

#2

Delta Upsilon Incident

Time Line

- March 16 Incident occurs in early morning. Verbal notice of incident received in Dean of Students Office in mid afternoon.
- March 20 Written complaint received in Dean of Students Office (Item #1)
Bias Incident Response Team convenes.
Interim suspension imposed (Item #2)
Receive anonymous call (Item #3)
Becky Koltanski and Eric Knueve meet with DU leadership and inform them of the interim suspension. Becky and Eric also communicate that DU members with knowledge of incident can meet with Associate Dean on morning of March 21. (Item #4)
Received e-mail re: DU actions at AFLV conference in February, 2012. (Item # 5)
- March 21 Individual meetings with 3 DU members who indicate they had a role in the incident. (Item #'s 6, 7 and 8)
- March 23 Meeting with two female students involved cancelled by the students.
Visit to DU location.
- March 27 Spoke with neighbor who resides in [REDACTED] (Item #9)
Meeting with Chapter President and Advisor along with Becky and Eric. (Item #10)
- March 29 Information received verbally from MPD regarding DU claims of many calls regarding trespassing on property.
- March 30 Meeting with female students. One student unable to make meeting due to a test. (Item # 11)
- April 3 Briefing with Response Team.
- April 4 Meeting with 2nd female student. (Item #12)
- April 6 E-mail to MPD Officer with investigation questions.
- April 12 Response from MPD Officer re: several questions. (Item #13)
- April 18 Meeting with a DU employee, and a chapter advisor (Item #14) to discuss DU culture.
- April 20 Follow up communication with 2 members involved in incident.
- April 23 Meeting with DU member #4, not involved in incident, to discuss DU culture. (Item #15)
- April 24 Follow up e-mail communication with DU advisor re: process.
Meeting with DU member #1 involved in incident (Item #3)
Notified two female students of CSO presentation.
- May 4 Meeting with Chapter President, Advisor and National Organization representative.
- May 11 Committee on Student Organizations presentation.



COMMITTEE ON STUDENT ORGANIZATIONS
www.cfli.wisc.edu/cso.htm

Armory and Gymnasium (Red Gym) 716 Langdon Street Madison, Wisconsin 53706
Phone: (608)263-0365 Fax: (608)265-8184 E-mail: cso@studentlife.wisc.edu

Delta Upsilon Fraternity – Wisconsin Chapter
644 N Frances
Madison, WI 53703

March 29, 2012

On March 20, 2012, the Committee on Student Organizations received a report alleging possible acts of misconduct by members of Delta Upsilon Fraternity – Wisconsin Chapter (hereinafter DU). The report alleges that on the early morning of March 16, 2012, two female University of Wisconsin students were verbally harassed by members of DU during an accidental trespassing of DU's property. The report further alleges that several members of DU went on to employ racially discriminatory language toward these students. Moreover, the report alleges that a glass object (most likely a bottle of some kind) was tossed at their direction.

In consultation with Eric Knueve, Director of the Center for Leadership and Involvement, we have determined that the report was filed in a timely manner, and that it meets all requirements for a valid report under Disciplinary Procedures for Violations Section, paragraph (4) of the Student Organization Codes of Conduct.

We further determined that the report's allegations merit further review and investigation to the following points of the Student Organization Code of Conduct:

2. Shall not discriminate on the basis of race, color, creed other than commitment to the beliefs of the organization, religion, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status parental status or sex, unless pursuant to an exception recognized by applicable federal and state law. Student organizations that select their members or officers on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership, officer positions, or participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership, officer positions, or participation on the basis of his or her race, color, creed other than commitment to the beliefs of the organization, religion, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status, or, unless exempt under Title IX, sex
4. May be subject to disciplinary action as a result of actions of individual members of the organization undertaken while representing the organization;
5. Shall be responsible for all activities and/or damages resulting from its events. An RSO must exercise reasonable caution to ensure that its events, and agents acting on its behalf, do not cause damage to the property of students, University employees, other organizations, or the University; do not harm or constitute a serious danger to the personal safety of a member of the University community (students and University employees) or guests and do not obstruct or seriously impair University run or University authorized activities.

Accordingly, the report is forwarded to the Committee on Student Organizations for its review, hearing, and decision.

Due to the extraordinary nature of this case, an Interim Suspension has been issued by the Dean of Students – pursuant to Student Organization Code of Conduct.

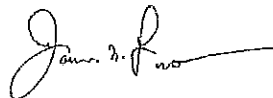
An empowered organization is one in which individuals have the knowledge, skill, desire, and opportunity to personally succeed in a way that leads to collective organizational success.

Disciplinary Procedures for Violation, item 6 – until this case is resolved by the Committee.

