



Student Leadership,  
Involvement and  
Changemaking

Student Life Pavilion, 3<sup>rd</sup> Level  
5998 Alcalá Park  
San Diego, CA 92110-2492  
[www.sandiego.edu/slic](http://www.sandiego.edu/slic)

University of San Diego Greek Discipline Board  
NOTICE OF HEARING

March 28, 2016

Cassidy Kelly, President  
Alpha Phi  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Cassidy,

When a complaint is received against an organization, the Interfraternity Council and Panhellenic Vice Presidents determine whether there is sufficient information to refer the matter to the Fraternity and Sorority Life Standards Board (FSLSB). The purpose of the FSLSB is to determine responsibility based on evidence of a violation of Panhellenic and Interfraternity Council Constitutions, Fraternity and Sorority policies or regulations, and/or provision of the University of San Diego Code of Conduct and impose appropriate sanctions or penalties when necessary.

Following is a brief summary of the complaints that have been referred to the FSLSB regarding your chapter:

- Hazing new members at two separate events that occurred on or about February 8, 2016. Both events had alcohol present, sexual misconduct, and were connected to the Big Sister/Little Sister program in Alpha Phi. Some of the members involved in these incidents were/are officers of the organization. (*FSL Guidelines II.E; II.C.6, 11, 12; II.F.1, 2; III.C*)

The FSLSB procedures allow for a chapter to choose an “expedited process”. (*Fraternity/Sorority Guidelines, Appendix A, FSLSB Hearing Boards, page 20*). In this process, a chapter acknowledges responsibility and the Hearing Board meets with the chapter representative to determine appropriate sanctions. In a hearing using the expedited process, a Hearing Board can endorse a chapter’s internal action and/or add to it. The hearing is tentatively scheduled for **April 6, 2016**. As chapter president, you will be the only person to speak on behalf of your chapter. If you wish to have another representative, contact me with the person’s information. Please let me know as soon as possible, but no later than 5pm on Friday, April 1, 2016, if the chapter selects a regular hearing or an expedited process.

I can be reached at (619) 260-4802 if you have any questions.

Sincerely,

Mandy Womack  
Director of Student Organizations and Greek Life

cc: Sara Smith, Chapter Advisor  
J.D. Louk, Director of Operations, Alpha Phi  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Katelin Rae, Assistant Director of Fraternity and Sorority Life  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darian Deimeke, Panhellenic President  
Alpha Phi Conduct File



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University of San Diego Fraternity and Sorority Life Standards Board  
NOTICE OF HEARING

March 31, 2016

Steven Ingard, President  
Delta Tau Delta  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Steven,

When a complaint is received against an organization, the Interfraternity Council and Panhellenic Vice Presidents determine whether there is sufficient information to refer the matter to the Fraternity and Sorority Life Standards Board (FSLSB). The purpose of the FSLSB is to determine responsibility based on evidence of a violation of Panhellenic and Interfraternity Council Constitutions, Fraternity and Sorority policies or regulations, and/or provision of the University of San Diego Code of Conduct and impose appropriate sanctions or penalties when necessary.

Following is a brief summary of the complaints that have been referred to the FSLSB regarding your chapter:

- Hazing new members at two separate events that occurred on or about February 8, 2016. Both events had alcohol present, sexual misconduct, and were connected to the Big Sister/Little Sister program in Alpha Phi. Some of the members involved in these incidents were/are officers of the organization. (*FSL Guidelines II.E; II.C.6, 11, 12; II.F.1, 2*)

The FSLSB procedures allow for a chapter to choose an “expedited process”. (*Fraternity/Sorority Guidelines, Appendix A, FSLSB Hearing Boards, page 20*). In this process, a chapter acknowledges responsibility and the Hearing Board meets with the chapter representative to determine appropriate sanctions. In a hearing using the expedited process, a Hearing Board can endorse a chapter’s internal action and/or add to it. The hearing is tentatively scheduled for **April 6, 2016**. As chapter president, you will be the only person to speak on behalf of your chapter. If you wish to have another representative, contact me with the person’s information. Please let me know as soon as possible, but no later than 8:00am on Monday, April 4, 2016, if the chapter selects a regular hearing or an expedited process.

I can be reached at (619) 260-4802 if you have any questions.

