



Georgia Institute of Technology

Office of the President

February 24, 2016

Mr. Michael Sterling
President
Phi Delta Theta Fraternity
michaelsterling@gatech.edu

Dear Mr. Sterling:

I have considered Phi Delta Theta's appeal from the finding of the Undergraduate Judiciary Cabinet holding the fraternity responsible for a violation of the Student Code of Conduct (Code) and the imposition of the sanction of Suspension Held in Abeyance. The finding and sanctions were appealed to the Vice President for Student Life and Dean of Students, who upheld the original decision and imposed the sanctions.

I agreed to entertain an "extraordinary appeal" in this matter as a result of concerns raised in a subsequent review of the student conduct process, and your claim of possible bias in the first appeal. To this end, I appointed the Honorable Leah Ward Sears, retired Chief Justice of the Georgia Supreme Court, to review this appeal and make a recommendation to me as to the appropriate course of action. Justice Sears and her appellate team have thoroughly reviewed this matter and provided the attached "Summary" and her full 30-page "Report and Recommendation" dated February 22, 2016.

After carefully reviewing the Report from Justice Sears, along with the record of the initial investigation and hearing, the supporting documents, and the written appeal from Phi Delta Theta, I concur with the findings of the Report:

1. Phi Delta Theta's hearing was conducted fairly and the Fraternity received due process as defined in both the Summary and the Report.
2. There was sufficient evidence in the record for the Undergraduate Judiciary Cabinet (UJC) to conclude the August 11, 2015 incident occurred. Justice Sears and her team did not address or disturb the UJC's finding that the July 2, 2015 incident occurred since that decision was not on appeal for review.
3. Section (A)(6) of the Code only provides for holding a Student Organization or its officers responsible for Code violations, by those associated with the Organization, when the Organization, its leaders or officers consent to or encourage the violative conduct. The UJC panel made the express determination that Phi Delta Theta leadership was not complicit in the August 11, 2015 incident. Furthermore, there was no other evidence in the record that Phi Delta Theta, as an organization, was complicit in the August 11 incident.

Accordingly, I have adopted the Recommendation of Justice Sears that the sanctions against Phi Delta Theta be lifted and the previously imposed sanction of Suspension Held in Abeyance be vacated effective immediately. The Georgia Tech Office of Student Integrity is so directed.

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The Board of Regents of the University System of Georgia (BOR) is the final appellate authority for cases that have been reviewed by me. For information on review by the BOR, you can refer to the [BOR Policy](#) or contact the BOR Office of Legal Affairs directly at 404-962-3255.

Sincerely,

A handwritten signature in black ink, appearing to read "G. P. Peterson", with a long horizontal line extending to the right.

G. P. "Bud" Peterson
President

cc: H. Huckaby, Chancellor, University System of Georgia
J. Stein, Vice President and Dean of Students
D. Goldman, Previous President, Phi Delta Theta