The Student Organization Code of Conduct was also recently updated with approved revisions. The updated code can be found at:
http://cfli.wisc.edu/guide/hb_conduct_discipline_rsos.htm#code

If you have any questions, concerns, or would like to see the actual copy of the complaint, please feel free to contact me at cso@studentlife.wisc.edu.

Yours sincerely,

A handwritten signature in black ink, appearing to read "James N. Luo", with a long horizontal flourish extending to the right.

James N. Luo
Chair, Committee on Student Organizations

Complaint Form

For Formal Complaints Against A UW-Madison Registered Student Organization

Complaint filed by: Adey Assefa

Local Telephone Number: [REDACTED]

Local Address (street, apt. no., city, state, zip code) 229 Red Gym, 716 Langdon St.,
Madison, WI 53705

Email address: aassefa@wisc.edu

Complaint filed against: Delta Upsilon Fraternity (644 N. Francis St.)

INSTRUCTIONS: Please provide a detailed account of the incident(s) and attach any additional documentation or supporting materials. You may use the space below or attach separate sheets. Unsigned complaints will not be accepted.

On Friday, March 16 I received an email from [REDACTED] regarding an incident she experienced by the Lake (Mendota) off of Langdon St. I have attached her account of what happened.

I immediately contacted the student to check in on how she was, what steps she had taken, and what steps she wanted to take.

Signature: Adey Assefa Date: 3/20/2012

Submit to the Student Organization Office, Room 239 of the Red Gym. See *Policy on Conduct and Discipline of Registered Student Organizations* for details on review of complaints.

OFFICE USE: attach copy of registration form and complete the following:

Date Received at ~~SO~~ CFI 3/20/12

received by Eric Kauve

Date Transferred to CSO

received by

Specific Code Violation #

- Discrimination complaint, forwarded to the Dean of Students
- Not covered by Code of Conduct, dismissed
- Resolved during CSO investigation

- Disciplinary complaint filed by CSO, forwarded to Student Judiciary
- Other action

[REDACTED]

To Whom It May Concern:

[REDACTED]

Early this morning (March 16, 2012) around 12:40am I [REDACTED] and [REDACTED] decided to take a walk to the lake. Totally unaware of the division of private property, we walked on the property of Delta Upsilon Fraternity (644 N. Frances Madison, WI 53703). With great rowdiness and belligerence they informed us that we were on private property. We quickly got up to leave and after they noticed we were women of color, black women, they proceeded to use racial slurs and hurtful phrases.

We were asked, "How did it feel to be peasants", "How did it feel to be poor", "How did it feel to be of the 1% at this university." The young men also proceeded to tell us that they were of the 1% who was rich and we should leave, "before we regretted it." One of the young men proceeded to throw a bottle at us, which luckily missed us but by the sound and feeling of glass shattering around us made us well aware that we were in danger. We continued to tell them to have a good night as we briskly walked off, while they continued to be belligerent. The men threatened to call the police, even though we were walking away, and tired of the insults, we encouraged them to do so. One of the young men proceeded to tell us that his father was the "head of police" thereby insinuating we would be made the villains of this incident. After realizing that trouble was surfacing, students began leaving the Delta Upsilon house. A young man walked towards us and deeply apologized for the bottle thrown at us, mostly defending that the bottle was not intended for us. However, previous to our first interaction they were tossing bottles into Lake Mendota, but somehow coincidentally, the men felt the need to now dispose of the bottles in the street—in our direction. He continued to apologize anyhow. He informed us that the young man was not racist but highly drunk and unaware of his actions.

As Scholars at this university we are as hard working and dedicated to our academic excellence and fruitful college experience just as any other student on this campus. Yesterday my peer and I felt extremely victimized because of our race and sex on the campus of the University of Wisconsin-Madison. Such belligerence should not be tolerated or accepted in anyway. No parent sends their child to college so that glass bottles can be thrown at them. When we walked on the Delta Upsilon property, specifically the first rock on the lake nearest the end of France Street, we did not seek to cause conflict in anyway but were attacked as if we were animals aimlessly lurking where we did not belong. If we were trespassing that does not in any way justify hate crimes. Racism no matter through pure passion or drunkenness should not be tolerated from people, National Greek Fraternities, or the UW-Madison campus. As black women, scholars, and upstanding activists we've never felt so offended or disrespected. No student should feel any correctness in attacking other fellow students with glass bottles and hateful language.

