



Dean of Students Office

Robert L. Nugent Building
PO Box 210040
1212 E. University Blvd
Tucson, AZ 85721-0040
Tel: (520) 621-7057
Fax: (520) 621-9866
<http://deanofstudents.arizona>

September 14, 2022

President [REDACTED]
Kappa Alpha Psi

[REDACTED]
SUMC Room 404

Dear President [REDACTED]

The Dean of Students Office (DOS) received an official complaint on August 3, 2022, alleging the involvement of Kappa Alpha Psi in violations of the Arizona Board of Regents Student Code of Conduct. Reportedly, Kappa Alpha Psi participated in the hazing of new members during the Spring 2022 semester. The alleged hazing included but was not limited to, personal servitude, cleaning, staying up late into the night/early morning for pledging activity, and other behavior that created an environment conducive to endangering University students.

On August 4, 2022, Kappa Alpha Psi was issued a notice that the fraternity was placed on *Interim Loss of Recognition* to address the alleged behavior. The *Interim Loss of Recognition* prohibited hosting, attending, participating in, and sponsoring any organizational activities, including contact with new members, and use of University facilities until the final disposition of the case. Kappa Alpha Psi was also notified on August 4, 2022, that the Dean of Students Office had initiated an investigation to address the following potential violations of the Student Code of Conduct:

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

Code of Conduct/17. Off Campus Conduct - Off-campus conduct that a reasonable person would believe may present a risk or danger to the health, safety or security of the Board or university community or to the safety or security of the Board or university property.

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

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.

During the Student Code of Conduct investigation, the Dean of Students Office, in cooperation with Kappa Alpha Psi Headquarters and their Western Province, had the opportunity to gather information related to the allegations.

I, along with Coordinator Jorge Manzanares (FSP), met with you on August 9, 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 of Kappa Alpha Psi and other involved parties on various dates following our meeting.

In summary, the following information was shared by you on August 9, 2022:

Initially, you shared that you wished to discuss the negative treatment that you had experienced from the non-undergraduate officers in Kappa Alpha Psi Headquarters, specifically in their Western Province.

Regarding background information about the organization, you shared that as a D9 (Divine 9) organization, the Kappa Alpha Psi fraternity is often under scrutiny, and due to that scrutiny, is a small chapter that is hard to maintain. When you and your brother joined the fraternity, you both wanted to help the chapter grow, as the chapter had previously not received much engagement. You shared that you and your brother were always proactive in engaging the campus community with the fraternity, for example, by collaborating with representatives from University Athletics and creating a "Black students in STEM pipeline to Greek life."

Despite the efforts that you made to engage the campus community with the fraternity, the organization had numerous challenges with the Kappa Alpha Psi Headquarters, as well as with the University, considering its demographic categorization as a predominantly white institution (PWI).

Considering that the University's D9 organizations had been doing well with engagement on campus, you decided to plan an event at the beginning of the Fall 2022 semester that would serve as a "rush week" for D9 organizations on campus. In planning the event, you had been working with Kappa Alpha Psi Headquarters for approximately 4-6 weeks, completing an insurance checklist and venue contract, and revising marketing materials for the event. According to you, the Headquarters' Risk Manager gave you approval for the event via phone call and followed up with an email confirmation of the approval. After receiving approval, you began to share promotional materials for the event.

Approximately two days after receiving confirmation for the event from Kappa Alpha Psi Headquarters, you received a call from the Kappa Alpha Psi Western Province that, following a conversation with the province Polemarch, the event's approval had been denied. You were confused by this outcome, considering that the Polemarch was "lower in the chain of command," than the organization's headquarters and that there were no details explaining why the event was denied. According to you, shortly after you were informed that the event was no longer approved, you were notified of the hazing allegations made against Kappa Alpha Psi.

During our conversation, you shared that the Western Province Polemarch was known for his poor relationships with undergraduate officers. Because of this, you felt that the Western Province was attempting to sabotage the event and "torpedo," the chapter with the recent allegations. As you had

shared with me before our meeting that you wanted to forfeit the chapter due to the negative treatment you had experienced and other outstanding circumstances, you then shared that you were irritated when you received the letter regarding the recent allegations. In your irritated state, you jumped to the conclusion of forfeiting the chapter. However, after thinking more about the decision, you shared that you were interested in finding a resolution between the chapter and Kappa Alpha Psi Headquarters and the Western Province, rather than forfeit the chapter.

