

Lawsuit filed against Oklahoma State's Sigma Nu for hazing

by Janna Clark
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A lawsuit filed against Oklahoma State University Sigma Nu fraternity in August of 1997 is now going to trial.

Ryan Foster, management information systems junior and former Sigma Nu pledge, is suing the fraternity for acts of hazing.

Attorney John M. Thetford of Stipe Law Firm in Tulsa filed the suit. He said the fraternity's defense attorneys filed a motion for summary judgment, in which the defense asks the judge to dismiss the case because the defense contends the case has no merit.

Thetford said defense attorneys claimed Sigma Nu, Inc., the national fraternity, was a separate entity from the local chapter. Defense attorneys said the national fraternity is not responsible for the local chapter members. After reviewing the motion, the judge denied it, Thetford said. "The judge thinks there is merit in the case," he said.

The defense then filed a motion to reconsider the court's decision on summary judgment, Thetford said. But the motion to reconsider was denied Friday, and parties are seeking a trial date for the court. Thetford said he hopes for a trial late this year.

The acts of hazing charges include a fire extinguisher being exploded in the pledges' common bedroom (called a rackroom) at 3 a.m., sleep deprivation, providing underage pledges with alcohol, requiring pledges to swim in Theta pond in their underwear, excessive late-night house-cleanings, physical threats of bodily harm, paddling, spitting on pledges and requiring pledges to get signatures on their private parts at the female residence halls, Thetford said.

Another hazing allegation includes "Strip Facts," in which pledges were lined up without clothing, asked questions about members and fraternity history, Thetford said. Pledges were also harassed about their private parts, he said.

Jake Winsett, international business, finance and accounting senior and commander of the Sigma Nu fraternity, said the chapter will not discuss the allegations while the case is awaiting trial.

"These alleged incidents are reported to have occurred almost three years ago, and for the most part are largely unbeknownst to the majority of the active brotherhood," he said.

"In light of the fact that this case is currently under litigation, it is my understanding that more comment would be inappropriate at this time.

"Be aware of what's going on around you."

-Ryan Foster, former Sigma Nu pledge

"Further questions can be directed to our national fraternity's legal counsel, Art Hogue."

Foster is suing the fraternity for compensatory damages in excess of \$10,000, punitive damages in excess of \$10,000 and court cost associated with the suit.

Foster said the ordeal has continued much longer than he thought it would. "I really felt this was an issue that could be settled," he said.

Foster said his purpose in the lawsuit has not changed - he wants to make a difference. "The (hazing) that did happen could one day escalate into something as tragic as death," he said. "Things that happened there just didn't happen my year but other years to a lot of other guys."

He also said he wants to make a difference in the fraternity. "If I didn't have concern for the house or the greek system itself, I wouldn't be doing this," he said. "There's no

logical reason to get a group of 18-year-olds in a room and haze them until they forget who they are," Foster said.

Thetford said he feels confident about the case. "I think it's a good, solid case," he said. "We've got some credible evidence that demonstrates a chronic pattern of hazing dating back until at least 1990."

Since 1990, numerous complaints against the local chapter of Sigma Nu have been filed with OSU officials, Thetford said. "At least one actual case has been filed, maybe more," he said. "We're optimistic that we'll prevail." Thetford said witnesses for the case consist of numerous Sigma Nu pledges, members and alumni. Thetford said he also has "documents that conclude acts of hazing by members that date back to 1990."

Foster said he made every attempt to resolve the situation with the Sigma Nu fraternity in the spring of 1997 when he left the fraternity. "I sent a proposal to the national headquarters," he said. "I felt like my being completely honest with them would make them want to change things, convert the house into what it should've been in the first place."

Foster said the fraternity was originally founded on a no-hazing principle. The fraternity claimed during rush that "the days of hazing are over," Foster said.

Foster said the first sign of hazing he remembers was the second Tuesday of his first semester. "It was called Black Tuesday," he said. "Everyone in the kitchen and the whole brotherhood comes up there and does their military-style of what they expect during pledgship. They told us to get on blue jeans and a white t-shirt for (toilet) cleaning."

"Them spitting on you, making you pick up pees... and if you didn't do it, a member would pick up a whole pile and wipe it on you," he said. "It was better to pick them up than have a member wipe them on you."

"I don't think it's really living when you walk around like a dog that gets kicked every time it goes around the corner," he said.

