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University of Central Florida  
Strategy, Marketing, Communications, and Admissions

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COMPANY/OFFICE NAME: Knight News  
ATTENTION TO: Cliff  
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FROM: Chad Binette  
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Settlement Agreement - 11/10/9

- Dismiss appeal  
- ex party to bear fee/costs
- Beta - general release
- Suspension through Spring 2010
- Restrictive probation Summer, Fall 2010
  - no travel (app. process)
  - no alcohol

(when grades  
are due in)

7

- regular probation through Fall 2011
  - no restrictions

- educational sanctions

- remain the same as original (see sanction letters)

Exh. A + B (attached)



• 180 mgmt

• education re sex misconduct

Approved and accepted this 10th day of November 2009, in Orlando,  
Orange County, Florida.

Douglas R. Beam, Esq.  
Zeta Psi Chapter of Beta  
Theta Pi Fraternity, University  
of Central Florida

- Can ask campus resources (Beta chapter) of educ programming

Judson Harris  
Administrative Secretary

Wendy C. Cook  
Associate General Counsel  
UCF

PATRICIA MACKOWA  
AVP JDES



University of  
**Central  
Florida**

Student Development and Enrollment Services  
Office of Student Rights and Responsibilities

January 16, 2009

Beta Theta Pi Fraternity, Zeta Psi Chapter  
ATTN: [REDACTED] Chapter President  
UCF P.O. Box 160157  
Orlando, FL 32816-0157

Dear Beta Theta Pi Fraternity:

At the organizational panel hearing held January 14, 2009, you accepted responsibility for violation of university policy specifically, **Theft/Disregard for Property, Disorderly Conduct, Alcohol Related Misconduct, and Misconduct at University Sponsored/Related Activities - (#1, #2, & #3 of the "Conduct Regulations for Student Organizations" and #9 of the "Rules of Conduct" in the 2008-2009 edition of The Golden Rule).**

*In accepting the recommendation of the Coordinator, I hereby sanction you to:*

- Be placed on restrictive probation from this University effective immediately through the end of the **Fall 2009 term**.  
Under restrictive probation, there will be temporary restrictions of certain activities on the part of **Beta Theta Pi** as defined by the hearing body and/or an officially sanctioned status of the organization, whereas further violations of UCF policy could result in suspension, revocation of registration, etc. Beta Theta Pi may hold regular business meetings, recruitment, initiation and philanthropic activities. More specifically, restrictive probation has the following implications:
  - **Spring 2009 term through the end of Summer 2009 term:**  
During this period Beta Theta Pi may not participate in any social events, intramural sports, or engage in any out of town travel. Any out of town travel that may be required by the international organization or the university for leadership development purposes must be approved by the Director of the Office of Student Rights and Responsibilities after receipt of a detailed written request.
  - **Fall 2009 term:**  
During this period any activities that Beta Theta Pi participates in and/or hosts must be alcohol-free (dry), and Beta Theta Pi may not engage in any out of town travel. Any out of town travel that may be required by the international organization or the university for leadership development purposes must be approved by the Director of the Office of Student Rights and Responsibilities after receipt of a detailed written request.

*Note: Any violations of this restrictive probation may result in further violations of the Conduct Regulations for Student Organizations and/or the Rules of Conduct.*

Write a letter of apology to: the city of Oxford, OH; Miami University; The University of Central Florida. These three letters should be no less than 250 words in length each. They should reflect an understanding of the inappropriateness of your actions and the impact it had. These letters should address how you will make more appropriate decisions in the future and what you learned about your organization or your community responsibilities as a result of this incident. A copy of each letter will be kept in your file as proof of completion of this sanction. The typed and signed copies of these letters of apology are due to the Office of Student Conduct no later than 5 p.m. on **January 27, 2009**.

Director's Office

P.O. Box 163650 • Orlando, FL 32816-3650 • (407) 823-6960 • FAX (407) 823-5305

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- Host a presentation for your chapter on the values and principles of Beta Theta Pi, and how those were not upheld during the weekend of November 22-23, 2008. You should discuss what has been learned, and what changes have been made since then to ensure that your brotherhood is representative of your values in the future. Ninety (90%) percent of members must be in attendance for this event. Copies of the presentation are due to the Office of Fraternity and Sorority Life and the Office of Student Conduct. Write a two (2) page summary of the successes and challenges of this presentation and the educational impact of this presentation on your chapter. A dated sign-in sheet signed by chapter members, as well as a copy of the presentation and the summary, must be submitted to the Office of Student Conduct by **February 17, 2009**.
- Create a detailed and formal policy for your chapter to follow for future out of state travel for initiation purposes. It must clearly delineate what behavior is expected from each member. Include a detailed itinerary of the events to take place, transportation, meeting times, and curfew. This itinerary should include information on an event for all brothers to participate in together on the evening after their initiation. You are to include supplemental information that specifically addresses the prevention of underage drinking. You are required to consult with the Office of Fraternity and Sorority Life and have them review your updated policy and make any changes that they suggest. Your travel policy must be turned into the Office of Student Conduct and the Office of Fraternity and Sorority Life. You must include a separate cover page with your organization's name, date, president name and contact information. Please number each page of the paper and include your organization's name in the footer of each page. The paper must be spell-checked and grammatically correct. This policy must be completed and submitted to the Office of Fraternity and Sorority Life and the Office of Student Conduct no later than 5pm, **April 9, 2009**.

