



FIRE

Foundation for Individual
Rights and Expression

December 22, 2022

Kent Syverud
Office of the Chancellor
Syracuse University
Crouse-Hinds Hall, Suite 600
900 South Crouse Avenue
Syracuse, New York 13244-2130

URGENT

Sent via U.S. Mail and Electronic Mail (chancellor@syr.edu)

Dear Chancellor Syverud:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is alarmed by Syracuse University's continued disregard of its students' free speech rights in the wake of its suspension of student Orientation Leader (OL) Eriendeep Uppal for helping plan a campus scavenger hunt. Syracuse's harsh punishment of Uppal—a student leader who has volunteered hundreds of hours to ensure new Syracuse students have a welcoming first experience on campus—for her role in a harmless scavenger hunt contravenes the university's commitment to protecting students' expressive rights. Further, Syracuse presented no evidence that the scavenger hunt violated university policies on hazing or mental harm to others. FIRE urges your administration to grant Uppal's appeal to reverse the sanctions.

I. Syracuse Suspends Uppal for Helping Organize a Scavenger Hunt for Orientation Leaders

In her two years at Syracuse, Uppal served as a Whitman House Mentor to aid first-year business students, worked as a teaching assistant for the 101 First Year Seminar and an iSchool summer course for young women in STEM, worked in campus dining halls, and volunteered as Brotherhood Outreach and Inclusion Chair of the professional technology fraternity Kappa Theta Pi—all while earning excellent grades pursuing a double major in Information

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

Management & Technology and Retail Management.² Among her many volunteer and professional endeavors to better the greater Syracuse community, Uppal arrived on campus in early August before the start of the last two fall semesters to welcome new Syracuse students as an Orientation Leader, helping incoming students move into their dorms, answering questions from families about campus life, and coordinating events to help students get acclimated with the university.³

From August 15 to 27, Uppal and other OLs planned several comradery-building social events for the OL team, including a scavenger hunt awarding points to those who “Lick Abe statue on campus,” “Kiss an Orientation leader on the mouth on the kissing bench,” and “Barrel-roll down Carnegie steps,” among other activities.⁴ The event was entirely voluntary and planned in their private capacity as students while not serving as OLs—numerous OLs attest that at no point did they feel pressured, compelled, or forced to partake in any of the activities.

In early October, Syracuse charged Uppal for her help in organizing the scavenger hunt, with two offenses: “Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone,” and hazing, defined as “action that intentionally or recklessly causes or poses a substantial risk of harm to the mental or physical health or safety of one or more persons.”⁵

Among the dozens of witnesses who came forward to testify on Uppal’s behalf, other OLs described her as “an incredible leader and anchor for the team who helped make sure we were a cohesive team,” “a place of warmth and comfortability,” “deeply personable, caring, and good-natured,” “bubbly, genuine, and caring,” and someone who “lifted the overall demeanor of the team.”⁶ Other OLs explained how she “comfort[s] anxious parents and warmly welcome[s] freshman to campus,” “create[s] a positive culture for the organization,” and does “her best to make others feel like the best versions of themselves even if she didn’t feel too good.” Other OLs testified that “Her work ethic is uncanny and her ability to make anyone feel comfortable is unwavering,” and “it would be a devastating injustice for the school to . . . persecute[] [Uppal] for doing nothing but providing joy and a safe space for all of us on the OL team.”⁷

² The following is our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ SYRACUSE UNIV., Orientation Leaders (last visited Dec. 20, 2022), <https://experience.syracuse.edu/nsfp/new-students> [<https://perma.cc/56PN-NHZS>].

⁴ Disciplinary Letter from La’Kesa Allen, Community Standards Coordinator, to Uppal (Dec. 16, 2022) (enclosed).

⁵ *Id.*; SYRACUSE UNIV., *Code of Student Conduct, Policy Statements* (updated May 2020), <https://policies.syr.edu/policies/academic-rules-student-responsibilities-and-services/code-of-student-conduct> [<https://perma.cc/AT5B-DZC9>] (describing mental harm policy); SYRACUSE UNIV., *Anti-Hazing Policy* (updated Mar. 2016), <https://policies.syr.edu/policies/academic-rules-student-responsibilities-and-services/syracuse-university-anti-hazing-policy> [<https://perma.cc/7P8Q-V764>] (describing hazing policy).

⁶ SYRACUSE UNIV., *Eriendeep Uppal Student Case File*, 13-25 (Oct. 27, 2022) (on file with author).

⁷ *Id.*

Syracuse claimed the scavenger hunt “included tasks that put the physical, and mental health of other OLs at risk” because some activities “could lead to sickness, or hospitalization, and fractures or broken bones,” citing how “the Abraham Lincoln statute placed on Syracuse University campus in 1968, is unsanitary,” and “if a person were to roll down Carnegie steps they could be severely hurt or injured.”⁸ Syracuse also alleged that “the task where OL’s were asked to kiss another OL on the mouth on the ‘Kissing Bench’ creates an environment where some OL’s may feel peer pressure resulting in emotional trauma or confusion,” because “[k]issing someone is a personal decision which should not be influenced by other individuals or a group.”⁹

At the hearing, Syracuse presented no evidence that any individual was harmed by the scavenger hunt. Syracuse presented one witness against Uppal, Office of Community Standards Student Conduct Investigator Caitie Carroll, who testified she did not believe Uppal intended to cause harm. Syracuse denied Uppal’s request to question Carroll about evidence regarding the alleged harm of the scavenger hunt, interrupted Uppal’s opening statement after two minutes, excluded two of Uppal’s four witnesses from testifying, and rejected Uppal’s request to correct Carroll’s description of Syracuse’s definition of hazing as “anything that she would not want her grandmother or a young child to do.”

