

October 15, 2021

Sean Lohr

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Sean,

Student Conduct has received a conduct referral alleging your involvement in potential violation(s) of the *Student Code of Conduct* during an incident that occurred on or around September 26, 2021 at 8:30 PM. Please see the incident description in the attached document, below.

The potential charges in this case are:

- Disorderly or Disruptive Conduct: Engaging in disorderly or disruptive conduct that interferes with university, community, or individual activities, including but not limited to studying, teaching, research, and university administration.
- Failure to Comply: Failure to comply with a request and directives of university officials acting within the scope of their authority, including but not limited to the following: failure of a student to present their university identification card, failure to keep or attend a required meeting, and failure to leave an area when requested by an authorized university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.
- Abusive Conduct: The use of physical force against an individual or any acts that cause physical harm; threats, including words or actions, that may cause a person reasonable apprehension of imminent physical harm.

To provide you with an opportunity to share your perspective and for Student Conduct to determine if you violated policies and, if so, appropriate sanctions, this matter will be resolved through a formal hearing. Prior to the hearing, I would like to meet with you to share the referral, next steps in the hearing process, and resources to help you navigate the situation.

Pre-Meeting Information

After consulting your academic schedule, I have scheduled your pre-hearing meeting with me for **October 20, 2021 at 4:00pm**. If you fail to attend this meeting, our office will schedule your formal conduct hearing, and you will be notified via your Virginia Tech email address.

To support community well-being during the current public health crisis, Student Conduct is holding all meetings over Zoom. You can join the meeting using this link: [REDACTED]. While we will not be in the room together, I hope to make the meeting feel as personal as possible.

This meeting is meant to:

- provide you with the information that we have received regarding the incident(s) in question
- review the potential policies that may have been violated
- give you information about the date/time/location of your formal hearing
- share the opportunities that you have in the conduct process
- review the formal-hearing structure
- answer any questions that you may have

You will not be required to speak about the incident in question during this meeting. Rather, this meeting is designed to provide you with information so you can prepare for your upcoming formal hearing. I have attached an informational document, which we will discuss when we meet.

Formal Hearing Information

You are required to resolve this matter by attending a formal hearing on October 22, 2021 at 9:00am with Rachael Tully. If you fail to attend this hearing at this time, it will be heard in your absence and/or an enrollment block may be placed on your account. The Zoom link for the formal hearing is .

Here are a few tips and reminders for a remote hearing:

- Find a location in your living space that allows for as much privacy as possible. Using headphones with a microphone may also help. If you do not have a

private location from which to Zoom, please let me know, and I will reserve a room for you in the Student Conduct office. You would only need to bring your laptop and any other equipment you need to Zoom.

- If someone is in the room with you during your hearing, please let your hearing officer(s) know at the beginning of the hearing. You may have an advisor present, but you are limited to one person. Please let me know in advance if you plan to have an advisor with you.

Resources

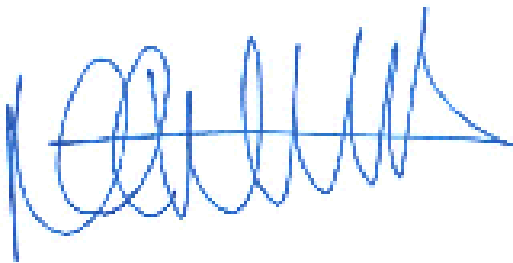
Please consult the [Student Code of Conduct](#) for additional information about the university conduct system.

If you need assistance or advocacy resolving this matter you can contact:

- Student Conduct at studentconduct@vt.edu or (540) 231-3790 for further information.
- The [Dean of Students office](#) at dean.students@vt.edu or (540) 231-3787 for conduct advising and support.
- [Services for Students with Disabilities](#) at (540) 231-3788, TTY (540) 231-8718 for accommodations during the student conduct process (if you are a student with a disability).
- [Cranwell International Center](#) at (540) 231-6527 for assistance if you are an international student.

Your cooperation in resolving this matter is appreciated.

Sincerely,



Nick Whitesell
Acting Director of Student Conduct

CC: Caroline Green, Threat Assessment Coordinator

Student Conduct Informational Meeting

The Purpose of the Informational Meeting

Our office received a conduct referral alleging involvement in a potential violation of university policy. The purpose of the informational meeting is for the case coordinator to review the referral, the opportunities you have in the student conduct process, and answer any questions or address any concerns you may have about the hearing process. The case coordinator's role is to be a resource for the student so that the hearing officer(s) can remain objective prior to the hearing. An informational meeting is not mandatory, but strongly encouraged so that you can make an informed decision regarding your participation in the conduct process and feel better prepared for the hearing.

