



Case Study: Warner v. Sigma Chi

Presented by Risk Management Foundation

Directions

1. You have been chosen as either the plaintiff's attorney representing Tom Warner, or as counsel representing the defendant Sigma Chi entities.
2. Discuss with your colleagues the best arguments and prepare to present your position to the opposition in a mock trial.

The Case

Recruitment had just concluded at a large, southeastern university. The Chi Alpha Chapter of Sigma Chi was pleased with the new pledge class of 40 young men. Over the summer the University had implemented new rules regarding Bid Day and fraternity parties—any Bid Day celebration was now required to be alcohol free.

The chapter hosted a brief celebration for the new pledges at the chapter house from 6-7pm without issue. At that point all brothers and pledges were encouraged to go to an off-campus house rented by three Sigma Chis. The chapter leadership maintained that this was simply three brothers hosting a party and unrelated to Bid Day, and therefore, the "dry" Bid Day rules did not apply.

There were several kegs of beer at the off-campus house and no one was checking IDs. As the event unfolded, brothers and pledges began playing drinking games. Shortly before midnight, one pledge, Tom Warner, disappeared. Brothers looked for him briefly until someone suggested that he had just decided to return to the dorms. Around 6am the next morning, school security found Warner unconscious below a campus pedestrian bridge. He was rushed to the hospital where doctors diagnosed him with severe head trauma. Due to his prolonged recovery, Warner was forced to withdraw from school for two semesters.

Warner's parents filed a lawsuit naming the Chi Alpha Chapter, the Chi Alpha House Corporation, the Consul, the Magister, and the Recruitment Chairman. The complaint alleged that the chapter knowingly violated school and fraternity alcohol policies; that the officers created an unsafe environment for the pledges, who were in their care; and that secret Bid Night hazing activities led to Warner's head injuries. The lawsuit demanded \$900,000 in medical expenses, future medical expenses, and pain and suffering. The parents offered \$10,000 to any brother who would come forward with information about the hazing.

Facilitator's Guide

Read to the participants:

By the end of this exercise, you will know more about chapter risk management challenges and potential legal consequences. This case study is based on an actual claim, but names and details 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 find the fraternity and its officers at fault. The other group will take on the role of “defendant” and defend the fraternity and officers 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 award in this case. Please leave the room, returning in 15 minutes. Those remaining will be divided into two groups. One will play the role of “plaintiff,” arguing facts in an attempt to find the fraternity and its officers at fault. The other group will take on the role of “defendant” and defend the fraternity and officers 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.

During the case preparation time the facilitator should spend a few minutes with each group to ensure discussions are on topic. *Also, be sure to set up the room in order to facilitate a mock trial.*

REFLECTION QUESTIONS

- Do the actions of the chapter cast a favorable light on Sigma Chi?
- What could the chapter leadership have done differently in preparation for Bid Day?
- If you are the Consul, how do you explain the off campus party to University administrators?
- What responsibility did the Recruitment Chair, Magister, and Consul have to Tom Warner?
- With the violations of Fraternity and RMF Alcohol Policies, would there be insurance coverage for the chapter? HC? Consul? Magister? Recruitment Chairman?

CONCLUDING THOUGHTS

Many chapters often think, “What is the bare minimum we have to do to comply with our organization’s policies?” This preoccupation with the bare minimum and finding “loop holes” seriously misses the point.

Consider this: in the Greek World we expect more of ourselves than we do of others. Is this case an example of adhering to such expectations? How could have things been done differently? What will you do to make a difference for your chapter and organization?

CONCLUSION

This case ultimately settled for \$250,000 with another \$44,000 in legal fees. Of the \$250,000, \$175,000 was for the chapter and \$25,000 each for the Consul, Magister, and Recruitment Chairman. The House Corporation was dismissed from the case on summary judgment.