Following our conversation regarding your negative experience with Kappa Alpha Psi headquarters and the Western Province, we discussed the fraternity's new member program and the hazing allegations made against the chapter. I asked you to describe your role as the Kappa Alpha Psi president and how your role interacts with new members. Because the chapter is small, you oversee "a few people,"- your brother who is the VP of the chapter, and one new member – and delegate tasks to others as much as you can. You stated that you mostly communicate with Kappa Alpha Psi Headquarters, the Western Province, and the University about event coordination, certifications, and chapter finances.

Regarding your interactions with the new member(s) as president of the organization, you shared that you see the new member(s) as a reflection of yourself and that you want new members to gain as much experience as they can while in the new member process. For example, you let them plan events and assign them various projects. You stated that, with the one current new member of the organization, you are guiding him to become the next chapter president.

With your brother, you work together to map out the new member training with guidelines that you receive from Kappa Alpha Psi Headquarters. According to you, the training consists of six weeks of "Kappa Kore curriculum", which includes learning about the history and governance of the chapter, as well as "Greek etiquette." To complete the Kappa Kore curriculum, new members must pass weekly quizzes and a final exam. After passing their exam, new members are then taken to "Cluster," which is a collective initiation ceremony for new members of Kappa Alpha Psi. Later in our conversation, you shared that all rituals of initiation are completed at "Cluster."

I asked [REDACTED] if there were chapter-specific requirements for new members to become initiated. In response, you shared that new members complete an application that includes a survey asking them about their involvement, service, and academics. Later in our conversation, you stated that new members had to be at least second-semester freshmen, pay their dues, complete the Kappa Core Curriculum and maintain a 3.0 GPA. Additionally, I asked you what circumstances would lead to a new member not being initiated. In response, you stated that if a new member could not pass their quizzes or final exam, they could not be initiated. Also, if a new member had "character issues," they would not be initiated.

Regarding alcohol use within the chapter, you shared that members are not allowed to have alcohol at chapter events, and that underage drinking should not be occurring. According to you, if you noticed that an underage new member was drinking alcohol at an event, you would address it directly with the new member. Concerning monitoring underage drinking within the chapter, you stated that you are aware of new members' ages as they are listed in the profile they submit at the beginning of the process.

In reference to unsponsored events, you stated that "things slip through the cracks", but no one

“goes over their limit,” adding that you or your brother will stay sober at events to monitor others’ drinking.

When asked about the involvement of Kappa Alpha Psi members outside of the Delta Omicron chapter in the new member process, you shared that members from other chapters are not involved in the new member process or initiation, but that there is involvement from the Tucson-Sierra Vista Alumni and Graduate chapter.

In regard to receiving differential treatment once becoming initiated members, you shared that new members are not treated differently whenever they are initiated, adding that initiated members are proud of the new members for completing their new member process.

I asked you if there is a dynamic of seniority present in the relationships between initiated and new members. You shared that, while there is a level of respect for initiated members, new members are not pressured to do favors or tasks for initiated members.

Regarding the number of new members in the Spring 2022 semester, you shared that there was only one new member and that he did not drop out of the fraternity. During our conversation, you shared that the new member had never expressed discomfort while participating in the new member process.

When asked when you were first notified of the hazing allegations brought against Kappa Alpha Psi, you shared that you were first notified when you received the letter from DOS and that our conversation was the first you had about the allegations.

I additionally asked you if information and resources regarding hazing prevention and reporting are shared with new members during their new member process. In response, you shared that information about hazing prevention and reporting is included in the Kappa Kora curriculum, adding that the Kappa Kora curriculum includes information specific to the University and the Kappa Alpha Psi organization.

Regarding Kappa Alpha Psi’s internal process for mitigating reports of hazing, you shared that an incident of hazing would be reported to Kappa Alpha Psi’s national headquarters, and then forwarded to the applicable Province. You additionally shared that, typically, a message would be sent out to cease all chapter activity until an internal investigation is completed.

