

DATE: January 11, 2005

TO: Brenda Masters, Associate Professor

FROM: Lee E. Bird, Vice President for Student Affairs

SUBJECT: AGR Incident

On September 25, 2002 OSU was contacted by Tolerance.org, a branch of the Southern Poverty Law Center regarding photographs taken at an off campus, private AGR fraternity party and placed on a website for purchase. In those pictures, three members of the fraternity were observed in costumes; a jailer/guard, holding a noose above the head of the "prisoner", a prisoner in black face and a "redneck" holding a whip. The AGR national office was contacted and requested to assist with the investigation and to take appropriate action.

Once OSU was notified, then President James Halligan met with a member of legal counsel and me to determine what, if any, violations could be actionable under our university code of conduct or other policies. Although the behavior was patently offensive and despicable, it was determined that the behavior captured on film did not reflect a university policy violation and was protected under the First Amendment. Auburn University and George Mason University experienced similar incidents and their actions were reversed by higher courts under 1983 claims.

President Halligan immediately met with members of the fraternity verbally condemning them for their actions. Dr. Halligan mediated a discussion between leaders of the AGR fraternity and officers of the African-American Student Association. Dr. Halligan asked that AGR take full responsibility for their actions and suggested that their participation in any upcoming homecoming events would be undesirable. AGR voluntarily withdrew their participation and donated approximately \$4,000 (which they would use for Homecoming events) to be used by the Multicultural Student Center for scholarships. It was determined during this meeting: 1) a campus vigil would be held to address the behavior and ask that the campus community to renew its commitment to supporting a diverse and caring campus. The university president and the president's of AGR and the African-American Student Association were asked to speak at the vigil, 2) the Interfraternity Council would receive a complaint regarding AGR (use of alcohol and any other IFC policies), 3) Dr. Earl Mitchell, then Associate Vice President for Multicultural Affairs would provide 20-30 hours of education for members and pledges offered in their house focusing on lynchings that took place in Oklahoma.

During Homecoming weekend, members of the OSU Black Alumni Association met with members of the AGR alumni and university administrators. The purpose of the meeting was two-fold. First, it allowed us an opportunity to discuss what steps the university, IFC and the national fraternity office had taken thus far and to reinforce the need for an institutional memory of this incident to prevent a recurrence.

The IFC placed AGR on probation, limited their social functions and required extensive focused volunteer service. The national office removed several members from the local fraternity. The university prepared a document outlining all voluntary and assigned sanctions and requested that all involved in the resolution of the incident to sign off on the agreement. Ival Gregory, Coordinator of Greek Life was charged with monitoring the agreement until all requirements were fully met.

Tolerance.org supported our actions in full.

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