April 9, 2015

Lambda Tau Chapter of Alpha Kappa Alpha

Dear [Name],

This letter is to inform you of the decision relative to your appeal, dated November 19, 2014. Your appeal was submitted in response to the November 6, 2014 letter that detailed sanctions for Pi Kappa Alpha. These sanctions were based on violations for which Pi Kappa Alpha was found responsible, behaviors at and relative to an incident at the Spirit Rock that occurred on the night of September 29-30, 2014.

I want to stress that the University takes your complaint very seriously, illustrated by the fact that three different offices have investigated the incident [the University of Connecticut Police Department (UCPD), the Office of Diversity and Equity (ODE), and Community Standards]. These offices have the capacity to examine these concerns from multiple vantage points.

In your appeal letter, you asserted that the University did not follow its own procedures, including: the lack of a full investigation; conflict of interest of investigating staff given that the investigator was a member of a sorority and an intern in the Office of Fraternity Life (OFSL) when the AKA advisor was an intern in the OFSL and therefore lacked neutrality; lack of enforcement of the Rock Painting Policy; and incorrect information given to your organization about your organization’s ability to appeal. In addition, you asserted that sanctions should be levied on additional organizations, and that the sanctions for all of the organizations you cite in your appeal should be more serious.

Further, during a campus program on November 10, 2014, your members shared information that was not part of the original complaint. As a result of the possibility of new information, the investigation was reopened on November 25, 2014 so that the University could explore this new information and its potential impact on the original findings. The University planned to:

1. Identify and re-interview groups and individuals present during the incident to determine individual and group responsibility, as well interview those individuals who previously declined to be interviewed regarding the matter during the initial investigation, or who were not previously known to be present
2. Reexamine the direct applicability of race and gender upon the behaviors present during the incident
3. Examine comments that were shared over the social media outlet “Yik Yak” relative to the event, which were submitted with the appeal documents
4. Determine whether or not any individual or group disobeyed the instructions of University of Connecticut police officers at the time of the incident.
The UCPD and ODE subsequently conducted investigations. Members of your organization have met with representatives from UCPD and ODE to review the results of these investigations. The UCPD Report and the ODE report conclude the following:

- “Based on the facts and evidence known to police at this time, this investigation has not indicated a violation of the Connecticut General Statutes by a specific person” (UCPD Case/Incident Report, March 19, 2015)

- “...a close and careful review of the information available does not lead to a conclusion that individual students or the Pike fraternity engaged in sex-based or race-based harassment in violation of The Student Code (ODE Findings and Recommendations, March 31, 2015).

I received the UCPD and ODE investigation reports. I have carefully examined those reports, and all of the other documentation related to the case in light of your appeal and determined the following:

- While there may have been individuals present at the Spirit Rock on September 29-30, 2014 from other organizations, there were only two group events: Pi Kappa Alpha and, separately, Alpha Kappa Alpha.

- The Rock Painting Policy was enforced; those not painting the rock were directed not to interfere with the group members who were. Members of Pi Kappa Alpha were not found to have disobeyed police instructions.

- The Community Standards investigator was a collegiate member of a sorority, but was not an intern in the Office of Fraternity and Sorority Life at any time.

- While the original sanction letter to Pike Kappa Alpha did not include direction on how AKA could appeal, once this oversight was brought to the attention of the staff, AKA was provided direction on how to appeal within two business days, and did submit an appeal eight days later.

- The anonymous Yik Yak comments that were included in your appeal were hurtful, vile and grossly inappropriate. The University of Connecticut has no ability or authority to curtail anonymous Internet posts, and is unable to sanction individuals when the posts are not attributable to specific people (i.e. students at the University of Connecticut). In this case, while deeply offensive, the anonymity of the posts prohibits a finding that they are attributable to Pi Kappa Alpha, or any student at UConn.

- The sisters of AKA were well within their rights to paint the rock that evening both as individuals and members of a student organization, and should have been able to do so free from intimidation and insult. There can be no dispute that the remarks were rude and vulgar. However, even speech that may be considered offensive by most is protected under the First Amendment. While the University has and will continue to educate the campus community on civility and respect, the speech at issue here does not rise to a level that the University, to the extent the individuals engaging in such speech were identifiable, can sanction those individual for exercising their rights of free speech.

- The ODE investigation concluded that the race-based and sex-based comments that were more likely than not overheard by some present during the Spirit Rock incident were not a violation of Title VI (race-based harassment) or Title IX (sexual harassment) under federal law as they were not “severe and pervasive” under the hostile learning environment analysis and also were covered by the protections of the First Amendment. The Student Code mirrors state and federal law in this area. Further, for the remarks that were found to have occurred, the majority were not directed at particular individuals, and there was no evidence to connect the remarks to any particular individual student or students.
In summary, the findings of the UCPD investigation, concluded on March 19, 2015, and the ODE investigation, concluded on March 31, 2015, confirm the findings of the original investigation conducted by Community Standards, which was concluded on October 20, 2014.

The actions of members of Pi Kappa Alpha on the evening Sept. 29-30, 2014 did violate The Student Code. Specifically, the organization was found responsible for violating Section 2: Disruptive behavior which is defined as participating in or inciting others to participate in the disruption or obstruction of any University activity, including, but not limited to: teaching, research, events, administration, student conduct proceedings, the living/learning environment, or other University activities, on or off-campus; or of other non-University activities when the conduct occurs on University premises; or of the living environment, on or off-campus, as well as Section 3: Harassing behavior which includes, but is not limited to, the threat or actual physical assault or abuse; bullying; and/or harassment.

These violations necessitated sanctions for the chapter, which were applied following this incident. Specifically, Pi Kappa Alpha was placed on probation until at least May 2015, was directed to conduct a variety of educational initiatives on topics including sexism, racism, bystander intervention, and was advised that its status as an organization would be reviewed on an ongoing basis and any further incidents of any kind could result in further sanctions.¹

The process was conducted in accordance with our student organization conduct procedures, including the levying of appropriate sanctions. Accordingly, the decision detailed in the November 6, 2014 letter to Pi Kappa Alpha is upheld.

ODE and Student Affairs have recommended that continued education, training, awareness and climate enhancement measures that focus not only on the Greek community, but the entire University community, are necessary to ensure a learning environment free from discrimination, harassment and retaliation. We will continue to pursue such measures, and will look forward to including you and AKA members in those important discussions moving forward.

Sincerely,

Christine Wilson, PhD
Assistant Vice President for Student Affairs &
Director of Student Activities

C: Pi Kappa Alpha
Community Standards
Office of Fraternity and Sorority Life
Department of Student Activities
Office of the Vice President for Student Affairs

¹As noted, Pi Kappa Alpha was on organizational probation for their behavior at the Spirit Rock on September 29-30, 2014. In March, 2015, Pi Kappa Alpha was found responsible for additional and new violations of The Student Code. The cumulative outcome of additional and new violations while on organizational probation was the revocation of registration and recognition of Pi Kappa Alpha at UConn for a period of four years.