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Elections Have Consequences for Fraternal Law Too

Like all other fields of law, fraternal law is highly dependent on our government decision makers. Congress passes laws, which are then enforced by the President and the Presidential appointees in the Executive Branch. Ultimately, Judges in various courts around the country interpret many of these laws, with the final say typically belonging to the United States Supreme Court. Now that the 2016 election is behind us, we know that there will be some major changes in all three branches of our federal government. While the impact of this change is impossible to predict, here are some areas of potential changes that members of the fraternity community should be looking out for:

Legislation:

For the first time in a decade, both houses of Congress and the Presidency will be under Republican control. As a result of this, the prevailing wisdom is that this end of divided government may also lead to an end in the gridlock that has prevented legislative action these past few years. This means there will be renewed opportunity for advocacy of legislation that is important to fraternities and sororities.

Chief among these proposals is the Collegiate Housing Infrastructure Act (CHIA), which would rewrite the federal tax code to make donations to fund Greek student housing fully tax-deductible. CHIA was first introduced in the House in 2003 by Congressman Paul Ryan (who is now Speaker of the House), but despite immense lobbying efforts, has not yet become law. With the potential for increased legislative action, there is now hope that CHIA could be included in some larger legislative proposal under the new Congress.

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Similarly, as recently as last year, a coalition of fraternities and sororities retained lobbyists to advocate for a legislative package focused on due process protections.[1] The Fair Campus Act proposal outlines a series of due process reforms for the university disciplinary process.[2] This includes a right to a lawyer, the right to examine witnesses, the right to review all inculpatory and exculpatory evidence, and the right to an adjudicator who was not part of the university's investigation.[3] The bill also provides for the elimination of the Office of Civil Right's mandate that "preponderance of the evidence" is the appropriate standard in these hearings.[4] There is also hope in the fraternal community that a longer legislative proposal of this nature could include strengthening the single-sex status of social fraternities and sororities.[5]

> At the most recent Republican National Convention, the Republican Party adopted a platform that allegations of sexual assault should be "prosecuted in a courtroom, not a faculty lounge."

Perhaps this election means fraternities and sororities will see a vote on some version of the more recent legislative proposals.

The Executive Branch:

The turnover from President Obama's administration to the administration of President-elect Trump is likely to lead to significant changes in policies and priorities. President Obama's Office of Civil Rights in the Department of Education has been incredibly active in Title IX enforcement in the form of investigations and significant guidance in the form of Dear Colleague Letters.

While it is still far too early to know what the Department of Education will look like under the Trump Administration, the rhetoric from his campaign indicates that there are likely to be major changes in this area. At the most recent Republican National Convention, the Republican Party adopted a platform that allegations of sexual assault should be "prosecuted in a courtroom, not a faculty lounge."[7] According to a recent article in the Chronicle of Higher Education, many experts predict that the Trump Administration will revisit the role of the Office of Civil Rights. Some predict it may move to the Justice Department, as President-elect Trump has called for the complete elimination of the Department of Education. Others predict it will remain in place but that it will no longer conduct sexual assault investigations.[8]

No matter the procedural mechanism, it is highly likely that the Trump Administration will revoke

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much of the Title IX guidance from the Obama Administration. This may mean an end to the mandate for the "preponderance of evidence" standard, the end of the federal government's involvement in sexual assault proceedings on campus, and the end of the most recent guidance documents that dictated procedures for the inclusion of transgender students on campus.

The Courts:

As is typical, numerous higher education and fraternal law questions are litigated in the federal court system. President-elect Trump will inherit an extraordinary amount of vacancies on the federal bench, including one at the Supreme Court. President-elect Trump published a list of 21 individuals he would consider for the open Supreme Court Seat.[9] Many believe that replacing the deceased Justice Scalia with an individual from this list would not drastically alter the Supreme Court's ideology from the past decade. However, we could see a conservative shift if President-elect Trump later has the opportunity to make additional appointments to the Supreme Court.

