



# SAN DIEGO STATE UNIVERSITY

Division of Student Affairs and Campus Diversity

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*This is an official document.*

## **PHI KAPPA PSI FRATERNITY DECISION LETTER**

Thank you for meeting with me and Matthew H. Garcia on February 19, 2021 in an Informal Conference. During the meeting, we discussed allegations of policy violations of the Student Organization Code of Conduct that reportedly involved Phi Kappa Psi Fraternity during the Fall 2020 term. Specifically, we reviewed the following alleged violations of the Student Organization Code of Conduct: Aiding and Abetting, Alcohol, Failure to Comply, Health and Safety, Noise, Violation of Policies, and Violations of the Student Organization Conduct Process. We also discussed the Interim Suspension that Phi Kappa Psi was assigned in September.

### **Overview of Investigation**

The Center for Student Rights & Responsibilities and the Student Life & Leadership Office facilitated investigation meetings to review the two reports of alleged organizational misconduct. During the individual investigative meetings and within the reports, it was revealed that Phi Kappa Psi inactive members, active members, and non-members gathered at the Phi Kappa Psi fraternity house, specifically in the chapter facility courtyard, on the evening of September 18, 2020 and at an off-campus residence on October 10, 2020.

### **Findings**

During the investigative interviews with the Center for Student Rights & Responsibilities and meetings with the Office of Student Life & Leadership, it was found that Phi Kappa Psi members, active and inactive, along with non-members, gathered in the Phi Kappa Psi fraternity house courtyard on September 18, 2020 where alcohol was present. Additionally, it was found that Phi Kappa Psi fraternity members, active and inactive, along with non-members, gathered at an off-campus residence on October 10, 2020.

Based on the preponderance of the evidence gathered during the investigation, including reports, photos, and meetings with the Center for Student Rights & Responsibilities and the Office of Student Life & Leadership, I have found Phi Kappa Psi to be in violation of the following Student Organization Code of Conduct policies: Aiding and Abetting, Alcohol, Failure to Comply, Health and Safety, Noise, Violation of Policies, and Violations of Student Organization Conduct Procedures.

**b(1) Aiding and Abetting.** *Aiding, abetting, encouraging, permitting or assisting a student or student organization to do any act that would violate a University policy or applicable law; or that could subject the student or student organization to discipline.*



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**b(2) Alcohol.** *Violation of applicable law or University policy regarding the use, possession, manufacture, or distribution of alcoholic beverages while on or off campus.*

**b(16) Failure to Comply.** *Failure to comply with directions or interference with any University official or any public safety officer while acting in the performance of their duties.*

**b(21) Health and Safety.** *Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, sexual misconduct, throwing bottles or objects that could result in personal injury, or where three or more members of a student organization engage in group violence or taunt others to engage in violence.*

**(24)-2 Noise,** *including: Excessive noise which disrupts the campus or surrounding community, including but not limited to use of amplified sound on campus (except as expressly permitted in compliance with the Regulations for Use of San Diego State University Buildings and Grounds).*

**b(36)-4 Violation of Policies.** *Violation of any other published University policy, rule, regulation or presidential order.*

**b(38)-6 Violation of the Student Organization Conduct Procedures.** *Failure to comply with the sanction(s) imposed under a student organization disciplinary proceeding.*

As a result of the Aiding and Abetting, Alcohol, Failure to Comply, Health and Safety, Noise, Violation of Policies, and Violations of Student Organization Conduct Procedures, Phi Kappa Psi is sanctioned to **Suspension in Abeyance with Stipulations** through October 10, 2021.

**Any further violations of University policy during the term of the Suspension in Abeyance may result in an immediate Interim Suspension of the fraternity and could result in the removal of campus recognition.** In addition to the Suspension in Abeyance, Phi Kappa Psi must complete the following stipulations:

### Chapter Education

**Educational Workshops.** Phi Kappa Psi is expected to host educational workshops for members of the chapter. Specifically, the following workshops are stipulated for the term of the Probation and must have 80% chapter participation:

- Fall 2021: University/Fraternity Policy Workshop
- Fall 2021: Post-Probation Risk Management

Fraternity & Sorority Life can advise on presenters and workshop development. The presentations will be facilitated by trained, professional staff/volunteers of the University and/or Fraternity. Active members and Executive Board members may not facilitate the training.

It is expected that the chapter leadership will schedule a meeting with Matthew H. Garcia, Assistant Director of Student Life & Leadership for Fraternity & Sorority Life, to review and advise on the workshops and identify presenters. Documentation of workshop completion must be sent to Fraternity & Sorority Life staff within 24-hours of the workshops. Documentation should be in Google Slides format and include photos, presenter



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information, the strengths of the workshops, opportunities for growth and list of attendees.

**Judicial Board Utilization & Operations Plan.** The chapter must submit a detailed plan providing insight of the chapter's judicial board. This plan should include, but is not limited to, the officers/members that sit on the judicial board, instances that would require the judicial board to be utilized, how member expectations are communicated, and how any violations would be adjudicated. This document must be submitted to Matthew H. Garcia by September 10, 2021.

### Events & Activities

**Event Proposals and Risk Management Plans.** During the term of the Suspension in Abeyance, Phi Kappa Psi must submit a proposal with detailed risk management plans for all events (virtual and in-person) hosted or co-hosted by the chapter to Fraternity & Sorority Life. Despite location, the events must follow the SDSU's approval process and timelines, and risk management plans must be submitted for all events. The risk management plan timeline should align with the SDSU's tiered model for event permitting (submission 2 weeks, 4 weeks, 8 week, and 4 months in advance depending on the activity). The plans should be submitted directly to Matthew H. Garcia.

**Events with Alcohol.** During the term of the Suspension in Abeyance, Phi Kappa Psi may not host or participate in events that involve alcohol. The chapter may host dry socials that follow the event approval process outlined above.

**Advisor Presence.** During the term of the Suspension in Abeyance, an advisor is expected to be present during the duration of all chapter events/meetings.

### Collaboration & Partnership

**Monthly Meetings with Fraternity & Sorority Life Advisory Team.** During the term of the probation, Phi Kappa Psi must regularly meet with Matthew H. Garcia (or another designee) to discuss university expectations and chapter operations including, but not limited to, review of university policies, completion of the chapter's Recognized Student Organization (RSO) application, the chapter's recruitment plan for the Fall 2021 semester, planned chapter hosted or co-hosted events and the corresponding Risk Management Plans created for each. This term for monthly meetings also includes summer 2021.

While not a formal stipulation, it is encouraged that Phi Kappa Psi reviews their membership to ensure all affiliated individuals are in good-standing with the fraternity.



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Thank you again for taking the time to meet with me in the informal conference. We hope that the outcome of the incidents and the imposed sanctions will contribute to the success of Phi Kappa Psi at San Diego State University.

Respectfully,

**Caryl Montero-Adams**

Director, Student Life & Leadership

cc:  
Dr. Randy Timm, Associate Vice President and Dean of Students, Division of Student Affairs and Campus Diversity  
Matthew H Garcia, Assistant Director of Student Life & Leadership for Fraternity & Sorority Life  
Ben Sigler, Director of Chapter Services & Standards, Phi Kappa Psi Fraternity  
Kyle Ryan, Alumnus Advisor, Phi Kappa Psi Fraternity  
Sam Kobari, Faculty/Staff Advisor, Phi Kappa Psi Fraternity  
Lee Abed, President, Interfraternity Council  
Mattia dal Santo, Vice President for Judicial Affairs, Interfraternity Council