Sincerely,

Mandy Womack  
Director of Student Leadership and Engagement

cc: Mike Slaughter, Chapter Advisor  
Jack Kreman, Chief Operating Officer, Delta Tau Delta  
Jimmy Blalock, Division Vice President, Western Pacific Division, Delta Tau Delta  
Mike Tankersley, Division President, Western Pacific Division, Delta Tau Delta  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Katelin Rae, Assistant Director of Fraternity and Sorority Life  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darian Deimeke, Panhellenic President  
Delta Tau Delta Conduct File



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University of San Diego Greek Discipline Board  
NOTICE OF HEARING

March 31, 2016

John Kelly, President  
Phi Gamma Delta  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Jack,

When a complaint is received against an organization, the Interfraternity Council and Panhellenic Vice Presidents determine whether there is sufficient information to refer the matter to the Fraternity and Sorority Life Standards Board (FSLSB). The purpose of the FSLSB is to determine responsibility based on evidence of a violation of Panhellenic and Interfraternity Council Constitutions, Fraternity and Sorority policies or regulations, and/or provision of the University of San Diego Code of Conduct and impose appropriate sanctions or penalties when necessary.

Following is a brief summary of the complaints that have been referred to the FSLSB regarding your chapter:

- Hazing new members at two separate events that occurred on or about February 8, 2016. Both events had alcohol present, sexual misconduct, and were connected to the Big Sister/Little Sister program in Alpha Phi. Some of the members involved in these incidents were/are officers of the organization. (*FSL Guidelines II.E; II.C.6, 11, 12; II.F.1, 2; III.C*)

The FSLSB procedures allow for a chapter to choose an “expedited process”. (*Fraternity/Sorority Guidelines, Appendix A, FSLSB Hearing Boards, page 20*). In this process, a chapter acknowledges responsibility and the Hearing Board meets with the chapter representative to determine appropriate sanctions. In a hearing using the expedited process, a Hearing Board can endorse a chapter’s internal action and/or add to it. The hearing will be scheduled for **the week of April 11, 2016**. As chapter president, you will be the only person to speak on behalf of your chapter. If you wish to have another representative, contact me with the person’s information. Please let me know as soon as possible, but no later than 8:00am on Monday, April 4, 2016, if the chapter selects a regular hearing or an expedited process.

I can be reached at (619) 260-4802 if you have any questions.

Sincerely,

Mandy Womack  
Director of Student Organizations and Greek Life

cc: Brit Coupens, Chapter Advisor  
Todd Rotgers, Director of Education, Phi Gamma Delta  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Katelin Rae, Assistant Director of Fraternity and Sorority Life  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darian Deimeke, Panhellenic President  
Phi Gamma Delta Conduct File

University of San Diego Fraternity/Sorority Life Standards Board  
SANCTION LETTER

April 14, 2016

Cassidy Kelly, President  
Alpha Phi  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Cassidy,

As a result of the Fraternity/Sorority Life Standards Board (FSLSB) hearing held on April 12, 2016, Alpha Phi acknowledged responsibility, and therefore, been found responsible for the following violations of the *Fraternity/Sorority Guidelines: II.E; II.C.6, 11, 12; II.F.1, 2; III.C (as outlined on Attachment 1)*.

The following sanctions have been issued as a result:

- Chapter closure and removal from campus.
- Alpha Phi would be eligible to apply to join the USD community during Panhellenic extension, but no sooner than Fall 2019.

The appeal process for the FSLSB findings is outlined in the *Fraternity/Sorority Guidelines*. I can be reached at (619) 260-6813 if you have any questions.

Sincerely,



Katelin Rae  
Assistant Director of Fraternity/Sorority Life

cc: Sara Smith, Chapter Advisor  
J.D. Louk, Director of Operations, Alpha Phi  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Mandy Womack, Director of Student Leadership and Engagement  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darian Deimeke, Panhellenic President  
Alpha Phi Conduct File



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**COPY**

University of San Diego Fraternity/Sorority Life Standards Board  
SANCTION LETTER

April 20, 2016

John Kelly, President  
Phi Gamma Delta  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Jack,

As a result of the Fraternity/Sorority Life Standards Board (FSLSB) hearing held on April 19, 2016, Phi Gamma Delta has been found responsible for the following violations of the *Fraternity/Sorority Guidelines: II.E; II.C.6, 11; II.F.1; III.C (as outlined on Attachment 1)*.