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However, as President-elect Trump fills vacancies on the other federal courts, he will have an opportunity to make a more immediate impact on federal jurisprudence. How this impacts fraternities and sororities is yet to be seen.

Conclusion:

Members of the fraternal community can expect some major legal developments as a result of the election. There is a renewed opportunity for legislation on important issues such as CHIA, university due process reform, and strengthening single-sex status protections. There is also likelihood that federal executive branch actions regarding Title IX will be revoked or relaxed in a substantial way. The federal judiciary will begin the slow process of changing as well, which will of course impact the fraternal law-related cases that are litigated in federal courts. Of course, it is too early know how exactly these changes will impact the fraternal community, but the community should expect changes. *Fraternal Law* will continue to report on these changes.

- Micah E. Kamrass

1 Fraternities Hire Trent Lot. http://nymag.com/thecut/2015/10/frats-hire-trent-lott-to-lobby.html.

2 Congress Introduces Second Due Process Bill. https://www.thefire.org/congress-introduces-second-campus-due-process-bill-the-fair-campus-act/ .

3 Id.

4 Id.

5 Id.

6 Trump Administration May Back Away from Title IX. http://www.chronicle.com/article/Trump-Administration-May-Back/238382?cid=at&utm_source=at&utm_medium=en&elqTrackId=1f2939fb632d408e80bbf684d454633e&elq=0debd8b0db1c46c3ab65882ccb3d034a&elqaid=11451&elqat=1&elqCampaignId=4476

7 Id.

8 Donald J. Trump Finalizes List of Potential Supreme Court Justices Picks. https://www.donaldjtrump.com/press-releases/donald-j.-trump-adds-to-list-of-potential-supreme-court-justice-picks .

Former House Corporation President Sentenced for Embezzlement

The September 2016 issue of *Fraternal Law* described Jennifer Elizabeth Meehan's embezzlement from the House Corporation of Gamma Phi Beta at the University of Alabama, which she was the President of. Meehan, who lost her license as a South Carolina lawyer as a result, is estimated to have embezzled over half a million dollars from the house corporation. She has now been sentenced by United States District Court Judge Madeleine Haikala, to serve six months in prison, followed by 18 months of home confinement and 40 months of supervised probation. She has also been fined $50,000. In addition, she must serve eight hours a week of community service while on home confinement and probation and must participate in a mental health program.

Nine months after her arrest, she turned over a boot box with a series of envelopes containing a total of $234,648. She claimed that she kept the box in her closet, saving the money for a sorority scholarship program. According to news reports, through a series of recoveries from Meehan, including the contents of the boot box, the house corporation made a complete recovery.[1]

- Timothy M. Burke

1 Information obtained from an article by Ken Faulk, available at http://www.al.com/news/birmingham/index.ssf/2016/10/woman_charg.

A Verdict Against *Rolling Stone*

Rolling Stone and the author of the discredited article describing an alleged rape in a University of Virginia fraternity house were found liable for defaming a University of Virginia (UVA) Administrator by the manner she was described in the article. That administrator was Nicole Eramo, the Associate Dean of Students, at that time of the publication. On November 8th, a jury awarded Eramo $3 Million Dollars in damages.

That may not be the end of the damages *Rolling Stone* and the article's author have to pay. They will face a trial late next year in the suit brought by Phi Kappa Psi's Virginia Alpha Chapter where the rape was falsely alleged to have taken place.

On the other hand, three members of that fraternity failed to even get to trial with their defamation claims. These members were not named in the article, but believed that their family and friends would assume the article was about them because of certain similarities to characters described in the article.

Nicole Eramo was very negatively portrayed in the infamous Rolling Stone article. Eramo's duties included the intake of sexual assault complaints and providing support to victims.

