



STATEMENT OF HEARING DETERMINATION

Date: June 4, 2020 Panel Type: [X] Administrative [ ] Panel
Time: 9:00 AM Name of Student/Organization: Sigma Chi Fraternity

FINDINGS:

Table with 2 columns: Finding description (e.g., Org Rules - (3)(d) Disruptive Conduct) and Status (e.g., In Violation).

RECOMMENDATION: The Hearing Officer(s) hereby recommends the following sanctions:

Organizational Suspension through Summer 2022
Organizational Probation through Summer 2023

EDUCATIONAL SANCTIONS:

Table with 2 columns: Sanction (e.g., Develop a reintegration plan) and Due Date (e.g., Summer 2020).

SIGNATURE(S): Administrative Hearing Officer or Panel Members:

Signature lines with labels: (type name) and (signature)



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Sigma Chi Fraternity pled NOT IN VIOLATION to the following charges:
Disruptive Conduct (3d) - Failure to comply with the administrative policies as enacted by the University.
Harmful Behavior (4d) - Verbal, digital or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group, or which would place a reasonable person in the victim's position in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
Alcohol Related Misconduct (6a) - Use and/or possession of alcoholic beverages, except as expressly permitted by law and University regulations/policies.
Drug Related Misconduct (7a) - Unlawful use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia.
Hazing (10a) - Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or association with, any organization. Hazing may result in felony charges.
Hazing (10b) - Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquor, liquid, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the mental or physical health or safety of the individual.
Hazing (10c) - Any activity that could subject the individual to mental or physical stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity that could adversely affect the mental or physical health or dignity of the individual.
Hazing (10e) - Any activity, as described above, upon which the initiation or admission into or association with a registered student organization may be directly or indirectly conditioned, shall be presumed to be a "forced" activity, the willingness of an individual to participate in such an activity notwithstanding.

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Jesse Sunski (type name) (signature)
(type name) (signature)
(type name) (signature)
(type name) (signature)



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Based on the information provided and the information shared during the hearing the administrative hearing officer has reached the following findings.

The administrative hearing officer finds the Sigma Chi Fraternity NOT IN VIOLATION of the charge of Harmful Behavior (4d). The investigative summary completed by the Office of Student Conduct outlines a physical and verbal altercation between a former member, [REDACTED]-Witness 11, and a pledge, [REDACTED]-Witness 1. Statements provided today by the organization and Witness 11 confirmed this altercation occurred at an off-campus apartment and was not connected to any organization event or activity. Witness 11 explained the altercation was a result to finding Witness 1 passed out and nude in his roommate's bed. Witness 11 slapped Witness 1 on the face and used a belt to attempt to wake Witness 1. Witness 11 and his roommate, upon waking Witness 1, pushed Witness 1 out the apartment. It is the conclusion of the hearing officer that Witness 11 and Witness 1 were acting in their individual capacity as there is no information that indicated that Witness 11 engaged in this behavior with the implied or overt consent of the registered student organization or any executive board member or officers of the registered student organization. Additionally, after the organization became aware of the incident, Witness 11 was removed from the organization due to this behavior with Witness 1 and a pattern of previous unrelated behavior known by the organization. Therefore, the hearing officers finds the organization NOT IN VIOLATION of Harmful Behavior (4d).

The administrative hearing officer finds the Sigma Chi Fraternity IN VIOLATION of the charge of Alcohol Related Misconduct (6a). Statements provided by the organization and Witness 11 indicate that the use alcohol is common and pervasive in the organization, including by underage members. The organization acknowledged that alcohol use did occur among its members. Witness 11 shared that the organization had a culture of alcohol drug use and sought to recruit like-minded students. Witness 11 indicated that he did not know any members that would be alcohol or drug free. Witness 11 stated he did witness minor members being provided alcohol during organization activities and events during the Fall 2019 semester. Witness 11 also asserted that he would provide alcohol to minor members when bar tending; however, in his individual capacity. As mentioned before, a pledge, Witness 1, was found intoxicated to a degree that required being struck by a belt to be awoken. The hearing officer acknowledges the organization's assertion that Witness 11 engaged in individual illegal behavior and that he is a "bitter former member attempting to discredit the organization." The hearing officer finds Witness 11 credible, due to Witness 11's willingness to disclose illegal behavior he engaged in while also making clear distinctions about activities he believed were taken individually by members versus by the organization in support of the organization. The information above outlines a pattern of illegal alcohol use. Despite the organization expressing illegal alcohol use is not consistent with the expectations of the organization, the organization failed to demonstrate control, take appropriate meaningful action, or notify and engage with the University. This lack of control created the conditions for implied consent by the organization for the continuance of this illegal behavior. Therefore, the hearing officer finds the organization IN VIOLATION of Alcohol Related Misconduct (6a).

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The administrative hearing officer finds the Sigma Chi Fraternity IN VIOLATION of the charge of Drug Related Misconduct (7a). Statements provided to the Office of Student Conduct and by Witness 11 during the hearing indicate that illegal drug use is also common and pervasive in the organization. As previously shared, Witness 11 stated that he did not know any members that would be drug or alcohol free. Witness 11 also indicated that while a member he engaged in illegal drug use with a former president of the organization. [REDACTED]-Witness 10 asserted potentially 50% of current members would fail a drug test at the time of his statement. [REDACTED]-Witness 8 acknowledged that members of the fraternity do use drugs recreationally. Statements provided by the organization and in witness surveys outlined that the organization had a zero-tolerance policy for illegal drug use. Additionally, the organization engaged in drug testing of new members as a standard practice. The organization disclosed that two members of the Fall 2019 pledge class tested positive for marijuana use, but they did not remove these students from their process despite statements indicating illegal drug use was not permitted. The organization disclosed that some of their executive board officers instead had an educational conversation with these pledges, but no further action was taken. The acknowledgment by current and former members that drug use is common among members and the apparent lack of meaningful action shows the organization failed to demonstrate control or take appropriate disciplinary action with members. This lack of control created the conditions for implied consent by the organization for the continuance of this illegal behavior. Therefore, the Hearing Officer finds the Fraternity IN VIOLATION of Drug Related Misconduct (7a).

