



Dean of Students Office

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September 08, 2022

President [REDACTED]

Theta Xi

[REDACTED]
1621 E 1st St

Tucson, AZ 85719

Dear President [REDACTED]:

The Dean of Students Office (DOS) received an official complaint on June 13, 2022, alleging the involvement of Theta Xi in violations of the Arizona Board of Regents Student Code of Conduct. Reportedly, on or about April 11, 2022, Theta Xi participated in the hazing of new members. The alleged hazing included but was not limited to, forced participation in physical activities, personal servitude, and the consumption of alcohol by underage members.

Additionally, when new members were required to interview and discuss such allegations with a representative of Theta Xi Headquarters and the University, only 3 new members participated.

These reports prompted University charges and an investigation by the Dean of Students Office into the allegations that Theta Xi violated the Student Code of Conduct on or about April 11, 2022.

On July 13, 2022, Theta Xi was issued a notice that the Dean of Students Office initiated an investigation to address the following potential violations of the Student Code of Conduct:

Code of Conduct/2. Endangering / Threat / Cause Harm - Endangering, threatening, or causing physical harm to any member of the university community or to oneself, causing reasonable apprehension of such harm or engaging in conduct or communications that a reasonable person would interpret as a serious expression of intent to harm.

Code of Conduct/4. Other Published Rules - Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.

Code of Conduct/7. Failure to Comply - Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's fifth amendment right against self-incrimination.

Code of Conduct/15. Alcohol - Violation of Board or university rules or applicable laws governing alcohol, including consumption, distribution, unauthorized sale, or possession of alcoholic beverages.

Code of Conduct/19. Hazing - Engaging in, supporting, promoting, or sponsoring hazing or violating Board or University rules governing hazing.

During the Student Code of Conduct investigation, the Dean of Students Office, in cooperation with Theta Xi Headquarters, had the opportunity to gather information related to the allegations.

I met with you on July 21, 2022, to discuss the allegations made against the chapter, as well as any questions or concerns you might have about the investigative process. I additionally met with initiated and new members on various dates following our meeting and provided a questionnaire to all new members of Theta Xi regarding their new member experience.

In summary, the following information was shared by you during our July 21, 2022 meeting:

According to you, you were first notified of the recent hazing allegations made against Theta Xi when new members received an email inviting them to interview with a representative of Theta Xi Headquarters and the University. There was "a lot of hesitation," from new members in responding to the invitation to interview, as many new members did not understand why they needed to be interviewed. While many members did not notice the email until after the deadline to participate in an interview had passed, those that attended an interview felt that they were "grilled," with questions. You shared that the new members did not collaborate on their expected responses for the interview.

I asked you if you had been informed of any hazing allegations before new members were invited to interview with the Theta Xi and University representative. In response, you shared that there had been a pledging activity that had "gone wrong," in which new members gathered signatures from initiated members for completing specific tasks. The initiated members' signatures were initially given to new members for beating an initiated member at a video or sports game. However, the chapter leadership received information that an initiated member had a new member "buy a soda," for him for a signature, and the chapter terminated the signature activity shortly after. The chapter used the signature activity for approximately two weeks before it was terminated, which, according to you, was sometime before April 2022.

Regarding the relationship between new and initiated members in the fraternity, you shared that there is a "healthy," and "positive," relationship between initiated and new members. Additionally, I asked you if there is a dynamic of "seniority," within the treatment of new members by initiated members. In response, you stated that there is an "automatic respect," that new members have for initiated members, though the respect is not demanded by initiated members. You added that new members generally try to impress initiated members because of their seniority. For example, new members might drive an initiated member to a bar in an attempt to impress the initiated member.

However, if a new member did not drive an initiated member to the bar when it was requested of them, they would not be reprimanded.

Regarding the chapter's philosophy on the new member experience, you shared that the chapter desires to integrate new members into the chapter. Additionally, the chapter wishes to build good habits for the new members with activities like "gym hours," and "study hours," and hopes that the new member experience turns new members into "quality," members. You shared that you had only heard of new members having positive experiences with their new member process. According to you, there is not a committee in charge of the new member experience, but instead, a New Member Educator. Additionally, the supervision of the new member class is divided among different leadership positions, such as the Build Chair and the Scholarship Chair.

