



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.edu>

President [REDACTED]
Pi Kappa Alpha
1525 E. Drachman
Tucson, AZ 85719

Dear President [REDACTED],

I have completed my investigation into the alleged violations of the Student Code of Conduct by Pi Kappa Alpha (PIKE) reported to the Dean of Students (DOS) by University of Arizona Police (UAPD) on March 12, 2021 and March 14, 2021. The allegations pertain to behavior that reportedly occurred on or about March 12, 2021 and March 14, 2021, at the PIKE fraternity house where two separate incidents occurred involving underage drinking, parties, disruptive behavior, and alleged assaults on UA students. This behavior created an environment conducive to endangering University students.

On March 15, 2021, PIKE was placed on *Interim Loss of Recognition* to address the alleged behavior. The *Interim Loss of Recognition* prohibited hosting, attending, participating, and sponsoring any organizational activities, including contact with new members, and use of University facilities until the final disposition of the case.

The scope of the investigation was to determine whether there is sufficient evidence that PIKE violated the Arizona Board of Regents (ABOR) 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/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/26. Violation of State or Federal Law - Commission of any offense prohibited by state or federal law or local ordinance.

During this investigation, DOS evaluated UAPD police reports, including witness testimony, and information from UAPD body worn camera footage. DOS also conducted interviews with multiple UA students present at PIKE, and friends of the student involved were also interviewed.

Per the Student Disciplinary Procedures (ABOR 5-403), PIKE was provided the opportunity to respond to the Student Code of Conduct charges.

Our initial meeting was on March 19, 2021. During this meeting via zoom, DOS met with the following [REDACTED], PIKE President, Tony DeFrancesco, Chapter Advisor, Charles Spector, Attorney representing PIKE, Lance Horner, Chief Operating Officer of PIKE International Fraternity, Amy Damron, Assistant Director, Fraternity and Sorority Programs, and Marcos Guzman, Assistant Dean, Fraternity and Sorority Programs. The charge letter and assigned Student Code of Conduct violations were discussed, as well as information from both police reports ([REDACTED], [REDACTED]), the reporting party's statement, the information observed in the UAPD body worn camera footage, and photos from Instagram related to the allegations. During this meeting, you were given the opportunity to respond to the alleged allegations as well as subsequent meetings.

In the March 19, 2021 meeting, the chapter's attorney, Charles Spector, requested additional time to articulate a thoughtful response related to questions the Dean of Students Office had regarding both incidents. A follow up meeting was scheduled for March 26, 2021.

The day of the March 26, 2021 meeting, Spector offered a response on behalf of PIKE in consultation with you, to the Dean of Students Office via email. The email response included the following:

March 11-12, 2021 Allegation

On March 11, 2021, individual residents of Pi Kappa Alpha were instructed to adhere to COVID-19 protocols and guidance issued by the fraternity and University of Arizona. Rather than provide an exact number of residents who were present and who were not, PIKE does not wish to inadvertently provide an incorrect exact number of residents present at the fraternity that evening of March 11, 2021, into the early morning hours of March 12, 2021.

Further, entirely upon its own initiative, PIKE reprimanded and sanctioned the individual who was found responsible for precipitating the argument with another PIKE member in the parking lot that evening. After review of its code of conduct, PIKE suspended the member from its chapter for the remainder of the semester. The individual is no longer permitted to participate in activities with the fraternity for the remainder of the semester.

PIKE participated in numerous interviews conducted by law enforcement that evening. As to any additional questions that may remain for that evening, at this juncture, it refers the Dean of Students Office to the body-worn camera footage of that evening and to the numerous statements provided to police that evening, or information that has already been made available to the Fraternity and Sorority

Programs of the University of Arizona on behalf of PIKE.

March 14, 2021 Allegation

The information present suggests that Pi Kappa Alpha did not hold a party or large event on March 13, 2021 or March 14, 2021 as alleged.

With regard to the screenshots obtained by Marcos Guzman by way of a member of another organization who volunteered these screenshots upon learning of Pi Kappa Alpha's investigation, the pictures reflect a planned dinner event for individuals that occurred on the evening of March 12, 2021. This dinner event was not a Pike-sponsored event. Rather, individual residents of 1525 E. Drachman Street invited one date to formally dress up and accompany them to a nice dinner at Mr. An's restaurant, located at 6091 N. Oracle Rd. The reservations called for four separate teppanyaki-style tables to be available at 9:00 p.m. Those who wished to go to dinner met at the 1525 E. Drachman. Pictures were taken to memorialize the dinner event to take place off campus. The dinner ended at approximately 11:00 p.m., with each individual retiring to their own respective lives upon conclusion.

