

From: [Darden, Maggie](#)
To: [Darden, Maggie](#)
Subject: Conduct Hearing Decision
Date: Friday, September 24, 2021 11:06:30 AM

September 23, 2021

Dear President Martin and the Brothers of Sigma Alpha Epsilon, Tennessee Alpha Chapter:

This will confirm the results of the Disciplinary Hearing which was held with Michelle Byrd on September 23, 2021 2:00 PM at 302 Burgin Dossett Hall to review an incident (Conduct Code Violation) occurring at Off Campus on August 22, 2021 1:00 AM.

After reviewing all of the information presented, it was determined that you are responsible for violating the following sections of ETSU's Institutional Disciplinary Policies:

Disciplinary Offenses/Alcoholic Beverages. - The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, including but not limited to where an affiliated group or organization has alcoholic beverages present and available for consumption; If you are under the age of 21 years and are convicted of an alcohol or drug charge your parents/family will be notified of such in writing per state law (Tenn. Code Ann. § 49-7-146 (2013)).

Disciplinary Offenses/Disorderly Conduct - Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;

Disciplinary Offenses/Conduct Dangerous to Self or Others. - Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

Disciplinary Offenses/Violation of General Rules and Regulations. - Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

As a result of this finding, you must complete the following sanctions:

1. Probation.

Complete by: Friday, January 07, 2022

The Sigma Alpha Epsilon, Tennessee Alpha chapter will be on probation, or warning, through January 7, 2022. It is imperative to have no additional violations during your period of probation. Any additional violations could result in strict approach to future sanctions.

2. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

Complete by: Friday, January 07, 2022

Sigma Alpha Epsilon, Tennessee Alpha, will complete all sanctions as levied by the Fraternity Service Center (National) for Sigma Alpha Epsilon, in their letter of findings dated September 7, 2021 and attached to this email.

Failure to complete these sanctions by January 7, 2022 could result in an extension of university probation.

To appeal this decision, you must submit a written appeal to our office. Your appeal will must be received

within three (3) business days of this letter to be considered. Grounds for filing an appeal are listed below.

Failure to complete any sanction by the stated deadline may result in more serious actions being taken against you.

If you have any questions you may contact me at byrdt@etsu.edu or 423-439-4210.

Sincerely,

Michelle Byrd
Assistant Vice President and Dean of Students

byrdt@etsu.edu
423-439-4210

To review general information on the student code of conduct at ETSU or the campus judicial process, please visit the Student Conduct website at: <http://www.etsu.edu/students/conduct>

ETSU STATEMENT OF PROCEDURAL RIGHTS Post-Hearing & Appeal Information — Please Review Carefully

The respondent has the right to appeal this decision and/or sanction to the next higher judicial authority.

The respondent may be asked of their desire to appeal at the end of a hearing, but will have three (3) business days to reach a final decision.

The time limit for filing an appeal expires 3 business days following the receipt of the hearing outcome letter.

If the respondent desires to appeal, a written statement of reasons for appealing must be forwarded to office which adjudicated the case, either the Office of Housing and Residence Life (1st floor Burgin E. Dossett Hall) or the Student Life and Enrollment Office (302 Burgin E. Dossett Hall). Reasons for appealing must be stated in writing and based upon:

1. alleged irregularities that violate procedural due process; or
2. upon introduction of new evidence that might cause another hearing officer of board to alter the decision or sanction; or
3. if the accused feels that the sanction is unduly harsh

The case will be reviewed only in that portion of the original hearing that deals with the appeal.

The appeal will be forwarded to the appropriate appeal board/officer; who will set a date for reviewing the case.

The appeal board or officer, upon reviewing the case, will have several options. The original decision may be affirmed or reversed. In cases where the original action is inappropriate as a result of issues involved in the appeal, the appeal board or officer may revert the case back to the original board or hearing officer, modify the original action, or hold a completely new hearing.

For complete information about ETSU policy, procedure, rights, and campus resources related to sexual misconduct investigations and cases please visit the following websites:

<http://www.etsu.edu/violencefree>

<http://www.etsu.edu/reg/catalog/default.php>