

News

Official statement from DeVercelly family in Rider University alcohol death settlement

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PRESS RELEASE

The family of Gary L. DeVercelly, Jr. has reached a settlement of their lawsuit against Rider University and certain of its employees resulting from their son's death at Rider University. Gary died from acute alcohol poisoning during a fraternity hazing ritual on March 30, 2007. His death resulted from a fraternity Big Brother – Little Brother initiation ritual where pledges were introduced to their big brother's and so-called "family drink," and compelled to consume intoxicating amounts of that alcohol as signs of brotherhood and fraternity loyalty.

The settlement has two primary components, one of which is confidential. First, Rider and these defendants agreed to pay a significant amount of money to the DeVercelly family. Second, the DeVercelly family accomplished their goal of honoring the memory of their son Gary and protecting other families from similar harm by obtaining Rider's agreement to make unprecedented changes in the way it manages and permits fraternities to operate on campus. Some of these non-economic terms include Rider's adoption of policies that:

- render Greek organizations "dry" by banning the use of alcohol at all Greek social events in residence halls and Greek houses on campus;
- strengthen sanctions and require parental notification for all alcohol policy violations;

- strengthen sanctions for hazing violations;
- establish live-in directors to oversee code of conduct enforcement in all Greek houses;
- establish a Good Samaritan policy that encourages students to seek help first for medically compromised students without fear of campus repercussions; and
- require publication of fraternity misconduct on the Greek Affairs portion of Rider's website so that students, parents and the general public are advised about these incidents and potential risks.

There are numerous other policy and institutional changes, all of which can be made public as a condition of the parties' settlement.

Of the many unprecedented changes, the requirement that fraternity misconduct be published on Rider's website represents a historic change for universities. Presently, there are no means for parents to learn about the overwhelming number of incidents of misconduct, injuries and deaths that take place at fraternities. In fact, most universities publish only one-sided promotional information about fraternities; which helps fraternities keep tragedies and incidents of misconduct far from public view. For example, the DeVercelly family only learned through litigation that just the year before, the same Phi Kappa Tau (PKT) fraternity chapter that Gary died at had been sanctioned, because another student pledge almost died of alcohol poisoning . Now, at least at Rider, the DeVercelly family has ensured that others can learn of these risks before making important decisions about whether or not to join a particular fraternity. They hope other universities across the country will adopt similar changes, because parents and students deserve to know the truth about the dangers on campus.

In describing her family's settlement with Rider, Julie DeVercelly, Gary's mother, stated: "Nothing will ever bring Gary back, or ease the grief our family has suffered. The devastation is made even worse knowing that his death was caused by hazing and should have been prevented. We sought to create meaningful changes that would honor Gary and protect others and we have done so in our settlement with Rider. While we have paused briefly to announce this settlement, we will steadfastly continue to pursue our claims against Phi Kappa Tau because fraternity hazing must end!"

Douglas Fierberg, the attorney representing the DeVercelly family, added: "The family tragically lost a beloved, wonderful son and brother. Gary had tremendous promise. They, like so many other families across the country, learned too late that the abuse of alcohol and hazing in

fraternities are longstanding problems that these organizations have done nothing meaningful to resolve. From this tragedy, and the settlement reached with Rider University, the family sought and obtained fundamental changes in the way Rider and fraternities on its campus are allowed to conduct business. Hopefully, other universities will implement similar changes to protect students on their campuses. The family will continue its lawsuit against Phi Kappa Tau, its chapter, and others, seeking additional changes that may protect another family.”

For further information, please contact Doug Fierberg, Bode & Grenier (202-828-4100).