This incident is one of many that defines and strengthens the divide between students of color and white students. Both privilege and drunkenness is the recipe that allows students to do such hateful things without thought of consequence. What made

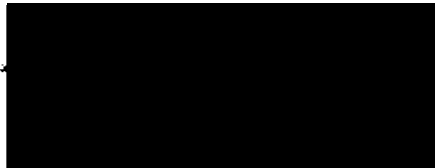
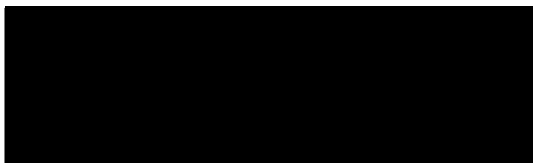
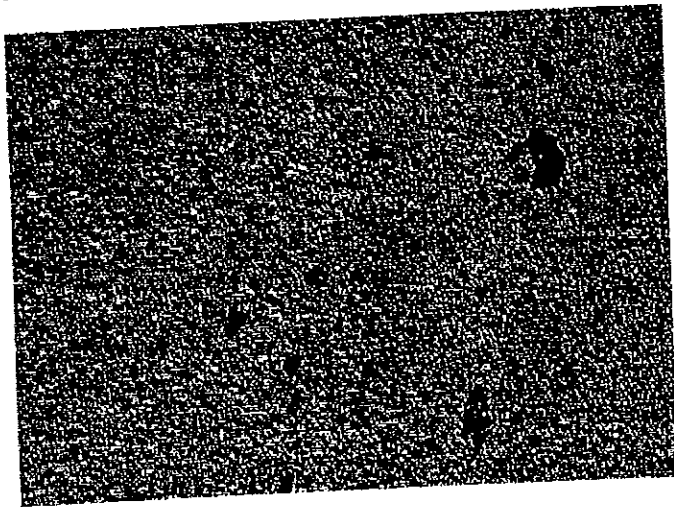
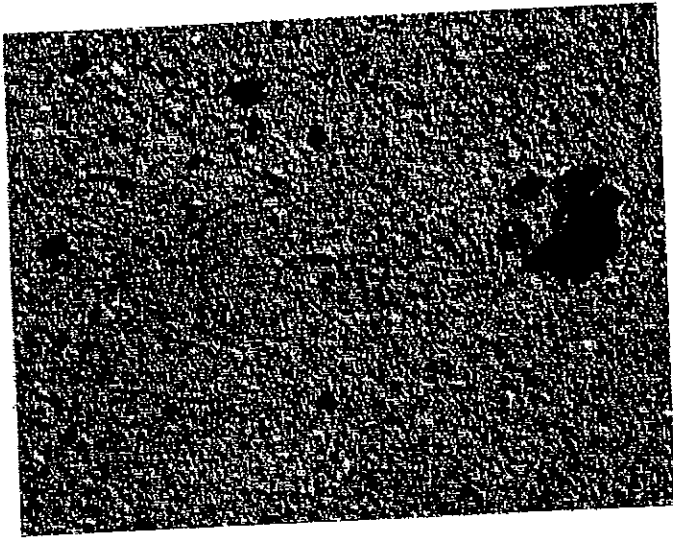
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

this event last night so horrifying is the fact that they had no concern for the well being of us as women, or people for that matter. Such incidents should not exist under the letters of any Greek fraternity or progressive liberal university. We truly hope these students are reprimanded in a fashion that teaches them that racism, hate, and belligerent drunkenness are unacceptable in all capacities, especially when these are not the ideals or the positive qualities of this Greek organization listed on their website.

[REDACTED]





Michael Underkofler, President
Delta Upsilon Fraternity
644 N. Frances Street
Madison, WI 53703

March 20, 2012

Dear Mr. Underkofler:

On March 19, 2012, my office was made aware of allegations of egregious activities that may have taken place in the early morning of March 16, 2012 at the Delta Upsilon chapter house. In line with student organization policies and because of concerns of the health and safety of our community, I am placing Delta Upsilon on emergency suspension pending the outcome of a formal investigation. This suspension is effective immediately.

Suspension of Delta Upsilon's charter has the following effects:

- Suspension of Registered Student Organization status and all privileges. As a result, Delta Upsilon will be unable to reserve space through Events Services, secure grants through the Associated Students of Madison and other funding bodies, or participate in other events or programs for Registered Student Organizations.
- Members who serve in a leadership capacity within the Greek community may be asked to step down.

My office will be in contact regarding this investigation. I hope that the members of Delta Upsilon will fully cooperate with investigators and actively work with them to resolve these concerns. Any efforts to hinder the investigation will be taken into consideration when the reinstatement of Delta Upsilon's charter is reviewed.

Sincerely,

Lori M. Berquam
Dean of Students
Division of Student Life

Division of Student Life

Anonymous Caller

Summary of Anonymous Caller Early the week of March 19, 2012

Early in the week of March 19, 2012 I received a phone call from a person claiming to have a past connection to DU. The caller made the following statements:

- A. This was not necessarily the first incident of this type involving DU.
- B. During the 2010-11 academic year there were frequent occurrences of DU members using the N word. This was described as many members using it frequently. The caller stated that serious problems began in 2010-11.
- C. He indicated that at DU the problem is not alcohol, it is arrogance. He described the group as having an attitude that they can say or do whatever they want.
- D. The caller stated that the class stuff made complete sense to him and that DU is not a good environment.
- E. The caller stated that he believes that DU is not holding themselves to their stated values.

