

Fraternity Advisor May be Liable for Hazing Injuries

In 1994, following the death of one of its pledges as a result of hazing, the Kappa Alpha Psi fraternity instituted a nationwide ban on receiving new members. During the two years of the moratorium, new policies and procedures were developed to deter hazing. Santana Kenner, a student at the University of Pittsburgh, attended an introductory meeting (prior to the end of the moratorium) with other prospective members of Kappa Alpha Psi on February 12, 1996. Kevin Clark, the Chapter Advisor, was present at that meeting as well.

At two subsequent meetings, Kenner and other initiates were subjected to psychological and physical hazing. Then, Kenner was instructed to report to a chapter member's apartment for a meeting at which he suffered over two hundred blows to his buttocks with a paddle. The next day, Kenner was hospitalized for three weeks and underwent kidney dialysis as treatment for renal failure, seizures, and hypertension resulting from the paddling.

Kenner sued Clark, the fraternity, and various fraternity officials alleging negligence on their part. The trial court granted a summary judgment in favor of all the defendants, and Kenner appealed to the Superior Court of Pennsylvania. The Superior Court upheld the summary judgment, except with respect to Clark. *Kenner v. Kappa Alpha Psi Fraternity, Inc.*, No. 774 WDA 2001 (Pa. Sup.Ct. June 19, 2002). In doing so, the court found that while all of the defendants owed a duty to Kenner to protect him from harm through hazing, Kenner failed to provide evidence that any of them, except Clark, had breached that duty. There was sufficient evidence to prove a *prima facie* case of negligence on the part of Clark based on his failure to understand the new membership intake process and his failure to provide initiates with information about the steps in that process. Had Clark been more engaged in the process, Kenner would not have sustained his injuries.

The lawsuit will now proceed with Clark as the sole defendant.