On December 16, Syracuse found Uppal responsible for both charges. Syracuse suspended her until the 2023 Summer term and conditioned readmission on her submitting a personal statement, fulfilling 45 hours of community service, completing a decision-making assignment, and providing an “Anti-Hazing Information Program,” among numerous other sanctions.¹⁰ Uppal will appeal this decision.

II. Syracuse May Not Punish Uppal for Helping Organize the Scavenger Hunt

Syracuse’s punishment of Uppal must be rescinded because it violates the university’s commitment to free speech; Uppal’s conduct fails to rise to unlawful hazing or threatening mental harm; and Syracuse failed to provide Uppal with basic tenets of due process during her disciplinary hearing.

A. Syracuse Free Speech Policies Protect Uppal’s Scavenger Hunt

As a university that has made numerous, clear, written commitments to uphold its students’ free speech rights,¹¹ Syracuse may not punish Uppal for her role in planning expressive events like the scavenger hunt.

⁸ *Id.* (as written).

⁹ *Id.* (as written).

¹⁰ *Id.*

¹¹ *E.g.*, *Syracuse Univ. Anti-Harassment Policy*, STUDENT CONDUCT SYSTEM HANDBOOK, 19 (2021-22), <https://experience.syracuse.edu/community-standards/conduct-handbook> [<https://perma.cc/7ZZH-FEJB>] (“Syracuse University is committed to maintaining an environment that fosters tolerance, sensitivity, understanding and respect while protecting the free speech rights of the members of its community. . . . The University is also committed to protecting academic freedom and the freedom of speech by members of its community.”); *see also School Spotlight: Syracuse University, Cases*, FIRE, *available at*

Freedom of expression “does not end at the spoken or written word.”¹² To the contrary, conduct “intend[ed] to convey a particularized message” that is likely to “be understood by those who viewed it” is expressive conduct.¹³ And while authorities may enforce content-neutral regulations that may incidentally impact expressive conduct, they cannot restrict the expressive conduct “because it has expressive elements.”¹⁴ Conduct is also considered expressive when it falls within a traditionally protected genre—such as music, paintings, and parades—even if it does not convey a “narrow, succinctly articulable message.”¹⁵ This is what protects the act of saluting or refusing to salute a flag,¹⁶ wearing black armbands to protest war,¹⁷ raising a “seditious” red flag,¹⁸ burning an American flag,¹⁹ picketing or leafletting,²⁰ and participating in a sit-in.²¹

Freedom of expression, likewise, protects students’ right to host expressive events. In *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University*, the United States Court of Appeals for the Fourth Circuit overturned on First Amendment grounds a university’s sanctions on a fraternity for conducting an “ugly woman contest” with “racist and sexist” overtones.²² The court held that the fraternity members who dressed as “ugly” women and performed a skit intended to convey a message, finding that “some forms of entertainment are so inherently expressive as to fall within” the scope of freedom of expression “regardless of their quality,” as “[e]ven crude street skits come within the First Amendment’s reach.”²³

The holding of *Iota Xi Chapter* reflects the First Amendment’s longstanding protection of subjectively offensive expressive events, such as live nude dancing,²⁴ musical or theatrical

<https://www.thefire.org/schools/syracuse-university/#cases>. Syracuse is also required by its academic accreditor to “possess[] and demonstrate[] a commitment to academic freedom, intellectual freedom, [and] freedom of expression.” *Standards for Accreditation and Requirements of Affiliation* 5 (13th ed. 2015), MIDDLE STATES COMM’N ON HIGHER EDUC., available at <http://msche.org/publications/RevisedStandardsFINAL.pdf>.

¹² *Texas v. Johnson*, 491 U.S. 397, 404 (1989). In applying Syracuse’s promises, the longstanding Supreme Court interpretations of freedom of speech provide a useful baseline for understanding the expressive rights students would reasonably expect from an institution that explicitly promises to grant them these rights.

¹³ *Id.* at 404, 406.

¹⁴ *Id.*

¹⁵ *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp.*, 515 U.S. 557, 569 (1995).

¹⁶ *West Virginia Bd. of Educ. v. Barnette*, 319 U.S. 624, 633–34 (1943).

¹⁷ *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 505–06 (1969).

¹⁸ *Stromberg v. California*, 283 U.S. 359, 369 (1931).

¹⁹ *Johnson*, 491 U.S. at 414.

²⁰ *United States v. Grace*, 461 U.S. 171, 176 (1983).

²¹ *Brown v. Louisiana*, 383 U.S. 131, 383 (1966).

²² 993 F.2d 386, 389–90, 392 (4th Cir. 1993).

²³ *Id.* at 389–90.

²⁴ *Barnes v. Glen Theatre*, 111 S. Ct. 2456, 2460 (1991).

productions,²⁵ blackface performances,²⁶ and broadcast radio and motion pictures,²⁷ regardless of its informative or entertainment value.²⁸

Uppal’s scavenger hunt, a private social event designed to foster comradery by encouraging students to frequent important Syracuse landmarks, falls squarely within the First Amendment’s robust protection for expressive events. Syracuse may not misconstrue expressive events as harmful merely because administrators are offended by the event’s activities. While Syracuse may be upset that students were encouraged to kiss each other on the mouth on the Kissing Bench or lick the Abraham Lincoln statute on campus, these harmless and voluntary expressive activities—conducted in the OLs private capacity as Syracuse students—may not form the basis of university discipline at an institution committed to upholding students’ free speech rights.