The following sanctions have been issued as a result:

- Phi Gamma Delta International will conduct a membership review by September 30, 2016. Any members studying abroad for the Fall Semester must be reviewed before May 9, 2016.
- Social suspension, effective immediately through December 31, 2016. This does not include chapter meetings, brotherhood events, philanthropy events, or attendance at other chapter philanthropy events. However, the chapter may not collaborate/co-sponsor philanthropy events with other chapters.
- Chapter is suspended from Fall 2016 membership recruitment.
- Chapter is required to host an educational program/speaker on one of the following topics (to be completed by December 20, 2016 with 95% chapter attendance):
  - Hazing
  - Bystander Intervention
  - Sexual Assault

The appeal process for the FSLSB findings is outlined in the *Fraternity/Sorority Guidelines*. I can be reached at (619) 260-6813 if you have any questions.

Sincerely,

Katelin Rae  
Assistant Director of Fraternity/Sorority Life

cc: Brit Coupens, Chapter Advisor  
Todd Rotgers, Director of Education, Phi Gamma Delta  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Mandy Womack, Director of Student Leadership and Engagement  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darlan Deimeke, Panhellenic President  
Phi Gamma Delta Conduct File





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and Changemaking

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San Diego, CA 92110-2492  
www.sandiego.edu/slic

**COPY**

University of San Diego Fraternity/Sorority Life Standards Board  
SANCTION LETTER

April 25, 2016

Steven Ingard, President  
Delta Tau Delta  
Student Leadership, Involvement and Changemaking  
University of San Diego

Dear Steve,

As a result of the Fraternity/Sorority Life Standards Board (FSLSB) hearing held on April 22, 2016, Delta Tau Delta has been found responsible for the following violations of the *Fraternity/Sorority Guidelines: II.E; II.C.11 (as outlined on Attachment 1)*.

The following sanctions have been issued as a result:

- Chapter is on probation starting immediately through May 31, 2017. During this period, the chapter must be in compliance with all University of San Diego and Delta Tau Delta policies. Failure to do so may result in more significant sanctions.
- Delta Tau Delta International will conduct a membership review by September 30, 2016. Any members studying abroad for the Fall Semester must be reviewed before May 9, 2016.
- Chapter is required to host an educational program/speaker on the following topics and submit signed rosters from each session to Katelin Rae. Both sessions are to be completed by December 20, 2016, with 95% chapter attendance:
  - Hazing and Bystander Intervention
  - Sexual Assault

The appeal process for the FSLSB findings is outlined in the *Fraternity/Sorority Guidelines*. I can be reached at (619) 260-6813 if you have any questions.

Sincerely,

Katelin Rae  
Assistant Director of Fraternity/Sorority Life

cc: Mike Slaughter, Chapter Advisor  
Jack Kreman, Chief Operating Officer, Delta Tau Delta  
Jimmy Blalock, Division Vice President, Western Pacific Division, Delta Tau Delta  
Mike Tankersley, Division President, Western Pacific Division, Delta Tau Delta  
Dr. Cynthia Avery, Assistant Vice President for Student Life  
Mandy Womack, Director of Student Leadership and Engagement  
Rachel Stein, Panhellenic Vice President of Wellness and Standards  
Ian Minzer, IFC Vice President of Wellness and Standards  
Forest Lieberman, IFC President  
Darian Deimeke, Panhellenic President  
Delta Tau Delta Conduct File



University of San Diego

Student Affairs

University of San Diego Greek Discipline Board  
SANCTION LETTER

November 19, 2004

Nate Oakes  
President, Sigma Chi  
Student Organizations & Greek Life Center  
University of San Diego

Dear Nate,

As a result of the Greek Discipline Board hearing on November 18, 2004, Sigma Chi has been found to be responsible for violation of the alcohol policy, hazing policy and officer responsibilities per the *Greek Guidelines*, Section II, C, 1,4, 5, 6, 11, 14, 15 & 16; II, E, f; III, A, B, & C. In addition to these policies, the Hearing Board found that Sigma Chi had violated the terms of their probation.

As a result of the hearing and these violations, the chapter has received the following sanction.

- Dismissal from campus, involving exclusion from all privileges of membership for an indefinite period. Sigma Chi Fraternity may apply for reinstatement to the IFC and University community no sooner than December 2006. This application will be in accordance with the IFC expansion policies.

In response to the Greek Discipline Board's decision, I am asking Sigma Chi International Fraternity, by copy of this letter, to withdraw its charter from the local chapter, effective immediately. (*Greek Guidelines*, I, D, 7, d, 2; pages 8-9)

Please be aware that any action taken by the chapter or chapter members to continue meeting as an organization will be dealt with through the University discipline process and will hinder the reinstatement of Sigma Chi Fraternity in the future.

