

**GOOD SHEPHERD LUTHERAN CHURCH/
LUTHERAN CAMPUS MINISTRY**

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To: *(through Rob Bishop)*

E-Board members of Beta Chapter - Theta Tau:

Hunter Grace

Stefan Scharret

Tom Irwin, President of Beta Chapter Housing Corporation

John Ricker, Beta Chapter, Theta Tau Alumni Foundation

Jeff Gundlach, Beta Chapter, Theta Tau Alumni Foundation

Mike Abraham, Executive Director of Theta Tau

Rob Bishop - Director of Academic and Community Conduct

Bonnie Gorman - Dean of Students

Jessie Stapleton - Assistant Director of Student Activities

From:

Rev. Bucky Beach, Dialogue Facilitator

Date: November 12, 2015

On Friday, October 30, 2015, I met with those named above to facilitate a second meeting about current issues and concerns between Michigan Technological University and the Beta Chapter of Theta Tau. My role as facilitator was to help structure the follow-up conversation between the parties involved in a conflict. At this second meeting, new people present included three alumni (one by conference call) and the Executive Director of Theta Tau. Student Steven Alvey, present at the first meeting on October 2, 2015, was unable to be present.

My notes taken at the meeting followed the sequence of the conversation, and what you can read below follows the notes taken at the meeting.

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Conversation began about the current situation: Theta Tau is currently suspended as a fraternity for conduct violations. Consequently they are required to cease operations as a fraternity for a 5-year period. A possible way to rectify this is for Theta Tau members move to alumni status, and during the suspension period rebuild a structure to insure that the behaviors leading to suspension do not happen again.

There is ongoing concern by Theta Tau members, both students and alumni, as to how to move forward in areas such as recruiting, social events, and maintenance of the house. The MTU guidelines regarding the suspension clearly stipulate that Theta Tau cannot function in any way as a fraternity during the suspension. That includes recruiting and having or hosting any events. Theta Tau expressed that the school may not interfere with the students' or the organization's First Amendment Rights; furthermore, neither the students nor Theta Tau may not be punished for exercising those rights.

MTU's opinion regarding having people occupy the house is first that its priority is not the house itself but students, but also that having people actually living in the house is fine as long as tenants are not recruited as fraternity members. MTU will not stand in the way of the financial concerns over the house as long as the rules of the suspension are followed. Theta Tau's view is that focus should be on today's students rather than some future group as yet to be identified. The house occupancy resolves itself in this circumstance without placing a new facility in the care of a group of unrelated, unknown, and unsupervised individuals. Mr. Irwin indicated so that there was no misunderstanding that although student occupancy is very important from a financial standpoint student involvement in campus life was most important and a significant part of their college education.

Theta Tau has taken its own disciplinary action to address the reasons for suspension in order to support both members and the fraternity as a whole. Disciplinary action included suspension of members, moving some members to alumni status, use of the model New Member Education program, and ongoing training and education about the mission and purpose of Theta Tau. Theta Tau noted that the final element of the chapter's discipline was completed in July 2015. Theta Tau's model of continuing to function in a more structured and supervised manner addresses matters in a more timely, efficient, and less obtrusive manner. The students asked if the chapter could continue its community service activities (cutting fire wood for elderly, etc.), and MTU did not object to their doing so.

Both sets of parties agree, from their own perspectives and experiences, that education and remedial action will succeed if a model is followed. However the Theta Tau perspective is that a five-year suspension is extreme relative to known abuses on other campus (the recent Indiana University/ATO action in the news was noted in contrast) and not appropriate for the purpose of education. Executive Director Abraham stated simply that "there is no education in a five year ban. A five year ban is not education; it is not the absence of education; it is the abandonment of education. MTU's perspective is that it is not extreme and is both warranted and standard, and that this type of action and policy has been demonstrated in other similar situations to be successful if the organization is willing to follow the rules leading to reinstatement. Mr. Irwin noted that there is a significant loss to the students and a loss to the University from losing the students & the fraternity participation and contributions on campus.