B. Uppal’s Conduct Falls Far Short of Punishable Hazing or Threatening Mental Health

Uppal’s scavenger hunt does not violate Syracuse’s policies on hazing or mental harm to others. Syracuse produced no evidence that Uppal’s conduct mentally or physically harmed any individual. To the contrary, OLs unanimously testified that the scavenger hunt was a safe, fun, and productive experience.²⁹

There is no evidence that any OLs completed any dangerous tasks or were harmed while attempting to do so. Further, it is unclear how Uppal merely listing the scavenger hunt’s activities—to be completed without coercion or pressure—is an action that “recklessly causes or poses a substantial risk of harm to the mental or physical health or safety of one or more persons.” Even assuming the farcical task of barrel-rolling down a large, concrete flight of stairs was taken seriously, Uppal did not pressure anyone to take this risk. Likewise, no student felt the alleged “emotional trauma or confusion” of kissing someone on the mouth on the Kissing Bench—an activity Syracuse itself encourages for students in love.³⁰

²⁵ *Southeastern Promotions. v. Conrad*, 420 U.S. 546, 557–58 (1975).

²⁶ *Berger v. Battaglia*, 779 F.2d 992, 999 (4th Cir. 1985), *cert. denied*, 476 U.S. 1159 (1986).

²⁷ *Schad v. Borough of Mount Ephraim*, 452 U.S. 61, 68 (1981).

²⁸ *Winters v. New York*, 333 U.S. 507, 510 (1948) (holding that offensive magazine enjoyed First Amendment protection because “[t]he line between the informing and the entertaining is too elusive for the protection of that basic right. . . . What is one man’s amusement, teaches another’s doctrine.”); *see also Matal v. Tam*, 137 S. Ct. 1744, 1763 (2017) (“Giving offense is a viewpoint”).

²⁹ One OL witness stated: “The truth is, every single person voluntarily and gladly participated in every aspect of the experience. . . . Anyone who said they were ‘hazed’ is absolutely being dishonest. Everything was optional.” *Eriendeep Uppal Student Case File*, *supra* note 6, at 15. Another OL said: “Everything Erien did was out of love and an effort to simply help us unwind from the high demands of being an orientation leader. . . . I never once felt hazed or bullied instead I felt celebrated for our accomplishments, and I saw how she worked tirelessly to make sure everyone was having fun and enjoying themselves.” *Id.* at 21. Another OL testified: “Every event that was held was to bring Orientation Leaders close and Erien was the driving force to making sure everyone felt that they belonged.” *Id.* at 16.

³⁰ *E.g.*, Kathleen Haley, *How the Kissing Bench Made Believers Out of One Couple*, SYRACUSE UNIV. NEWS (Feb. 13, 2018), <https://news.syr.edu/blog/2018/02/13/how-the-kissing-bench-made-believers-out-of-one-couple>; SYRACUSE UNIV. OFFICE OF MULTICULTURAL ADVANCEMENT, *The Kissing Bench* (last visited Dec. 21, 2022),

It strains credulity to suggest that Uppal violated these policies by recklessly posing a substantial risk to her fellow OLs. Syracuse’s hazing policy, drawn from New York State law, is designed to address serious organizational misconduct, not to punish upstanding student leaders for planning benign expressive events.³¹

C. Syracuse’s Procedural Misconduct Casts Doubt on Its Disciplinary Determination

Syracuse promises students “Fundamental Fairness” when facing campus discipline, specifically affording respondents the right to present opening statements, call witnesses, and conduct indirect cross examination to opposing witnesses through the hearing officer.³² Yet Syracuse refused to allow Uppal to get more than two minutes through her opening statements, present more than two witnesses with information directly applicable to the charges against her, or direct relevant questions to the only witness against her about the extent of alleged harm caused by Uppal’s actions. This failure to afford Uppal basic procedural rights violates Syracuse’s promise to provide “the right to fundamental fairness before formal disciplinary sanctions are imposed.”³³

Procedural rights are designed to ensure the accuracy of disciplinary determinations.³⁴ Considering the disputed facts about the voluntary nature of the scavenger hunt, the extent of purported harm, and Uppal’s role in allegedly causing such harm, Syracuse’s failure to afford her fundamental fairness casts doubt on the veracity of the university’s ruling. For example, Syracuse’s only witness erroneously claimed Syracuse defined hazing as “anything that she would not want her grandmother or a young child to do”—contradicting the definition established by Syracuse policy. This significant error could have been avoided had Syracuse provided Uppal her fundamental right to question the sole witness against her. These

<https://alumni-of-color.syr.edu/news/the-kissing-bench> (“In this month of celebrating love, we visit Syracuse University’s most romantic location: the legendary Kissing Bench. . . . Over time, the legend became that kissing on the bench leads to marriage. Some say that if you sit alone on the bench, you will be alone for life.”). According to Syracuse, one OL “stated that they were present at the OL group Scavenger Hunt, and enjoyed her experience participating in the [scavenger hunt] activity, including kissing another OL (who she knew) on the mouth on the kissing bench.” Syracuse found the witness credible. Disciplinary Letter, *supra* note 4.

³¹ *Anti-Hazing Policy*, *supra* note 5 (citing New York Penal Law 120.16; Hazing in the First Degree).

³² STUDENT CONDUCT SYSTEM HANDBOOK, *supra* note 11 at 36; *see also Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (“The right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society.”) (internal quotations and citations omitted).