You did not have additional information to share, however, you were interested in follow-up with the Kappa Alpha Psi Headquarters and Western Province.

On August 30, 2022, you were notified via email that the Dean of Students Office was investigating additional potential violations of the Student Code of Conduct due to the discovery of a video posted on the @deltaomicronnupes Instagram profile which depicted a Spring 2022 “Crossing Party” (Kritical Kontemplation) in which alcohol was visibly present. You were informed that it was determined that potential violations of the Arizona Board of Regents Student Code of Conduct occurred, pertinent parts of which are stated below:

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.

I, along with Coordinator Jorge Manzanares (FSP), met with you on August 30, 2022, to discuss the contents of the video, as well as a flyer/e-invite that was used to invite attendees to the event.

In summary, you shared the following during our August 30, 2022 meeting:

According to you, the event was an invite-only party at your personal residence. I asked you if there were attendees at the party who were under the age of 21 years old, to which you replied that the Spring 2022 initiate, was not 21 years old, but you did not know if other attendees were under 21 years old. You stated that the attendees were "pulled from your friend group," so you knew that those attendees were 21 years or older. Along with a few alumni members, you monitored the event. However, you did not ID attendees to confirm that those drinking alcohol were 21 years old, as the event was "casual," and at your residence. Additionally, you shared that your friends from the Arizona State University (ASU) Kappa Alpha Psi chapter attended the party.

Considering that you had previously shared that you were monitoring the event, I asked you if you consumed alcohol that night. In response, you stated that you consumed alcohol but were not impaired.

Regarding a flyer/e-invite for the event that was shown to you during our meeting, you shared that the party was not affiliated with Kappa Alpha Psi and that it was a mistake to include the chapter's Instagram handle on the flyer/e-invite. Considering that the party was off-campus and invite-only, you "did not think it would go this far."

As the flyer/e-invite included that "nupe juice," would be provided at the event, I asked you to describe "nupe juice." In response, you stated that "nupe juice," is a mixture of Kool-aid and fruit punch, and that it did not contain alcohol. According to you, "nupe juice," is "part of the culture," as many D9 organizations have a drink specific to their organization. During our conversation, Coordinator Manzanares shared that "nupe juice," typically contains vodka, and asked if it was specific to Delta Omicron that the "nupe juice," did not contain vodka. You stated that you could not speak for other chapters of Kappa Alpha Psi, but vodka was not used in Delta Omicron's "nupe juice."

I asked you how the alcohol shown in the video was provided for the party. In response, you stated the alcohol provided was alcohol that you already had at your residence.

During our conversation, you stated that because the event was not Kappa Alpha Psi-affiliated, as there were no materials submitted to the Province for the event. You shared that, since there were no submissions made for the event, the event was technically not "denied." However, you assumed that the Province Polemarch was sent the flyer if he knew about the event.

Considering that "crossing parties," are held to celebrate the initiation of new members into the chapter, I asked why alcohol was provided if the initiate being celebrated was not 21 years old. I additionally asked you if the underage initiate was provided alcohol during the event. You

responded that you were unsure if alcohol was provided to the initiate, though you "monitored him specifically." Additionally, you stated that compared to organizations of the Interfraternity Council (IFC), there are not many opportunities for students in D9 organizations to have parties and that you wanted to provide the Black student community at the University of Arizona an opportunity to experience "going out."

Following our meeting, you emailed the following information to Coordinator Manzanares (FSP) and I:

Thank you for taking the time out of your day to discuss the remaining items.

I just wanted to recap the following key points from our discussion:

- The April gathering referenced in our conversation was not, nor was intended to be an official Kappa Alpha Psi / Delta Omicron function. This gathering was at our personal residence — this is our personal home (which we own) and is completely unrelated to the organization.*
- This gathering, of course, was not intended nor open to the general public.*
- The guests in attendance were all direct invites, personal acquaintances, and even long time childhood friends (from kindergarten).*
- Hospitality (including libations) were appropriate to a mature, responsible, and sophisticated expectation because of course, it was a mature, responsible, and sophisticated group of collegiate peers.*
- Although this was an informal gathering, we were mindful of proper etiquette: direct personalized invitations, which were digitally conveyed, went to those that were in attendance.*

I do understand from a cultural standpoint as well as from our comparatively low membership for the typical UA fraternity (IFC), that it is difficult to differentiate personal activity from organizational activity because the interaction is so intertwined. I would like to assure you, as seen by the painstaking means to officially conduct events, that official events adhere to the logistical and procedural requirements therein. Personal gatherings at our home, be it a study table or movie night, are explicitly outside of the domain of organizational governance / oversight.

