

Anatomy of a Lawsuit - Heideman versus Pi Kappa Phi Fraternity

by Mark E. Timmes
 Chief Executive Officer
 Pi Kappa Phi Fraternity

On October 7, 2000 Adrian Heideman, an 18 year-old freshman and associate member at Pi Kappa Phi's Cal State-Chico chapter, died from complications of alcohol poisoning as a result of suffocating on his own vomit. His blood alcohol content at the time of his death was .38.

Earlier in the evening, Adrian had participated in a Big Brother – Little Brother subordinate ritual and toasted his new family with their traditional drink of blackberry brandy. Afterwards, Adrian continued to drink at a brotherhood event attended only by the brothers and associate members, except for two strippers who provided entertainment. Adrian became intoxicated, felt tired and sick, and was taken downstairs to a bedroom in the basement of the chapter house to go to sleep. Although the members claimed they checked on Adrian periodically, he was found unconscious and was unable to be revived after paramedics had been summoned.



As a result of Adrian's death, criminal charges were filed against the chapter president, the student officer who organized the Big Brother – Little Brother ritual and the brother who purchased the alcohol that was consumed by Adrian. They pled guilty and were sentenced to thirty days in jail under a study release program.

A civil lawsuit was filed against the National Fraternity, local chapter, seven executive officers of the student chapter and the alcohol purchaser.

The case against the students was settled

for \$500,000.00, with funds provided by a combination of homeowners and national liability insurance coverage.

In November 2002 the lawsuit against the National Fraternity and local chapter was settled, with the amount confidential.

Adrian's death also led to the closure of the student chapter by the National Fraternity and the Chico State administration "permanently banned" Pi Kappa Phi from its campus. In addition, wholesale changes in the alcohol policies of the Cal State University system have been implemented.

Consequences and Lessons Learned:

1. The student officers were named as individual defendants in the lawsuit. In fact, the chapter president was only at the Big Brother – Little Brother subordinate ritual for ten minutes and then left to go to his evening job. Despite this, he was criminally and civilly charged.

Lesson learned: As a chapter officer, you may be held responsible for an event, whether you attend or not.

2. Because students were named as individual defendants in the lawsuit, coverage under their parents' homeowners insurance was triggered.

Lesson learned: All sources of insurance, including your parent's homeowners insurance, may be available to satisfy a claim.

3. The Heideman family charged that the chapter failed to properly take care of Adrian when he was intoxicated and asserted that if he had been immediately taken to the hospital he would have survived.

Lesson learned: Each fraternity should

review its policy and determine whether it is appropriate to train chapter members how to recognize and care for a drunken member.

4. The Heideman family maintained that the fraternity should have been "dry" at all times and banned alcohol both in the chapter house premise and at any chapter event because a super majority of the members of the chapter are under the age of 21.

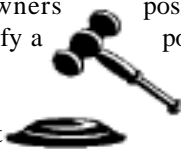
Lesson learned: If alcohol is allowed in the chapter house or at a chapter event, the law and the fraternity's risk management policy must be followed.

5. The Heideman family maintained that the fraternity failed to appropriately monitor its chapters in order to prevent the type of conduct that was taking place. Specifically, they referenced the lack of local advisors and the fact that staff visits were announced.

Lesson learned: Each fraternity needs to review its own policy regarding compliance monitoring and the role of its staff and local advisors in determining whether the fraternity's risk management policies are being violated.

6. The family's counsel reviewed chapter web-sites around the country and found troubling photographs of alcohol consumption to support its position that the fraternity's alcohol policy was a sham and was on notice about the amount of drinking taking place in its chapters.

Lesson learned: Each fraternity needs to review its own policy regarding chapter web-site content and monitor chapter web-sites on a regular basis for inappropriate content or evidence of inappropriate activity.



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Change – Are You Up To The Challenge?

by Lori Hart Ebert, Ph.D.

Pi Kappa Phi Fraternity and CAMPUSPEAK, Inc.

I have had the opportunity to speak with thousands of sorority and fraternity members across the country. The one thing that binds you together is the fact that you and your members want to change. By change, I mean you are all seeking improvement, you want to be better than you are, and you are striving for success.

Success

John Wooden, the famous UCLA basketball coach who won 10 NCAA championships, created his own personal definition for success in 1934 as the following: “Success is peace of mind that is the direct result of self-satisfaction in knowing you did your best to become the best that you are capable of becoming.”