Eramo had filed suit against *Rolling Stone*, the author of the article, and others associated with it in a Virginia State Court. The defendants removed the matter to federal court in Charlottesville, Virginia. To get her case to the jury, Eramo first had to survive a Motion for Summary Judgment against her.

It is helpful to note how the Eramo court described the work of the author of the article:

> "Erdely (the author) relied heavily on the narrative Jackie (the alleged victim) provided in writing the article. So much so that she did not obtain the full names of Jackie's assailants or contact them, nor did Erdely interview the individuals who found Jackie the night of her alleged gang-rape. Similarly, Erdely did not obtain certain corroborating documents Jackie claimed to have access to and was unable to confirm with Jackie's mother, Jackie's assertion that her mother had likely destroyed the dress Jackie wore on the night of the alleged rape. Additionally, Erdely was not granted an interview with Eramo to ask about the University's policies. Instead, Eramo's superiors made UVA President Theresa Sullivan available. Eramo's complaint alleged that the article destroyed her reputation resulted in wide criticism of her in the media and caused her to suffer 'significant embarrassment, humiliation, mental suffering and emotional distress.'"

As is well known, *Rolling Stone* acknowledged errors in the article, blaming the alleged victim for misleading the article's author. The Columbia Journalism Review did its own report, describing the article as a "journalistic failure," and that the magazine and the author had "set aside or rationalized as unnecessary essential practices of reporting." *Rolling Stone* ultimately "officially retracted" and removed the article from its website.

Following the close of discovery, Eramo moved for partial summary judgment on the question of if the article defamed her, while the defendants moved for summary judgment on the complete case.

The first issue to be decided was whether Eramo was a public official or a limited-purpose public figure. That makes a difference because if she was a public official, or a limited-purpose public figure, she would face a more difficult burden requiring her to prove by clear and convincing evidence that the defendants acted with actual malice. To find her to fit within that category, defendants would have to prove that 1) Eramo had access to effective channels of communication, 2) she had voluntarily assumed a role of special prominence in the public controversy, 3) she sought to influence the resolution or outcome of the controversy, 4) the controversy existed prior to the publication of the alleged defamatory statement, and 5) she retained public-figure status at the time of the alleged defamation.

Eramo had been prominently involved in responding to allegations of sexual assault at UVA and had access to the local media. She used that access, speaking frequently to local affiliates of national news networks, and authored opinion pieces on the issue. As a result, the court found that Eramo was a limited-purpose public figure.

Because she was a limited-purpose public figure she must prove actual malice. It is difficult for a limited-purpose public figure to prevail in a defamation case because proving actual malice is a heavy burden. As the court stated, it "requires at a minimum that statements were made with reckless disregard for the truth." The defendants must have "entertained serious doubts as to the truth of their publication."

In this case, the court looked at several factors. First, Eramo offered evidence that the author had a preconceived story line and may have consciously disregarded contradictory evidence. Second, though the author should have pursued individuals who may have had evidence about the alleged rape, she failed to do so. Third, the author had reason to doubt the alleged victim's credibility. Fourth, at least three individuals told the author that her portrayal of Eramo was inaccurate. Fifth, there was evidence that the author "harbored ill-will for Eramo

or intended to injure the administration."

Both sides had moved for summary judgment on the issue of whether or not the statements in the article constituted libel, written defamation. That is, did the article contain a "provably false factual connotation" "of or concerning the plaintiff" intending to harm her reputation. If a jury were to find that the article contained merely "exaggerated rhetoric" or simply "the opinion of the author," it might be found that even untrue statements might not be actionable.

The court elected to leave to the jury the determination as to whether or not the statements regarding Eramo in the article were objectively untrue, falsely called into question her fitness to perform the duties of her office or indicated that she lacked the integrity to do so, and made with actual malice.

That is what the jury did on November 4th when it found for Eramo on all counts. On November 7th, the jury was brought back to determine what damages were due to Eramo.