³³ STUDENT CONDUCT SYSTEM HANDBOOK, *supra* note 11, at 4.

³⁴ *E.g., Davis v. Alaska*, 415 U.S. 308, 316 (1974) (“Cross-examination is the principal means by which the believability of a witness and the truth of his testimony are tested.”); *California v. Green*, 399 U.S. 149, 158 (1970) (describing the right to meaningful cross-examination as the “greatest legal engine ever invented for the discovery of truth.”).

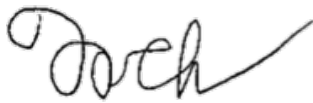
procedural irregularities taint the outcome of Syracuse’s determination and form an additional basis to reverse the sanctions.³⁵

III. Conclusion

Among the 15 respondents and 37 witnesses of Syracuse’s investigation into this matter, the university presented not a single individual with anything but positive things to say about Uppal, her leadership, her welcoming attitude, and her service to the Syracuse community.³⁶ Even ignoring Syracuse’s violation of Uppal’s free speech and due process rights, suspending an academically successful student leader dedicated to bettering her campus is an unduly harsh sanction reserved for serious misconduct not remotely present here.

Given the urgent nature of this matter, we request inclusion of this letter in Uppal’s appeal and a substantive response to our concerns no later than the close of business on January 3, 2023, confirming that Syracuse has rescinded its punishment of Uppal.

Sincerely,



Zachary Greenberg
Senior Program Officer, Campus Rights Advocacy
Syracuse University College of Law, Class of 2016

Cc: Allen Groves, Senior Vice President and Chief Student Experience Officer
Mary Grace Almandrez, Vice President for Diversity and Inclusion
Joshua Rich, Community Standards Interim Director,

Encl.

³⁵ *In re Kickertz v. New York Univ.*, 952 N.Y.S.2d 147, 154 (N.Y. App. Div. 2012) (criticizing university because the “petitioner was not afforded any, let alone a fair, opportunity to cross-examine the witnesses whose accusations were the basis of the charges lodged against her”), *aff’d as modified on other grounds*, 25 N.Y.3d 942 (2015); *Matter of Hyman v Cornell Univ.*, 918 N.Y.S.2d 226, 228 (N.Y. App. Div. 2011) (“When a university has not substantially complied with its own guidelines or its determination is not rationally based upon the evidence, the determination will be annulled as arbitrary and capricious . . .”).

³⁶ SYRACUSE UNIV., *Eriendeep Uppal FERPA Release/Records*, 6, 19-107 (Oct. 24, 2022) (on file with author) (listing respondents and witnesses).

Authorization and Waiver for Release of Personal Information

I, Eriendeep Uppal, born on [REDACTED], do hereby authorize Syracuse University (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my current status, disciplinary records, or other student records maintained by the Institution, including records which are otherwise protected from disclosure under the Family Educational Rights and Privacy Act of 1974. I further authorize the Institution to engage FIRE's staff members in a full discussion of all matters pertaining to my status as a student, disciplinary records, records maintained by the Institution, or my relationship with the Institution, and, in so doing, to fully disclose all relevant information. The purpose of this waiver is to provide information concerning a dispute in which I am involved.

I have reached or passed 18 years of age or I am attending an institution of postsecondary education.

In waiving such protections, I am complying with the instructions to specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom disclosure may be made, as provided by 34 CFR 99.30(b)(3) under the authority of 20 U.S.C. § 1232g(b)(2)(A).

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.

DocuSigned by:

[REDACTED]

Student's Signature

12/21/2022

Date



December 16, 2022

Eriendeep Uppal

Sent electronically to [REDACTED]

Housing: Off Campus

SUID # [REDACTED]

Dear Eriendeep:

This letter is to confirm the outcome reached by the University Conduct Board at the hearing held on November 14, 2022. The University Conduct Board determined the following outcomes regarding your alleged violation of the Code of Student Conduct, section(s):

3) Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone. -- **Responsible**

11) Illegal purchase, distribution, manufacture, or sale of alcohol, drugs, or drug paraphernalia or any other violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco. -- **Not Responsible**

12) Failure to comply with the lawful directives of University officials who are performing the duties of their office, especially as they are related to the maintenance of safety or security. -- **Responsible**

15) Assistance, participation in, promotion of, or perpetuation of hazing. -- **Responsible**

17) For student leaders, failure to intervene or notify the university when a student knows of a situation that threatens the health and safety of another individual or the campus community. -- **Responsible**

As a result of your misconduct, the Board has applied the following sanctions:

You are hereby placed on a status of suspension from Syracuse University for one (1) semester, effective December 16, 2022. You are to remain on suspension until the Summer 2023 term. This means that you are prohibited from any presence or activity on Syracuse University-owned, operated, or controlled property and from enrollment or participation in any course or program offered by Syracuse University. This includes the University Sheraton, The Marshall, Park Point, Campus West, Drumlins Country Club, and University Village. Should you need access to campus property or programs for any reason, you

Community Standards

must obtain prior approval from the Interim Director of Community Standards or designee. Failure to adhere to this directive will result in new Student Conduct Code charges being filed where Expulsion is a possibility and you will be arrested for trespassing. Furthermore, violating this sanction may be grounds to deny your petition to return to the University, especially if you were suspended for threats/violence-related behavior, damage to property, or drug sales.

You may petition to return to Syracuse University as early as the **Summer 2023** academic term. To be considered for readmission for a future academic term, you are required to submit a petition demonstrating your good citizenship during your time away from Syracuse University.

