

October 29, 2021

Sean Lohr
Sent electronically to

Regarding Case Number:

Dear Sean,

On October 22, 2021, Student Conduct held a university conduct hearing regarding allegations that you violated one or more policies in the *S d C d C d c*. 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 *S d C d C d c* charges and outcomes for your case:

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 ply as he fora Reyna'snameyna and witness Linh confirmed

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.

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.

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

Sincerely,

Rachael Tully
Assistant Director for Student Conduct



190 West Campus Drive
New Hall West, Suite 141
Blacksburg, Virginia 24061
P: (540) 231-3790 F: (540) 231-3437
studentconduct@vt.edu