Per the Greek Guidelines, Appendix A, Greek Discipline Board Procedures, the chapter has the right to appeal this decision to the Dean of Students, Dr. Thomas Cosgrove. The appeal must state one or both of the following grounds for consideration: Significant new evidence or violation of process. The appeal must be delivered in writing to the Dean within five (5) business days of this notification. The deadline for appeal will be 4:30pm Tuesday, November 30, 2004.

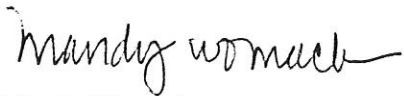
Sigma Chi Sanction Letter  
Page 2  
November 19, 2004

As was shared with you at the hearing, I would like to offer to attend a meeting for the entire chapter to discuss this outcome. If you feel that this would be beneficial, please be in touch with me to coordinate a time.

When a chapter is closed on a campus, there is a sense of sadness. It is my hope that the chapter members will reflect upon their actions, specifically those that are inconsistent with Sigma Chi Fraternity and the University of San Diego, and learn from this experience. Your members continue to be members of the University community and the expectation is that they behave as such.

Please let me know if you have any questions.

Sincerely,



Mandy Womack  
Advisor to the Greek Discipline Board  
Director of Student Organizations & Greek Life

cc: Mark Anderson, President, Sigma Chi International Fraternity  
Jurgen Gluhr, Chapter Advisor  
Van Oldag, Regional Advisor  
Jory Taylor, Sigma Chi International Headquarters  
Don Voogd, Sigma Chi International Headquarters  
Dr. Tom Cosgrove, Associate Vice President for Student Affairs & Dean of Students  
Andrew Maller, IFC President  
Jessica Milbourn, Panhellenic President  
✓Sigma Chi Discipline File





April 14, 2016

Dear Eta Rho/University of San Diego Alumna,

We are writing today to give you an update on the current state of the Eta Rho chapter of Alpha Phi at University of San Diego.

Alpha Phi International Fraternity was notified on Wednesday, April 13 that its Eta Rho chapter's registration status with the University has been revoked until at least 2019 resulting from their investigation of a serious disciplinary incident involving multiple Eta Rho members. As a result and after reviewing the findings that have been shared with us, the Alpha Phi International Executive Board will be voting on the withdrawal of Eta Rho's charter at their next meeting.

Unfortunately, the chapter has had multiple disciplinary incidents in the past two years and despite diligent efforts to negotiate a better long-term outcome for the Eta Rho chapter, the University ultimately decided that the seriousness of the incident was such that they would not commit to allowing Alpha Phi to return to the University of San Diego campus in 2019; instead we will have to wait and apply through the standard NPC extension process if and when the opportunity arises in the future.

Each and every collegiate chapter of Alpha Phi is expected to provide its members with a positive collegiate experience grounded in the six core values of the Fraternity: *sisterhood, scholarship, service, character development, leadership and loyalty*. It is disappointing that the decisions made by a number of chapter members have resulted in such a negative impact on Eta Rho's future prospects and on over one thousand loyal Eta Rho alumnae and collegians who were not involved.

We are committed to keeping you informed of this situation and any future opportunities to reinstate Eta Rho, so please make sure we have your current contact information, including e-mail address, on file at the Executive Office by setting up an account and logging into <http://www.alphaphi.org/Member>. This will ensure you receive all future communications about Eta Rho.

If you have questions or concerns, or need assistance in updating your contact information with us, please do not hesitate to contact the Executive Office at [alumnae@alphaphi.org](mailto:alumnae@alphaphi.org) or 847.475.0663

Loyally,

Linda Kahangi  
Executive Director  
Alpha Phi International Fraternity

## Alpha Phi – Eta Rho

April 25, 2016

Dr. Cynthia Avery,

We, the Alumnae of the Alpha Phi Eta Rho Chapter at University of San Diego, would like to share our support of the reinstatement of our chapter on campus.

Academic excellence, knowledge, community, ethical conduct, and compassionate service. University of San Diego's core values are the tenants by which the women of Alpha Phi strive to live. While the women of Alpha Phi make a consistent effort to uphold these values, we must admit that they are not fully integrated into our lives at every given moment of every day. Failures, mistakes, transgressions. These make up a large part of the journey that has shaped this chapter into the incredible group of women they are today. In reflecting on how we have seen our chapter integrate the University and Greek Life's core values, we don't see an end, but rather a constant effort to incorporate these principles in Alpha Phi.