In one of two other separate lawsuits, three members of the Phi Kappa Psi Fraternity filed a lawsuit against the article's author, *Rolling Stone*, and a related entity, but were not as successful. While they were not named in the article, they argued that descriptions in the article could have led people to believe that specific facts referred to each one of them specifically. As the court described it, these members claimed that "the article nevertheless contained details that could prompt their friends, family and colleagues to erroneously infer that they participated in a gang rape."

The defendants filed a motion to dismiss the case, arguing that the complaint was too vague and remote from the plaintiffs' circumstances to be "of and concerning" them. To sustain a defamation claim under New York law where this case was brought, the plaintiffs had to establish that the reading public would "have understood the allegedly defamatory statement to be 'of and concerning' the plaintiff" and "the burden to prove that was on the plaintiff."

One plaintiff claimed that the description contained in the article of where the alleged attack occurred would be understood by those who knew the house to be describing his bedroom. Another plaintiff, who was the fraternity's rush chair, claimed readers would have concluded he was involved because the article made the alleged rape "seem like an initiation ritual." That second plaintiff also claimed that he was an avid swimmer in the UVA Aquatics Center and he argued that because the article claimed the alleged victim had met her unidentified assailant while "working lifeguard shifts together at the University pool" and people would therefore have connected him to the events. The final plaintiff claimed that because he had already graduated and yet spent the next 15 months on campus and frequently rode his bike there, he would have been connected to the article because the article described that "all the boys involved had graduated and the victim had just seen," prior to the article being published, "one of the boys riding his bike on the grounds...."

The court ruled that the scant details in the article failed to designate any of the plaintiffs in such a way that those who knew them would have understood the article to be specifically describing any of them. Thus the complaint failed to "plausibly allege that the article was of and concerning" any of the plaintiffs. As a result, the court dismissed their case.

But *Rolling Stone* has not heard the last from the members of Phi Kappa Psi's Virginia Alpha Chapter. The Chapter has its own suit against the magazine and its author. On September 1st Judge Richard E. Moore denied *Rolling Stone*'s demurrer, analogous to a motion to dismiss.[3] A press release issued that day by the Chapter quoted Tom Albro, a Charlottesville, Virginia attorney serving as the Chapter's lead counsel, as saying "The Virginia Alpha Chapter of Phi Kappa Psi Fraternity appreciates Judge Moore's carefully considered decision to reject *Rolling Stone*'s attempt to dismiss our defamation claim. We remain committed to seeking justice and accountability at trial for the harm the magazine, its reporter and its editors inflicted on the organization and its members."

In any defamation case the statement that defames must be "of and concerning" the alleged victim of the written libel or spoken slander. In deciding if the Fraternity's care would continue, Judge Moore considered the Fraternity's argument that the article referenced a "Phi Kappa Psi brother," "his fraternity Phi Kappa Psi," "Phi Psi," "Phi Kappa Psi date function," "their fraternity," "PKP," and "PKP house." He summed it up this way:

> Phi Kappa Psi at UVA is mentioned at least 18 times by name (Phi Kappa Psi, PKP or Phi Psi). There are nine other references to 'that fraternity,' 'a frat,' 'the fraternity,' 'his frat'...There are at least eight times where the term 'gang rape' is used, many in the same phrase or sentence as 'Phi Kappa Psi'.

As the Judge noted, the published article even contained a photo of the fraternity house with letters PKP clearly displayed. Given the direct references to the fraternity by name, the Judge had little difficulty determining that the alleged defamatory statements were "of and concerning" the fraternity chapter.

The court also considered if the language in the comments about the fraternity could be found by a jury to be defamatory noting:

> When the term 'gang rape' and PKP are uttered in the same breath, it seems inescapable. The repeated references to 'gang rape,' in conjunc-

tion with the fraternity, along with the specific behaviors, acts and statements described or repeated are clearly capable of defamatory meaning. And these are direct statements, not just indirect or innuendo."