It was stated numerous times that the alumni has been very hands-on and active in mentoring, working with, and communicating to local members the mission, purpose and values of Theta Tau. Mr. Ricker, Mr. Gundlach, and others regularly check in with the chapter in person and via telephone. There was agreement by alumni and current chapter members present that there is a need to move forward, and discussion about how current members of the suspended fraternity can actually do that. Theta Tau's goal is to work toward reinstatement and get back on campus, but

concern was expressed as to how this might happen. In response, it was suggested that all current students move to alumni status, and that Theta Tau refrain from official activities on campus. It was also suggested that the organization and its alumni, including current members who move to alumni status, work together as alumni. This suggestion by MTU to make all members alumni was new and not previously requested despite numerous meetings and conversations over the last two years. Theta Tau feels it is unseemly, untimely, and unprofessional to ask that additional punishments be added two years after the fact.

Both MTU and Theta Tau claim the same goals – the success of the organization. During this time of suspension, the alumni can work together, and work with the national organization toward reinstatement. The alumni present stated again that the goal is to be fully and officially back on campus and that as alumni they are making efforts to work with students to reach that goal.

It was noted that from the Theta Tau national perspective, they were not sufficiently notified. Theta Tau believes that its inquiries and calls for facts and details were avoided, ignored, and delayed under ruse. As a result, a considerable amount of time was consumed investigating allegations for which there was no real basis (threats, drug use, assault, etc.).

One of MTU's points is that Theta Tau recognizes the current status of the organization. Theta Tau needs to know the risks and boundaries. MTU's obligation is to the entire campus and community, and regarding Theta Tau's current and future status, the code of conduct needs to be followed. If that does not happen, the organization could be expelled from MTU. MTU focused heavily on the perception among others in the Greek community that Theta Tau is not adhering to its penalty and felt that Theta Tau students bore responsibility for that perception. Executive Director Abraham noted that it is inappropriate to place responsibility for someone else's perception on a relative handful of students. Moreover, he suggested that inviting Theta Tau to the next IFC meeting to convey to others their experiences over the last two years would be a far more effective educational tool than the September 15, 2015, PowerPoint presentation to the Greek Community. This is an example of result-driven communication that has been a hallmark of this process. Theta Tau is glad that the parties are stepping back from this precipice.

However, MTU is willing to work with students, alumni and the national organization to set up a process for reinstatement to happen, but that necessitates the chapter on MTU campus not be active. An alumni group can function, understanding that if all members are moved to alumni status, the current chapter must cease activities. From MTU's perspective, the goal would be to put systems in place so that recolonization can happen when reinstatement procedures are met. Theta Tau expressed the concern that over the past 10 years there has been significant work to improve the culture & image of Theta Tau internally and on campus. Those involved in the reasons for this suspension will all be off campus at the end of this school year. Referring to the two students present, it was stated that they set a good example and represent the fraternity going forward. The loss of these students, who are an example of the overall improvement in the Chapter and who represent a new face of Theta Tau will be counter-productive and there will no one left who knows the pain of being on suspension. An MTU staff member stated "I disagree. The alumni will make it work." When pressed further by Mr. Irwin if she saw value in the two students present, she replied succinctly "I don't know them." Mr. Gundlach indicated that the current students are off to their first job and starting a family right after graduation. MTU's remoteness also heavily inhibits frequent alumni participation. Alumni as well as the current graduating students are spread over the United States.

Theta Tau students and alumni felt a need for clarity on how the current group of students could continue to function within the restrictions and without risk of Theta Tau's expulsion. There is a need to define what "assemble and associate" means. Mr. Gundlach sought clarification on what "functioning as a fraternity" means. For two years now, Theta Tau has been waiting for written guidelines from MTU. While MTU has not charged individual students, Mr. Bishop stated clearly that it has the right to discipline or expel individual students for not abiding by a university directive. When asked by Executive Director Abraham, he repeated that assertion despite MTU's own publications providing for the participation of its students in community organizations.