In discussing the expectations of new members to gain their membership, you shared that attending new member and Theta Xi activities, coming to the fraternity house, completing house quizzes, completing study hours, and completing gym hours each contributed to membership in the chapter, though a new member "would not be dropped," for not participating in gym hours.

During our conversation, I asked you to describe how "physical training" occurs in the Theta Xi chapter. Initially, you shared that "gym hours" are encouraged to new members, but not required. However, later in our conversation, you stated that new members are required to send in pictures of themselves at the gym to receive a "checkmark," for their gym hours. Initiated members, in contrast, are not required to send in documentation of their gym hours. Additionally, you stated that the new members will "send in a text message," if they cannot make it to gym hours. When asked why new members feel the need to message someone about their non-attendance if gym hours are not required, you stated that new members text someone about their non-attendance because they "still want a check mark," and want to make sure others know that they will not be there. You additionally shared that the whole new member class does not complete gym hours at the same time. New members are not punished for not completing gym hours and can complete the hours wherever and whenever they choose. Regarding the intention of gym hours, you shared that it is a "healthy habit" that the chapter tries to encourage to new members. According to you, the New Member Educator is in charge of gym hours.

Additionally, I asked you to explain the "PC Build." You shared that the initiated members of the chapter typically vote for a project that the new member class is expected to build to "add to the house." The projects typically include building a "die table", "frat bench", stage, or risers. New members are not "forced" to participate in the building of the projects and personally decide when they want to work on them. "Live-ins," and initiated members often assist with the projects. I asked you when new members would typically work on the projects, to which you responded that new members would build on the weekends, as "academics are a priority," and the projects should not interfere with them.

I also asked you to describe the culture surrounding alcohol in Theta Xi. According to you, the chapter typically has alcohol at its registered events, in which members 21 years and older "BYOB," ("bring your own booze"). Additionally, you shared that members that are 21 years and older like to go to bars and come back to "be a menace to the house," though initiated members do not provide alcohol to new members. Regarding monitoring underage alcohol consumption, you shared that the chapter often has security and active members at the door of events to ID and

provide wristbands that show that an attendee is 21 years or older. I asked you if the security was effective, and you responded, "Yes, that's why we hire them."

According to you, you have never had underage drinking "specifically" reported to you, though you know that college-aged people, who are also underage, are "bound to drink." While you shared that you assume underage drinking occurs, you stated there are no health or safety issues caused by underage drinking within the fraternity.

Regarding the fraternity's internal process for addressing reports of hazing, you shared that if a member's behavior concerning hazing is especially egregious, there will be a membership review amongst the chapter. You shared with me that the chapter had previously disassociated a member for hazing and that there was a culture of "holding each other accountable," within the chapter. According to you, if a hazing report is not as serious, the member has to meet with the chapter's judicial board, pay a fine, and then receives a "slap on the wrist." Regarding retaliation, you stated that members felt comfortable reporting incidents of hazing to the chapter's leadership. Additionally, new members receive information on how to prevent and report hazing during their first week of new membership.

Lastly, I asked you why you thought the Dean of Students Office received a report of alleged hazing occurring within the chapter, if, to your knowledge, each new member had a positive experience. In response, you stated that you thought the report might have been from an anonymous reporter and you were not sure why someone would submit a report alleging such behavior.

In making a determination in this matter, I considered all of the relevant information gathered by the Dean of Students Office including our conversation on July 21, 2022.

Prior to the Dean of Students Office sending you notification of the Code of Conduct investigation, a representative from Theta Xi Headquarters, as well as a representative from the University, required that all new members participate in an interview with them regarding their new member experience. Of the 28 new members in the Spring 2022 new member class that you reported to me, only three new members participated in an interview.