Kevin Helmkamp

From: Becky Koltonski [bkoltonski@studentlife.wisc.edu]
Sent: Thursday, March 22, 2012 1:00 PM
To: 'Kevin Helmkamp'; 'ERIC A KNUEVE'
Subject: Conversation with Michael
Attachments: Meeting with Michael Underkofler.docx

Hi Kevin and Eric,

I just got off of the phone with Michael and read him the highlighted portion of the attachment to see if he could confirm that it is what he said. He said that he did not know whether they were coming back from a bar that night. He had come back to the house at 11:15PM because there was a noise complaint and a lot of the people left the house after that. Michael said he was not there because he went to bed prior to the time of the incident so couldn't say whether or not they had come back from the bar or were drinking outside. All that he said he knows is from the members themselves. He said that what I wrote was not correct and I told him I would make a note of that.

I'm not sure how we would proceed from here. Please let me your thoughts.

Kevin- If we are deciding to still have a meeting, would Rachel schedule the meeting with the four of us? Let us know if she is running into any conflicts on our schedule and we can move things around.

Thank you,
Becky

Becky Koltonski

Greek Life and Involvement Specialist
Center for Leadership and Involvement * Division of Student Life
University of Wisconsin--Madison
352 Red Gym * 716 Langdon Street * Madison, WI 53706
(608) 890-3329 * www.cfli.wisc.edu



Meeting with Michael Underkofler- Delta Upsilon President
March 20, 2012 at 5:15PM

Eric Knueve and Becky Koltonski met with Michael Underkofler the Delta Upsilon president.

Eric explained that a report has been submitted about an incident that occurred in early Friday morning in the back of the Delta Upsilon property.

Eric handed Michael the interim suspension letter from the Dean of Students Lori Berquam and gave him an opportunity to read it. Michael had no idea about the incident and was not outside of the house at that time. He asked what the report stated.

Eric shared that the report was of two people walking along the lake onto DU property. They heard yells to get off of the property that then developed into racial and classist slurs and a bottle being thrown.

We explained to Michael that it would be in his best interest to help us understand what happened Thursday night/ Friday morning at approximately 12:40AM.

Michael said that he had no idea about the incident. He remembered that he was in bed at about midnight because he had to catch a 5AM bus the next day to go to Chicago. No formal event that the house was scheduled that night. He said a speaker was stolen that night. People had come back from the bar and were drinking on the porch. He asked how did we know it was DU members?

Eric said that the report says that the yelling and bottle came from the DU house.

We then asked if he knew who threw the bottle or who apologized. He said because he wasn't there and didn't hear about it before this he didn't know. Becky explained that it would be in the organizations best interest to find out who threw the bottle and who apologized and have them attend a meeting with Associate Dean Kevin Helmkamp at 9AM in his office in Bascom Hall.

Michael said that he would text Becky when he knew more information about whether or not someone would be at that meeting.

Becky explained that we will give you the opportunity to let their chapter advisor and DU Headquarters know about the incident and the interim suspension. Becky will be forwarding along this letter to Laura Whitney Director of Loss Prevention and Jon Callaway chapter advisor tomorrow and will be calling her in the afternoon.

Becky explained that because the organization is put on temporary suspension, members of Delta Upsilon on the IFC Executive Board will be temporarily removed also until the organization would again be recognized. They are not being forced to resign, but they will not be fulfilling their positions on the council until the organization is again recognized. Michael will not preside over the Judicial Board hearings that weekend.

Michael said he was going right now to figure out what happened that night and get in touch with the rest of the DU members. He would let Becky know if anyone is coming to the meeting tomorrow morning.

5

Kevin Helmkamp

From: Eric Knueve [knueve@studentlife.wisc.edu]
Sent: Tuesday, March 20, 2012 1:02 PM
To: KEVIN J HELMKAMP
Subject: Fwd: FW: Hello

Kevin,

here is the email from the incident that occurred at the AFLV conference this past February.

Eric

----- Original Message -----

Subject:FW: Hello
Date:Tue, 20 Mar 2012 12:57:24 -0500
From:Barb Kautz <kautz@studentlife.wisc.edu>
To:'Eric Knueve' <knueve@studentlife.wisc.edu>

[if !mso]> <STYLE>v\:* { BEHAVIOR: url(#default#VML) } o\:* { BEHAVIOR: url(#default#VML) } w\:* { BEHAVIOR: url(#default#VML) } .shape { BEHAVIOR: url(#default#VML) } </STYLE> <![endif]>
FYI

From: Becky Koltonski [mailto:bkoltonski@studentlife.wisc.edu]
Sent: Wednesday, February 15, 2012 2:51 PM
To: [REDACTED]
Cc: 'Barb Kautz'
Subject: RE: Hello

Hi Cindy,

Thank you for your email. Barb forwarded it me as the Greek Advisor here at UW. Would I be able to get in touch with LC to discuss it in more detail? I am going to be discussing this along with other incidents at AFLV with the IFC tonight and would appreciate getting as much detail as possible. LC may also email me or call me at 608-890-3329.