Finally, Judge Moore rejected the defendants arguments that the statements about which Phi Kappa Psi complained were merely statements of opinion. If they were opinion as opposed to fact, then they were not defamatory. But as the court noted, "In this case, there are numerous statements that are factual assertions, and demonstrably true or false." The veracity of those statements will be for the jury to determine after trial. If the statements were proven to be true –highly unlikely given *Rolling Stone* – has apologized for having made them – there is no defamation because truth is a defense. But if those statements are found by a jury to be false and to have defamed Phi Kappa Psi, then the jury will also determine the amount of damages to be awarded.

Sexual assault remains a serious issue on campuses across the country. While the author of the *Rolling Stone* article may have been motivated by a desire to address that issue and call attention to it, she and her magazine did significant damage to the movement at issue by making wild accusations they could not prove and did real damage to those the article defamed. A significant price in terms of damage to the reputation of *Rolling Stone* has already been paid, but the jury awards will exact a financial penalty as well intended to compensate the innocents who were damaged by the defamatory comments.

• Timothy M. Burke

1 *Nicole P. Eramo v. Rolling Stone, LLC, et al.*, Civil Action No. 3:15 -CV-00023, United States District Court, W.D. Virginia, Charlottesville Division (Partial Summary Judgment decided Sept. 22, 2016).

2 *Elias, et al. v. Rolling Stone, LLC, et al.*, Case No. 15-CV-5953 (P.K.C.) United States District Court, S.D. New York (decided June 28, 2016).

3 *Phi Kappa Psi v. Rolling Stone, et al.*, Demurrer. Virginia Circuit, Sixteenth Judicial Court File No. CL15-479; Hearing May 17, 2016, Letter Decision by Judge Richard E. Moore, issued August 31, 2016.

Zoning Issues for Housed Groups Without Recognition

Zoning has become another potential problem for fraternity houses whose chapters do not have recognition by the college or university where they are located.

On April 20, 2015, the Alpha Delta Chapter of Dartmouth College was notified by the College that it had lost its recognition as a student organization after the College learned that the Chapter had branded new members. As a result, the Chapter's House no longer constituted "college-approved" residential housing, was removed from the College's rooming system, and was no longer under the "jurisdiction or protection" of the College's Department of Safety and Security. But, that wasn't the end of the consequences.

Just three days later, on April 23rd, the Zoning Administrator of the Town of Hanover, New Hampshire, where the College was located, announced that without recognition by the College, the Chapter House, which housed 18 student members of the Chapter, no longer complied with Hanover's zoning ordinance and therefore must be closed immediately.

The Chapter had existed at Hanover College since the 1840s. It's house was constructed in the early 1920s, a decade before Hanover even had a zoning ordinance. In the mid 1970s, Hanover redid its Zoning Code, creating an "I" Institution District, which has imposed around Dartmouth College. Within that district, a student residence was an allowed use defined as "a building designed for and occupied by students, and operated in conjunction with another institutional use, which may include individual living units with social rooms and kitchen facilities for any number of students." The Chapter House met that definition for decades.

Alpha Delta fought the zoning determination, losing on a three to two vote before the Town Zoning Board of Adjustment. Its appeal to the Superior Court, resulted in failure in May of this year when the court refused to buy the Chapter's arguments. Typically, if a use exists prior to zoning being applied to the property, or exists as a legal use under the zoning that is applied when the use began, the use may continue as a legal nonconforming use even if zoning is adopted or changed in a way that would make the use illegal. That nonconforming use was the Chapter's first argument as to why the zoning decision was wrong. But what both the Zoning Board of Adjustment and the Court found was that the use was conforming as it did operate in a relationship with the College until Dartmouth's recognition was lost.