Student Conduct Office Overview

The mission of Student Conduct at Virginia Tech is to partner with Virginia Tech community members to address a student's conduct inconsistent with university expectations and resolve interpersonal, organizational, and community conflicts. Through a student-centered, learning-focused and community-minded lens, we utilize a comprehensive approach of informal and formal options to uphold community standards, foster personal growth and development of life skills, and promote a civil learning environment.

Student Conduct addresses all allegations of non-academic student misconduct. The process is initiated once a referral is received. A referral is the official documentation that is provided to Student Conduct that outlines a potential violation of the *Student Code of Conduct*. Once a referral is received, Student Conduct has an obligation to take action on the information. A complaint can come from many sources. Some examples of referral agents include: the Deputy Title IX Coordinator, student(s), faculty or staff members, and law enforcement officer(s).

Is There a Statute of Limitation?

Anyone who plans to refer a matter to Student Conduct, is encouraged to do so as quickly as prudently possible. If the respondent is still a student at the time the referral is received, they fall within the jurisdiction of the *Student Code of Conduct* and the case is actionable in the university conduct system.

Student Conduct and the Legal Process

Differences between the Legal Process and Student Conduct: A criminal trial is thought of as mainly punitive. A conduct hearing is primarily educational and administrative. A criminal trial is based upon laws and civil liberties, while a conduct hearing is based upon university policies and a student's status within the university community. In a criminal trial, there are elaborate rules regarding testimony and evidence. In a university conduct hearing, standard rules of evidence do not apply.

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When there is a pending civil or criminal charge, which matter will be resolved first?

Whenever conduct violates both the law and the policies found in the *Student Code of Conduct*, disciplinary action may be taken by the university, irrespective of and separate from action taken before a trial or postpone action until after a trial, depending on the individual circumstances of a case. The policies and procedures of the University Conduct System are designed to provide students with a timely resolution concerning their involvement in alleged misconduct.

Student Conduct Hearing Officers: The University Conduct System is supported by a number of student affairs administrators, who are appointed as university conduct officers. These individuals are trained in conduct case adjudication and are knowledgeable about university policies, procedures and case precedent.

Resolving a Matter Through a Formal Hearing

Student Conduct has determined that in order to resolve your pending matter, a formal hearing will be scheduled.

The Formal Hearing

A formal hearing is a very structured conversation. During the hearing, you will have the opportunity to present your version of the events in question. The hearing officers will determine responsibility for the alleged violations, including sanctions, if necessary. The outcome of that formal hearing will be final unless the hearing results in a loss of privilege (e.g. suspension, dismissal, denial of on-campus housing, network access or athletic privileges).

Hearings are most often held in the Student Conduct office, but may occur elsewhere depending on space, availability, etc.

Opportunities in the Conduct Process

A student who is alleged to have violated a policy within the *Student Code of Conduct* is guaranteed certain opportunities in the conduct process. These opportunities are listed below:

- To receive advance notice of the charges in writing.
- To have an advisor present during the hearing. An advisor's participation is limited to conferring with you-they may not participate in the hearing.
- To refute any information or statements presented during the hearing.
- To bring witnesses on your behalf.
- To not participate or answer any questions.
- To challenge the objectivity of the hearing officers if you have grounds to show that the individual(s) is biased or has a conflict of interest.
- To appeal the outcome of the hearing.

Information about Advisors

Expectations of advisors during the hearing: Their role is to support the student. They may not question witnesses or make arguments or statements on behalf of their advisee. Advisors may pass written notes, whisper in their advisee's ear, or ask for a break to consult with their advisee.

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Hearing officers reserve the right to place reasonable limits on the conduct of advisors. Advisors who fail to adhere to these limits will be asked to leave the hearing.

Advisors may be anyone of your choosing to include but not limited to: faculty/staff member, student, parent, counselor, or attorney. It is your responsibility to obtain an advisor and notify Student Conduct of any advisor who may attend the hearing with you.

Staff in the Dean of Students Office (DOS) are available to meet with any student to consult with them in regards to the student conduct process. The number for the Dean of Students Office is (540) 231-3787.

Responsibilities in the Conduct Process

Below are responsibilities that you have in the student conduct process:

- Prepare for your hearing. This may include preparing an opening statement and gathering any supporting documentation you wish the hearing officers to consider.
- To identify and bring witnesses or witness statements to the hearing (if needed).
- To obtain an advisor and notify them of the date and time of your hearing.
- Provide Student Conduct with a list of witnesses sufficiently in advance of your hearing.
- To ask questions and clarify confusion throughout the process. The case coordinator is available to answer questions and concerns before and after the hearing. Throughout the hearing, you may ask the hearing officers questions to make sure you understand the process.
- Communicate potential financial or academic impacts to those who may need to know. For example, we encourage you to talk with your parents/guardians, Dean of Students Office, Women's Center, Cook Counseling Center, and employer as appropriate.
- Should you require accommodation to participate in the hearing, please notify the case coordinator sufficiently in advance of the hearing. Student Conduct requires documentation from Services for Students with Disabilities (SSD). You can contact them at (540) 231-3788 or ssd@vt.edu.