MTU stated a willingness to help current students and alumni clarify those issues and concerns. The house can be managed and its rooms rented, but there can be no formal pinning of members. Students can function as individuals but not as members of the Theta Tau chapter. Formal events as Theta Tau must cease. Other types of activities can be cleared through MTU personnel, and a positive working relationship with alumni can help the requirements for reinstatement to be met. MTU personnel can and will act as a resource. Executive Director Abraham noted that these questions will have to proceed through legal counsel as those present remained unable to bridge the "first amendment" divide. Dean Gorman objected noting that it would take "seven years" to resolve a legal matter of this nature. Executive Director Abraham noted that the school waited seven months to file charges in Spring 2015 for activities which they had known since October 2014. He repeated the view expressed earlier that MTU student affairs staff had held those charges and timed their filing near final exams to interfere in the students' academic progress, to cause extreme emotional distress, and to create a hostile learning environment.

Clarity is needed in the area of the fraternity being reestablished in the meantime as a "community organization."

Some specifics were mentioned in the context of a plan of action:

1. Alumni mentoring
2. Reduced visibility of Theta Tau activities
3. Establishing a structure to the house, e.g. house manager and a housing corporation.
4. Work with Jessie Stapleton, Assistant Director of Student Activities

After question from Mr. Ricker, MTU agreed that a snow statue could be built during Winter Carnival but it should be as a Community Organization without the name of Theta Tau being present. Mike Abraham noted that the National Organization would have preferred that MTU charge individual students with conduct issues rather than the fraternity as a whole. Also noted was that legal counsel for the organization would decide certain issues, and that First Amendment issues were at play.

Bonnie Gorman noted that MTU has a process in place that is educational and has positive results intended. Executive Director Abraham reiterated that "there is no education in a five year ban – a five year ban is not education; it is not the absence of education; it is the abandonment of education.

There was some disagreement between Theta Tau , and MTU personnel on the need for legal counsel to decide everything that pertained to what current students could or could not do. A suggestion was made by an alumni to use good judgment and be sensitive, and while larger legal

issues could or would be decided, it would be best to consult with both MTU personnel and alumni for guidance. It is important to avoid the perception that Theta Tau is an active organization.

It was felt that a future meeting would be helpful in order to address gray areas and the four items listed above.

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Again, I would respectfully remind all parties of the goals of facilitated dialogue. They are:

- Share their thoughts, feelings, and experiences with one another in a confidential space
- Work toward mutual understanding of one another's opinions and beliefs
- Identify areas of common ground and make decisions about how differences of opinion could be managed
- Explore the possibility of reaching mutually agreeable solutions.

To the best of my knowledge, this is an accurate report of our meeting. Thank you to all for participating in this helpful discussion. I look forward to working with you in the future.

Sincerely,

Rev. Bucky Beach

{Since this meeting, the December 1, 2015, email to/from Rob Bishop, Theta Tau Regent Hunter Grace, MTU legal counsel Paul Tomasi, and Theta Tau legal counsel Glenn Smith confirm that the process going forward for communications between Theta Tau and MTU will include legal counsel in the event of a potential breach of the Code of Student Conduct. This development leaves parties with the oft-stated need to define written rules of procedure. Obviously, a defined set of rules serves the following interests:

- *Theta Tau Students avoid dealing with frivolous charges like those from last spring (found groundless by hearing panel).*
- *Other Greek organizations are provided clear guidance as to what is and is not acceptable.*
- *All parties have the time and space needed to heal emotionally/professionally.*
- *Matters are not unnecessarily inflamed again as they were last spring.*
- *University administrators are not discomforted in their future interactions with Theta Tau alumni.}*