On July 26, 2022, I emailed you a list of questions to provide to new members regarding their new member experience. New members were expected to answer the questions and return their responses to me by August 2, 2022. Though I had expressed to you the importance of members' compliance with the DOS investigation during our meeting, by August 1, 2022, at 2:51 p.m., approximately half of the new members had sent me their responses. After a reminder email was sent to you, 24 of 28 new members sent in their responses by the deadline. Additionally, on August 8, 2022, I emailed five new members, asking them to have an interview with me regarding their responses to the questionnaire. By August 15, 2022, only one new member had responded to the request, therefore, I emailed you requesting that you have the students reach out to me to schedule an interview. On August 18, 2022, I had to email you again as two new members had not responded to schedule an interview. I provided you with a deadline of the end of the following business day (August 19, 2022) for those new members to schedule an interview. Both members met with me by the end of the following business day.

Additionally, there were new members whose responses to questioning appeared to be fabricated, when considering other members' responses. For example, most new members shared that they had participated in cleaning the house with initiated members. One new member responded that he never cleaned the house and had never seen or heard of anyone cleaning the house. Additionally, multiple new and initiated members stated that new members participated in additional build projects aside from the "PC Build," such as building risers for social or philanthropy events. Despite this collective response, one new member stated that they did not recall new members participating in additional building projects and that the new members never built risers for an event. Additionally, while you and other members reported to me that new members send their documentation for gym hours to the New Member Educator, the New Member Educator shared with me that the documentation is sent to another initiated member. Lastly, it was shared by you and the New Member Educator that an initiated member had been reprimanded for asking new members to complete favors for them for signatures (a pledging activity). However, no new member reported that they had to do favors for signatures when asked if they had to complete tasks for initiated members.

Along with the apparent untruthful responses from new members, the difficulty in receiving responses from and scheduling with new members expresses the disregard for and lack of compliance with the Dean of Students Office investigative process. Therefore, I find the organization to be in violation of **Code/7. Failure to Comply**.

You shared with me that, though you had never had underage drinking specifically reported to you, you could assume that it was occurring as you "know that people age will engage in underage drinking," and that alcohol had not caused any health or safety issues within the chapter. Additionally, in conversation with the New Member Educator, it was shared that it is known that "people will drink anyway." Therefore, the chapter does not do "abstinence prevention," but expects that, "if you drink, you do it safely." According to the New Member Educator, drinking safely includes staying hydrated and not drinking hard liquor. Additionally, while there is a protocol for monitoring underage drinking at Theta Xi's larger social events, there is not a clear protocol for monitoring the consumption of alcohol by minors in smaller, casual settings within the chapter. Therefore, I find the organization to be in violation of **Code/15. Alcohol**, as the University requires that those who choose to drink on University property abide by state law and University regulations, including A.R.S. § 4-241, which prohibits a person under the age of 21 years to buy, receive, have in possession, or consume spirituous liquor.

The lack of protocol Theta Xi has regarding the consumption of alcohol by minors in smaller, casual gatherings, as well as the assumption by leadership that underage members will drink alcohol within the chapter, suggests an overall lack of regulation and monitoring of alcohol consumption within the organization. Such a lack of regulation of the consumption of alcohol could present a dangerous environment for initiated and new members.

Additionally, it was shared by a new member that new and initiated members had to build risers for an event on a Wednesday evening until approximately 10:00 p.m. Having members participate in a tedious and physically exerting activity, which was deemed "difficult," by the new member, late at night after members were expected to be in classes throughout the day, increases the risk of injury and exhaustion for those involved. Therefore, I find the organization to be in violation of **Code/2. Endangering/Threat/Cause Harm**.

Throughout the investigative process, the house rule of “laziness will not be tolerated,” was often shared with me by new and initiated members. Though multiple members shared that the rule was not taken literally and that it was in place to help members “better themselves,” the rule compels members to participate in activities that they may not have the time, strength, or ability to participate in, and pressures members to participate in activities that they may not want to engage in. The pressure to participate in activities is apparent in a response by a new member, who shared with me that, if a new member does not participate in activities like cleaning the house or the “PC Build,” it expresses their non-interest in their potential membership to initiated members. Additionally, new members do not receive a “check mark,” or reward, when they do not participate in pledging activities, and their roll number is negatively affected. As roll numbers are significant to the order in which a new member is initiated, as well as the order in which a “live-in,” member can choose their room in the house, a new member might over-exert themselves in the gym or in multiple building projects to gain check marks and receive a higher roll number- something they would not normally do if the “laziness is not tolerated,” rule and roll number practice were not in place.