What Are the Expectations Around Truth-Telling?

We trust that all participants respect the integrity of the conduct process and fully expect that all participants give statements that are true to the best of their knowledge. If it is later believed it is more likely than not that a student did not tell the truth during a conduct hearing, they would be subject to charges under the Student Code of Conduct (Perjury/Furnishing False Information).

If you knowingly offered false information in a suspension-level hearing, then you might expect to be suspended if found responsible.

The Components of a Formal Hearing

- Introductions and a review of procedural guarantees
- Policy review and pleas
- Opening statements
- Hearing officer and participant questions
- Witness(es) for both the respondent and complainant (if present)
- Closing statements
- Deliberation
- Outcome

*There will be breaks as appropriate. However, should you need to request a break, please ask.
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Recording: The hearing is audio recorded as it serves as sole documentation of the hearing in the appeals process. The recording will be maintained for the duration of the record which is five years from the date of the incident.

Entering in a Plea: A respondent may choose to enter in a plea. The plea has no bearing on the outcome of the hearing and is not an admission of guilt. Rather, the plea is used as a gauge by the hearing officers to determine the student's understanding of the policy as it relates to their behavior. A respondent may enter one of three pleas: responsible, not responsible, no plea. Essentially, "responsible" means the respondent feels that the behavior was in violation of the policy and "not responsible" means the student does not feel the behavior was in violation of policy. "No plea" means that the respondent would rather not comment.

Opening Statement: Your opening statement is your opportunity to present your perspective of the events in question and clarify information contained in the report. You are more than welcome to have a prepared statement in advance and bring it with you to read to the hearing officers.

Questions: The hearing officers will ask questions to clarify the incident. While you have the opportunity to not participate or answer any questions, the hearing officers can only make a decision based upon the information that is available at the time of the hearing. Both complainant and respondent will have an opportunity to present questions for any witnesses and the other party. All questions will be filtered through the hearing officers in order to ensure they are relevant. Should you have a question, you will direct it to the hearing officer, the hearing officer will rephrase it and ask it of the other party if it is relevant to the policy violation. Do not answer any questions that are not asked by the hearing officers.

Questions should focus on information relevant to the policy violation. They are not statements or a mechanism to prove a point. Should you wish to make such statements, please reserve that for your opening or closing statements.

Witnesses and Witness Statements: The hearing officers reserve the right to not hear from witnesses who do not have information relevant to the event in question. Therefore, when determining your witnesses, try to ensure that they are prepared to share relevant information. Should your witness not be able to attend the hearing, they can email a statement directly to the case coordinator, or you may bring a copy of a written statement that includes their name, signature, and date. Character references are not considered as witnesses. Should you wish to provide this information, it is best to provide a written statement.

Notification of Outcome: The hearing officers will notify you of the outcome of the hearing in writing.

Appeals Process

If the outcome of the hearing results in a loss of privilege, you have the opportunity to appeal the decision. A written request for an appeal, stating the specific grounds upon which the appeal is based, must be received in the Student Conduct office by the end of the seventh business day following notification of the decision. The day the decision is given is considered the first day of the appeal period. Appeals submitted after the seventh business day will not be accepted except in extenuating circumstances as determined by Student Conduct.

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An appeal is defined as a written request for review of the original case. The burden is on the appealing party to demonstrate why the finding or sanction should be altered. Sanctions do not typically take effect until the appellate officer decision is final.

A student may appeal their case using forms available from Student Conduct. Appeals must be based only on the following grounds: (1) denial of procedural guarantees, (2) significant and relevant new evidence that was not available at the time of the hearing, and/or (3) sanctions/findings that are unduly harsh or arbitrary. Appeal requests will be denied in cases not having sufficient grounds in one or more of these areas.

Family Education Rights and Privacy Act (FERPA)

Student Conduct retains conduct files for five years after the date of the incident. These records are released to no one other than Virginia Tech officials who have a legitimate need to know and others as permitted by law. In cases involving gender-based violence, the complainant has a right to be informed of the hearing outcome. In cases where a student is found responsible for a violation of the alcoholic beverage or illegal drug policy and is under the age of 21, the university will notify the student's parents or guardians. Students may choose to sign a consent form allowing the release of information to designated individuals, if they wish to do so.