The critical language in the Zoning Code was the "in conjunction with." Was the Alpha Delta House operated in conjunction with Dartmouth College prior to or after the adoption of that language in the Zoning Code? Did it continue to be operated in conjunction with Dartmouth College after the College pulled the Chapter's recognition? The court found that Alpha Delta had the burden to show that it operated the Chapter House "in a manner that was not 'in conjunction with another insti-

tutional use,' at the time the 'in conjunction with' requirement was adopted." According to the Court, Alpha Delta did not meet that burden. Therefore, the court found that the chapter was not grandfathered.

Alpha Delta attempted to argue that recognition by Dartmouth was not the critical factor in determining whether or not the Chapter was operated in conjunction with Dartmouth. Rather, the Chapter pointed out that "the only people who reside at 9 East Wheelock Street are and have been Dartmouth students currently attending Dartmouth College and the only people who can belong to the corporation and participate in operating the property are Dartmouth alumni." As a result, they argue they were operating in conjunction with Dartmouth College, whether or not the College recognized the Chapter.

The Court, however, relied upon the "common and approved usage" of the words "in conjunction with," relying on a dictionary definition of the word "conjunction, "being conjoined: union, association, combination." The Court also looked at those words in the context in which they were used and ultimately concluded that "the purpose of the 'in conjunction with' requirement was to ensure that student residents maintain the proper relationship to, or association with, the College, such that the 'necessary safeguards are incorporated'." The decision[1] by the Superior Court is now on appeal.

Now, the House Corporation of another Chapter at Dartmouth, N.H. Alpha of SAE Trust, faces the same consequences. The House Corporation lost before the Hanover Zoning Board of Adjustment, and has now appealed its own case to the Superior Court.

More concerning is that the Hanover Zoning Code is not a one off. A recent review of the Zoning Code of the City of Bloomington, Indiana, where Indiana University is located, finds that the City of Bloomington has its own provision which could lead to similar consequences should Indiana University derecognize a chapter that operates its own chapter house.

Bloomington's zoning language is at least clearer. It defines fraternity/sorority house in part as "all students living in the building are enrolled at Indiana University Bloomington Campus: and Indiana University has sanctioned or recognized the students living in the building as being members of a fraternity or sorority through whatever procedures Indiana University uses to render such a sanction or recognition."[2]

Both the Dartmouth experience and the language of the Bloomington Zoning Code should encourage those national organizations whose chapters may be considering accepting the loss of recognition to take the time to understand what the unintended consequences of that decision may be. The local zoning code might well make the continued use of the house as a fraternity house, illegal, even though they have been operating legally for decades. While there may be valid legal arguments to protect the use of the property as a chapter house, know that the loss of recognition may well lead to a fight with the local government.

• Timothy M. Burke

1 *Dartmouth Corporation of Alpha Delta v. Town of Hanover*, State of New Hampshire, Superior Court, Grafton, SS Docket No. 15-CV-259.

2. Bloomington Indiana Unified Development Ordinances, Chapter 20.11 Definitions.

Title IX and Equitable Investigations for the Accused

Both the complainant and the accused deserves an equitable investigation. In regards to Title IX, it is rare that an investigation is prompted by the accused and more importantly, the accused is almost never successful. That is what makes the decision involving Wesley College so unique and indicative of possibly more protections and equity for the accused.

Four fraternity members were expelled from Wesley College in Delaware after they were accused of filming and live streaming a man and woman having sex without the woman's knowledge. The issue for Wesley College was not the fact that it expelled the students, but it was the process that it utilized that raised violations under Title IX. The four members were notified they were being charged and suspended in a day, and they were expelled within a week. Further, one of the four expelled students claimed that he was innocent and did not participate in the incident. His innocence was confirmed by the victim before and after his expulsion. Yet, Wesley College still expelled him and denied his request of his intent to appeal.