Since your request, Pike has searched for various information and documentation you have requested. Attached are two floor plans for your information, as well as a list of the current live-in members and their date of birth and an updated roster. [REDACTED] lives in room [REDACTED]. Additionally, please find the updated roster, COVID-19 agreement required by Pi Kappa Alpha for its members to sign.

During the meeting, when asked to provide any additional information to questions, you responded, multiple times, to refer to the statement rather than offering any additional information or discussion of the specific questions asked. After this meeting, I emailed you additional questions. In response, you shared the following:

The names of the individuals involved in the argument are [REDACTED] and [REDACTED]. After hearing statements from the police, speaking to live-in members, and speaking to [REDACTED], PIKE formed the conclusion that [REDACTED] was responsible, thus deserving a suspension from chapter activities for the semester. Although it is deeply personal and private, [REDACTED] later told me that he was experiencing family issues back home had had trouble dealing with that and his grades, thus deserving time away from the chapter to focus on himself, serve his suspension, and clear things up on his end. I hope he does so.

To my knowledge, the people interviewed by police were [REDACTED] [REDACTED], and myself. It was confirmed that multiple people were interviewed after reading all police reports and after you informed us that [REDACTED] and [REDACTED] were interviewed by police after watching body camera footage. I am not aware of how the police made the determination to interview multiple people. At this time, I cannot confirm the names of who all was interviewed because the police reports have redacted this information. I would refer you to the police department to confirm and our chapter roster to confirm. Throughout this semester and last, all members have been repeatedly instructed by myself and the executive board to abide by our COVID-19 contract in which all members were required to sign. I can provide this contract to you again if needed. Members were again asked to abide by guidelines set forth in this contract, as well as by the CDC, on the night of March 11. I do not have an exact estimate of the number of live-ins present, so I would refer you to look at the live-in roster provided. I do know that two

members were not present that night, as they were out of town: [REDACTED] It is my estimation that the number of guests present that evening were consistent with the COVID-19 contract provision we had our member's sign. On the morning of March 14, I was asleep between the hours of 12:00am-2:00am. I do not have direct knowledge of what was going on during that time, however I was not awakened by any loud noises and/or large gatherings. There was no PIKE-sponsored event or planned gathering at the house. I would refer you to the live-in roster that has been provided.

An additional meeting was scheduled on April 7, 2021, via zoom. DOS met with the following [REDACTED], PIKE President, Tony DeFrancesco, Chapter Advisor, Charles Spector, Attorney representing PIKE, Lance Horner, Chief Operating Officer of PIKE International Fraternity, Nathaniel Hills, Director of Chapter Services of Pi Kappa Alpha International Fraternity, Amy Damron, Assistant Director, Fraternity and Sorority Programs, and Marcos Guzman, Assistant Dean, Fraternity and Sorority Programs. I offered you a recapitulation of all the information you provided in response to the information gathered by DOS up to that point.

During this meeting, I shared additional witness statements gathered by DOS since the March 26, 2021 meeting and reviewed your most recent email response. I also discussed additional follow up by DOS since the last meeting that included interviewing a total of seven people, including three PIKE members, three female UA students present the night of March 11-12, 2021, and an acquaintance of the student found in a state of undress during the March 12th incident.

I offered to you in summary at this meeting the following information from witnesses:

- A party occurred at PIKE beginning around 10:00 pm March 11th
- Guests were arriving at the PIKE house between 10:00 pm-12:00 am
- Those present at the party stated they were at PIKE for one to two hours
- Alcohol was present at PIKE, music was playing, people were hanging out being social
- Approximately 30-50 people were at PIKE throughout the night
- Some people in attendance were invited by PIKE members to come to the house via text message, some came with friends on their way to the house

DOS stated that in reviewing student information, that two PIKE members had not been registered for classes for the spring semester.

In response, you said that you accepted responsibility for not reviewing information related to grades and enrollment due to a busy academic case load, and a late return to campus for the spring semester. Regarding other information shared, you stated that you stick by your original statement issued on March 26, 2021.

In response, I shared with you that I would make a final decision regarding sanctions and outcome for PIKE, and that DOS would consider all relevant information gathered. A meeting was held via Zoom on April 21, 2021. DOS met with [REDACTED], PIKE President, Tony DeFrancesco, Chapter Advisor, Charles Spector, Attorney representing PIKE, Nathaniel Hills, Director of Chapter Services of Pi Kappa Alpha International Fraternity, and Amy Damron, Assistant Director, Fraternity and Sorority Programs.

Below is a synopsis and final analysis of what was discussed.