Thank you,
Becky

From: Barb Kautz [mailto:kautz@studentlife.wisc.edu]
Sent: Wednesday, February 15, 2012 12:09 PM
To: 'Becky Koltonski'
Subject: FW: Hello

FYI

From: [REDACTED]
Sent: Wednesday, February 15, 2012 8:04 AM
To: kautz@studentlife.wisc.edu
Subject: Hello

Barb,

I hope you are doing well this semester. I saw the orchid on facebook. It is beautiful. I would love to try to grow an orchid but I don't keep my apartment at a constant enough temperature and they can be really temperamental.

As you probably know the AFLV conference was this past weekend and [REDACTED] was able to attend the conference with a small delegation of students from [REDACTED]. They really enjoyed the conference and are already working on how to pay for next year's conference. Anyway, as you know there is the affiliation luncheon and [REDACTED] being the only AGS member in attendance, got to sit at a table of Delta Upsilon members. Three of which were from UW-Madison. While I know you are not directly connected to the Greeks anymore I believe you told me that you still supervise the Greek advisor, which is why I am letting you know what [REDACTED] told me about his experience at the Affiliation Luncheon, I figured you would want to know how this group of men was representing Madison and the IFC.

Apparently, the behavior of these three men was appalling to say the least. I will highlight only a few of the things he told me about. One of the other DU men at the table was from [REDACTED] and as you probably know all the fraternity houses there are dry. The IFC at [REDACTED] is working on writing a policy that will allow the fraternities a way to have alcohol in the house, sort of if you meet X number of criteria your house is allowed to have alcohol, if you fail to meet the standards you can't have it anymore - that sort of thing. The UW-Madison DUs added to the conversation by saying if you do anything during your term you have to do that. At Madison we all have alcohol in our houses, and basically we can do whatever we want. [REDACTED] told me they were also complaining about having to attend the conference at all and that it was a waste of time and money for them to be there. I guess they were also trying to get the other guys at the table to meet them out at a bar that night, which obviously if they are 21 that's fine and at least they weren't bringing it into the hotel which would have been against conference policies.

That's the basics of what he told me that I can remember. [REDACTED] may write you himself to relay the information to you since he says it first hand. I guess their behavior was so appalling that he even considered messaging you on Facebook during the luncheon or shortly after but he didn't know if you were still involved with the Greek at Madison at all anymore.

Anyway, I'm sure you may choose not to do anything with this information, but I thought you would want to know regardless.

On a more positive note - how is the wedding planning going, have you started counting the days?


--

[REDACTED]

[REDACTED]

Campus Activities & Student Engagement

3/20/2012



Eric Knueve, Assistant Dean/Director
Center for Leadership and Involvement
Division of Student Life
University of Wisconsin - Madison
608.262.2421
www.cfli.wisc.edu

DU Member #1
Summary of March 21, 2012 conversation.

3 people were there from DU.

He was inside and drawn out by the noise. He described this as 'chirping back and forth.' All he heard was "get off our property." He indicated the chirping did not include anything racist or classist.

He had just returned from the library. He indicated that he took a leadership role and tried to mediate the situation.

He indicated that he heard "get off our property" and "get the hell off our property."

He indicated there was no event on Thursday night, March 15 at DU. He indicated that DU has had problems with people on the property. He indicated there have been many calls to UWPD for assistance.

He indicated he was approximately 5 feet from the women and 15 yards from the other DU members when the bottle broke. He was attempting to mediate.

He indicated the stolen speaker was purchased from MC Audio but not sure of the model.

DU member #1 indicated DU was willing to apologize for the incident, do whatever educational intervention the university thought would be appropriate and was considering terminating two members from the organization due to this incident. I asked him why they would do that if their story were true.

Follow up on April 26, 2012

DU member #1 indicated he was on the sidewalk at the edge of the street when bottle broke. He indicated the back and forth included profanities from the women. He stated that the women were walking from the property, stopped and then started walking again.

Believes that DU is a very diverse chapter. As a member he is proud to say DU was the most diverse chapter on campus.

He has heard inside jokes regarding socioeconomic class thrown around DU although it is a very economically diverse group. Also stated that he has heard these types of comments challenged within the organization.

DU Member #2

7

Summary of March 21, 2012 conversation.

Around 1:00AM when the incident occurred.

He had learned of the stolen speaker but had not been around earlier.

DU member #3 and he were out back of the house. There were two women on the property. There had been a history of problems with people coming on to the property at the beach area.