According to the letter to Wesley College from the Office for Civil Rights, "[Wesley] College failed to implement several provisions of its Title IX policies and procedures during the processing of the complaint involving the accused student, including when it suspended, and later expelled him for sexual misconduct. [Wesley] College thereby denied the accused Student procedural protections to which he was entitled under Title IX . . ." The letter cited several incidences that violated the students' Title IX rights and Wesley College's policies and procedures. First, Wesley College did not interview the students and failed to share information with the students. Further, an interim suspension was

imposed the same day the incident was reported and the student was not able to challenge the suspension before it occurred. The timing was also an issue. The period between the incident report and the hearing was less than a week, which may not have allowed sufficient time for the student to participate. Finally, Wesley College's policy and procedures were to afford the accused multiple resolution options that it did not actually offer to the accused students. It is important to note that all of these incidents were against Wesley College's policy and procedure. Based mainly on this evidence, OCR found that Wesley College "failed to provide an equitable investigation and resolution of the complaint involving the accused Student . . ."

Some have stated that this may indicate the pendulum swinging in the opposite direction to afford more protections for the accused. On the other hand, the outrageousness of the incident, particularly with the accused student still being expelled after the victim spoke on behalf of the student's innocence, may keep this case as an outlier. We will keep you updated on further developments on this issue.

- Amy M. Hebbeler

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Jake New, *A Title IX Win for Accused Students*, Inside Higher Ed (October 13, 2016), https://www.insidehighered.com/news/2016/10/13/us-says-wesley-college-violated-rights-students-punished-over-sexual-misconduct.

Letter from Beth Gellman-Beer, Supervisory Attorney OCR Philadelphia, to Robert E. Clark II, President Wesley College (October 12, 2016) (on file at http://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03152329-a.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).

Three Sentenced to Jail for Hazing

The September 29, 2016 *Roanoke Times* reported that of the six members of Sigma Alpha Kappa who had been criminally charged in connection with the alcohol-related death of Michael Anthony Walker, a student at Ferrum College, charges were dismissed against three, while the other three received short jail sentences.

This spring, public safety officers responding to a call for assistance were reported to have found Walker in an unresponsive state. He was taken to the hospital where he died a week later. According to the newspaper, the medical examiner reported that Walker "suffered an anoxic brain injury attributed to acute ethanol toxicity ... an injury to his brain because of lack of oxygen, which was a result of alcohol consumption."

All six faced charges related to the providing of alcohol to minors and hazing. Three of those were officers of the fraternity. They chose to go to trial and the court ultimately dismissed the cases against them, one of whom had apparently not even been at the party where the drinking occurred. The other three, including the President of the Chapter and the Pledgemaster, accepted a negotiated plea deal which included short jail stays for each of them. The Pledgemaster will serve five days; the Chapter President four days; and a third member 30 days. Under the court's decision, if after a year the three defendants have kept their records clean, the charges against them could be dismissed. Each of the three convicted defendants will also have to perform 30 hours of community service. According to a September 30, 2016 report on WDBJ7-TV News' website, the Sigma Alpha Kappa Chapter at Ferrum has been disbanded.

Earlier in the year, Ferrum College took action to punish all of the members of the Chapter with fines of up to $1,000, and banned some of them from being on the Ferrum campus for up to seven years under threat of trespassing charges being filed against them. Members of the Ferrum Chapter were also required to perform 100 hours each of community service. The fine and threat of trespass was even imposed on the Vice President of the Chapter who was not in the State on the night of the party and had graduated by the time the College imposed its discipline.

- Timothy M. Burke

Thank You

Thank you to everyone who attended the 2016 Fraternal Law Conference. This year's Conference was the best attended in our history, and it was also highly informative. Experts from all across the country presented on a wide range of informative topics, which received strong reviews from our attendees. Stay tuned for information on the 2017 Fraternal Law Conference. We hope you will join us.

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The Goal of *Fraternal Law* is to provide a discussion of fraternity law, but its contents are not intended to provide legal advice for individual problems of Greek organizations. The latter should be obtained from your attorney.

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