One of the things that makes Alpha Phi unique is our acceptance of innovation and change. We encourage each other to reflect, grow, and improve. Now, we are asking you to give us the opportunity to help our chapter do just that.

Should Alpha Phi be given the opportunity to learn from this experience, we, the Alumnae, would offer our members our support, leadership, advice, and assistance in cultivating improvements in our chapter. Through our experiences and our strong alumnae group, we will be able to help develop this chapter to be rooted in respect, kindness, and loyalty to our values. Alpha Phi's values encourage members, alumnae, parents, and other organizations to give back to the University and the community, as demonstrated by our significant philanthropic efforts, including the tens of thousands of dollars we raise in support of cardiac care each year through our Red Dress Gala as well as the thousands of hours we dedicate to serving our community annually. These events, which members of Alpha Phi, alumnae, parents, and other students participate in, are important for the growth and development of the University of San Diego student body and faculty.

We believe that this is an opportunity for Alpha Phi to be made an example of by demonstrating our chapter's ability to learn from this experience and become exemplary role models to the Greek Community as well as to the University of San Diego as a whole. As alumnae, we will help drive changes to improve the current culture of Greek Life for the wellness and betterment of all students. If given the opportunity, a refocus of our chapter values, with support and education from alumnae, would open doors for change and growth for all University of San Diego students and the greater community. Alpha Phi would be able to offer this campus additional opportunities for philanthropic and community service events, educational and awareness-based movements, and leadership and development of student life. As Alumnae of the Eta Rho Alpha Phi Chapter, we support Alpha Phi being reinstated on campus as soon as possible.

Defeat is not declared when you fall, but when you refuse to stand again. The women of Alpha Phi have the courage to stand again in hopes of having the opportunity to improve our chapter and to be excellent ambassadors to Greek Life and the University of San Diego. You need leaders that strive for growth in academic excellence, knowledge, community, ethical conduct, and compassionate service. Leaders that appreciate the journey and see these values not just as an end, but also as a means to constantly better themselves and those they lead. We, the Alumnae of the Eta Rho Alpha Phi Chapter, strongly believe that the women of Alpha Phi can and should have the opportunity to be these leaders.

“I believe in my Fraternity. I believe in Alpha Phi.” – Alpha Phi Creed

Sincerely:

Alyssa Black

# Alpha Phi

*University of San Diego*  
*Eta Rho Chapter*

April 21, 2016

Dr. Cynthia Avery  
Assistant Vice President for Student Affairs  
University of San Diego  
5998 Alcalá Park  
San Diego, CA 92110-2492

*Via Hand-Delivery*

**RE: Alpha Phi, Eta Rho Chapter, University of San Diego Chapter Representatives' Notice of Appeal and Appeal of Sanctions Decision Issued By The Fraternity/Sorority Life Standards Board (FSLSB) on or about April 14, 2016**

Dear Dr. Avery:

Please be advised that Alpha Phi Eta Rho Chapter, University of San Diego hereby provides you with notice of Appeal of the above-referenced sanctions from the decision dated April 14, 2016 (hereinafter "Decision"). Please also consider this Notice of Appeal as timely produced pursuant to the extremely brief extension granted by Ms. Mandy Womack, Director of Student Leadership and Engagement.

## **I. INTRODUCTION**

The Alpha Phi, Eta Rho Chapter, University of San Diego, Chapter Representatives (hereinafter "Alpha Phi") hereby exercises its right to appeal the FSLSB's Decision issued on or about April 14, 2016, (enclosed herewith as **Exhibit "A"**).

Pursuant to *The University Relationship and Guidelines for General Fraternities and Sororities* (hereinafter the "Guidelines," enclosed herewith as **Exhibit "B"**):

"Any Hearing Board decision may be appealed by the accused fraternity/sorority organization to the Assistant Vice President for Student Affairs or his/her designee. To be considered, the appeal must be delivered in writing to the Assistant Vice President for Student Affairs within five business days of notification of the Hearing Board's decision. In its written appeal, the organization must state one or more of the following grounds for its appeal, and all discussion during the appeal must related to these grounds: 1. There is significant new evidence; and 2. Violation of process."

