

October 29, 2021

Sean Lohr

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear Sean,

On October 22, 2021, Student Conduct held a university conduct hearing regarding allegations that you violated one or more policies in the *Student Code of Conduct*. After the hearing, I reviewed all of the information provided in order to determine if there were any policy violations and made the decision based on the preponderance of evidence standard.

Below are the outcomes for the following *Student Code of Conduct* charges and outcomes for your case:

- Disorderly or Disruptive Conduct -- Responsible
- Failure to Comply -- Not Responsible
- Abusive Conduct -- Not Responsible

**Rationale**

In determining whether or not each policy was violated, I reviewed the language of the policy, as well as the information provided in the referral and hearing. Below are the rationales for the findings:

On September 26, 2021, Sean Lohr attended the Women's Soccer match at Thompson Field as a member of the "Shirtless Boys" – an unofficial group of students who attend the matches to cheer on the team. According to the report, Sean and the "Shirtless Boys" were "screaming loudly at opposing players who were injured." In the report, Reyna Gilbert-Lowery indicates she approached the group and spoke to Sean Lohr, asking them to "tone it down." Reyna's report states that Sean responded to her with "I'm not going to put up with this. You need to respect us this year." After this, the

report indicates Reyna went to Rhino staff and requested they escort Sean and the other “Shirtless Boys” from the event.

During the formal hearing, Reyna participated as a witness in which she stated that she was on the side of Thompson Field closest to McComas Hall when she could hear the “Shirtless Boys” yelling “get up” aggressively at member of the opposing team who was on the ground injured. Reyna stated she began to walk closer to the stands when Dr. Gary Bennett also approached her stating that the “Shirtless Boys” were being “too much,” and they both went to talk with the group. Reyna stated she approached Sean and touched him on the shoulder to get his attention. She stated she told Sean that they need to stop their behavior to which she stated that Sean responded with something along the lines of “I’m not going to.” During the hearing, Reyna stated that she did not like his tone and decided to ask Rhino staff to escort Sean and the “Shirtless Boys” out.

Reyna stated when she arrived back with Rhino staff, Sean was running up and down the flat landing of the bleachers with his arms out. Reyna stated when Sean was running in her direction, his shoulder hit hers. During the hearing, Reyna stated while Rhino was escorting Sean out, he turned to the crowd in the stands and began to yell “Her name is Reyna Gilbert-Lowery. R-E-N-Y-A and she deserves to be fired.” Reyna also stated that Sean stated that she was “a menace” and a “glorified PE teacher.” During the hearing, Reyna stated that the Athletics department received complaints from attendees about the “Shirtless Boys” behavior which is why she decided to address the behavior at the game on September 26 and the games prior. Reyna stated at prior games, she also requested for Sean and the “Shirtless Boys” to “tone it down.”

Linh Huynh also participated in the formal hearing on October 22, 2021, as he is a member of the “Shirtless Boys” and attended the soccer match on September 26, 2021. During the formal hearing, Linh stated that he was standing a few individuals down from Sean when Reyna approached the group. Linh stated that he was unable to hear what Reyna stated to Sean. Linh confirmed that the “Shirtless Boys” were asked to leave which he stated they did. During the hearing, Linh stated he did hear the interaction between Sean and Dr. Gary Bennett in which Dr. Bennett allegedly stated to the group, “Don’t be an asshole.” Linh stated this upset Sean who spoke back to Dr. Bennett in a loud voice stating something like, “Don’t disrespect me.” Linh also stated that Sean did run up and down flat landing; however, Linh believed this was due to the soccer team scoring a goal, which Sean stated was not the case in the formal hearing. Linh stated he did not see Sean run into Reyna. Linh confirmed that Sean yelled into the crowd Reyna’s name and said “report her” as they were leaving. Linh stated he and the others, including Sean, then left the stadium.

