

From: byrdt@etsu.edu
To: [Darden, Maggie](#)
Subject: Conduct Hearing Decision
Date: Friday, December 11, 2020 3:31:26 PM

December 11, 2020

Sigma Phi Epsilon, Tennessee Gamma Chapter

ETSU

Seth Turney and Matthew Wells,

This will confirm the results of the Disciplinary Hearing which was held with the University Judicial Board on December 11, 2020 1:00 PM via Zoom to review an incident (Conduct Code Violation) occurring off-campus on September 26, 2020 11:00 PM.

Based upon the outcome of this hearing, the interim suspension for Sigma Phi Epsilon has been lifted, effective immediately.

After reviewing all of the information presented, it was determined that you are responsible for violating the following sections of ETSU's Institutional Disciplinary Policies:

Disciplinary Offenses/Alcoholic Beverages. - The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, including but not limited to where an affiliated group or organization has alcoholic beverages present and available for consumption; If you are under the age of 21 years and are convicted of an alcohol or drug charge your parents/family will be notified of such in writing per state law (Tenn. Code Ann. § 49-7-146 (2013)).

Disciplinary Offenses/Disorderly Conduct - Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;

Disciplinary Offenses/Hazing - Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

Disciplinary Offenses/Conduct Dangerous to Self or Others. - Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

As a result of this finding, you must complete the following sanctions:

1. Probation.

Start Date: Friday, December 11, 2020

Complete by: Saturday, December 11, 2021

Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;

2. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

The University Judicial Board requires that student executives of Sigma Phi Epsilon present a report on the status of their implementation of the Balanced Man program at the end of the spring 2021 term (April 30, 2021) and again at the end of the fall 2021 term (November 30, 2021). The report should outline progress they have made towards implementation; any challenges that are preventing implementation; and methods to mitigate any barriers so that the Balanced Man program is ultimately used within the chapter.

The University Judicial Board would recommend updates throughout the probationary period as it concerns any additional membership reviews or any significant leadership initiatives.

To appeal this decision, you must submit a written appeal to our office. Your appeal will must be received within three (3) business days of this letter to be considered. Grounds for filing an appeal are listed below.

Failure to complete any sanction by the stated deadline may result in more serious actions being taken against you.

If you have any questions you may contact me at byrdt@etsu.edu or 423-439-6129.

Sincerely,



Michelle Byrd
Dean of Students

byrdt@etsu.edu
423-439-6129

To review general information on the student code of conduct at ETSU or the campus judicial process, please visit the Student Conduct website at:

<http://www.etsu.edu/students/conduct>

ETSU STATEMENT OF PROCEDURAL RIGHTS
Post-Hearing & Appeal Information — Please Review Carefully

The respondent has the right to appeal this decision and/or sanction to the next higher judicial authority.

The respondent may be asked of their desire to appeal at the end of a hearing, but will have three (3) business days to reach a final decision.

The time limit for filing an appeal expires 3 business days following the receipt of the hearing outcome letter.

If the respondent desires to appeal, a written statement of reasons for appealing must be forwarded to office which adjudicated the case, either the Office of Housing and Residence Life (1st floor Burgin E. Dossett Hall) or the Student Life and Enrollment Office (302 Burgin E. Dossett Hall). Reasons for appealing must be stated in writing and based upon:

1. alleged irregularities that violate procedural due process; or
2. upon introduction of new evidence that might cause another hearing officer of board to alter the decision or sanction; or
3. if the accused feels that the sanction is unduly harsh

The case will be reviewed only in that portion of the original hearing that deals with the appeal.

The appeal will be forwarded to the appropriate appeal board/officer; who will set a date for reviewing the case.

The appeal board or officer, upon reviewing the case, will have several options. The original decision may be affirmed or reversed. In cases where the original action is inappropriate as a result of issues involved in the appeal, the appeal board or officer may revert the case back to the original board or hearing officer, modify the original action, or hold a completely new hearing.

For complete information about ETSU policy, procedure, rights, and campus resources related to sexual misconduct investigations and cases please visit the following websites:

<http://www.etsu.edu/violencefree>

<http://www.etsu.edu/reg/catalog/default.php>