DU member #2 told them to get off the property. They started to talk back. DU Member #2 then told them to get the hell off the property. DU Member #1 started to walk toward them as DU member #2 pretended to be calling the police.

DU Member #2 heard a bottle break and one of the women say "ooh, you're throwing beer bottles at us."

DU Member #2 had not been drinking and, to the best of his knowledge, no one else had been drinking.

DU Member #2 lives at the house but had been sick that night. He restated that DU has had many problems with people coming on the property. He stated that heroin syringes have been found on the property and restated the loss of the speaker that evening. He indicated it was a Bose speaker valued at \$400.

DU Member #2 indicated that DU member #1 was within 5 feet of the women when the bottle broke, he was approximately 20 feet from them and DU member #3 was behind him when the bottle broke.

Follow up on April 22, 2012

See enclosed e-mail response from DU member #2 when asked about what the women were saying as they were leaving and their location.

Kevin Helmkamp

From: [REDACTED]
Sent: Sunday, April 22, 2012 4:00 PM
To: Kevin Helmkamp

Dean Helmkamp,

When they started talking back to us, they were on the Delta Upsilon property. If I had to give an exact location, I would say they were between 5 and 10 feet past the DU fence, by the rocks on our property. After continuing to tell them to get off of our property, they began to yell back at us. I do not recall the exact phrases used, but things like fuck you guys and other insults. I have already told you the story in entirety. This is all very unfortunate, and the callous and distasteful allegations repeated in the media are completely false. The stress this issue has caused me is immeasurable. There weren't even members of the house at the house when this occurred, and our entire house has been punished, scorning me and the other members accused. I hope this can be concluded before finals because this matter is very upsetting.

[REDACTED]

DU Member #3

Summary of March 21, 2012 conversation

DU member #3 was in a leadership position in the Fall of 2011

He stated he had been at a sorority and returned to DU just prior to this incident. He went outside where DU Member #1 and DU member #2 were at that time.

DU Member #3 told the two women to get off the property but they would not leave. There was yelling back and forth.

The two women walked up the hill. DU member #1 went up to them to apologize. As DU member #3 walked through a door he knocked a bottle off of a shelf and it broke.

DU member #3 had not been drinking. He stated he was about twenty feet from the women when the bottle broke.

DU member #3 indicated he had been back at the house for about 40 minutes prior to the incident.

DU member #3 indicated that voices were raised during this incident. He indicated what he heard was "Get off our property," and "Get the hell off our property." He indicated there was not mention of being the 1%.

DU member #3 indicated that DU quite often has problems with that area. He stated that they have found heroin needles there and have had problems with homeless people in the area. He stated there have been frequent calls to the Police about problems with people on DU property. He was not sure if calls went to Madison or University Police.

Follow up on April 20

See enclosed e-mail response from DU member #3 when asked about the specific door he was going through when he knocked the beer bottle off a shelf.

Kevin Helmkamp

From: [REDACTED]
Sent: Friday, April 20, 2012 6:59 PM
To: Kevin Helmkamp
Subject: Response

Mr. Helmkamp,

I was at Humorology practice and unfortunately missed your call. The door in question is the gate at the bottom of the sidewalk. The gate is connected to a wooden fence, which has a beam that is connected to the fence horizontally to support it. This is where the bottle was located. Please let me know if you have any further questions.

Sincerely,
[REDACTED]

Neighbor

Summary of March 23 conversation with a DU neighbor.

While visiting the DU House on March 23, I had an opportunity to speak with a resident of the [REDACTED]. I asked her about being a neighbor to DU. She indicated that noise is a frequent concern of hers. She seemed to have low expectations of reasonable quiet because "they are just college students."

The neighbor then offered that her biggest concern was all the broken glass from DU members throwing glass beer bottles around the parking lot and street area.

Meeting with Delta Upsilon- March 27, 2012

In attendance: Michael Underkofler- DU chapter president, Jon Callaway- DU chapter advisor, Kevin Helmkamp- Associate Dean of Students, Eric Knueve- Assistant Dean of Students, Becky Koltonski- Greek Life and Involvement Specialist

Updates from Kevin

- Spoken with the three members involved and there is a consistency in their story that seems rehearsed
- Want to ask follow-up questions of those men and the women who reported it about the site and where everyone was since he visited the house himself to see the physical space
- Spoke to neighbors of DU and have been receiving calls about the chapter culture
- After he talks to the men and women involved later this week, will have a better understanding of what happened
- Will be able to determine two things: Is the activity organizational in nature? Then will be sent to the CSO. In addition, will determine if the activity is individual in nature. If so, then will be send to the Dean of Students Office
- From the information we know today, it seems that [REDACTED] was the peacemaker in the situation
- The chapter also needs to understand that they have a PR problem. While talking to neighbors they all said that the house was very loud. Also, another neighbor said that there is a lot of broken glass in the area.

