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Families Seek to Hold Texas Tech Fraternities Liable for Students' Deaths

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Posted on **09/20/2004 6:26:26 AM PDT** by **Theodore R.**

Families seek to hold Tech fraternities liable for students' deaths BY D. LANCE LUNSFORD
AVALANCHE-JOURNAL

Two Texas Tech fraternities are facing similar allegations in separate lawsuits after the deaths of two pledges following pledge retreats in 2001 and 2002.

Delta Sigma Phi (DSP), Tau Kappa Epsilon (TKE) and a number of their members are facing suits filed by parents of the former pledges. The suits' allegations include hazing and sleep deprivation.

The fraternities say no wrongdoing occurred.

While DSP and 49 members are accused of several violations of Tech policy and Texas law regarding hazing, TKE faces the same accusations in a suit filed Sept. 10. Complainants in the TKE case say hazing and sleep deprivation also led to the Sept. 21, 2002, death of Clay Warren, then an 18-year-old freshman at Tech.

"The allegations of the complaint are extremely unfortunate and unfounded," said TKE chief executive officer Kevin Mayeux, who described the retreat as a camping trip for members to get to know pledges. "There was no hazing activity involved."

The suit maintains, however, that the retreat was not an innocent camping trip but a full night of hazing where pledges were only allowed a minimum amount of sleep.

Warren died in a car accident when the driver of the vehicle he was riding in fell asleep on the way home from the event, which was held in Palo Duro Canyon. Named in the suit are TKE as well as 47 other members of the fraternity — all accused as being negligent parties to the accident.

The suit against DSP claims the death of Zachary Mullins, then 20, of Grapevine, was the fault of DSP members who kept pledges awake with only 15 minutes of sleep over a two-night period. The suit, which has been on file for about one year, alleges a detailed account of hazing whereby pledges were

required to wade into a vat of rancid water filled with ice and human waste.

DSP National Chapter Executive Director Scott Wiley did not return calls Friday although he did acknowledge the suit by telephone.

Rachel Montes, an attorney for Mullins' father, said her client's motivation for the suit is primarily to let parents know of what he believes is an inherent danger posed by some fraternities.

"What they want to accomplish (is) to let people know that these organizations are portraying themselves as one thing but practicing another," Montes said.

Local defense attorney for the DSP chapter, Bob Craig, said he has to question the case's allegation that members and the fraternity would be liable in a case where a vehicle wreck caused death.

"From the chapter standpoint, it's a very unfortunate accident, but we question whether the chapter is liable," Craig said.

While Tech remains clear of any liability for fraternity actions, the university is allowed to take a policing and disciplinary role. Currently Tech does not have sanctions placed against either fraternity.

Tommy J. Turner, an attorney handling the Warren case against TEK, said the less Tech involves itself in the affairs of its students' fraternal organizations, the less it runs the risk of becoming liable — even when it comes to developing standards of oversight.

"If they're smart, they'll try not to control the fraternity," said Turner, himself having served as national president of his fraternity from 1992 to 1994.

Turner said such cases are not new and have been around for quite some time. Most of the time, he said, they involve allegations much like those included in the local cases — hazing and underage alcohol consumption.

Tech has not been immune to such cases in its history — and neither has DSP. In 1994, Potter County Sheriff's deputies investigated a mysterious death of a Tech DSP member in Palo Duro Canyon. Larry Ely, then 24, apparently fell to his death on what was described as a camping trip with 20 fraternity brothers.

Although no foul play was ever determined, investigators were perplexed by members' actions, including their reporting of Ely as missing almost 24 hours after returning to Lubbock.

In spite of extensive efforts by universities across the United States, the number of fraternity-related incidents continue. For parents like David Mullins, no lawsuit will bring justice to his son's death. He said Friday that he hopes to shed light with his suit against DSP and its members for other parents.

"This isn't right. My political philosophy is to put less restrictions on things, but there's something wrong with the system," said Mullins, who noted that in spite of the suit and its success or failure, there is nothing that will return his son. "There's absolutely nothing you can do. It's like a big hole."

D. Lance Lunsford 766-8795

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1 posted on **09/20/2004 6:26:27 AM PDT** by **Theodore R.**

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To: **Theodore R.**

Sue their dumbasses off.

2 posted on **09/20/2004 6:28:15 AM PDT** by **justshutupandtakeit** (My Father was 10x the hero John Fraud Kerry is.)

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To: **justshutupandtakeit**

Joining a fraternity might be this first dumb thing done.

3 posted on **09/20/2004 6:31:56 AM PDT** by **outinyellowdogcountry**

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To: **Theodore R.**

How much money does a frat have, anyway?

4 posted on **09/20/2004 6:35:16 AM PDT** by **Mamzelle** (Pajamamama)

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To: **Theodore R.**

I'm sorry that the young men died, but unless they were forced to participate, I don't see how the fraternities can be held responsible.

I pledged a sorority when I was in college and while the things they wanted us to do weren't dangerous, I thought the whole process was incredibly stupid so I quit. No one forced me to do anything.

5 posted on **09/20/2004 6:44:47 AM PDT** by **SilentServiceCPOWife** (I think...therefore, I am a conservative.)

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To: **SilentServiceCPOWife**

I agree. If they agreed to be stupid, then stupid is as stupid does.

6 posted on **09/20/2004 7:37:38 AM PDT** by **I Blame the Parents** (Hangover is the wrath of grapes)

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To: **outinyellowdogcountry**

Not all are like this. My son is a member at Illinois Institute of Technology and they seem to be reasonably responsible. Like young guys they do some dumb things but none of the "hazing" sadism others do.

7 posted on **09/20/2004 8:21:26 AM PDT** by **justshutupandtakeit** (My Father was 10x the hero John Fraud Kerry is.)

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