To be successful, you must be a leader in helping your organization change. Change is not easy and it doesn't happen just because you hope things will improve. It is a process and as a leader in your organization, you can help guide your members through the change process



Scenario

Your IFC has voted on a new Risk Management Policy for all fraternities. You are responsible for going back to your chapter and making the changes instituted in the new policy. How do you tackle this task?

If you are like an average member, you will make an announcement at chapter meeting and hope for the best. However, if you want to be successful, you will need to approach this challenge differently.

Lewin's Change Model

Kurt Lewin developed a three-stage model of planned change: unfreezing, changing, and refreezing. The assumptions that underlie the model are listed below.

1. The change process involves learning something new, as well as discontinuing current attitudes, behaviors, or organizational practices.
2. Change will not occur unless there is

motivation to change. This is often the most difficult part of the change process.

3. People are the hub of all organizational changes. Any change, whether in terms of structure, group process, reward systems, or job design, requires individuals to change.

4. Resistance to change is found even when the goals of change are highly desirable.

5. Effective change requires reinforcing new behaviors, attitudes, and organizational practices.

Stage 1: Unfreeze

Your first step is to “unfreeze” current behaviors and create a motivation for change. During this process, members must replace old behaviors and attitudes with those outlined in the new Risk Management Policy. The leaders in your fraternity are critical in this stage and your job is to remain positive, become knowledgeable of the new policy, and lead by example.

A critical step in this stage is “benchmarking.” Benchmarking involves comparing your performance and behaviors to other chapters. Find a strong performing chapter within your Greek system or within your national fraternity who has been successful in following the rules and let them serve as your benchmark. Strive to be like a successful chapter and your chapter will improve.

Stage 2: Changing

During this stage, you must educate members on the new Risk Management Policy. You aren't expected to create change and

educate your chapter by yourself. Bring in outside resources. Invite the IFC President or Greek Advisor to the house to discuss the new policy. Utilize your Chapter Advisor, Leadership Consultant, or Faculty Advisor.

Change is a continuous learning process, it does not happen overnight. During this stage you need to educate in a variety of methods, while utilizing all of your resources.

Stage 3: Refreezing

This is the stage where you integrate the new behavior and attitudes as the normal way of doing things. Once you do this, you “refreeze” and continue to provide positive reinforcement to reinforce the desired change. It is critical that the leaders model appropriate behavior and adhere to the new Risk Management Policy during the refreezing stage.

Maybe your chapter's challenge is not a new Risk Management Policy. Whatever the challenges are in your chapter, change is critical in getting the results you desire. Utilize the process discussed in this article to assist you in creating change and being successful.



As John Wooden says, “You have success within. It is up to you to bring it out.” Are you up to the challenge?

Reference

Perlee C. (2001). *Organizational Leadership and Change Management*. USA: McGraw-Hill Companies

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The 22 member fraternities of the FRMT, Ltd. program are in business together. Loss experience of any one member fraternity will affect the future insurance costs of all 22 member fraternities. If a member of any FRMT, Ltd. member fraternity, undergraduate or alumnus, is aware of unsafe behavior being practiced by any other member fraternity, please provide this information to the administrative office of your national fraternity. Please forward it to the attention of the Executive Director/Executive Vice President.

The FRMT, Ltd. was formed in Fall 1996 in Hamilton, Bermuda and began underwriting operations on October 1, 1996. Its predecessor organization, the Fraternity Risk Management Trust, was formed on October 1, 1992 with four member fraternities: Delta Chi, Kappa Alpha Order, Pi Kappa Phi and Theta Xi. FRMT, Ltd. welcomed its 22nd member, Alpha Sigma Phi, on February 1, 2002.

An Involved Alumnus' Look At Alcohol

by Ronald M. Grossman, M.D.

“Alcohol underlies it all.” That truism really does sum up everything and every situation that concerned fraternity alumni have to deal with to keep their beloved organizations stable, productive and free from disastrous and financially ruinous litigation. It is the be-all and end-all of our risk management dilemma. As a physician, an involved fraternity alumnus, a parent and even a part-time college professor, I have had the unique experience of viewing this problem from all of the aforementioned perspectives. I would hope that by succinctly expressing these experiences that alcohol as the foremost risk management problem could be improved by all professionals, volunteers and undergraduate members of FRMT member fraternities.

AS A PHYSICIAN:

Having finished a thirty-four year career in medicine I have seen the disastrous effects of long-term alcohol abuse “up front and personal.” Alcohol goes everywhere that water does in the human organism, which is to say that it affects every organ system. The area highest in water content in our body is the brain and it is this organ that really suffers the most long-term (and short term) effects of this poison, this central nervous system depressant. Personality, cognitive functions, speech, memory—all the cerebral functions that make us who we are, are poisoned by alcohol.



