

OFFICE OF STUDENT CONDUCT: STATEMENT OF HEARING DETERMINATION

RATIONALE:

Please provide a concise and explicit rationale explaining what the hearing body considered when determining "in violation" or "not in violation" for all alleged violations. In addition, please describe the factors the hearing body took into account when developing recommendations for sanctions.

Beta Theta Pi was charged with Disruptive Conduct (3d and 3g). The organization pled not in violation to both charges. After reviewing the information provided, and through discussions with multiple witnesses and representatives of the organization itself, the panel has concluded that Beta Theta Pi is not in violation of Disruptive Conduct (3d and 3g).

According to his written statement and testimony during this hearing, the alleged victim, [REDACTED] believes that he was removed from the Fall 2013 pledge class of the Beta Theta Pi fraternity due to his sexual orientation. It appears [REDACTED] based his decision on two text message conversations that he had with active members of the fraternity, [REDACTED] and [REDACTED], and a conversation with active brothers that occurred the day after his dismissal at Lazy Moon restaurant.

Through the formal hearing process, the fraternity presented information that demonstrated they did not violate any University policies and followed their own pledge removal process as outlined in their organization's constitution. According to Nathanael Jones, the current chapter president, and [REDACTED] the new member educator during the Fall 2013 semester, concerns were brought forth during the new member process regarding [REDACTED] financial situation with relation to the fraternity, the depth at which he got to know other brothers, and lack of trust based on rumors and/or allegations that members of the fraternity felt he was disclosing to others.

The panel interviewed both [REDACTED] and [REDACTED] about the nature and content of the text messages they had sent to [REDACTED]. According to [REDACTED] and [REDACTED], neither of them were at the chapter meeting where the votes were cast and did not have specific knowledge of the reasons for [REDACTED] removal from the pledge class. They both stated they made assumptions about the reasons for his removal and sent the text messages out of impulse and frustration. They both stated that after gaining a fundamental understanding of his removal, they completely supported the process and the fraternity's decision.

In late October 2013, [REDACTED] was first brought up for review by a brother of the chapter; however, the review failed to continue due to lack of support by the chapter. On November 3, 2013, [REDACTED] was again brought up for review by a brother of the chapter and this time the review garnered enough support for the removal process to continue. On November 5, 2013, [REDACTED] was brought before the Standards Committee, where he was informed of the reasons he was up for removal. The reasons given were his lack of payments of the organization's dues and the lack of effort he had shown in getting to know his fellow brothers up to this point. After speaking to [REDACTED] about their concerns, the Standards Committee gave a positive recommendation for his continued participation in the new member class. On November 10, 2013, the removal process was carried out according to the policies outlined in the organization's constitution. Part of that process included the requirement that five active members (or at least 10%) vote to remove the pledge in question; [REDACTED] received seven votes for removal of the total thirty votes, which met their minimum requirement. [REDACTED] was verbally notified of his removal by [REDACTED] and his former Big Brother [REDACTED] immediately following the decision to remove [REDACTED]; this notification was in line with the organization's constitution.

Additionally, during the formal hearing process, [REDACTED] stated that during the course of his new member pledge process, he felt he had a positive experience and was connecting with members of the chapter. [REDACTED] also stated that he never felt discriminated against based on his sexual orientation during his pledge process prior to his removal. Prior to the beginning of the new membership process, it was known that [REDACTED] was openly gay. There was also an openly gay full brother and another openly gay member of the same pledge class as [REDACTED] who was initiated as a full brother. These individuals also stated that their sexual orientation was never questioned or problematic during their new membership process.

Based on all of the information provided and the totality of circumstances, the panel did not find any information to suggest that Beta Theta Pi discriminated against [REDACTED] on the basis of his sexual orientation and that they did not violate University policy or their organization's constitution.

Signature(S):

Administrative Hearing Officer or Panel Members:

Date: June 12, 2014

[REDACTED] (Type name)
Rupert Neish (Type name)
Joe Schofield (Type name)
[REDACTED] (Type name)

[REDACTED] (signature)
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