This Appeal Brief will demonstrate that both ground 1. and 2. for appeal are warranted, and further, that the Decision must be reversed, and Alpha Phi must be reinstated as an active chapter within the University of San Diego Greek System.

## **II. ALPHA PHI'S RIGHT TO PROCEDURAL DUE PROCESS HAS BEEN DENIED.**

### **A. FLSB'S FAILURE TO PROVIDE ADEQUATE WRITTEN NOTICE OF THE ALLEGED VIOLATIONS AND THE TIME OF THE HEARING WITH 5 BUSINESS DAYS' NOTICE.**

Pursuant to the Guidelines, a Chapter has the right to “written notice of all alleged violations and the time of the scheduled hearing with 5 business days’ notice.”

On or about March 28, 2016, Ms. Mandy Womack, Director of Student Organizations and Greek Life prepared a short, one page letter to Cassidy Kelly, President of Alpha Phi (hereinafter referred to as “Notice of Hearing,” and enclosed herewith as **Exhibit “C”**).

The letter stated in pertinent part: “Following is a brief summary of the complaints that have been referred to the FSLSD regarding your chapter:

*“Hazing new members at two separate events that occurred on or about February 8, 0216. Both events had alcohol present, sexual misconduct, and were connected to the Big Sister/Little Sister program in Alpha Phi. Some of the members involved in these incidents were/are officers of the organization. (FSL Guidelines II.E; II.C.6, 11, 12; II.F. 1, 2; III.C)”*

The “Notice of Hearing” failed to provide any specific facts related to the alleged Guidelines violations. In other words, it is presumed that the purpose of the Notice requirement is to put the Chapter President on notice of what individual members were involved in the alleged actions, at what location, the exact date of the alleged occurrence, what the event was, who it was sponsored by, and perhaps other specifics as to the very serious allegations posed against Alpha Phi. Instead, the Notice provides only vague and general terms leaving the Chapter to guess at the charges pending against them. As such, the Notice failed to provide Alpha Phi with adequate written notice of the alleged violations against it, and therefore, the Chapter’s due process rights were infringed upon resulting in an unfair and biased hearing (discussed further below).

### **B. FLSB'S FAILURE TO PROVIDE ALPHA PHI WITH ANY ABILITY TO EXAMINE ALL EVIDENCE PRESENTED AGAINST IT.**

Pursuant to the Guidelines, a Chapter has the right to “examine all evidence at the time of the hearing and hear all testimony presented.”

Alpha Phi has not been provided with any evidence, including documentary evidence, witness statements, or otherwise, and therefore has been unable to examine it. Further, Alpha Phi was not



provided with any opportunity to present any evidence in its defense of the allegations brought against it. How can a Hearing Board make a decision based upon the “preponderance of the evidence” if the Chapter has had no opportunity to review the evidence against it or present any evidence in support of its defense?

**C. FSLSB’S FAILURE TO ALLOW FOR ALPHA PHI’S EXECUTIVE BOARD TO BE PRESENT AT THE HEARING.**

Pursuant to the Guidelines, “A Chapter has the right to have its executive board present at the hearing, as observers.” If it is a Chapter’s right to have its executive board present at the hearing, there should have been notice sent directly to all executive board members. The March 28, 2016 Notice was directed solely to Alpha Phi’s chapter president. The executive board of Alpha Phi was not provided with appropriate written and timely notice of their right to be present at the hearing (see **Exhibit “C”**).

On or about April 13, 2016, Alpha Phi’s executive board and chapter members received a mass email from its chapter president forwarded from Mandy Womack, one day after the hearing. The email stated:

*“Good Evening Everyone! Below is a message from Mandy Womack regarding a meeting tomorrow at which we will receive our sanctions. It is important that you are all there! Thank you.”*

*"Cassidy, Can you please send out a request for all initiated members of Alpha Phi to attend a meeting tomorrow at 12:15pm in KIPJ Theater? This meeting will have an update for women and an opportunity to ask questions. I know that this has been an exceedingly exhausting semester for you. I appreciate your assistance in getting this information out to your membership. Please let me know if you have any questions. -Mandy”*

Thus, Alpha Phi’s executive board’s only opportunity to be present at any related proceeding, was after the hearing and sanctions decision had been issued. Notably, the meeting referenced in the April 13, 2016 email was the first notice to Alpha Phi’s executive board and other chapter members regarding specific allegations against the chapter. Even still, such notice provided no specific facts and was untimely as the hearing had already been held and sanctions issued. As such, Alpha Phi’s executive board was constructively denied of its right to be present at the hearing and therefore, the entire Chapter’s due process rights were plainly violated.