Other long term effects of this substance, so prone to abuse, include liver disease and liver cancer, pancreatic failure and diabetes, stomach problems including severe inflammation and ulcers, muscle problems including even our most important muscle, the heart. Serious injury due to falls, other accidents, and motor vehicle trauma further compound the enormous losses due to alcohol abuse suffered every year in our nation. In 1998, the most recent year studied, the damage among college students 18 to 24 years of age was astronomical. Over 1400 of these students died in 1998 from alcohol-related unintentional injuries, including motor vehicle crashes. Over 500,000 were unintentionally injured under the influence of alcohol and over 600,000 were hit or assaulted by another student who had been drinking.

AS AN INVOLVED ALUMNUS:

For the past twelve years I have been actively involved in the lead-

A Multi-Perspective Approach

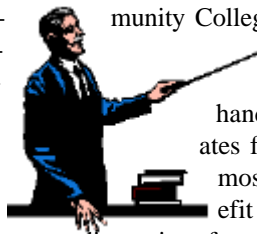
ership of my fraternity, Pi Lambda Phi. It was such a positive influence during my college years that I felt compelled to work for its continued existence and to try to impart that same positive effect on today’s undergraduate. In this position, I have seen that all our problems come from the abuse of alcohol and drugs, and strictly speaking, alcohol is a drug. This point cannot be too intensely brought home to our undergraduate fraternity population. From our vantage point, the problem is obvious; from theirs, it is non-existent. We cannot afford them this illusion.

AS A PARENT:

No parent makes the emotional and financial sacrifices necessary for the higher education of their offspring and expects no small amount of responsibility in return. Both of my sons and my son-in-law are fraternity men. My youngest son is also a Pi Lambda Phi like his dad. Of course a parent realizes the need for a social aspect to education, but they don’t expect the heartbreak of bodily injury, sexual assault, or the ultimate tragedy of a needless death to reward their sacrifice and blight their expectations. Fortunately I was spared any such grief, but many parents are not. Parental love and child responsibility are the essential elements of this perspective.

AS A TEACHER:

Not everyone involved in fraternity management has the latitude and the privilege of being truly involved in higher education. I had this experience when I taught History at Harrisburg Area Community College. (I have a M.A. in American Studies and taught U.S. History at night as a love.) While there was no Greek system at HACC, I still had the first hand experience of relating to today’s undergraduates from an educational perspective. I am sure that most teachers want their students to learn and benefit from what they have to give and want no tragedies to interfere with this education. Surely alcohol abuse ranks as one of the prime threats to the higher educational experience and this threat must be so characterized.



Perhaps these paragraphs have just stated the obvious, but it is hoped that the obvious is expressed in such a way as to have some positive effect on our undergraduate population and may help us in our risk management efforts. No opportunity can be wasted to avoid tragedy.

FRMT, Ltd.

A Bermuda Reinsurance Company in partnership with the Royal Globe insurance organization to compliment the risk management programs of each member fraternity, such as the publishing of this risk management newsletter and providing the following member fraternities with a comprehensive liability insurance program:

- | | |
|--------------------|-------------------|
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| Alpha Sigma Phi | Phi Kappa Theta |
| Alpha Tau Omega | Pi Kappa Phi |
| Chi Phi | Pi Lambda Phi |
| Delta Chi | Psi Upsilon |
| Delta Tau Delta | Theta Xi |
| Delta Upsilon | Zeta Beta Tau |
| FarmHouse | Zeta Psi |

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7. As a result of the settlement of the litigation, Pi Kappa Phi Fraternity and the other members of FRMT, Ltd. will incur a substantial increase in the costs of its liability insurance.

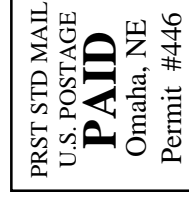
Lesson learned: A claim against one fraternity chapter impacts everyone. Lower claims by all members of FRMT, Ltd. helps reduce the cost of liability insurance.

8. The family’s counsel threatened to take the deposition of each chapter president across the country to support their case.

Lesson learned: Regardless of whether your chapter was directly involved in the claim, you may become a witness and be compelled to testify.



These are some of the lessons learned. It remains Pi Kappa Phi’s and the Heideman family’s hope that the death of Adrian Heideman is not another senseless alcohol tragedy. A video produced by Pi Kappa Phi about Adrian’s life and death is available as a teaching tool for your students. To obtain a free copy, please contact Dr. Lori Hart Ebert, STAR Program Director, at lebert@pikapp.org.



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