The administrative hearing officer finds the Sigma Chi Fraternity IN VIOLATION of the charge of Disruptive Conduct (3d). As outlined in the rationale for Alcohol Related Misconduct (6a) and Drug Related Misconduct (7a) members of the organization engaged in underage alcohol consumption and/or illegal drug use. A reasonable person would expect that all members of the organization, regardless of holding a leadership role or not, would be aware of the alcohol and drug activity. The hearing officer believes that the organization had adequate information to know about the chapter culture with alcohol and drug use, but failed to produce meaningful control for their members' behavior or request support from the University. Due to the lack of meaningful control and action, the organization failed to uphold the administration policies of group responsibility in violation of Disruptive Conduct (3d).

The administrative hearing officer finds the Sigma Chi Fraternity NOT IN VIOLATION of Hazing (10a) and Hazing (10b). Information from the investigative summary and from statements made by the organization are insufficient to support a finding of IN VIOLATION. Additionally, the pledge identified to have been forced to consume cocaine, [REDACTED]-Witness 5, denied that he was required to consume cocaine and failed to provide any information to substantiate the original complaint. Therefore, the HEARING OFFICER finds the Fraternity NOT IN VIOLATION of Hazing (10a) and Hazing (10b).

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The administrative hearing officer finds the Sigma Chi Fraternity IN VIOLATION of Hazing (10c) and Hazing (10e). The investigative summary for Witness 1 described his choice to be at the house as an opportunity to gain the "full experience of being a member," "bond with others," and "play video games." The summary for [redacted]-Witness 2 indicated being in the house was optional and no punishment was tied to his presence. However, other witnesses described the initiation process having requirements as part of the process of being initiated. [redacted]-Witness 6, identified as [redacted], outlined that pledges had to complete weekly hours including study hall hours or spending time at the house. [redacted]-Witness 9, shared that pledges would do whatever is needed to not be "balled" and [redacted]-Witness 3 elaborated that everyone was "on their toes" for fear of being dropped. Descriptions of the initiation process by Witness 3, 6, and 9 are consistent with Witness 11's details of the new member process, despite having not directly participating in the Fall 2019 process. Witness 11 explained that members were required to spend 50 hours a week studying and cleaning in the house. Also, the incident report provided alleged that a pledge was required to remain at the house from October 21 through October 27. The investigative summary statements and statements from the organization confirm that pledges spent a significant amount of time at the house during pledge week. It is the hearing officer's conclusion that pledges were expected to participate in activities that could subject the individual to mental or physical stress, sleep deprivation, and/or forced exclusion from social contact as a condition of initiation, notwithstanding the willingness of the individuals to participate, IN VIOLATION of Hazing (10c) and (10e).

Based upon the information reviewed today during the formal hearing as well as the case history of the chapter, the hearing officer is recommending the chapter be placed on organizational suspension status through Summer 2022. While on organizational suspension status, the chapter will lose their ability to be a recognized student organization and must vacate their on-campus house. This punitive sanction is recommended due to the continued pattern of reported organizational misconduct and the attempted interventions by the University to curtail the reported misconduct and the lack of meaningful change by the chapter. The hearing officer recommends should the organization return as a registered student organization prior to the Fall 2023 semester, the organization should be placed on organizational probation through the conclusion of the Summer 2023 semester.

With regards to educational sanctions, the hearing officer recommends that the organization establishes a reintegration plan for the chapter planed return following completion of the organizational suspension with the involvement of the organization's National Office and the Office of Fraternity and Sorority Life that will outline a five-year plan with direct oversight from their National Office. This plan should address, at minimum, the following topics:

- > A communication plan with the organization's National Office to facilitate their involvement and oversight of chapter operations;
- > Clear guidelines and action steps to hold members accountable and request assistance from the National Office and University for organization leadership and members to take when members engage in underage alcohol consumption;

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> Clear guidelines and action steps to hold members accountable and request assistance from the National Office and University for organization leadership and members to take when members are found in use of or believed to be in use of illegal drugs;

> The above guidelines should include how the organization will notify and seek support regarding potential violations of the Golden Rule Student Handbook from the University, including Fraternity and Sorority Life, and the Office of Student Involvement.

In support of the recommendations in the Chapter Assessment Report Eta Pi - University of Central Florida presented for review within the formal hearing, the hearing officer is recommending that the organization develop the following plans:

> A 1-year plan post organizational suspension for community service and philanthropy events to demonstrate positive engagement in the UCF and greater Orlando community.

> A 1-year post organizational suspension plan for alcohol-free social functions to create diverse event alternatives that do not center around the legal consumption of alcohol.

Both 1-year plans must be submitted and reviewed by the Office of Student Conduct for final approval.

It is an expectation of the hearing officer that all educational sanctions be completed in full prior to the conclusion of the organizational suspension. Should educational sanctions fail to be completed in full by the date of the completion of the organizational suspension, the chapter will remain on suspension status until all educational sanctions are completed in full.

It is the hope of the hearing officer that the organization is able to use the break from the University to continue the work started through the National Office assessment to develop a plan that demonstrates the organization's commitment to the UCF Creed values and responsible membership in the UCF community.

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