Please let me know if there are any additional questions or concerns. I would be happy to elaborate further on any of the aforementioned points.

In response, I asked if you could provide a guest list from the event, to which you responded:

No, I do not. That was almost 5 months ago. Sorry about that.

In making a determination in this matter, I considered all of the relevant information gathered by the Dean of Students Office including our conversations on August 9, 2022, and August 30, 2022.

During our August 9, 2022 conversation, you shared with me that Kappa Alpha Psi members are not allowed to consume alcohol at chapter events, and that underage drinking is prohibited. Regarding unsponsored events, you stated that "things slip through the cracks", but no one "goes over their limit," as you or your brother will stay sober at events to monitor attendees' drinking.

Regarding Kappa Alpha Psi's Spring 2022 Crossing Party (Kritical Kontemplation) held for the chapter's new member, you shared that you provided alcohol for the event and monitored the new member, as you were aware that he was not 21 years old. Considering the party was "casual," invite-only, and at your personal residence, you did not ID attendees who were consuming alcohol. Later in our conversation, you shared that you had consumed alcohol at the party but were not "impaired."

According to Article IV, Section 1, Subsection B. of the Fraternity and Sorority Programs (FSP) Social Events Policy, "all off-campus events with alcohol must be held at a non-residential venue with a third-party vendor and the venue must be properly licensed to dispense alcohol and have a properly licensed bartender(s)." Additionally, Article IV, Section 4, Subsection A. states that "there must be one (1) Non-Drinking Event Monitor (NDEM) for every 25 guests that must remain sober throughout the event." Considering the information that you shared with me, including that you provided alcohol for the party and that you consumed alcohol while monitoring the party, I find Kappa Alpha Psi to be in violation of **Code/15. Alcohol**, which prohibits violations of the board or university rules or applicable laws governing alcohol, including consumption, distribution, unauthorized sale, or possession of alcoholic beverages.

In reviewing the information shared with me regarding the protocol used by Kappa Alpha Psi to monitor underage drinking at events, including that you, a "monitor," of the event was consuming alcohol while in the role as a "monitor," it has been determined that the chapter's regulation of the consumption of alcohol is inadequate in reducing and mitigating the risk of harm to initiated and new members, as well as student attendees. Therefore, I find the organization to be in violation of **Code/2. Endangering/Threatening/Cause Harm**

During our August 30, 2022 meeting, you shared with me that Kappa Alpha Psi's Spring 2022 Crossing Party (Kritical Kontemplation) occurred at your personal residence, an off-campus location. Considering the risk that was presented to Kappa Alpha Psi members and party attendees at this off-campus location due to a lack of regulation concerning alcohol consumption, Kappa Alpha Psi is in violation of **Code of Conduct/17. Off Campus Conduct**.

In reviewing the information that was shared with me during our August 30, 2022 meeting, it was determined that multiple items from the Fraternity and Sorority Programs (FSP) Social Events Policy were violated during the chapter's Spring 2022 Crossing Party (Kritical Kontemplation). The following are specific items that were determined to have been violated:

Article I. General Policies:

A. All events as part of this policy must be registered with the Fraternity & Sorority Programs Office. To be eligible to register an event, the chapter must: a) attend all Events with Alcohol (EWA) related educational meetings and complete the required education within the time requirements set forth each semester. b) be in good standing with the university and council

D. Alcoholic beverages must either be: a) Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or b) Brought by individual members and guests through a bring your own beverage (“BYOB”) system. The presence of alcohol products above 15% alcohol by volume (“ABV”) is prohibited on any chapter/organization premises or at any event, except when served by a licensed and insured third-party vendor.

E. Common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).

I. Attendance by non-members at any event where alcohol is present must be by invitation only, and the chapter/organization must utilize a guest list system. Attendance at events with alcohol is limited to a 3:1 maximum guest-to-member ratio and must not exceed local fire or building code capacity of the chapter/organizational premises or host venue.

