



Interfraternity Council

MASSACHUSETTS INSTITUTE *of* TECHNOLOGY

Outcome Letter
October 22, 2017

From: Arjun Mithal, IFC Judicial Committee Chair

To: Michael Nimerfroh, Phi Beta Epsilon President

CC: Liz Jason, Associate Director, FSILGs
Tessa McLain, Assistant Director for Student Conduct
Daniel Gonzalez Cunningham, IFC Judicial Committee Secretary

Dear Michael,

This letter serves to inform you of the outcome of an IFC Judicial Committee hearing from this past Thursday, October 19, 2017. Thank to you and your fraternity members for your attention to the matter at hand. After reviewing the complaint and your response, the Judicial Committee Review Board has found Phi Beta Epsilon responsible for the following violations:

FSILG Social Event Policy

III. Social Event Gathering Provisions

B. House Events with Alcohol

2. The maximum number of persons that may be present in the FSILG house during an event with alcohol shall be the LESSER of:
 - For FSILGs located in Boston, the residential occupancy (bed count) plus 49, OR
 - The total number of members of the FSILG present at the event PLUS two (2) guests per PartySafe trained member attending the event, OR
 - The maximum occupancy for that specific property as determined by an analysis of the state building code and kept on file with the AILG, OR
 - The maximum number established by the FSILG's Alumni House Corporation, which must specify the limit in writing to the FSILG Office, OR
 - 150 persons.



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IV. Management Requirements for House Events with Alcohol

C. Alcohol

The service of hard liquor is prohibited.

IFC Risk Management Policy

III. Control of Alcohol

- 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.

The Review Board determined that based upon the available evidence, Phi Beta Epsilon was more likely than not responsible for the charges listed above. In particular, on the night of September 17, MIT Police officers noticed that Phi Beta Epsilon was over its approved capacity of 137 members plus guests for a social event with alcohol. Clickers at the door indicated 290 people in the house, although this number was likely inflated by Phi Beta Epsilon's negligence in counting guests coming into and out of the event. Officers further corroborated the overcapacity by a visual scan of the main event space. Also during their event check, officers noticed a new member of Phi Beta Epsilon consuming hard alcohol directly from the container. This member was under the age of 21, and based upon the available evidence, the board believes that other members of the fraternity neglected to intervene upon observing this behavior. The board also believes that other guests and members may have had access to this liquor container over the course of the event.

As a result of this finding, the Review Board has determined the following to be appropriate sanctions for the specific events in question, Phi Beta Epsilon's response to the incident, as well as Phi Beta Epsilon's recent history with the Judicial Committee. Please note that failure to comply with any of the listed sanctions is grounds for additional Judicial Committee action.

1. Phi Beta Epsilon will be held on probation for the remainder of the Fall 2017 semester. Probation is a strong warning from the IFC Judicial Committee that PBE violated the expectations and values of the IFC. Please note that this does not directly impose any loss of rights or privileges on Phi Beta Epsilon.
2. Phi Beta Epsilon must revise its internal Risk Management procedures with the following necessary stipulations:
 - a) IFC, FSILG, and MIT policies apply equally to guests *as well as* members of PBE.



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- b) New officer transitions and new member party training should be clearly and effectively implemented, with a mandatory training session held prior to the chapter's first social event of every fall semester.
- c) Clickers should be used *at all times*, and must keep an accurate count of total guests plus members present in the house during all social events.

This revised document should be completed and submitted to the IFC Risk Manager Rex Shepherd, IFC Judicial Committee Chairman Arjun Mithal, and Assistant Director of FSILGs Liz Jason. Failure to complete this sanction by November 3 will result in suspension of PBE's right to hold social events for the remainder of the Fall semester.

Upon approval of the document, PBE must hold a house meeting highlighting these changes with a minimum of 75% of members in attendance. The house meeting must be held within two (2) weeks of approval, and an accurate attendance sheet should be submitted to the IFC Judicial Committee Chairman and the Assistant Director of FSILGs.

The Review Board assigned these sanctions to ensure that the chapter is aware of its shortcomings in Risk Management procedure on the night of September 17. Probation was assigned with the intent that Phi Beta Epsilon remain cognizant of Judicial Committee procedures, and maintain a firmer grasp of risk management best practices during events. Phi Beta Epsilon should understand that the IFC expects that policies be upheld equally for guests as well as chapter members. This was particularly evident in the event in question concerning control of alcohol and distribution of wristbands. The Review Board noted that the majority of the violations listed likely resulted from an ineffective transition of leadership and new member training. The board was happy to hear that subsequent events have completed without further incident. For this reason, the board hopes that the stipulations assigned prevent a similar transition period from occurring in the future. Finally, the board hopes that with the aid of these sanctions, Phi Beta Epsilon may remain in good standing with the IFC and continue operating in a safe and responsible manner.

This concludes any Judicial Committee action with regard to this incident. You have until October 27, 2017 if you wish to appeal this decision. Grounds for appeal may be found in Article VII of the IFC Judicial Committee Bylaws. If you have any questions, please feel free to reach out to me at ifc-judcommchair@mit.edu.



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Respectfully,

Arjun Mithal
Judicial Committee Chair
MIT Interfraternity Council

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Nu Delta · Phi Beta Epsilon · Phi Delta Theta · Phi Kappa Sigma · Phi Kappa Theta · Phi Sigma Kappa ·

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