Foster said as a freshman, it took him awhile to figure out that what was happening was wrong. "What triggered me saying, 'I've had enough'

- the psychological, verbal and physical harassment reached a point when I came back in the spring," he said. "When you get called a female part long enough you want to knock somebody out, but you can't because it's a house offense to do that."

Foster said he left the fraternity because he was tired of constantly living in fear. "You're walking around like a paranoid person all the time," he said.

Foster said hazing is a difficult practice to stop in a fraternity. "It's the way (fraternity members) live, the way they think, the way they think they can accomplish something," he said. "The guys tend to do the same thing to someone else, just because it happened to them. I don't see any reason to make someone else's life a living hell."

Foster said, when the litigation first began, not many of the fraternity members were on his side. "If I'd had the majority of guys in my court, I wouldn't have left because things would've been changing," he said. "A few didn't (haze) but sat in their rooms and did nothing. Ignoring the problem doesn't help."

Foster said one thing bothers him the most. "Nothing's really changed (in the fraternity house)," he said. "It takes a real man to lead by example rather than just to follow the ways of the past."

Foster has returned to OSU this year after taking a year off. He said the lawsuit with the fraternity did have something to do with his leaving. "I wanted something different from walking down the sidewalk, seeing someone you know and them turning away," he said.

Foster said he still cannot believe this situation ever occurred. "It's like if you get hit running down the street," he said. "You don't think it'll happen to you until it does."

Foster said he has a message for pledges. "Be aware of what's going on around you," he said. "Are you going to feel like a member is truly your brother after he made you feel like a maggot? If you can't be proud of your experiences in a house, does it really make you a better person?"

College administrators had right to censor student yearbook, court rules

by Christine Tatum

CINCINNATI, Ohio (TMS) — College newspapers and yearbooks could be subject to the same content restrictions imposed on many high schools because of a federal appeals court's ruling backing a Kentucky State University administrator's decision to confiscate a campus yearbook.

A three-judge panel of the U.S. Court of Appeals for the Sixth Circuit on Wednesday rejected the claims of two KSU students who accused the school of violating their First Amendment rights by censoring a yearbook and the campus newspaper.

The court also upheld the university's removal of the student newspaper's faculty adviser after she refused to censor content criticizing the university.

The students, judges said, failed to show how the yearbook's censorship and their adviser's absence (she was reinstated after filing a grievance) harmed their rights to free speech.

The ruling has riled journalism professors and groups representing student journalists around the country. They worry that the case could become a precedent that limits the scope and tone of student publications and reduces academic freedom for faculty members, who have campus publications of their own. The students won combined support from 30 journalism schools and programs and collegiate and professional journalism advocacy groups, including the Society of Professional Journalists and the American Society of Newspaper Editors.

"In this country we don't — or at least we haven't until now — allowed government officials to confiscate thousands of copies of an otherwise lawful publication because its cover was purple or because it didn't sing the praises of a state institution," said Mike Hiestand, an attorney with the Student Press Law Center. "I can't imagine allowing such reprehensible conduct to go without a fight to the end now."

The case stems from a dispute involving the two students, who worked on the school's 1992-94 yearbook, and Betty Gibson, KSU's vice president of student affairs. After seeing the book's purple cover — not decorated in the school's colors — and leafing through it to find pictures of current events and public figures unrelated to the university, several photos without captions and what she considered an overall vague theme and title, Gibson confiscated all 2,000 copies and refused to distribute them.

The appellate court panel concurred 2-1 with a lower court's 1997 ruling that the yearbook was not a "public forum," therefore giving the university a right to approve its content before distributing it.

Judges Alan E. Norris and James L. Ryan, who ruled in favor of the university, said college publications are subject to the same restrictions placed on high school newspapers by the U.S. Supreme Court in *Hazelwood School District v. Kuhlmeier*, a 1988 case that deemed high school administrators could censor student publications.

In writing the court's majority opinion, Norris reasoned that the university had a right to consider the yearbook an official publication. He noted that KSU's rules for student publications, as stipulated in the student handbook, contained no disclaimers stating that the views of the yearbook were those only of

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- Judge Alan E. Norris

students.

"It is no doubt reasonable that K.S.U. should seek to maintain its image to potential students, alumni and the general public," Norris wrote. "In light of the indisputably poor quality of the yearbook, it is also reasonable that K.S.U. might cut its losses by refusing to distribute a university publication that might tarnish, rather than enhance, that image."

