



Expert Witness David Easlick on Fighting Fraternity Hazing, Where Fraternities Are And How They Got There, And The Built-In Failure of The Current System

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Kilmarnock, Virginia: David K. Easlick, Jr. JD MBA was the executive Director of Delta Kappa Epsilon Fraternity for over 25 years. He has held virtually every volunteer and professional job in a fraternity and was also a long-term member of the two trade associations; the North American Interfraternity Conference and the Fraternity Executives Association. As a lawyer with an MBA from the University of Michigan, he is currently appearing as an expert witness, primarily on the behalf of plaintiffs, in Fraternity Risk Management Cases.

The Fraternity "Industry" has self-imposed top down regulation for expected behavior from its members. The Industry barely survived the Sixties and Seventies as Sex, Drugs and Rock and Roll became a common theme on campuses. At this time, it wasn't clear where fraternities fit into everyday culture on campus. However, in 1978 the film Animal House brought an instant attraction back to the Fraternity world.

The National chapter, otherwise known as the Home Office, was caught by surprise. At this time, the Home Office usually was underfinanced and consisted of about one to two people whose job it was to visit local chapters on an annual basis. While membership had started to boom, and demand for new chapters everywhere was high, the Animal House culture along with nation-wide eighteen-year-old drinking laws brought Fraternities to a new behavioral low. Prior to Animal House, lawsuits against the National office were unheard of. Judgments, if they happened, would go against the chapter or individuals therein. However, with new wanton alcohol, drug abuse and hazing, the situation drastically changed. In 1986, at a Fraternity Executives Association (FEA) Annual Meeting that David Easlick attended, he learned along with everybody else that the Executive Director of Sigma Nu was being named in a hazing suit at a local chapter that included the Chapter, the National office, the Executive board, and his wife personally.

Thus began the New World of the Insurance Crisis. In December of 1987, FIPG, then Fraternity Insurance Purchasing Group, Inc., was established. For the first time, a group of fraternities would band together with a common risk management program and seek national insurance as a package from an insurance broker. The key element for FIPG is the two-page FIPG Risk Management policy which is periodically reviewed and modified based upon legal experience of the members. Originally FIPG was a membership organization with minimal annual dues to each fraternity or sorority member. As of the summer of 2016, FIPG (the Acronym now means Fraternity Information and Programming Group) became a section of the trade association - Fraternity Executives Association. All members of that group, which include the executive directors of every fraternity and sorority are members. Key to FIPG is its Risk Management Guidelines, a two to three-page document that acts as the policy of Fraternity Risk Management. Basically, the policy outlaws everything alcohol related; including games, underage drinking, common source alcohol, drugs, hazing, sexual abuse and virtually anything else negative that can happen in a fraternity house. It is supplemented by a fifty-page manual filled with examples. This policy is updated periodically based upon litigation experience of the program. Current versions may be found at www.FIPG.org.

This now means that in Fraternity Liability cases the National headquarters of fraternities have mandated a risk management program from top down designed without buy-in from the undergraduates. This means that while insurance is totally funded by the undergraduates, with an annual fee of around \$250 a year per undergraduate, the only real insurance provided is at the National level. This leaves actual tortfeasors at the local level to find that they have no or next to no insurance, and are left to look to their parents homeowners policies to defend themselves. This is a far cry from the millions of dollars with which Nationals have to protect themselves.

Although this system was established when Nationals were understaffed and things were unenforceable, even now Nationals take the position in litigation that they cannot enforce anything at the local level on a day

to day basis. This is even despite a massive investment by Nationals, their insurers, trade associations, and colleges to implement the FIPG program. For this program to work, a vital element is adherence to the FIPG Risk Management code. It is the duty of the National organization to impose this top down code on the undergraduate membership in order to keep risk away from themselves. In basic understanding, it must be the duty of the National Fraternity organization to intervene and prevent both harm and injury when the local chapter is failing. By intervening, National would also take on the liability and damages occurring at the local level when fighting fraternity hazing, and unfortunately this does not seem to currently be the position of the Fraternity Defense lawyers at trial.

David Easlick uses his unique position to advocate for the elimination of hazing, sexual abuse, and binge drinking on today's college campuses through the proper enforcement of FIPG policies. You can learn more about David's opinions as well as the work that he does in fighting Fraternity hazing at the Common Sense Foundation.

About David K. Easlick: David K. Easlick currently serves as a Senior Consultant for Humatec, an Expert Witness Group, out of Kansas. He is considered an Anti-hazing and Risk Management Specialist, and is an expert witness in trials dealing with hazing and Risk Management engendered lawsuits involving fraternities. He has represented both plaintiffs and a National Fraternity.

As the Executive Director of Delta Kappa Epsilon International Fraternity for over twenty-nine years, affiliate member of the North American Inter-Fraternity Conference, associate member of the Association of Fraternity/Sorority Advisors, business member, nonprofit member NASPA, and past member of FIPG and FRMT, he is an extremely qualified and understands both industry standards and best practices in Fraternal lawsuits.

As a lawyer and former litigator, David offers unique advice to counsel seeking it, however he does not try cases or seek out litigation clients.

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