

LITIGATION IN LAYMAN'S TERMS – CHAPTER SIX

DELAY, DELAY AND PUNT or POSTCARDS FROM THE RABBIT HOLE*

(*Apologies to *Alice in Wonderland*)

Appropriate for the football season, on homecoming weekend the Weiss administration and the Board of Trustees “punted” on Rho’s Plan to Return.

At its October 22nd meeting Lafayette’s Board of Trustees received the long-awaited Report of the Working Group on Greek Life and Campus Committee (“Report”). Recall that this committee had met more than 140 times over nearly two years before submitting its Report. At the same Trustees meeting, the Weiss administration presented its Response to the Report. At this time the specifics of the Report and the administration’s Response are not known. (More on that below.) However, according to James Krivoski, Administrative Secretary to the Board of Trustees, the Response included a recommendation that the college set up yet another committee “to implement recommendations for strengthening the Greek community ...” which supposedly was a recommendation of the Report. (Yet to be verified.) Over the next 3 years, this new committee is to develop an implementation strategy, including evaluation metrics.

Krivoski also stated that the administration recommended, “ ... that it is not advisable for the College to increase the number of Greek organizations ...” during the 3 year period. And, that included Rho’s Plan. It was not clear (as are a lot of things) whether the Board made a direct, separate decision on the Plan or whether it was considered a natural result of the “no additions” decision. Further, it is unclear whether there was any discussion of the Plan and if so, what was said and by whom. Or if there was a vote, who voted which way. One would expect that Mr. Krivoski, as the “Administrative Secretary” to the Trustees would know that information, but he was not forthcoming as detailed below.

The apparent failure by the Board to directly address our Plan is consistent with its behavior to delay and hold in abeyance Rho’s efforts. Earlier, in March, Rho representatives made a presentation to the Board’s committee on campus life. Part of the presentation was a request for comments and suggestions on the Plan. To date none have been received. Only after the presentation, did Ed Ahart (Rho ’69) the Board’s president state that the March presentation was for nothing since the entire Board had to approve or reject the Plan. Ahart said, after the fact, that the March meeting was only with a committee of the Board. Therefore, the Plan had to be placed on the Board’s October 22 agenda. Yet, when Krivoski was asked after the October meeting if the Board specifically considered the Plan, he referred back to the March meeting – the one which Ahart said didn’t count because it was only a committee of the Board. HHHmmm. (Hey Jim and Ed, you guys need to get your act together.) Will the real Board please stand up! Why did we have to present in March if the committee wasn’t empowered to act? Delay, Delay.

Based on the fragmentary information available, it appears the Board failed to specifically consider and vote on the Plan, and/or make any comments/suggestions. This is a perfect example of “passive/aggressive” behavior! Decision by indecision. Apparently, they want to keep Vallamont from us for another 3 years to deprive the Chapter of any revenue.

But this saga doesn't end with the Board's October 22nd meeting. Oh no. Following the meeting, Brother Jerry Blakeslee had a meeting with Krivoski in an attempt to get a better understanding of what took place during the meeting and where the college presently stood. During that meeting Krivoski told Jerry that the college planned to move students out of Vallamont for the coming spring semester! Jerry then asked what did that mean? Did it mean that the college was finally going to return control and use of Vallamont to Rho (as required by the 2006 Agreement)? Krivoski suggested the answers would require a meeting with Mitch Wein, the college's agent for business affairs to get details. Delay. Also during this meeting, on two occasions, Jerry asked Krivoski for details about the administration's Response (the document submitted to the Board by the Administration on this decision). In response to our request for details on how the Board reached its decision Krivoski "punted" and stated that those requests would have to be put in writing. Jerry Blakeslee promptly put the requests for the information in writing, which, to date, have had no response and no information produced.

Subsequently, Jerry and Brother Bruce Whitney met with Krivoski and Wein to follow up on Krivoski revelation about the spring semester. The meeting was cordial during which THEY asked US of our plans for the spring semester and beyond. Jerry and Bruce told them that, as early as the March 2011 meeting, we expected to have possession, control and use of Vallamont on May 24, 2011. As for next semester, we wanted exclusive possession of Vallamont and WE would identify the students WE would select to live in Vallamont. We would keep all of the revenue generated by the students in Vallamont. Well, that was the end of any productive discussion, the College refusing to agree to that result.

They claimed they had no knowledge of these demands being made at the March meeting, but rather that we had asked that Vallamont remain vacant. Not true – Board members were present at the March meeting and heard our request that they act on our Plan quickly or we might not be able to identify new members before that semester ended in May, 2011 if their inaction continued, resulting in a vacant house. We did not want it to be vacant, but the College's plan of delay might cause that result. By May 2011 the Board had failed to act and the College refused to return Vallamont requiring this suit.

Well, enough is enough. Shortly after the Oct. 22, 2011 meeting, Rho refiled its Complaint asking the court for an injunction forbidding the college from interfering with a late semester rush, using Vallamont or Rho functioning as a fraternity and Vallamont as its chapter house. By refiling now, we expect to get a date for a trial to commence some time in December.

Enough obfuscation and delay. Enough of the administration's juvenile word games like "inactive", "extinct", "not recognized" (if we are truly not recognized, why do they continue to deal with us????), making false and inaccurate statements to the public and to the student body. Now, we'll see how effective the administration's games are with the court. Stay tuned.

Fraternally,

Don Applestein '68
dapplestein@msn.com
610-357-1061