During the hearing, Sean confirmed that Reyna approached him and the other “Shirtless Boys” after they were yelling at the player who fell to the ground. Sean stated that he believed the individual to not be injured due to the player’s actions throughout the game. Sean stated he felt Reyna touch him on the shoulder. Sean stated Reyna told him and the others to “tone it down.” Sean confirmed he and Reyna had a

conversation and following this conversation Reyna left the bleachers. Sean stated he felt that Reyna was retaliating against him because she didn't like the "Shirtless Boys." Sean stated that while Reyna was gone, he had a conversation with Dr. Bennett in which Sean states that Dr. Bennett called him and the "Shirtless Boys" assholes. Sean then stated he decided to "transfer the energy" to the fans so he began to run up and down the flat landing of the bleachers. Sean stated that while he was running, Reyna was at one side of the landing, and that while he was running, Reyna "tried to body and blockade him." Sean stated he did not physical touch Reyna while running and that he did a "spin move" so he would not hit her. During the hearing, Sean stated that he "intentionally didn't touch her."

Sean then stated that he began to leave with the other "Shirtless Boys"; however, while leaving, Sean stated he began to shout to the crowd. Sean confirmed he shouted "Reyna Gilbert-Lowery" into the crowd and that the crowd deserved to know what Reyna was doing. Sean denies stating that Reyna was a menace but did confirm that he stated she was a glorified PE teacher. Sean stated the then left the stadium.

#### Failure to Comply:

Sean and Reyna both confirmed that Sean and the "Shirtless Boys" were escorted by Rhino staff to leave Thompson Field on September 26, 2021. Reyna stated that she requested Rhino staff to escort Sean and the others out of the stadium due to their behavior. Sean stated he did not understand why he and the others were being asked to leave; however, Sean and the others did leave Thompson field as requested by Reyna. Based on this information, it is more likely than not, Sean did not violate the Failure to Comply as he followed Reyna's directive.

#### Disorderly or Disruptive Conduct:

During the formal hearing, Reyna and Sean confirmed that on September 26, 2021, Sean was running up and down the flat landing of the bleachers. Sean stated he made this decision to "transfer the energy" to the crowd as he was upset with his interactions with Reyna and Dr. Bennett. Following this, and while being escorted out of the stadium, Sean began to yell into the crowd. Both Reyna and witness Linh confirmed that Sean yelled into the crowd Reyna's name. During the hearing, Sean stated that he yelled into crowd because "fans needed to know what happened," and that it's his "basic freedom to inform the people about who they can complain about." Additionally, Sean denies saying Reyna was a menace but confirmed that he called her a "glorified PE teacher." While Sean was ultimately complying with Reyna's request to leave, his action's while leaving caused a disruption to the those in attendance at the game. His disruptive behavior interfered with the ability for attendees to observe the sporting event without incident. His behavior also interfered with Reyna's ability to perform her duties smoothly and without incident as she was the sports administrator on duty. Based on this information, it is more likely than not Sean violated the Disorderly or Disruptive Conduct policy.

#### Abusive Conduct:

During the hearing, Sean denies making physical contact with Reyna on September 26, 2021, while Reyna stated that Sean's shoulder ran into her body. This interaction

occurred while Sean was running up and down the flat landing of the bleachers. Reyna stated that when she came up to the landing Sean was running and that she put her arms up in front of her as Sean ran past. According to Sean, he was running to “transfer energy to the crowd.” Sean stated he “intentionally didn’t touch her” when he was running toward Reyna. Based on this information, there is not the preponderance of the evidence to state Sean physical touched Reyna. Additionally, given the nature of how Sean was running, it is more likely than not he did not use physical force against Reyna nor did his actions cause physical harm. Based on this information, it is more likely than not Sean is not responsible for violating the Abusive Conduct policy.

It’s important to note that much of the hearing discussed Reyna’s ability to remove Sean and the “Shirtless Boys” from Thompson Field. As a sports administrator and member of the Athletic Department, Reyna Gilbert-Lowery does possess the proper authority to request for students and others, including community members, alumni, and visitors, to be removed from sporting events due to their behavior. Because of her position, Reyna has the authority to determine if behavior is acceptable or unacceptable and make decisions regarding an individual’s ability to remain at the event. While Reyna can make determinations for individuals per event, Reyna does not have the authority to ban individuals from all games. This ban does fall within Virginia Tech Police Department and Student Conduct’s authority. Rather, it is within Reyna’s scope to assess a situation, mitigation disturbances for all in attendance, and make the appropriate requests for each sporting event.

