

December 21, 2022

By Email

Kappa Sigma Fraternity
[REDACTED], Chapter President
[REDACTED]

[REDACTED], Regional Advisor
[REDACTED]

Ken Stonebrook
Associate Dean of Students
kstonebrook@sa.utah.edu

Matthew Phister
Director, Fraternity & Sorority Life
mphister@sa.utah.edu

RE: Hearing re Incident Report #: 01449-001-2022

Gentlemen:

Thank you for meeting with me on December 16, 2022 to discuss the allegations by Mr. Stonebrook and Mr. Phister that the Kappa Sigma Fraternity violated University Policy 6-402(III)(B)(2)(a) and University Rule 6-401A(III)(F)(2)(d). President Randall has requested that I make the final decision of the University of Utah (“University”) concerning the University’s recognition of the Kappa Sigma chapter pursuant to Policy 6-402(III)(5)(e).

It is undisputed that the Kappa Sigma chapter knew that they had been placed on administrative suspension on October 26, 2022 because of a hazing allegation. On October 26th, [REDACTED] asked Mr. Phister if the chapter would be allowed to hold the philanthropy events the following week, and Mr. Phister unequivocally responded that those were not to be held. Mr. Phister emailed [REDACTED] on October 31st to notify him that the chapter had promoted philanthropy events and to request support in reinforcing the need for the chapter to follow the administrative suspension directives.

Nevertheless, ██████ stated that chapter leadership met and made a decision to move forward with the philanthropy events. The chapter held a pumpkin painting event, a therapy dog event, and a car smashing event during the week of October 31st. The Office of the Dean of Students reached out to the chapter leadership through text, email, phone, and in person to remind the chapter that the University had suspended all chapter activities, including philanthropy events. ██████ does not dispute that the chapter refused to follow Mr. Phister's direct requests to stop these philanthropy events, including ██████ stating to Mr. Phister at the car smashing event "Yeah, I do [know why Mr. Phister visited the chapter facility] and I'm still not shutting it down, I don't really care." The chapter did follow University instructions in some aspects, including cancelling a planned party, and not holding initiations of new members or chapter meetings.

At the December 16th meeting, ██████ and ██████ expressed concerns about a lack of written notice of the allegations that led to the administrative suspension. The suspension was implemented on October 26th and the Office of the Dean of Students provided detailed written notice of the allegations on November 1st, within a week of the suspension. The chapter does not contend that it did not understand the scope of the suspension and fails to explain how the one-week delay in formal notice justified a complete disregard for the University's instructions.

██████ also indicated that the chapter decided to move forward with the philanthropy events because it was anxious about the length of time the University took to investigate claims of sexual assault and alcohol use from spring semester. It is concerning to me that the chapter elected to move forward with clearly prohibited activities because of its dissatisfaction with the length of time for the University's investigation of very serious allegations.

I find that the Kappa Sigma chapter has violated University Policy 6-402(III)(B)(2)(a) and University Rule 6-401A(III)(F)(2)(d) by refusing to comply with restrictions placed on its recognition by the Office of the Dean of Students. In addition, this violation is egregious—the chapter was on probation from the spring investigation and the chapter was told repeatedly by University authorities that the activities were prohibited, yet the chapter leadership knowingly disregarded the University's directives. Further, although the chapter advisor was notified of the suspension and the philanthropy events, the events still moved forward. I do not have confidence the Kappa Sigma chapter will follow the University's directions, policies, or the terms of a suspension or probation, and therefore, termination of the University's recognition of the chapter is warranted.

The University's recognition of the Kappa Sigma chapter is terminated. The University will not consider any applications for recognition until January 1, 2024. Further, the University will inform Salt Lake City of the termination of recognition in accordance with Salt Lake City Ordinance 21A.36.150. Termination of recognition means the withdrawal of the fraternity as a recognized student organization.

This is the University's final decision on this matter. Please contact me if you have any questions.

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Sincerely,

A handwritten signature in cursive script that reads "Lori K. McDonald".

Lori K. McDonald, PhD

Vice President for Student Affairs

cc: Leo J. Brown, IV, Vice President External Affairs, Kappa Sigma
Jason Ramirez, Dean of Students
Kelley M. Marsden, Associate General Counsel