Police were in the course of their duties checking the welfare of a student but were consistently disrupted in the course of their duties to address behavior of intoxicated PIKE members and others present, delaying and interfering with follow up related to the student's health and safety.

When police arrived at PIKE and attempted to investigate what occurred, a handful of contacts were made with intoxicated individuals at the fraternity due to ongoing disruptive and argumentative behavior from members. During UAPD interviews, a fight occurs between two PIKE members near officers. Police had to ask a PIKE member to sit down and listen several times due to his uncooperative and disruptive demeanor; another PIKE member had to be directed to stop arguing with police during their inquiry into the incident they were called out to PIKE to address.

Officers attempting to perform their duty to check the welfare of a UA student found in a state of undress at the fraternity are disrupted multiple times and regularly having to restore order on scene so that they can address the subject of the check welfare. The level of disruption required the attention of seven officers.

The health and safety of the student, found naked, distressed and hyperventilating is continually disrupted by PIKE members and officers are having to divert their human resources and time to address the disruptive and uncooperative actions of PIKE men.

This disruptive and argumentative behavior with officers is therefore a violation of Code of Conduct/7. Failure to Comply – as police were acting in the good faith performance of their duties. This behavior, in addition to subject of the check welfare having an extreme Blood Alcohol Content [REDACTED] and alcohol being present and available to minor students at the chapter house demonstrate an environment that is in violation of Code of Conduct/2. Endangering / Threat / Cause Harm. In speaking with the reporting party, they shared concern for the wellbeing and safety of the student found partially nude, hyperventilating, and crying, prompting the reporting party to call police out of concern for the student. PIKE members, however, witnessed this student's presence, distress and state of undress and stood by without calling for medical or police support. Instead, PIKE members attempted to manage the female subject's hyperventilating for twenty minutes by giving her someone else's prescription inhaler as a remedy to her state of intoxication, undress, and duress.

Witnesses interviewed shared that alcohol was present at PIKE. Police substantiate that individuals they spoke with that night were intoxicated, specifically noting the level of intoxication of the underage student in distress, and two PIKE members under legal drinking age. In the UAPD report [REDACTED], the subject of the check welfare tells police that when she arrived at PIKE she began drinking, and that once the drinking began, she did not remember much afterwards. The provision of alcohol to minor students and the unmonitored use and consumption of alcohol in the chapter facility created an environment that was conducive to endangering university students many of whom were under the legal drinking age, therefore, violating Code of Conduct/15. Alcohol and Code of Conduct/26. Violation of State or Federal Law.

Aggravating factors:

Two separate incidents involving unregistered events, with alcohol, where minors were furnished alcohol and multiple assaults were present at the chapter house, occurring within days of one another, being reported to police by individuals present at the events.

Conclusion:

Based upon all information submitted and considered, it is more likely than not that PIKE violated the following provisions 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/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/26. Violation of State or Federal Law - Commission of any offense prohibited by state or federal law or local ordinance.

Due to serious and dangerous nature of this finding and considering the aggravated nature of the multiple incidents in two days, Pi Kappa Alpha is being sanctioned with **Loss of Recognition**-Effective immediately through May 2026.

Loss of recognition means the withdrawal of the fraternity as a recognized student organization due to the dangerous nature of the incidents on the university campus. An unrecognized student organization cannot participate in any University sponsored event and loses the use of University facilities and resources.

Should the Pi Kappa Alpha Organization present a viable plan to recolonize PIKE at the University of Arizona, the Dean of Students Office will consider reinstating this chapter in May 2026. If all current PIKE members have graduated or are no longer present at the UA at the closure of Spring 2025, PIKE may request the Dean of Students review mitigating factors on the part of the national and local organization to determine if colonization might be an option at that time. The decision to allow such early colonization will be within the sole discretion of the Dean of Student's Office and will not be subject to appeal.

A copy of the Student Code of Conduct and the Student Disciplinary Procedures can be found at the following:

<https://deanofstudents.arizona.edu/student-rights-responsibilities/student-code-conduct>

<https://deanofstudents.arizona.edu/policies/student-disciplinary-procedures>

The Student Disciplinary Procedures provide for a formal appeal of this case to a University Hearing Board. To secure an appeal, go to <https://arizona-advocate.symplicity.com/u/nrNwjewl> or submit the attached "Request for Appeal to University Hearing Board" to the Dean of Students Office, no later than 20 days of receipt of this letter, which is May 17, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanna Curti". The signature is written in a cursive style with a large initial "R" and a distinct "C" at the end.

Rosanna Curti

Assistant Dean, Student Assistance and Accountability