J. All events with alcohol are closed events, thus there must be no flyers, banners or anything else created or distributed advertising the event.

K. Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to new member activities, meetings, or initiation into an organization, including but not limited to “bid night,” “big/little” events or activities, “family” events or activities and any ritual or ceremony.

Article IV. Off-Campus (3rd Party or Weekender) Events with Alcohol Policies

Section 1: General

B. All off-campus events with alcohol must be held at a non-residential venue with a third-party vendor and the venue must be properly licensed to dispense alcohol and have a properly licensed bartender(s).

Section 2: Security

A. All events are required to have adequate security for the event. The venue manager must determine the adequate amount of security guards prior to the event.

Section 3: Transportation

A. Transportation must be provided by the sponsoring chapter(s) if the venue is more than .5 miles from campus. This may include rented buses, vans, taxis, ride share services etc. University vehicles may not be used for events with alcohol.

B. All members and guests that will be attending the event are required to take the provided transportation.

Section 4: Non-Drinking Event Monitors

A. There must be one (1) Non-Drinking Event Monitor (NDEM) for every 25 guests that must remain sober throughout the event. a) The NDEM must abstain from consuming any alcohol or other substances before or during the event. b) The NDEM must be an initiated member of the host or sponsoring chapter(s). New members cannot serve as monitors.

Considering the chapter's violations of the above FSP policies, I find the organization to be in violation of **Code/4. Other Published Rules**

During our August 30, 2022 meeting and in our following email communication, you shared that the April 2022 Crossing Party (Kritical Kontemplation) was not affiliated with the Kappa Alpha Psi organization or Delta Omicron chapter. However, text on the flyer/e-invite used to invite attendees to the event included "The DOOMSDAY NUPES Present," as well as the chapter's Instagram handle (@deltaomicronnupes). "Crossing parties," are traditionally held to celebrate the "crossing," or the initiation of a new member into an organization. On the @deltaomicronnupes Instagram profile, a video was posted April 18, 2022 of the Spring 2022 Crossing Party (Kritical Kontemplation). The caption of the video included "ReKap," and "Kongratulations Spring 2022," alluding that the event was held to celebrate Spring 2022 Kappa Alpha Psi initiates. Considering this information, the event had a clear affiliation with the organization.

While involved with a Code of Conduct investigation, members of the responding organization are expected to comply with the investigative process, including being truthful and cooperative in their responses to questioning. While you stated that there was no affiliation between Kappa Alpha Psi and the Spring 2022 Crossing Party (Kritical Kontemplation), evidence supports that the event was Kappa Alpha Psi-affiliated. Therefore, I find the organization to be in violation of **Code/07. Failure to Comply**.

In reviewing the information gathered by DOS throughout this investigation, **there is not sufficient evidence to support that a violation of Code/19. Hazing occurred.**

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 17, I have assigned the following sanctions:

ALCOHOL EDUCATION - Organization

Complete by: December 8, 2022

Your organization is required to host, in consultation with the Fraternity and Sorority Programs staff, a comprehensive Alcohol Education program with 100% documented attendance of the organization members. Please contact Fraternity and Sorority Programs for additional information.

MONETARY SANCTION - Organization

Amount: \$75.00 (\$25.00 x 3 chapter members reported to FSP for Spring 2022 semester)

Complete by: September 29, 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 29, 2022

End Date: September 29, 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 Kappa Alpha Psi 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, Kappa Alpha Psi 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, Kappa Alpha Psi could face additional disciplinary sanctions including but not limited to Loss of Recognition.

Considering the information gathered in this investigation, the *Interim Loss of Recognition* previously imposed upon Kappa Alpha Psi has been lifted. Following the receipt of this letter, Kappa Alpha Psi may resume chapter activities.

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 28, 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

C:

Marcos Guzman, FSP

Jorge Manzanares, FSP

Timothy Woods, Kappa Alpha Psi HQ

Jason A. Hall Sr., Kappa Alpha Psi HQ

Trenton A. Nettles, Kappa Alpha Psi HQ

Breck Cook, Kappa Alpha Psi HQ