**D. FSLSB’S FAILURE TO ALLOW ALPHA PHI A CHANCE TO FORMALLY RESPOND TO THE COMPLAINT**

Pursuant to the Guidelines, “A Chapter has the right to respond to the complaint.”

Given the lack of notice discussed in section C above, Alpha Phi was denied their right to formally respond to the complaint. There is no evidence that Alpha Phi was permitted to respond to the complaint. Per the Guidelines, the entire chapter has the right to respond to the complaint. However, due to the blatant lack of timely written notice, Alpha Phi was not provided an opportunity to formally respond to the “complaint.” Notably, nearly all chapter members were unaware of the specific charges against the chapter, had no specific factual information related to the alleged incidents and were not informed of any facts until after the hearing took place. Such procedure clearly violates the chapter’s due process rights and is not consistent with the Guidelines.

**E. FSLSB’S FAILURE TO PROVIDE ANY INDICATION THAT ITS DECISION WAS BASED ON A “PREPONDERANCE OF THE EVIDENCE”**

Pursuant to the Guidelines, “A Chapter has the right to a decision based on the evidence presented and supported by a ‘preponderance of the evidence.’” Alpha Phi has not been provided with a formal decision wherein the “preponderance of the evidence” standard was applied and sufficiently met. To the contrary, the April 14, 2016 “sanction letter” authored by Katelin Rae (enclosed herewith as **Exhibit “A”**) simply imposes sanctions including the closure of the Alpha Phi chapter after the following vague statement regarding the hearing:

*“As a result of the Fraternity/Sorority Life Standards Board (FSLSB) hearing held on April 12, 2016, Alpha Phi acknowledged responsibility, and therefore, been found responsible for the following violations of the Fraternity/Sorority Guidelines: II.E; II.C.6, 12, IIF.1, III.C (as outlined on attachment 1)”*

The letter is not sufficient proof whatsoever that the “preponderance of the evidence” standard was applied at the hearing let alone actually met. Perhaps most troubling is the fact that the Alpha Phi chapter members were not provided a detailed hearing decision, but rather the “sanction letter” provided a brief and conclusory statement that the chapter was closed and removed from campus. The “sanctions letter” failed to include any information whatsoever regarding the basis for such a severe decision and whether the “preponderance of the evidence” standard was applied or met. Clearly such procedural violations have infringed upon the chapter’s due process rights, and must be overturned forthwith.

**F. FSLSB’S FAILURE TO PROVIDE ALPHA PHI WITH TIMELY WRITTEN NOTIFICATION OF THE RESULTS OF HEARING.**

Pursuant to the Guidelines, “A Chapter has the right to receive timely, written notification of the results of the hearing.”

As previously discussed, Alpha Phi was provided with a Sanction Letter from Katelin Rae dated April 14, 2016, (See **Exhibit “A”**). The letter states:

*“Alpha Phi acknowledged responsibility, and therefore, been found responsible for the following violations...The following sanctions have been issued as a result: Chapter closure and removal from campus; Alpha Phi would be eligible to apply to join the USD community during the Panhellenic extension, but no sooner than Fall 2019.”*

The Sanctions Letter provided absolutely zero insight as to how the Board came to their decision, whether the preponderance standard was met, and/or whether it was based upon evidence presented. Alpha Phi is not in possession of any information as to how the Board arrived at its extremely harsh decision after multiple requests for these records were denied.

**G. FLSB’S FAILURE TO ALLOW ALPHA PHI TO ADEQUATELY PARTICIPATE IN AN APPELLATE PROCESS PROSCRIBED BY THE GUIDELINES.**

Pursuant to the Guidelines, “A Chapter has the right to an appellate review.”

Alpha Phi has not been provided with any information as to how the Board arrived at its conclusion and issued the most severe sanctions resulting in Alpha Phi Eta Rho Chapter being closed and removed from campus. Such a severe measure would never have been imposed by an impartial Hearing Board. Notwithstanding the extremely harsh measures taken, Alpha Phi has been precluded from participating in the appellate process in that it has requested information as to the facts of the allegations, and has been provided with nothing. Thus, the absolute lack of information provided to the chapter has severely infringed upon Alpha Phi’s rights to appropriately appeal the decision.