Failure to complete these sanctions by the assigned deadlines will constitute further violation of *UCF's Rules of Conduct*.

Further appeal of this action is limited to these specific circumstances:

- Irregularities in fairness and stated procedures that could have affected the outcome of the hearing.
- Discovery of new and significant evidence that could have affected the outcome of the hearing and that was not known could not reasonably have been discovered and/or presented at the time of the initial hearing.
- The sanctions are extraordinarily disproportionate to the violation(s).

Should you wish to consider an appeal of these decisions, further description of the procedures and the time limitations for an appeal are provided in The Golden Rule on-line at: [www.osc.sdes.ucf.edu](http://www.osc.sdes.ucf.edu)

Such an appeal must be received, in writing by Dr. Maribeth Ehasz, Vice President, Student Development and Enrollment Services, within seven (7) calendar days after the date of notification of this disciplinary decision. The written appeal should be delivered to the Student Development and Enrollment Services office, Millican Hall, rm. 282.

Again, clarification regarding this matter is available by calling my office at (407) 823-6960.

Sincerely,



Patricia MacKown  
Director, Office of Student Rights and Responsibilities

xc: Office of Student Conduct



Student Development and Enrollment Services  
Office of Student Rights and Responsibilities

March 24, 2009

*Official  
Hearing  
Copy*

Beta Theta Pi Fraternity, Zeta Psi Chapter  
ATTN: [REDACTED] Chapter President  
UCF P.O. Box 160157  
Orlando, FL 32816-0157

To the President of Beta Theta Pi Fraternity:

At the organizational panel hearing held March 19, 2009 and March 20, 2009, you were found "in violation" of university policies specifically, Sexual Misconduct, Harmful Behavior, Disorderly Conduct, and Falsification of Information (found in the "Rules of Conduct" and "Conduct Regulations for Student Organizations" sections of the 2008-2009 edition of The Golden Rule Student Handbook). You accepted responsibility and were found "in violation" of university policies specifically, Theft/ Disregard for Property and Alcohol Related Misconduct (found in the "Conduct Regulations for Student Organizations" section of the 2008-2009 edition of The Golden Rule Student Handbook).

After reviewing the recommendations of the hearing panel, I have added educational sanctions to more accurately reflect consistency in our sanctioning standards and have accepted the remaining recommendations. I hereby sanction you to the following:

- **Suspension of UCF Registration for Beta Theta Pi fraternity effective immediately through the end of the Spring 2011 term.**

This is a temporary severance of your organization's relationship with the University of Central Florida. Violations of Beta Theta Pi's suspension status may result in further administrative action. I am recommending that the Beta Theta Pi Administrative Office take appropriate action to be consistent with the university.

- Should Beta Theta Pi fraternity return to the University of Central Florida, a local and/or regional advisor must be present at all rituals, organizational activities and meetings for the 1<sup>st</sup> year to ensure that membership is upholding the standards of the organization and the standards of the University of Central Florida community. The organization must provide the Office of Fraternity and Sorority Life written verification on a monthly basis from a local and/or regional advisor of attendance at all chapter functions.
- Upon return to the University of Central Florida, all members of Beta Theta Pi fraternity will host and participate in an educational program/training related to the role of alcohol as it pertains to sexual misconduct. This program should be presented by a university or local alcohol/sexual misconduct prevention program (i.e. UCF Victim Services, Dr. Richard Lapchick-UCF DeVos Program, AOD). An attendance list verified by the person conducting the program/training must be submitted to the Office of Student Conduct upon successful completion of the program/training. This program/training must be completed by the end of the Fall 2011 term.

Once the entire fraternity has participated in the program/training, the fraternity will host 1-2 educational programs to other fraternities and sororities every semester for one full year on the role of alcohol as it pertains to sexual misconduct. At these programs, the fraternity will provide educational materials on sexual misconduct, alcohol, group responsibility and crisis services. These programs should be coordinated with and approved by a university or local alcohol/sexual misconduct prevention program (i.e. UCF Victim Services, Dr. Richard Lapchick-UCF DeVos Program, AOD). All

Director's Office

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educational programs must be pre-approved through Fraternity and Sorority Life and verification of these programs must be submitted to the Office of Student Conduct after each program. These educational programs must be completed by the end of the Fall 2012 term.

- Design and facilitate a program for your chapter that focuses on the importance of ethical leadership, good citizenship and respect for others. In addition, discuss group versus individual responsibility and compare those to the values of Beta Theta Pi and how they reflect on the overall organization. A draft of the program must be submitted to the Office of Fraternity and Sorority Life and the Office of Student Conduct before the program is presented. Once approved, the program must be presented to the chapter. Ninety (90%) percent of members must be in attendance for this event. A dated sign-in sheet signed by chapter members, as well as a copy of the presentation/materials used for the program and a summary of the educational impact this program had on the fraternity must be submitted to the Office of Student Conduct by the end of the Fall 2011 term.