This petition must be in writing or in another tangible medium and must include all of the following:

A **personal statement** (1) reflecting on what you have learned from the incident that resulted in your departure from Syracuse University; (2) describing your activities during the period in which you have been separated from the University (such as enrollment in courses at another college or university or full or part-time employment); and (3) articulating with specificity the ways in which you will contribute to building a positive community at Syracuse University if you are permitted to return.

You must submit **evidence of academic progress and/or gainful employment** during your time away from Syracuse University. You are strongly encouraged to contact your academic advisor to discuss the process for transferring credits into your program at Syracuse University. Please arrange for these materials to be sent directly to Community Standards, 804 University Avenue, Suite 106, Syracuse, NY 13244 in the following format:

1. You will be required to submit an official transcript from any institution you attended during your suspension from Syracuse University; and/or
2. You will be required to submit a paystub and/or a letter on company letterhead which clearly verifies your dates of employment and scope of your work.

You must submit written verification of the completion of **at least 45 hours of community service beginning on or after December 7, 2022**. Community service projects must be verified in writing by the agency that you have chosen to serve. Community service hours may not be verified by any member of your family or by any student of Syracuse University or SUNY ESF. In addition, you may not receive payment for your services.

You must submit at least **three (3) character references** from individuals who will be able to attest to your good citizenship, maturity and readiness to return to Syracuse University. These references must be in writing and may not be completed by a family member, friend or another Syracuse University or SUNY ESF student.

You are to complete a decision-making assignment designed to encourage you to reflect on the choices you make. You are to watch the TED Talk by Ruth Chang entitled "How to Make Hard Choices" available online at www.ted.com/talks/ruth_chang_how_to_make_hard_choices.

After reviewing the TED Talk, you are to write a reflection paper exploring the following:

- what you learned about decision-making by watching the video;
- how the decisions you have made in your life can be related to the video;
- analyze your decision(s) in the incident that led to this outcome using the ideas presented in the video, i.e., what were your choices regarding the incident that led to this outcome?
- what have you learned that will help you in your decision-making in the future?

Your paper should be 2-3 pages, double-spaced with 1-inch margins in 12-point font.

You will watch the presentation regarding hazing using the following link:

<https://campusorgs.uci.edu/cool/2020-21/sfl2/story.html> and watch the section(s) regarding: Components of Hazing, Forms of Hazing, and Hazing Culture and Problem.

After watching this presentation, you will write a short reflection exercise answering the following questions and Draft a similar Anti-Hazing Information Program specific for Syracuse University:

1. How do you personally define hazing?
2. Reflecting on this incident, discuss how the actions that occurred could be viewed as hazing, discussing the power differential between new members and initiated members.
3. Discuss the differences in types of hazing that can occur and what types of questions organizations should be asking about their events to ensure that hazing does not occur.
4. Discuss how individual members of a chapter can identify potential hazing concerns and ways that hazing can be reported or ways that Bystanders can intervene within the Orientation Leader program and Syracuse University. This reflection should be a 2-3 page paper, double-spaced, in standard 12-point font, and 1-inch margins.

You are to create an Anti-Hazing Information Program specific to Syracuse University based on the presentation above.

Your petition and the above referenced materials should be submitted on or after **April 1, 2023** for consideration for readmission for the **Summer 2023**. Your petition will be reviewed between April 1, 2023 and Summer 2023. You may upload your petition using the [Petition to Return from Suspension](#) form. You are encouraged to upload all materials together, but may do so separately if needed. Upon review of your submitted materials, you will be informed in writing whether and under what conditions we would be prepared to support your return to Syracuse University.

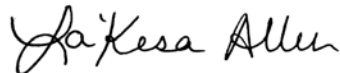
In accordance with University policy, you have the right to appeal this decision. Any appeal must be submitted in writing and conform to the procedures outlined in Part 12 of the Syracuse University Student Conduct System Handbook. Should you wish to exercise this right, you must submit your [Intent to Appeal](#) by **5 p.m., on December 19, 2022**. You must submit your full [Appeal of University Conduct Board Outcome](#) online to the Office of Community Standards within three (3) business days (no later than **5:00PM, on December 21, 2022**).

Consistent with Syracuse University policy, records of Code of Student Conduct violations are

maintained for seven years from the date of the most recent incident in the student's file or until one year after the student has graduated from the University, whichever is longer, provided the student was not suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary or medical reasons, in which case the records are retained indefinitely.

Should you have any questions, please feel free to contact this office. To review the Syracuse University Student Conduct System Handbook please visit syr.edu/studentconduct. If you have difficulty locating any online forms to send information to this office, please visit the "[Forms](#)" [section](#) of the Community Standards website or contact this office at studentconduct@syr.edu.

Regards,

A handwritten signature in black ink that reads "La'Kesa Allen". The signature is written in a cursive, flowing style.

