

November 02, 2018

Kappa Sigma Fraternity, Lambda Beta Chapter

519 West Pine Street

Johnson City, TN 37604

Dear President Absher and the Brothers of Kappa Sigma, Lambda Beta Chapter:

This will confirm the results of the Disciplinary Hearing which was held with University Judicial Board on November 2, 2018, to review an incidents occurring off-campus in the Fall 2018 semester.

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.

**Disciplinary Offenses/Providing False Information.** - Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

**Disciplinary Offenses/Attempts, Aiding and Abetting.** - Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;

Disciplinary Offenses/Violation of General Rules and Regulations. - Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

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

1. Suspension.

Start Date: Friday, November 02, 2018

Complete by: Monday, November 02, 2020

Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

A student or organization that has been suspended may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the suspension directive; Meaning you may not return to campus property for the duration of this suspension except to conduct official business with the Office of Student Affairs, which must be cleared through the Department of Public Safety.

**Student Organization Suspension.** In the event that a student organization is suspended from the University, the organization may not, during the term of the suspension, engage in or sponsor any activity or program, and may not hold meetings nor recruit members; engage in social functions of any type; use university buildings, facilities, property, and equipment; use university resources, services, or funds; participate or attempt to participate as an organization in any University event; or co-sponsor or participate as an organization in another registered/recognized organization's activities. Suspension may be accompanied by special conditions for readmission or recognition.

It was determined that you are not responsible for violating the following sections of ETSU's Institutional Disciplinary Rules:

Obstruction of or Interference with institutional activities or facilities.

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](mailto:byrdt@etsu.edu) or 423-439-6129.

Sincerely,



Michelle Byrd  
Dean of Students

[byrdt@etsu.edu](mailto: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 Affairs Office (3rd floor, D.P. Culp University Center). 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>