Concerns from Kevin

- Concerning that the message is that the men are okay will doing educational sanctions and/ or kicking out the members from the fraternity, but does not want to be found in violation and not admitting to the behavior.
- Asked Michael about the culture of DU as fraternity president who is living it.

Michael's response

- DU considered removing the individual members as an immediate reaction to the media. Now after discussing it with their advisor was to follow due process and wait until the investigation is finished so will know more information
- Sees DU as the most diverse 'house' on campus because have people from different backgrounds in the chapter. Does not see racial prejudice. Has not personally seen any classist things being said either. Don't want to say that DU has these issues. Believes that things like Total Frat Move(TFM) could influence individual's behaviors like other fraternity members. Definitely are arrogant people in any fraternity.
- Believed that they were loud 2 weeks before because of the beautiful weather. Set up a speaker near the dock and were blasting loud music outside. That was the one that was stolen that night from the basement
- Has not personally seen bottles being thrown
- There is trash from the street that is near the house
- The landing across the fence many random people come over throughout the summer. Scary people that drink there and leave their bottles. People coming onto the property is a big problem

Questions

- M: Are you leaning toward organizational or individual base?
- K: Don't want to commit either way, but seeing more of an individual story. Heard in report that a party was going on and want to understand how that was being seen.
- M: Was going to bed at 12AM because had to catch a 5AM bus. At that time, no one was at the house
- K: Will have to look further into the organization culture because is another part of it
- M: What is the time frame?
- K: Next stage should be done by the end of the week. Standard for investigation is preponderance which is 50+1%. Will follow up with 3 men and 2 women and will know more information. Don't want to rush because want to be able to explain the reasoning to others
- K: So what I'm hearing from you Michael is that you don't see a cultural issue?
- M: Yes, we have people from all over: Racine, Dubai, etc. in the 'house'

Update from Jon

- Michael contacted the alumni right after met with Becky and Eric. Local alumni board decided to make the house dry indefinitely until they know more information.
- Alumni became more removed this year because employed a property management company- BMOC
- Non-member RA living in the house that has been disappointing this semester
- Alumni have decided to stay separate from the situation and have not met or spoken to the three members involved
- Plan to follow the due process of the DU Headquarters in regards to the three men's membership. Any information if you're able to share it is helpful
- Liked what Kevin said that it could be individual in nature but has organizations factors that contributed

Kevin's Response

- Looking at four things: race, class, alcohol, and being a good neighbor
- Inconsistencies in the stories of whether alcohol was involved. The three men are claiming absolute sobriety
- Lying about alcohol consumption hurts their credibility on the rest of their story
- DU has an opportunity here- like about 90% of student organizations- to work through these issues
- Believe that women were there, but inconsistencies in the stories about what was said
- If three individuals still want to come forward with more information, they can set up a meeting with Kevin

Description of the Night

- M: Came home at 9:45PM from a test
- M: Saw people drinking in the basement but didn't register if the three members were there
- M: Noise complaint that a police officer came to the house at 11:15PM. People left after that. No one was in the house when went to sleep at midnight.
- K: Need a description of why it was thought there was a party
- K: [REDACTED] allegedly said in his apology that the men were drinking
- J: They may not be honest about drinking because they do not want to get in trouble for drinking underage

Michael leaves- Said will let the members know if they have further information to come forward. Also, will have member from [REDACTED] set up something with Kevin.

Jon's Final Comments

- House Corporation Board is looking at the whole culture
- Issue is also that other members saw this or other things happen and do nothing. Don't hold each other accountable like when he was a member
- The chapter's current make-up is mostly out-of-state students. Asking the chapter to recruit at least ½ Wisconsin members so they can give back to fraternity

Jon said for Kevin to contact [REDACTED] from BMOC to discuss culture with RA. May also contact [REDACTED]. Will keep everyone in communication as the investigation develops.

Summary of March 30, 2012 conversation

Reaffirmed written statement submitted previously. Additional details include:

She and female student #2 were sitting on a rock by the lake. Individuals from the house seemed to be cleaning up after a party. There many bottles and trash bags present. Approximately 10 people were around although a smaller number were directly involved in the incident. The number of people present coupled with multiple bottles being thrown into the lake and seeming intoxication created perception of a party wrapping up.

The two female students were in the street when the bottle was thrown behind them as they were walking north in the street. She does not believe that a simple act of knocking a bottle off a shelf would match her experience.

One of the men was doing "all the yapping." She described 7-8 people leaving the house by the main door.

We also discussed if she was going to report the incident to the police. She indicated she was unsure and wanted to wait for the university response. I also provided a contact for the Wisconsin State Journal.

Summary of April 4, 2012 conversation

Reaffirmed submitted report.