La'Kesa Allen
Coordinator, Community Standards

CC: Catie Carroll, Student Conduct Investigator
Student Outreach
Whitman School of Management
On-Campus Living
Parent and Family Programs
Parent/Guardian
Sheriah N. Dixon, Dean of Students
Department of Public Safety, Supervisors
Readmission Coordinator

UNIVERSITY CONDUCT BOARD HEARING OPINION

Caitlyn Carroll, Student Conduct Investigator
On behalf of Community Standards

Complainant

and

Eriendeep Uppal, Student
Respondent

OPINION OF THE BOARD

At a session of the University Conduct Board Held on 11/14/2022
from 6:03pm - 8:14pm via Zoom Video Conference

Advisor to Complainant:

N/A

Advisor to Respondent:

[REDACTED]

Witness(es) for Complainant:

N/A

[REDACTED]

Witness(es) for Respondent:

[REDACTED]

Board Advisor: La’Kesa Allen

ITEMS PROVIDED IN THE CASE FILE FOR CONSIDERATION BY THE BOARD

Final Investigative Incident Report written by Caitie Carroll including Enclosures 1-22, (CS) Initial Appointment Letter, File Ready Letter, CS Meeting Reminder Letter, Refer to Hearing Letter, University Conduct Board Hearing Notice, CS Reschedule Appointment Letter, Pre- Hearing Submission with statement, Respondent Pre-hearing submission with Character Witness Statements

STATEMENT OF OBJECTIONS AND RULINGS

Did either party challenge participation of any Board members for any reason? No

Did the Respondent accept responsibility for any of the charges? No, the Respondent did not.

Did the Complainant or Respondent make any objections during the hearing? Yes, the Respondent stated in their closing argument that the board did not allow all their questions to be addressed to the Complainant and to her witnesses. The Respondent stated that the board also restated her initial questions in a manner which did not reflect her initial inquiry.

CHARGES AND STATEMENTS OF PARTIES

The Complainant alleges that the Respondent has violated the Student Conduct Code, sections:

3. Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone.
11. Illegal purchase, distribution, manufacture, or sale of alcohol, drugs, or drug paraphernalia or any other violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco.
12. Failure to comply with the lawful directives of university officials who are performing the duties of their office, especially as they are related to the maintenance of safety or security.
15. Assistance, participation in, promotion of, or perpetuation of hazing as defined in the Syracuse University Anti-Hazing Policy.
17. For student leaders, failure to intervene or notify the University when a student knows of a situation that threatens the health and safety of another individual or the campus community.

The Complainant stated that the Respondent:

- Is a returning Orientation Leader (OL) for the 2022-2023 academic year.
- The 2022-2023 OL training and Welcome Week occurred on August 17th-22nd, and on August 23rd-28th, 2022.
- Joined and acted as a leader in the OL unofficial Party Planning Committee (PPC).
- Planned a series of activities on August 15th-August 27th, 2022. Including a scavenger hunt on August 24th, 2022.
- OL's "dry" policy, prohibits OLs from drinking alcohol 24 hours prior to New Student Move-In.
- 2022-2023 New Student Move-In occurred August 25th-28th, 2022.
- OL's who attended and consumed alcohol at off campus parties on August 25th-28th, 2022 did not adhere to the OL dry policy.
- Facilitated group activities for new and returning OLs.
- Assisted, promoted and or participated in hazing behaviors toward new members.
- Was a member of the unofficial "Party Planning Committee" and promoted "mandatory" events and activities for new OLs without consulting the office of New Student and Family Programs.
- Planned and attended off campus events where alcohol was present.
- Planned and attended a group scavenger hunt included demoralizing activities such as licking the Abe Lincoln statute on campus, kissing someone on the campus "Kissing Bench".
- Planned and attended a group scavenger hunt with unsafe activities such as barrel-rolling down Carnegie steps and licking Abe Lincoln statute on campus.
- Did not adhere to Orientation Leader 24-hour dry policy.
- Frequently used crude language throughout the OL GroupMe chat to address other OL's and promote off-campus gatherings.

The Complainant presented the following evidence in support of this claim: (Did the Complaint refer to any specific evidence during their presentation?)

- Complainant testimony
- Complainant Final Investigation
- Witness testimony in their initial report
- Orientation Leader GroupMe Chat

The Respondent stated that:

- She is a returning Orientation Leader for the 2022-2023 Academic year.
- Orientation Leaders are not bound to OL expectations as determined by New Student and Family programs off campus.
- She arranged traditional events and activities for new and returning orientation leaders.
- Her intentions were to bring Orientation Leaders together and bond together with the group.
- No events or activities from August 17th-28th, 2022 were mandatory outside of Orientation Leader training.
- Events and activities arranged by the Party Planning Committee were traditional bonding events.
- Her role was a traditional position where their language was understood as “lighthearted” and “satirical”.
- She was not an official leader as Party Planning Committee member.
- She was handed down their role in the Party Planning Committee.
- She did not sign the Orientation Leader Contract, but it was discussed during OL training.
- None of the events were purposefully designed to compromise the safety of the group or demoralize individuals.
- They did not purchase any alcohol for Orientation Leaders.
- They collected money for event materials such as silverware, plates, and stationery.

The Respondent presented the following evidence in support of this claim: (Did the Respondent refer to any specific evidence during their presentation?)

- Respondent testimony
- Witness testimony

THE BOARD’S FINDING OF FACT

Party Credibility

The Board should comment on the credibility it determined for each party involved, including any witness or impact statements submitted. Reasons should be provided for why a party was determined to be credible or not credible.

1. Complainant - Credible, the Complainant spoke to the information we received in the Board’s initial case files and provided a testimony that aligned with the evidence from the chat and their initial investigative report.
2. Respondent - Partially Credible, the Respondent did speak to their personal experience and intentions. However, the information the Respondent provided appeared to cover up their participation in the events in question. The Respondent also added information to their testimony in a way to make her actions perceived in a appear positive.

