter, 19 years old, was one of the guests of this party. Ryan was not a Sigma Chi or a student of the university; he was an invited guest of friend and Sigma Chi brother, Paul Numsen. Ryan and Paul were drinking most of the evening. It is not certain whether this was alcohol they purchased on their own or received from the chapter. A later report stated that Ryan was intoxicated upon his arrival at the chapter house, but may have still consumed alcohol on the chapter’s premises.

At one point, Ryan accessed the second story roof through the window of Paul’s room. The consul described the roof from which Ryan fell as a “deck which no one is allowed to go on and everyone has been repeatedly told not to go on.” However, depositions from chapter members revealed that the roof was regularly used as a makeshift deck.

There were no railings on the roof and the only access to it was through a window. State law requires railings on all decks.

It is not certain how long Ryan was on the roof, but around 1:00 AM, he fell from the second story roof to the pavement below. Shortly before his fall, a brother described hearing the sound of a chair being moved on the roof.

Upon arrival of the police, blood had pooled beneath Ryan’s head, he was unconscious, and his blood-alcohol level was 0.08.

Medical evaluation of Ryan determined that his brain was “bruised,” he was in a coma for a short time after his fall, and had broken his jaw. His medical bills totaled \$131,000. Ryan has permanent injuries from this accident.

Ryan filed suit against Sigma Chi International Fraternity and the local chapter, seeking damages for medical bills, lost earning capacity, pain and suffering, and punitive damages.

Facilitator's Guide

LEADING THE CASE STUDY

We suggest this exercise be completed in one of two ways:

1. All participants being assigned to “plaintiff” and “defendant” teams.
2. If there is a larger group, assign a group to be “jurors,” and send them out of the room while the “plaintiffs” and “defendants” prepare their arguments. Next, hold the trial and have the “jurors” decide fault and monetary reward.

Read to the participants:

By the end of this exercise, you will know more about Risk Management while also learning new ways to use preventative measure in all chapter activities in order to lower the chances of a claim occurring. The case study you will be given is based upon an actual claim. All names have been changed.

Hand out the case study. Spend a few minutes with the group, reading through the case study. Depending upon the size of the group, read one of the following:

1. We will divide into two groups. One will play the role of “plaintiff,” arguing facts in an attempt to convict the fraternity. The other group will take on the role of “defendant” and defend the fraternity against the accusations that they were responsible for the activities that took place. Please take 15 minutes to prepare your arguments. Please agree on one representative to present your case.
2. I need volunteers – you will be jurors and decide the fault and monetary reward in this case. Please leave the room, returning in 15 minutes. The remaining group will be divided into two groups. One will play the role of “plaintiff” and argue facts that will attempt to convict the fraternity. The other group will take on the role of “defendant” and defend the fraternity against the accusation that they were responsible for the activities that took place. Please take 15 minutes to prepare your arguments. Please agree on one representative to present your case.

During this time, spend a few minutes with each group and ensure they are discussing the issues at hand. Also, be sure to set up the room in order to facilitate a mock trial.

CONCLUSION

The total cost incurred, including legal fees and the settlement, was \$1.1 million. The settlement included damages for permanent injuries lost earning capacity, pain and suffering because the chapter was found to have been negligently operating as an unlicensed bar and serving to minors. Additionally, the chapter house was in violation of state building codes that contributed to the accident.

REFLECTION QUESTIONS

- Why is a chapter obligated to provide a safe environment for its party guests?
- In what ways can a party guest, who arrives to a party intoxicated, be a liability to a chapter and the people around him or her?
- If you were a member of the chapter depicted in this case study, what would you do to better prepare for the next social gathering at your chapter house?