

Lawsuit: USU ignored fraternity's 'culture of drug and alcohol abuse'

Alcohol death » Family of pledge says discipline by USU was lacking.

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Utah State University officials long tolerated "a culture of drug and alcohol abuse" at a fraternity house where a teenage freshman pledge died of alcohol poisoning after an alleged hazing last fall, his family claims in a lawsuit filed Tuesday in Logan's 1st District Court.

The Sigma Nu fraternity chapter had long been the scene of misconduct, including an alcohol-related suicide by hanging, underage drinking, arson, thefts, vandalism, false fire alarms and assaults, contend lawyers representing the teen's parents, Jane and George Starks, of Salt Lake City.

"If the university had done its job and monitored this fraternity and used the powers it has to discipline the fraternity and its members, it probably would not have existed when Michael Starks got to USU," said Charlie Thronson of the Salt Lake City law firm Parsons, Behle and Latimer.

The suit not only accuses fraternity chapters of straying from their chartering principles, but argues that universities have a legal obligation to bring student organizations into line, especially if they encourage students to join.

USU officials expressed sympathy for the Starkses, but denied the school is liable for their son's fate.

"The safety and well-being of all of our students are a primary concern," said university spokesman John DeVilbiss. "We take issue, however, regarding the university's responsibility to students participating in off-campus, non-university activities."

Sigma Nu Executive Director Brad Beacham declined to comment.

USU's Greek-letter houses line 800 East, across the street from the Logan campus. While fraternity chapters affiliate with campuses at the pleasure of the institutions, they are chartered by their national organizations, which are responsible for ensuring chapters live up to their ideals of leadership, community service and camaraderie.

But Sigma Nu's Logan chapter had a seamy underside of ritualistic alcohol abuse and chronic lawlessness, the Starkses allege. The university's tolerance of the bad behavior, which should have been known to officials, was tantamount to approval.

"It's permission by inaction," Thronson said. "They turned a blind eye."

The allegations are based on Logan city police reports over the 10 years before Starks' death, as well as on police interviews with fraternity members after the tragedy.

The fraternity brothers got drunk as a group, sometimes to the point of collapse, and performed "baptisms" by pouring liquor on the heads of brothers as they kneeled with their hands bound behind their backs, the suit claims. Lawyers provided photographs, pulled from a Sigma Nu member's MySpace page, supposedly documenting one such beer-drenched baptism.

"Do you think Mr. and Mrs. Starks would have allowed their son to rush this fraternity if they had known about this? Of course not," said plaintiff's co-counsel David Bianchi, a Florida attorney credited with winning the largest wrongful-death verdict in a fraternity hazing case.

The suit seeks unspecified damages from the university and from the state. The Starkses have already reached out-of-court settlements with the national organizations of Sigma Nu and the Chi Omega sorority, whose members "captured" Starks, bound his hands with duct tape, and provided him with vodka at an initiation ritual the night he overdosed. The university suspended the chapters and their national organizations soon shuttered them. The Greek societies' own rules and USU's student code strictly prohibit alcohol abuse and hazing.

Logan police concluded Starks was poisoned during an illegal hazing and prosecutors charged 12 USU students and their two Greek chapters with hazing. Prosecutors dismissed all the hazing charges, but five students served jail time for furnishing the vodka or hiding the bottle.

The Starkses' suit also alleges USU failed to warn incoming students of the dangerous activities at its fraternities. Instead, the university encouraged students to "think Greek" and join sororities and fraternities, which were once an integral part of campus life. In 1941, one-fourth of USU students were Greeks, while today just 1 percent belong to the eight remaining chapters.

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Review Pledge died of alcohol poisoning

Michael Starks, an 18-year-old freshman, was pledging at USU's Sigma Nu fraternity when he drank a toxic dose of vodka at an off-campus Logan home. He died hours later at the Sigma Nu house.

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