



Interfraternity Council

MASSACHUSETTS INSTITUTE *of* TECHNOLOGY

IFC Judicial Committee Outcome Letter

March 7, 2019

From: Daniel Gonzalez Cunningham, IFC Judicial Committee Chair

To: Cecil Gregg, Phi Beta Epsilon President

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

Dear Cecil,

I'm writing to provide the outcome of an IFC Judicial Committee hearing panel held on March 5, 2019. As you know, a hearing panel was convened to review the incident that occurred on December 1, 2018 in which a newly initiated member was alleged to have consumed alcohol while participating in initiation activities in the chapter house. Based on the complaint, Phi Beta Epsilon may have violated the following policies:

IFC Risk Management Policy

II. Alcohol

- A. Fraternities are responsible for ensuring 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. No alcohol shall be present at any pledge activity or ritual of the chapter.

MIT Mind and Hand Book

II (2). Alcohol and Other Drugs

- A. 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.

At the hearing on March 5, you as well as two other representatives of Phi Beta Epsilon 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.

Finding

After reviewing all information available at the time of the hearing, the Panel has found Phi Beta Epsilon responsible for violating IFC Risk Management Policy Section II(A) and Mind and Hand Book Section II(2). The Panel found Phi Beta Epsilon not responsible for violating IFC Risk Management Policy Section II(E) due to a lack of evidence that alcohol was present at the official initiation event sponsored by the chapter.

Specifically, the Panel found that a newly initiated member of Phi Beta Epsilon gained access to alcohol while in the chapter house and that he consumed while underage. The Panel found discrepancies in the testimony of

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PBE representative William Jones regarding the timeline of events that evening, most notably the amount of time he spent in the chapter house prior to returning to Baker, and the Panel found that the consumption more likely than not occurred at the chapter house. Additionally, the Panel did not find Jones' statement in the hearing refuting his admission to a GRT of consuming alcohol while at Phi Beta Epsilon on the night of the incident credible and the Panel felt that this damaged the overall credibility of the fraternity's response. Finally, the Panel found that while the consumption did not occur at the initiation that the student involved was likely still at the house and consuming with other members, which would represent an event that could reasonably be associated with the fraternity.

Sanctions

After due consideration, the Panel assigned the following sanctions:

- Phi Beta Epsilon will be placed on organizational probation through the end of the Fall 2019 semester. Probation is a strong warning from the Institute that the fraternity's behavior violated Institute expectations. During the probationary period, you are 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 Beta Epsilon.
 - Further violations of policy of a similar nature during the Spring 2019 semester will result in a ban on social events of any kind through the remainder of the semester.
- Phi Beta Epsilon is prohibited from hosting and co-hosting social events with alcohol throughout the rest of the Spring 2019 semester.
- Phi Beta Epsilon is required to complete an educational workshop on effective organizational decision-making and risk management practices related to alcohol possession and consumption sponsored by the Office of Student Conduct by no later than April 30, 2019.
 - PBE 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 risk management related to alcohol. The workshop will be led by OSC staff in consultation with the FSILG office and other relevant campus partners.
 - 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 OSC staff in attendance and submitted to Daniel Gonzalez, Judicial Committee Chair, and Liz Jason, Assistant Dean of FSILG's by May 1, 2019.

The Panel considered Phi Beta Epsilon's relevant disciplinary history when assigning sanctions and assigned a sanction of organizational probation beyond the active period of probation ending in June 2019 to highlight the seriousness of the violations that occurred during this incident and to provide a period of heightened attention to decision-making in the Fall semester when Phi Beta Epsilon has historically had multiple prior incidents. The Panel believes that many of the issues that occurred during the incident happened due to a lack of attention to control of alcohol and a lack of understanding of the impact of how decisions made by individual members or groups of members can affect the full chapter. The Panel assigned a ban on social events with alcohol for the Spring semester to allow for members to begin working through these issues in a way that reduces potential for further incidents in the immediate future.

Lastly, the Panel assigned a workshop with the Office of Student Conduct to help the house learn how to address the root causes of this incident and previous incidents and to use that knowledge to prevent future concerns. All of the sanctions assigned by the Panel are designed to support Phi Beta Epsilon in strengthening their chapter and to help mitigate unnecessary risks that have impacted individual brothers and the chapter as a whole in recent years.

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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 March 14, 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

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