



SAN DIEGO STATE
UNIVERSITY

Division of Student Affairs

March 9, 2020

This is an official document.

SIGMA PHI EPSILON FRATERNITY DECISION LETTER

Thank you for meeting with Dr. Kara Bauer, Augie Garibay, and Karly Nolan during Sigma Phi Epsilon's formal hearing on December 11, 2019. During the Formal Hearing, allegations of policy violations were discussed. Specifically, a series of alleged violations that took place over the Fall 2019 terms were reviewed. In addition to the reported incidents, the group discussed the status of the chapter with the Headquarters and the University, and the findings identified during the course of the investigation. The attendees reviewed that prior to the Interim Suspension, the fraternity had been assigned the sanction of Suspension in Abeyance through December 31, 2019. The previous sanction outlined that additional violations of the Student Organization Code of Conduct could result in the activation of the suspension.

Formal Hearing attendees and panelists discussed an Investigative Report provided by facilitators Caryl Montero-Adams and Matthew Garcia. The report provided an overview of the investigation and investigative themes from the 2018-19 and 2019-20 academic years. The report provided information from the 2018-19 academic year that resulted in the sanction of Suspension in Abeyance. In addition to reviewing past incidents and sanctioning, the Formal Hearing Board Panel also reviewed the reported misconduct from the Fall 2019 term.

During the conversation the fraternity accepted responsibility for the behavior and presented the Sigma Phi Epsilon Chapter Enhancement Plan. The plan detailed focus areas of standards and accountability, recruitment, member development, programming, and social media accountability.

Findings

Based on the materials presented in the Investigative Report and the recommendations made by the Formal Hearing Board Panel, I have found that the preponderance of the evidence establishes Sigma Phi Epsilon fraternity violated the Student Organization Code of Conduct in Fall 2019. Specifically, I have found Sigma Phi Epsilon to be in violation of Alcohol, Health and Safety, Noise, Violations of Policies, and Violations of the Student Organization Conduct Procedures policies. These policy violations further violated the terms of the previously assigned Suspension in Abeyance, which was sanctioned due to violations of the Alcohol, Health and Safety, Illegal Drugs policies during the 2018-19 academic year.

b(2) Alcohol. *Violation of applicable law or University policy regarding the use, possession, manufacture, or distribution of alcoholic beverages while on or off campus.*

b(21) Health and Safety. *Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, sexual misconduct, throwing bottles or objects that could result in personal injury, or where three or more members of a student organization engage in group violence or taunt others to engage in violence.*

b(24) Noise. *Excessive noise which disrupts the campus or surrounding community, including but not limited to, use of amplified sound on campus.*



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b(36)-4 Violation of Policies. *Violation of any other published University policy, rule, regulation or presidential order.*

b(38)-5 Violation of the Student Organization Conduct Procedures. *Verbal, written or physical harassment, intimidation, or retaliation of any participant in a student organization's disciplinary matter.*

b(38)-6 Violation of the Student Organization Conduct Procedures. *Failure to comply with the sanction(s) imposed under a student organization disciplinary proceeding.*

As a result of additional violations of the Student Organization Code of Conduct, Sigma Phi Epsilon is sanctioned to **Suspension**, an activation of the suspension in abeyance from the prior academic year. Student organization recognition of Sigma Phi Epsilon has been revoked until **May 2021**, which is contingent on the successful completion of the following stipulations prior to May 2021:

External Membership Review. As recommended by the Formal Hearing Board Panel, each member of Sigma Phi Epsilon must be interviewed to determine their ability to uphold the values and policies of the national fraternity and University. The interview panel shall be composed of members of the Sigma Phi Epsilon staff, alumni, and University staff. Following the membership review, a confirmed roster must be submitted to the Office of Student Life & Leadership.

Chapter Education. Following the membership review, individuals who retain their fraternity membership must attend a minimum of eight workshops during the 2020-2021 academic year. Seventy-five percent of the chapter membership must participate in each of the workshops. Organization funding may be used for the chapter education. The Office of Student Life & Leadership must review and approve the use of these funds. Topics for the workshops must include:

- Alcohol and Other Drugs
- Bystander Intervention, including accountability
- Sexual Violence Education/ Title IX Prevention and Response
- Good Neighbor Responsibility
- Post Sanction Risk Management
- Academic Success (series hosted by Advisor Christine Probett)

Risk Management Action Plan. The chapter must create a template risk management plan to be implemented for events hosted once the organization attains campus recognition. The chapter must work with Student Life & Leadership staff to develop and review the plan. The plan must be finalized by May 1, 2021.

Training and Mentoring Plan. Sigma Phi Epsilon must develop a training and mentoring plan for the chapter's executive board. The plan should detail the structure of the advisory and executive boards, identify advisors who will mentor and support specific officer positions, and outline training for advisors and executive board members. The plan must be reviewed and approved by Student Life & Leadership by May 1, 2021.



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Meeting with University and Fraternity Staff. Seventy-five percent of members must meet with staff in the Office of Student Life & Leadership and Sigma Phi Epsilon Fraternity in May 2021. This meeting will be to set expectations for the chapter as it regains campus recognition.

Sigma Phi Epsilon Chapter Enhancement Plan. The chapter must review and update the Chapter Enhancement Plan presented during the formal hearing, addressing the stipulations outlined in the decision letter.

Failure to complete the outlined stipulations, and/or additional organizational misconduct, may lengthen the term of the chapter's suspension.

Lastly, it should be acknowledged that while the alleged misconduct is not addressed in this decision letter, Sigma Phi Epsilon has had several interactions with police due to noise in January and February 2020, following the date of the formal hearing. As previously stated, please be advised that further incidents with responsible findings may result in a lengthened suspension.

Thank you for participating in the Formal Hearing. Please contact Caryl Montero-Adams, Director of Student Life & Leadership, with questions or concerns.

Respectfully,

Christy Samarkos

Interim Vice President for Student Affairs

cc:

Dr. Randy Timm, Assistant Vice President and Dean of Students, Division of Student Affairs
Caryl Montero-Adams, Director, Student Life & Leadership
Matthew H. Garcia, Assistant Director for Fraternity & Sorority Life, Student Life & Leadership
Jessi Moore, Student Life Advisor for Fraternity & Sorority Life, Student Life & Leadership
Dr. Kara Bauer, Executive Director, Residential Education Office
Augie Garibay, Assistant Chief Diversity Office and Director of Identity Centers
Karly Nolan, Student Leader, San Diego State University
Steven Plante, President, Interfraternity Council
Lee Abed, Vice President Judicial Affairs, Interfraternity Council