3. Witness: [REDACTED] - Credible, the witness shared information to bolster the Respondent's testimony. The witness' responses appeared to be scripted and that they may have read their responses as the witness provided additional information where the board had not asked, the witnesses eyes also appeared to follow their personal screen while answering questions. The witness stated that all the group activities and gatherings were voluntary, and no one person led group activities.
4. Witness: [REDACTED] - Partly Credible, the witness spoke to his personal experience and his answers appeared genuine. The witness did not offer any additional details to advance the Respondent's testimony. The witness also stated that they knew OLs who did not participate in the group scavenger hunt, "Mr. Robert" themed party or the 'Chicken Tender Rave". The witness also stated that the Respondent did not send any messages regarding group events in the OL GroupMe chat.
5. Witness: [REDACTED] - Partly Credible, the witness offered conflicting information in his testimony. The witness stated that even though OLs were told "not to tell anyone" about OL activities, those activities were not "secret". The witness stated that none of the OLs found the Respondent's language demoralizing and that everyone felt safe since no one expressed their concerns directly to him or the Respondent. The witness was a head OL, but he was unable to provide an accurate account of alcohol monitoring and usage at off campus events. The witness also stated that no single individual led group activities and as an Orientation Leader he himself did not attend many of the OL group activities.
6. Witness: [REDACTED] - Credible, the witness stated that they were present at the OL group Scavenger Hunt, and enjoyed her experience participating in the activity, including kissing another OL (who she knew) on the mouth on the kissing bench. The witness stated she never felt forced to consume alcohol and that any alcohol purchased for off campus activities and gatherings were bought for seniors.

Facts Determined by the Board

Determine what happened by utilizing the preponderance of evidence standard (more likely than not). Facts listed here should support the decision of the Board in the following sections. Indicate the evidence and/or testimony the Board used to determine each fact.

1. The Respondent is a returning Orientation Leader (OL) for the 2022-2023 academic year (CS Final Investigative Report).
2. The 2022-2023 Orientation Leader training and Welcome week occurred August 17th-22nd 2022 and August 23rd -28th 2022. (2022-2023 OL Contract).
3. The Respondent joined and acted as a leader of the Orientation Leader's unofficial Party Planning Committee (PPC) (2022-2023 GroupMe OL Chat).
4. The Respondent sent out messages on behalf of the PPC, and referred to OLs as "stinky rat", "filthy sluts" "wiener holes" and "pimps and whores" (GroupMe OL Chat).
5. The Respondent promoted and planned a series of "low-key mandatory" events between On August 17th-August 28th (2022-2023 GroupMe OL Chat).
6. The Respondent planned a series of activities from August 15th -August 27th, 2022, including a scavenger hunt on August 24th, 2022 (CS Final Investigative Report).
7. The Respondent promoted a "Chicken Tender Rave" themed party on August 17th, 2022 at an off-campus home and advertised as Bring Your Own Beverage (BYOB)" (CS Final Investigative Report, and 2022-2023 GroupMe OL Chat).

8. The Respondent promoted a “Mr. Robert” themed party on August 20th, 2022, at an off-campus house and advertised it as “BYOB” (CS Final Investigative Report, and 2022-2023 GroupMe OL Chat).
9. The Respondent offered to purchase alcohol for other OLs before the “Mr. Robert” themed party off campus. (GroupMe OL Chat).
10. On August 23rd, 2022, Orientation Leaders gathered on the quad at midnight where all non-seniors wore black, and seniors wore white in preparation for the Senior night “traditional” activity. (CS Final Investigative Report, and 2022-2023 GroupMe OL Chat).
11. On August 24th, 2022, a scavenger hunt occurred where members were asked to take pictures of themselves and complete the following tasks:
 - Take picture doing a human pyramid;
 - Lick Abe statute on campus;
 - Kiss an Orientation leader on the mouth on the kissing bench;
 - Ask a group to get in a TikTok;
 - Barrel-roll down Carnegie steps;
 - “Sing a Song after me dinner song (Extra points for creativity, think of daddy Lucas)” (CS Final Investigative Report, and 2022-2023 GroupMe OL Chat).
12. The Respondent planned and attended off campus events where alcohol was present, served and consumed. (CS Final Investigative Report).
13. Orientation Leaders were asked to sign Orientation Leader Contracts and were verbally, electronically informed of their roles and expectations as Orientation Leaders. (2022 OL Expectations written by New Student & Family Programs. (CS Final Investigative Report).
14. Orientation Leaders are bound to the OL expectations as outlined by the office of New Student & Family Programs (2022-2023 OL Contract, 2022 OL Expectations written by New Student & Family Programs).
15. Orientation Leaders are encouraged to plan bonding activities but are banned from including any hazing activities. (2022-2023 OL Contract, 2022 OL Expectations written by New Student & Family Programs).
16. Orientation Leaders are required to stay “dry” 24 hours prior to and during New Student Move-In The 2022-2023 New Student Move-In occurred August 25th -28th. (2022-2023 OL Contract, 2022 OL Expectations written by New Student & Family Programs).
17. Orientation Leaders who attended and consumed alcohol at off campus parties from August 25th - 28th did not adhere to the OL dry policy. (Final Investigative Report, 2022-2023 OL Contract, and 2022 OL Expectations written by New Student & Family Programs).

Information Not Considered by the Board

List any information that was not relevant to the Board’s Finding of Facts. For each item listed, provide an explanation detailing the reason(s) the information was not relevant.

All information was considered by the Board.

THE DECISION OF THE BOARD

Finding of Responsibility

Based on the Board's Finding of Fact, the Board has made the following determinations regarding the Respondent's responsibility for the Student Conduct Code charges.