In a dissenting opinion, Judge R. Guy Cole, Jr., disagreed that the yearbook was not a "public forum." He also rejected his colleagues' application of the *Hazelwood* case. "It is worth emphasizing that the Supreme Court in that case was addressing the scope of the First Amendment in the context of high school student publications," Cole wrote. "I believe there is reason for courts to afford colleges and universities greater deference than they do high schools."

School officials said they're pleased with the decision. Attorneys for the two students said they would ask the full appellate court to review the decision rendered by the three-judge panel.

Colleges roll out national campaign to fight binge drinking

by Christine Tatum

CHICAGO (TMS) — More than 100 colleges and universities are behind a national ad campaign aiming to curb binge drinking and alcohol abuse among students.

Plans were in the works long before Colorado State University students hurled beer cans and booze bottles at police officers trying to prevent them from rushing the field after the Rams' Sept. 4 upset win against UC-Boulder. Long before Madison police spent a night over Labor Day weekend breaking up brawls involving about 70 students leaving bars near the University of Wisconsin.

And long before you or someone you know decided to spend tonight catching a buzz, getting blitzed or puking in a toilet. The campaign, expected to cost more than \$750,000 and launched by the National Association of State Universities and Land-Grant Colleges, its 113 member institutions and the Kellogg Commission on the Future of State and Land-Grant Universities, is one of many urging everyone to discourage — and discontinue — risky drinking habits. Ads are expected to run throughout the month in dozens of college and mainstream newspapers.

Many universities backing the effort are also pushing campaigns of their own, including Michigan State University (where they're still prosecuting students for participating in an alcohol-fueled riot after the Spartans were

knocked out of the 1999 national men's basketball tournament), the University of Delaware (frequently pegged with having one of the nation's heaviest drinking student bodies) and MIT (which made major changes in housing policies after first-year student Scott Krueger's 1997 drinking death in an off-campus fraternity house). Dartmouth College, UNC-Chapel Hill and Washington State University are hitting bulletin boards and air waves to tell students that recent campus surveys revealed many of their classmates drink little or not at all.

Even municipalities are blasting their own safe-drinking messages. The City of Boston hired an ad agency that consulted with about 100 college students and came up with a "Party Smart" campaign filled with images so disturbing the city's transportation authority refused to display them on subways and buses. One ad shows students appearing pale and disoriented wearing clothes soiled with vomit and urine.

"I don't think people are going to stop drinking because they see one poster or 50," said Jennifer Talbot, a student at the University of Georgia. "But it's safe to say that they'll rethink their approach. Already, I hear people talking about how getting wasted and puking everywhere or passing out is so uncool."

The ad campaign follows a 1997 Harvard University study of more than 14,500 students at 116 colleges and universities. It found that 43 percent of those surveyed were binge drinkers. Ditto for 80 percent of student respondents who were



Recent University of Delaware graduate sits among a few of his 1000 downed beers.

involved in greek organizations.

School presidents throughout the U.S. identify alcohol abuse as one of the most serious problems facing higher education today. "Our campuses are working hard, but we can't solve the problem alone," said C. Peter

McGrath, president of NASULGC. "Too many students come to us as problem drinkers."

Indeed, the Harvard study also revealed that one-third of survey respondents started their binge drinking while in high school.

Little man on campus: College welcomes 10-year-old freshman

RICHMOND, Va. (TMS) — With the exception of squirrels on campus, everyone roaming around Randolph-Macon College is taller than 10-year-old Greg Smith, the school's youngest student.

His parents dropped him off Monday for an honors course load worth 17 credit hours — perhaps not a difficult schedule for a kid who blew through 10 grades of school in three years. Greg graduated third in his high school class of 650 students in June.

On the surface he appears to be a typical kid, preferring to play with children his own age. But probe a little further, and he's quick to discuss ideas for the development of nonviolent conflict resolution programs, cures for cancer and AIDS and his own aspirations of securing three doctorate degrees in political science, biomedical engineering and aerospace engineering.

Greg will live with his folks and commute to the 1,100-student liberal arts college, located about 20 miles north of Richmond, Va. He and his parents — who have moved and changed jobs several times to be near their son throughout his accelerated education — considered other bigger and more well known universities, but chose Randolph-Macon because of its small class sizes. "What I'm really looking for is a small class environment where you can really get to know the professors," Greg said, adding that he'll likely head to larger campuses to do graduate work.

For now, Greg said he might apply to work at the campus newspaper. He's too young for intercollegiate sports, and he said he isn't interested in joining a fraternity anytime soon.