



**SAN DIEGO STATE  
UNIVERSITY**

**Division of Student Affairs**

**Caryl Montero-Adams, Director**  
**Student Life & Leadership**  
**Phone 619-594-5221**

**Conrad Prebys Aztec Student Union**  
**5500 Campanile Drive, MC 7440**  
**San Diego, CA 92182**

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*This is an official document.*

**KAPPA SIGMA FRATERNITY DECISION LETTER**

Thank you for meeting with Matthew H. Garcia, Assistant Director of Student Life & Leadership on January 27, 2020. In the Informal Conference, allegations of policy violations were discussed. Specifically, the group discussed a series of alleged violations that took place over the Fall 2019 term. The reports resulted in the Interim Suspension of the fraternity on October 10, 2019 alleged violations of the Alcohol and Health and Safety policies.

In addition to the reported incidents that resulted in the Interim Suspension, the group discussed the status of the chapter with the University and the investigation into additional alleged violations of the Student Organization Code of Conduct, including hazing, alcohol, injury, and failure to follow directives.

**Overview of Reports**

The Office of the President, the Office of Student Life & Leadership, and the Center for Student Rights & Responsibilities received several incident reports regarding alleged misconduct by Kappa Sigma fraternity during the Fall 2019 term. During the Informal Conference, reports received from October 2019-November 2019 were reviewed.

**Investigation**

The Office of Student Life & Leadership collaborated with the Center for Student Rights & Responsibilities in conducting the investigation of alleged organizational misconduct. The Center for Student Rights & Responsibilities met with numerous students to discuss individual alleged violations of the Student Code of Conduct connected with Kappa Sigma. During the individual conduct meetings, several themes related to the organization were found regarding hazing, alcohol, injury, and failure to follow directives.

**Findings**

During meetings with the Center for Student Rights & Responsibilities, it was found that hazing-related behaviors were prevalent in Kappa Sigma during the Fall 2019 term. Hazing behaviors in Kappa Sigma included: servitude, forced consumption of alcohol, physical activity, and group violence. Related to the hazing behaviors, there were several injuries that were reported during the course of the investigation.

In addition to the themes regarding hazing, alcohol, and injury, chapter members had a blatant disregard for directives of the University, including the Office of the President. Following the November 8, 2019 suspension of all Interfraternity Council and IFC-member organization activity, Kappa Sigma continued to convene meetings with new members and hosted a boxing match in mid-November 2019. In addition to other hazing behaviors, Kappa Sigma aided and abetted new members in violating University policy.



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Based on the preponderance of the evidence gathered during the investigation, including incident reports, admission by members of Kappa Sigma members, interviews, and the discussion during the informal conference, I have found Kappa Sigma to be in violation of Aiding and Abetting, Alcohol, Failure to Comply, Hazing or Conspiracy to Haze, Health and Safety, Violations of Policy, Violations of Law, and Violations of the Student Organization Conduct Procedures policies.

**b(1) Aiding and Abetting.** *Aiding, abetting, encouraging, permitting or assisting a student or student organization to do any act that would violate a University policy or applicable law; or that could subject the student or student organization to discipline.*

**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(16) Failure to Comply.** *Failure to comply with directions or interference with any University official or any public safety officer while acting in the performance of their duties.*

**b(20)-1 Hazing or Conspiracy to Haze.** *Hazing is defined as any method of indoctrination, initiation or pre-initiation into a student organization, or any other organization-related activity, which, regardless of location, intent, membership status or rank of the participants, or the express or implied consent of the participants, causes, or is reasonably likely to cause, physical or mental injury, substantial mental or physical discomfort of stress, personal degradation, harassment or intimidation of or to any former, current or prospective student of any educational institution.*

**b(20)-2 Hazing or Conspiracy to Haze.** *Hazing also includes any activity that compels a student to participate in any activity that is unlawful, publicly indecent or contrary to the policies and regulations of the University, or any activity that unreasonably and materially interferes with a student's academic efforts.*

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

As a result of violations of the Aiding and Abetting, Alcohol, Failure to Comply, Hazing or Conspiracy to Haze, Health and Safety, and Violations of Policy policies, Kappa Sigma is sanctioned to **Suspension** and is not eligible to participate in the Interfraternity Council's expansion selection process until **August 2022**. Once eligible, Kappa Sigma will be able to participate in the expansion selection process, including applying and potentially interviewing with the Interfraternity Council. Participating in the IFC Expansion process does not guarantee, if or when, Kappa Sigma will be selected to establish at SDSU. Student organization recognition of Kappa Sigma has been revoked until Kappa Sigma is approved to



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reestablish at San Diego State University. A formal invitation letter will be sent to fraternity headquarters once the fraternity completes the IFC expansion process and is confirmed by the University.

In addition to the sanction of Suspension, Kappa Sigma must complete the following stipulations prior to, through, and after the establishment process:

- Members of Kappa Sigma who were active during the 2019-20 academic year may not engage with the undergraduate chapter during and after the establishment. If they have not graduated prior to the return of Kappa Sigma, they are not eligible to participate in organizational activity. When graduated, the individuals may not serve in advisory roles and may not have contact with undergraduate members.
- Once the formal invitation for expansion is sent to Kappa Sigma, the chapter advisor(s) must attend monthly advisor meetings hosted by Student Life & Leadership staff. Additionally, advisors must attend training identified and facilitated by Student Life & Leadership staff.

It should be noted that, the preponderance of the evidence was not established to hold Kappa Sigma responsible for contributing to the medical transport of the student on October 6, 2019. While the preponderance of the evidence was not established for violations based on these allegations of the Alcohol and Health and Safety policies, the fraternity was found responsible for violations of these policies in other incidents.

Thank you again for taking the time to meet with Matthew H. Garcia in the Informal Conference.

Respectfully,

**Caryl Montero-Adams**

Director

cc:

Christy Samarkos, Interim Vice President for Student Affairs

Dr. Randy Timm, Assistant Vice President and Dean of Students, Division of Student Affairs

Matthew H. Garcia, Assistant Director for Fraternity & Sorority Life, Student Life & Leadership

Jessi Moore, Student Life Advisor for Fraternity & Sorority Life, Student Life & Leadership

Leo Brown, Assistant Executive Director, Kappa Sigma Fraternity

Isaac Liscomb, District Grand Master, Kappa Sigma Fraternity

Dr. Kevin Burns, Kappa Sigma, Alumnus & Faculty/Staff Advisor

Dr. Lee Mintz, Director, Center for Student Rights & Responsibilities

Lee Abed, President, Interfraternity Council

Mattia del Santo, VP Judicial Affairs, Interfraternity Council