Any questions you may have regarding these sanctions may be answered by appropriate members of the office staff.

*Failure to complete these sanctions by the assigned deadlines will constitute further violation of UCF's Rules of Conduct which may result in your immediate removal from all academic coursework and the university environment.*

Further appeal of this action is limited to these specific circumstances:

- Irregularities in fairness and stated procedures that could have affected the outcome of the hearing.
- Discovery of new and significant evidence that could have affected the outcome of the hearing and that was not known could not reasonably have been discovered and/or presented at the time of the initial hearing.
- The sanctions are extraordinarily disproportionate to the violation(s).

Should you wish to consider an appeal of these decisions, further description of the procedures and the time limitations for an appeal are provided in The Golden Rule on-line at: [www.osc.sdes.ucf.edu](http://www.osc.sdes.ucf.edu)

Such an appeal must be received, in writing by Dr. Maribeth Ehasz, Vice President, Student Development and Enrollment Services, within seven (7) calendar days after the date of notification of this disciplinary decision. The written appeal should be delivered to the Student Development and Enrollment Services office, Millican Hall, rm. 282.

Again, clarification regarding this matter is available by calling my office at (407) 823-6960.

Sincerely,



Patricia MacKown  
Director, Office of Student Rights and Responsibilities

cc: Office of Student Conduct  
Fraternity and Sorority Life  
Beta Theta Pi Administrative Office

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT**

**ZETA PSI CHAPTER OF THE  
BETA THETA PI FRATERNITY,**

**Appellant,**

**Appellate Case No: SD09-1886  
Lower Tribunal No.: Not Applicable**

**v.**

**UNIVERSITY OF CENTRAL  
FLORIDA,**

**Appellee,**

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**SETTLEMENT RELEASE AGREEMENT**

**WHEREAS, the Zeta Psi Chapter of the Beta Theta Pi Fraternity (hereinafter referred to as "Beta Chapter") was subject to organization discipline under the student organization discipline system of the University of Central Florida (hereinafter referred to as "UCF");**

**WHEREAS, THE Beta Chapter appealed that disciplinary action to the Fifth District Court of Appeal of the State of Florida; and**

**WHEREAS, the parties have resolved their differences and the Beta Chapter desires to satisfy and discharge with finality all claims and causes of action of any kind whatsoever that Beta Chapter has or may have against UCF regarding or arising out of the acts or omissions which led to the above-captioned appeal (the "Appeal");**

**NOW, THEREFORE, the Parties to this Settlement Release Agreement agree as follows:**

1. In consideration of certain actions taken by UCF, the adequacy and sufficiency of which is specifically acknowledge, Beta Chapter does hereby agree to forever hold harmless and indemnify, release, acquit and forever discharge, without limitation, UCF, and the UCF Board of Trustees, the Florida Board of Education, the Florida Board of Governors, and the State of Florida, and all of their officers, agents, and persons, corporation or entities employed by or in privity with them ("Released Parties"), from any and all claims whosoever that Beta Chapter has or may have, now existing directly or indirectly regarding or arising out of, from, or in connection with the acts or omissions of any release party relating directly or indirectly to the issues raised in the Appeal ("Released Claims"). Specifically included in the Released Claims are any and all claims under any state or federal constitutional provision; any claims under University or Board of Governor regulations; any claims for damages, financial loss, injunctive

and declaratory relief, interest, attorneys fees and costs, resulting from, or connected in any way to the Appeal or the dismissal thereof.

2. Beta Chapter promises never to file, participate in or prosecute a lawsuit, complaint, charge, or other proceeding asserting any Released claims.

3. Each party has been advised to consult with an attorney of its own choosing, and has consulted with legal counsel and/or other persons of its own choosing regarding this matter prior to the execution of this Agreement. Each party acknowledge that this Agreement includes a release and that this Agreement is a legally binding document that, among other things, cancels any and all of the party's rights and claims against another party regarding or arising out of, from or in any connection with, the acts or omissions of either party addressed in this Agreement.

4. Each party certifies that it has read this Agreement in full and understands all of its terms and that the party executes this Agreement voluntarily and with full knowledge of its significance.

5. This Agreement may not be supplemented or changed without the written consent of each party. This Agreement may be executed in one or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party, it being understood that all parties need not sign the same counterpart. This Agreement shall be governed in all respects, including validity, interpretation and effect, by the internal laws of the State of Florida.


For the Zeta Psi Chapter of Beta Theta Pit Fraternity:



President

11/24/09  
Date

For the University of Central Florida

  
Dr. Maribeth Ehasz, Vice President  
Student Development and Enrollment Services

12/11/09  
Date

  
Youndy C. Cook, Associate General Counsel

12-11-09  
Date