Along with the effect that the “laziness is not tolerated,” house rule and roll numbers have on choices that new members make regarding their participation in activities, there is a reported “pecking order,” established within the fraternity. In response to questioning, a new member shared that tasks that “no one wants to do,” or personally degrading tasks, are given to new members, as initiated members had to do them before, and new members must do them now. The dynamic of “seniority,” or a “pecking order,” expressed in that new member's statement presents a concern that new members engage in degrading activities as a “rite of passage,” and as a way to rectify initiated members' past experiences. Therefore, I find the organization to be in violation of **Code/ 19. Hazing**, as well as **Code/4. Other Published Rules**.

Throughout the investigation, it was shared with me that Theta Xi had trouble with “staying on top of things,” and had difficulty “following through,” on projects that they plan. Additionally, there were multiple parts of the new member process in which it was shared that the activity discussed was specific to the University of Arizona chapter, for example gathering signatures and determining roll numbers, and was not directed by guidelines from the Theta Xi Headquarters.

Based on the information gathered in the investigation, and the finding of responsibility for Student Code of Conduct prohibited item numbers 2, 4, 7, 15, and 19, I have assigned the following sanctions:

OTHER – Organization; Weekly Meetings with Theta Xi Headquarters:

Complete by: May 3, 2023 (Fall 2022 and Spring 2023 Semester)

The organization must coordinate with Theta Xi Headquarters to conduct weekly meetings with Theta Xi Headquarters full-time staff throughout the Fall 2022 and Spring 2023 semesters to ensure that the chapter is operating successfully per Theta Xi Headquarters' guidelines, policies, and procedures. Topics to be discussed include but are not limited to:

- Chapter Governance
- Event Planning
- New Member Process

- Rituals and Ceremonies
- Brotherhood Building

It is the responsibility of Theta Xi to provide written documentation to Senior Coordinator Madeline Bray (madelinebray@email.arizona.edu) and Assistant Director Greer Vinall (greervinall@email.arizona.edu) within 48 hours of completion of each weekly meeting summarizing the topics discussed.

MONETARY SANCTION - Organization

Amount: \$3,700.00 (\$25.00 x 148 members reported for Spring 2022 grade report)

Complete by: September 23, 2022

All organizations found responsible for violating University policy are assessed a non-refundable monetary sanction of \$25 per member. The non-refundable monetary sanction is to be paid by check made out to the University of Arizona and hand-delivered to the Dean of Students Office, Robert L. Nugent Building, Room 100.

UNIVERSITY PROBATION - Organization

Start Date: September 23, 2022

End Date: September 23, 2023

The organization is being placed on probation. Probation means that any violation of the prohibited conduct items in the Student Code of Conduct, including failure to comply with these sanctions, will lead to further disciplinary action which could include loss of recognition.

It is the responsibility of Theta Xi to provide written documentation immediately upon completion of each sanction. You must notify this office of any changes in your address, phone number, or presidential status.

If these items are not completed by the affirmed deadlines, Theta Xi will be placed on Activities Suspension pending an official disciplinary hearing. Should further disciplinary issues arise including non-completion of the aforementioned action plan items, Theta Xi could face additional disciplinary sanctions including but not limited to Loss of Recognition.

The Student Disciplinary Procedures do not provide for a formal appeal of this case. If you feel, however, that you have new information or you believe that you have been treated unfairly, submit a written statement to the Dean of Students Office, **within ten (10) business days, September 22, 2022**, of receiving this letter requesting a review of your disciplinary file.

Should you have any questions or comments about the sanctions, please contact me at 520-621-9522 or madelinebray@email.arizona.edu.

Sincerely,

Madeline Bray

Senior Coordinator for Student Accountability

cc:

Marcos Guzman, FSP

Greer Vinall, FSP

Emilee Danielson, Theta Xi HQ

Clay Kingsley, Advisor