**H. ADDITIONAL PROCEDURAL VIOLATIONS COMMITTED BY FLSB RESULTING IN GROUNDS FOR APPEAL AND REINSTATEMENT.**

**1) The Hearing Board Failed to Impose Appropriate Sanctions**

According to the Guidelines, “where a fraternity/sorority organization is found responsible for a violation, the Hearing Board has the authority to impose appropriate sanctions, including but not limited to any one or a combination of the following sanctions: (1) A warning; (2) Probation, defined as a period of time, not to exceed one year, during which an organization is ordered to conform to all established policies and regulation, with the consequences of misconduct during the probationary period specified in advance; (3) Monetary fines; (4) Educational sanction, with the Hearing Board determining the requirements of the program(s) and assigning responsibilities for cost, planning, etc. to the organization; (5) Suspension of specific Panhellenic or Interfraternity Council privileges such as Chapter social events of membership for a definite period; (6) A membership review; (7) Suspension from the Panhellenic or Interfraternity Council Involving exclusion for all privileges of membership for a definite period; (8) Dismissal, involving exclusion for all privileges of membership for an indefinite period; (9) Expulsion from Panhellenic or Interfraternity Council, involving final exclusion from the privileges of membership; (10)

Financial or other restitution for property damage or physical injury; or (11) Letter to the national or international office of the organization.”

Without any evidence that the Board met its burden of proof that Alpha Phi engaged in any of the alleged conduct by the “preponderance of the evidence” standard, the Board took one of the absolute most severe measures available to it. Further, this was done after the chapter was not provided appropriate due process related to the allegations and hearing. Any unbiased party would be able to see that the actions taken by the Board in the particular instant were not only inappropriate in contradiction to the Guidelines, but extreme and unjust. Eta Rho Chapter of Alpha Phi is known for its important community involvement, philanthropic values, and has continuous and tirelessly proven itself to be the one of most successful sororities on the USD Campus in that regard. The members of Alpha Phi vehemently disagree that the allegations charged against it and the resulting sanctions just. The Hearing Board has failed to provide appropriate and fair sanctions consistent with other fraternities and sororities, and has therefore violated Alpha Phi’s right to due process.

**2) The Hearing Board Failed to Take Appropriate Minutes at the “Hearing” as Required by the Guidelines and Further to Make the Required Minutes Available to Alpha Phi Such that Alpha Phi could Participate in the Appeal Process.**

According to the Guidelines,

*“A member of the Hearing Board shall be designated to take minutes at all hearings. The minutes of the hearing shall include a copy of the original complaint, a copy of all written documentation pertaining to the case, the date and location of the hearing, a list of all witnesses who appeared at the hearing with a brief summary of the testimony of each, a copy of all notices to appear that were sent out, and a copy of the decision. Minutes of all Hearing Board hearings shall be maintained in Maxient, the University’s conduct record keeping system. Notice for all hearings shall be sent to the chapter president and the chapter advisor in accordance with The Code. When deemed necessary, the (inter)national organization may also be notified.”*

Over the past week, several Alpha Phi chapter members have requested all information related to the hearing including a comprehensive written decision. They have not been provided any information per the guidelines including the full decision, any written documentation, the list of witnesses who appeared at the hearing and a summary of the testimony at the hearing. Thus, it remains unclear if any of the guidelines were appropriately followed given the fact that this documentation was either not initially created or provided to the chapter.

**III. ALPHA PHI IS IN POSSESSION OF SIGNIFICANT NEW EVIDENCE WHICH MUST BE CONSIDERED.**

Given the fact that the Alpha Phi executive board and chapter members were not provided any factual information regarding the allegations within the complaint, there is extensive evidence that multiple chapter members would testify in response to the allegations and the Alpha Phi chapter as a whole. This includes highly relevant facts surrounding the allegations, the chapter member's knowledge or lack thereof regarding the instances in question and specific facts regarding the chapter's strong willingness and history where they have complied with the University, Greek life and Alpha Phi guidelines.

**IV. CONCLUSION AND PRAYER FOR RELIEF.**

For all the foregoing reasons, Alpha Phi respectfully requests that the Appellate Board reverse the FSBSL's Decision and reinstate the Eta Rho Chapter of Alpha Phi at the University of San Diego.

Respectfully submitted this 21<sup>st</sup> day of April 2016 by the below listed and ever dedicated members of Alpha Phi Eta Rho Chapter, University of San Diego.

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