She indicated she and female #1 were at a friend's apartment at the [REDACTED] and decided to go outside for some air. They walked north to the end of Frances Street and stepped onto the first rock on the property.

She indicated she first spoke with a black guy who inquired about whether they were the police. She also observed bottles being thrown into the lake. Female #2 said to a guy to "stop, that's littering." The guy responded with "get the fuck off our property." The mouthy guy did not seem to be throwing bottles into the lake.

As the two women were leaving is when the commotion started. The class comments were made as they were walking up Frances. Comment focus was on owning the property.

Described the bottle being thrown in front of a traffic barrier and not far from where the two women were standing.

The male that apologized approached them after the bottle broke. Another guy was faking a phone call when the male apologized. They were clearly walking away when the bottle was thrown.

She appreciated the apology and indicated the guy had explained about prior problems.

She stated there were about 15 men in the back yard when the incident started. Seemed like a party ending. Did not seem to be more drinking, just people cleaning up. 2 males were dumping something into the lake.

Given statements made to me early in my investigation I contacted Officer Humerickhouse for a response reflecting either Madison Police Department records or his own experience. He provided the following:

- A. Can you provide details of a MPD response to a call to DU late on the night of March 15, 2012?
 - a. Call came in at 10:35PM and a unit was dispatched at 11:12PM with arrival at 11:16PM
 - b. Complaint was due to loud music and shouting. Complainant refused further contact. Officers made contact with resident. Verbal warning was given and residents advised that enforcement would happen if police return.

- B. A neighbor indicated her biggest issue with DU is broken glass. Can you confirm this is an issue?
 - a. Because the property is fenced in he does not have many occasions to view the property itself. He has not noticed anything on the property or parking lot to indicate excessive debris.

- C. Have there been calls about DU members throwing bottles into the lake?
 - a. No

- D. DU member testimony indicated that there have been many calls to the police regarding problems with transients and others on the property. What do MPD records show as to calls from DU about a problem on the property?
 - a. March 2011
 - i. Check property – 1, Battery – 1
 - b. April 2011
 - i. No calls
 - c. May 2011
 - i. 911 Unintentional Call – 1, Parking on Private Property – 2
 - d. June 2011
 - i. Parking on Private Property – 9, Damage to Property/Burglary – 1
 - e. July 2011
 - i. Parking on Private Property – 10
 - f. August 2011
 - i. Parking on Private Property – 8
 - g. September 2011
 - i. Noise – 1, Parking on Private Property – 7, Disturbance – 1, Check Property – 1, Information – 1 (Trespassers asked to leave by tenants)

- h. October 2011
 - i. 911 silent call – 1
 - i. November 2011
 - i. Parking on Private Property – 2
 - j. December 2011
 - i. Parking on Private Property – 1
 - k. January 2012
 - i. Legal Papers Served – 1, Parking on Private Property – 5
 - l. February 2012
 - i. Parking on Private Property – 1
 - m. March 2012
 - i. Noise – 3, Parking on Private Property – 2, Damage to City Property – 1
 - n. April 2012
 - i. Parking on Private Property – 3
- E. Was a report filed on the missing \$400 speaker?
- a. No report to MPD

I was also interested in Officer Humerickhouse's general assessment of DU culture and atmosphere? He responded as follows:

"Generally, I talked with them three times this spring, especially Underkofler (DU president). They just don't get it. They say one thing, 'we want to figure it out,' 'we want to do right,' 'we are trying.'" There needs to be at the least a membership purge of the entire fraternity.

They were on probation and under sanction by Greek Life and the very Thursday turned in all the paperwork, they had a social gathering with _____ did the right thing and contacted me to talk about the incident. She admitted that it was with DU and never again would they do such an event. No one was contacted from DU in the official report because most people fled.

DU has done absolutely nothing to better themselves and this latest incident only shows that there is a problem. I can not speak to everyone in that house, but they clearly want to party."

DU Employee/DU Advisor

Summary of conversation of April 18, 2012

I met with the employee who has been employed by DU for 14 years. An advisor was also along. The employee indicated that she has not experienced issues with racial or classist language from DU members throughout her time as an employee of the organization.

She spoke extremely positive of her entire experience and indicated that members treat her and her family with respect.

She did speak with some regret regarding the role of alcohol within the organization.

DU Member
Not involved in incident

Summary of April 23, 2012 conversation

I spoke with a DU member on this date to discuss his experiences within the chapter since arriving as a Freshman. He spoke very positively of his experience with the chapter house. A specific point of emphasis was the welcoming atmosphere he experienced within the organization even from members who were culturally, racially, religiously or economically diverse.

The member did indicate that within DU he has heard inside jokes similar to the classist comments referred to in the initial report. He characterized these comments as an inside joke. The member did speculate that the incident as he understood would be consistent with an inside joke that was directed at someone outside of the fraternity and, as such, would not have been understood by anyone outside the group.