Additionally, Sean was unable to articulate how his actions were problematic. Multiple times throughout the hearing, Sean stated he believed he had nothing to apologize for when thinking about his actions on September 26. Specifically, Sean stated it was within his first amendment rights to say what he wanted. While Sean does have protection, his speech combined with his actions rose to the level of disruptive behavior that interfered with others’ ability to participate in the same event which is unacceptable and is no longer protected. While Sean can say what he wishes, his words and actions do have consequences. As a result, Sean is placed on deferred suspension through his pending graduation.

Additionally, a No Contact Order has been put in place between Sean and Reyna Gilbert-Lowery – meaning Sean is unable to contact Reyna moving forward either directly, electronically, or through a third party. Should he have other concerns regarding athletics, he is to reach out to a different sports administrator.

## **Sanctions**

As a result of your conduct meeting, the following sanctions are imposed. The decision was made based on the policies that were violated and the degree to which the policies were violated.

- Deferred Suspension: Your deferred suspension is in effect October 29, 2021 through your pending graduation. In similar instances, suspension is considered an appropriate sanction. Your suspension, however, will be deferred for a specified period. This means that, should you be found in violation of any university policies during the stated period, you may be subject to suspension.
- Deferred Denial of Athletic Privileges: The sanction of denial of athletic privileges is held in abeyance through your pending graduation. While you are able to attend athletic events at this time, behaviors similar to the one addressed during this incident are prohibit and will likely result in your denial of athletic privileges. This means that, if you are responsible of any violations of the Student Conduct of Conduct during that period, you will be subject to immediate denial of athletic privileges without further review, in addition to the disciplinary action appropriate to the new violation. Should your athletic privileges be denied, you are prohibited from attending any Virginia Tech NCAA or Club Sport (home or away) athletic events. The deferred denial is in effect October 29, 2021 through May 14, 2022.
- No Contact Order: A no-contact order has been put in place between you and Reyna Gilbert-Lowery. This mean that you are to have no further contact with her. Should you have concerns regarding athletic events, please contact a different sports administrator. Please see the attached letter for more details on the no-contact order.
- Letter of Acknowledgement and Community Impact: Write one letter of acknowledgment to the community, specifically attendees of sporting events, and its members impacted by your actions. This letter should address and reflection on the following questions: 1) How do you define community? 2) What is the importance of community? 3) How have your thoughts and feelings towards this community changed? 4) How were members of this community impacted by your behavior? 5) What you have learned and taken away from the incident? 6) How does this incident impact your future engagement with community? 7) How can you support the impacted community moving forward? 8) How do you plan to move forward to create a successful future? 9) What you need from others to move forward?

While this letter does not have to be mailed, you should tailor the letter and reflections to the impacted community. Submit the letter by December 1, 2021.

**Please submit your completed sanction assignments, such as reflection activities, using the following link:** [https://cm.maxient.com/reportingform.php?VirginiaTech&layout\\_id=2](https://cm.maxient.com/reportingform.php?VirginiaTech&layout_id=2).

### **Appeal**

Because this case did not result in a loss of privilege, there is no opportunity for appeal. Therefore, the decision is final.

Please contact Student Conduct if you have any questions or concerns regarding the outcomes of the formal hearing.

Sincerely,

A handwritten signature in black ink that reads "Rachael Tully". The signature is written in a cursive style with a large initial 'R' and a long horizontal stroke extending from the top of the 'l'.

Rachael Tully  
Assistant Director for Student Conduct

October 29, 2021

**PERSONAL AND CONFIDENTIAL**

Dear Sean:

As part of the outcome of your formal hearing, Student Conduct is directing that you have no further contact with Reyna Gilbert-Lowery.

This includes contacting her in person or by phone or computer, through third parties and/ or posting statements or comments online. Any verbal or non-verbal contact that would cause an individual to fear for their immediate safety is prohibited under Virginia Tech's Student Code of Conduct. Any actions that interfere with the conduct process or any university investigation is also prohibited by the Student Code of Conduct.

Following receipt of this notice, any further allegations that your conduct is viewed as harassing, intimidating or threatening may be grounds for further university action, including an interim suspension from the university.

Sincerely,



Rachael Tully  
Assistant Director for Student Conduct