Please complete the information below. By signing this document, you acknowledge that you have received this document.

Signature: _____

Printed Name: _____

Date: _____

Virginia Tech
Report an incident or concern

Submitted on October 5, 2021 at 12:40:48 pm EDT. Last modified October 15, 2021 at 8:26:48 am EDT.

Nature	Student Conduct
Urgency	Ongoing issue
Incident Date and Time	2021-09-26 8:30 PM
Incident Location	Campus Grounds Thompson Field - Soccer Complex

Reported by

Name:	Reyna Gilbert-Lowry
Title:	Senior Associate Athletic Director, Student-Athlete Development
Email:	██████████
Phone:	██████████
Address:	21 Beamer Way Blacksburg VA 24061

Involved Parties

Sean Lohr (906064258)

██████████

██████████
Off Campus

██████████

Questions

Please describe the nature of this complaint in as much detail as possible.

I serve as the sport administrator for women's soccer. Throughout the course of the season we have received complaints from the "Shirtless Boys" group's behavior (see attached emails). After asking the group to "tone it down" during a game on August 26 after the group was aggressively yelling at opposing players, Sean raised his voice and said "what do you want us to do, only cheer for the Hokies" to which I responded, "Yes."

At the end of a game on September 18, Sean approached me while I was inside the fence on the field. He asked why he wasn't allowed on the field (in the past the group has been allowed on the field to take a photo with graduating seniors). I told him that I made the decision not to allow the group on the field due to COVID-19. Sean then stared at me and raised his voice and told me " with power comes decisions and you are making the wrong decisions."

On September 22, Sean contacted Whit Babcock, Director of Athletics, via email (see attached) and stated he has "concerns regarding an issue" regarding me and the group has never said anything derogatory or inappropriate like I have claimed they have.

On September 26, I approached Sean Lohr and the group of "Shirtless Boys" at the women's soccer game while standing against the railing in front of the stands. They were screaming loudly at opposing players who were injured. I lightly tapped Sean on his shoulder to get his attention, I asked Sean to "tone it down" to which he responded "I'm not going to put up with this. You need to respect us this year." Dr. Gary Bennett was also next to me when I approached Sean. I then walked away and asked two Rhino staff to escort them out. When I was with the Rhino staff, Sean yelled in Dr. Bennett's face and told him that it was 2021 and he shouldn't be so sensitive.

When I returned with the Rhino staff, Sean was running back and forth in front of the stands. I put my hands up to stop him and he pushed into me and ran past. As the Rhino staff were escorting them out of the stands, Sean screamed into the crowd, " Her name is Reyna Gilbert-Lowry, R-E-Y-N-A and she deserves to be fired." He then got in my face and told me I was a menace, a glorified PE teacher and didn't deserve this job.

On Sep 27, Sam Gerbera, another member of the group reached out to me and asked to have a meeting to which I promptly replied (see attached), and asked that Sean not attend. Shortly after, Sean reached out to me and asked to attend the meeting. He then sent an email (attached) to Women's Soccer Head Coach Charles "Chugger" Adair later that evening, starting that I have disrespected them and played the victim.

On September 28, After speaking with Tom Gabbard, I notified Sean, via email, that he was prohibited from returning to any women's soccer contests this season (see attached). His behavior continues to highlight his disrespect for the privilege he has been afforded to be able stand and cheer on the women's soccer team, as well as continued disrespect towards me. I am still open to meeting with Sam and the rest of the group and am awaiting his response. I am also concerned for retaliation from Sean based on his behavior towards me and Dr. Bennett at the women's soccer game on September 26.

Have any other departments or offices (on or off-campus) been contacted to offer assistance? If so, who? (Note: as mentioned above, if your concern needs to be addressed immediately, please contact the proper authorities.)

Caroline Green - Threat Assessment

Anthony Scott - Dean of Students Office

Would you like to be contacted further about this complaint?

Yes

Attachments

emailfromj.hornreshirtlessboys.msg

emailfroms.lohrtochuggeradair9.27.21.msg

emailfroms.lohrtowhitbabcock9.24.21.msg

emailfromt.zierreshirtlessboys8.22.21.msg

rglresponsetos.lohremail.msg

rglresponsetosam.msg

Pending IR #00035103

Submitted from 128.173.123.68 and routed to Ennis McCreery (Special Assistant to the Vice President for Student Affairs)

Modified by Nick Whitesell on October 15, 2021 at 8:26:48 am EDT from 198.82.191.188

Copies originally to: ascott68@vt.edu,bahughes@vt.edu,nwhitesell@vt.edu