We find the Respondent to be:

Responsible for violating the Student Conduct Code, sections(s): 3, 12, 15,17

Not Responsible for violating the Student Conduct Code, sections(s): 11

Rationale of the Decision of the Board

Explain the reasons the Board found the Respondent to be responsible or not responsible for each of the sections of the Student Conduct Code identified above.

The Board finds the Respondent responsible for Section 3 because their promotion of, and assistance in planning the Orientation Leader Scavenger Hunt on or around August 24, 2022, included tasks that put the physical, and mental health of other OLs at risk. Tasks including licking the bronze Abraham Lincoln statute on main campus, and barrel-rolling down Carnegie steps could lead to sickness, or hospitalization, and fractures or broken bones. It is more likely than not that the Abraham Lincoln statute placed on Syracuse University campus in 1968, is unsanitary. It is also more likely than not that if a person were to roll down Carnegie steps they could be severely hurt or injured.

Similarly, the task where OL's were asked to kiss another OL on the mouth on the "Kissing Bench" creates an environment where some OL's may feel peer pressure resulting in emotional trauma or confusion. Kissing someone is a personal decision which should not be influenced by other individuals or a group. We also know that some OL's felt that their safety was compromised through these activities because they were reported to a Syracuse University Official in the Initial Investigative Report. Altogether each of these activities are debasing to an individual's self-worth and health. By participating in the former events, the physical safety and mental health of OL's were compromised. The Board agrees that the Respondent did not consider the impact on health or safety of their fellow OL's and the Syracuse Community before promoting and planning the Scavenger Hunt.

The Board does not find the Respondent responsible for Section 11, because there is insufficient proof, by the preponderance of evidence of distribution or sale of alcohol or other drugs outlined by the Syracuse University Policy on Alcohol, Other Drugs and Tobacco. We know based on witness testimonies from the Respondent's witnesses and the original investigative report that alcohol was present at off campus events promoted by the Respondent, yet we are unable to say who the alcohol was purchased for or how it was distributed at the "Chicken Tender Rave", "Mr. Robert" themed Party and the Scavenger Hunt. Additionally, the Board was not provided with Venmo statements, or alcohol receipts to confirm the purchase was made by the Respondent, or if they were reimbursed for any

alcohol related purchases.

The Board finds the Respondent responsible for Section 12 since the Respondent organized gatherings with OL where alcohol was present from August 17th -August 28th, despite their obligation to remain “dry” 24 hours prior to New Student Move-In. The Respondent hosted off-campus gatherings with alcohol despite obligations in the 2022-2023 OL Expectation Contract.

The Board finds the Respondent responsible for Section 15 because the events the Respondent hosted/ promoted and how the Respondent communicated with new OLs violated the Syracuse University Anti- Hazing Policy. The Respondent facilitated the OL Scavenger Hunt, which compromised the health and safety of OL’s, asked to “Lick the Abe Statute” on main campus, “Barrel Roll down Carnegie steps” and “Kiss another OL on the mouth on the Kissing Bench”. While communicating with new OLs in the GroupMe chat the Respondent also used degrading language, referring to them as “stinky rats”, “wiener holes”, “pimps and whores” and “filthy slutbags” as they were encouraged to participate in off campus gatherings and group activities. The Party Planning Committee created environment where OLs were led by the PPC and returning OLs at gatherings, and through language to participate in activities which violated their dignity, and compromised their safety to foster bonds, and promote OL traditions. The PPC also frequently referred to such events as “bonding” and “traditions” passed down to new OLs by former and current OL’s affiliated with New Student and Family Programs. The Board acknowledges the Respondents actions caused a substantial risk to the mental and physical health of the fellow OL’s.

The Board finds the Respondent responsible for Section 17 because as a student leader, the Respondent did not abide to the Orientation Leader guidelines or to the University’s Student Conduct Code. The Respondent did not adhere to the OL dry policy outlined in their OL contract/ expectations. The Respondent also failed to notify New Student and Family Programs before they organized and promoted gatherings for OLs where alcohol was present and students where alcohol use and distribution was not monitored.

The Board recommends that the Respondent be given the following sanction(s):

- A one (1) semester suspension from Syracuse University for the Spring 2023
- Anti-Hazing workshop
- Draft an Anti-Hazing Information Program
- Decision-Making Assignment
- 45 hours of Community Service

The Board recommends the Respondent be placed on a one (1) semester suspension for Spring 2023, followed by attending an anti-hazing workshop, a personal draft of an anti-hazing information program and complete a decision-making written assignment.

The Board believes that some time away from campus with access to the resources mentioned above will reinforce the Respondents sense of community and teach them to make decisions and organize

activities that can strengthen bonds without compromising the safety of other parties involved. The Board finds suspension is appropriate given the role the Respondent played as an unofficial leader for fellow OL's, which impacted the actions of other individuals. The Board agrees that while the extent of physical harm was not especially high the Respondent's impact to the community could affect the future and current Orientation Leaders beyond the 2022-2023 academic year. The Board also agrees that if presented the same opportunity again knowing the consequences the Respondent would consider an alternative course of action.

The Board recommends that the Respondent complete their own draft of an anti-hazing workshop to spread awareness of diverse instances of hazing across student organizations on campus. The Board believes this project can also prevent future events of hazing before they occur and heighten student safety procedures when organizing events. The Board also understands that although the Respondent may not have intentionally placed the health and safety of others at risk, the Respondent's actions had this affect. The Board also recommends the Respondent complete the decision-making assignment to help them use discernment when speaking to and creating activities for a group of people and complete 45 hours of community service to see how their decisions and action can have an impact on their surrounding community.