

Statement of Grayson Zayne

1 My name is Grayson Zayne. I am 22 years old. I live with my parents on their estate near Pinehurst,
2 North Carolina. I'm not in school; since getting expelled from Utopia University in early October 2014,
3 I've been doing odd jobs and working to clear my name. Before that tragic accident involving Harper Finch,
4 I was on a fast-track to success as an entomologist. I still hope to become a professor at an Ivy League
5 university one day, but first I have to restore my reputation. I've made mistakes, and I'm willing to admit
6 them. But I didn't want Harper Finch dead; it was a freak accident. If there was foul play, it wasn't me.
7 Harper killed Harper, or fate did. Or maybe Morgan McCabe. But certainly not me.

8 I've spent a lot of time in self-reflection during this process. The threat of jail time will do that. My
9 actions as pledge master might have been unethical, mean-spirited, and dishonorable, but they weren't
10 murder. I'm just a science geek. I wish I were still in the entomology lab studying my termite colony.

11 For high school, I went to a well-respected boarding school near Asheville and earned top grades.
12 School was always easy for me. I have a decent sense of humor, so I was popular, too, and was elected to
13 homecoming court. I was always told I was the best, the smartest, the "most likely to succeed." It went to
14 my head, and I started picking on those who weren't "cool." I never saw anything wrong with it. But I see
15 it now. I'm a changed person, and everything I'm saying below is true.

16 I started college in the fall of 2011 at Utopia University—one of the best in the nation. Frankly,
17 between my grades and my parents' willingness to donate money, I could've gone to any Ivy League
18 school. But the admissions office at Utopia strongly implied that if I enrolled, I could expect a nomination
19 to their best honor society, Zeta Iota Pi, or ZIP. That sealed the deal for me.

20 On the first day of class my freshman year, I was "tapped" to join ZIP. It was just as incredible as
21 I'd hoped, and I spent a lot of time with the other pledges. Unfortunately, for the first time in my life, my
22 grades started to slip. My pledge master, Chip Kaufmann, was concerned I might get kicked out for
23 falling below the mandatory 3.5 honor society GPA. That would've reflected poorly on ZIP in addition to
24 hurting me. So, Chip talked with my biology professor, a ZIP alum named Morgan McCabe. The three of
25 us had a secret meeting in the ZIP house archives room. I was told I didn't have to attend that class
26 anymore and not to worry about my grade. Well, it worked! I had time to focus on my other classes, and I
27 got an A in biology and a GPA of 3.7 that semester. I wondered if it was wrong to cheat the system that
28 way, but since it was arranged by ZIP, I figured it was okay – a perk for being a member of the honor
29 society. I also figured it was a one-time thing, now that I was used to the class load in college.

30 I'm embarrassed to admit that it actually became a habit. For the next three years, I continued to
31 enroll in every class that Morgan taught. I didn't always game the system as much as I'd done in biology
32 – sometimes I just cut corners on a paper or two but still got a good grade. And it wasn't just me. When
33 other Zippers heard about my sweet deal, they also started taking advantage of Morgan's classes. We

celebrated it as if it were a bonus for the academically privileged. By the time I became ZIP President and Pledge Master in the fall of 2014, the scandal involved almost every ZIP member. And the stakes were higher for me now. I wasn't just a participant; I was a promoter. It was kind of like going from a junkie to a dealer. People feel sorry for junkies. They hate dealers.

The ironic part is I did my best actual work around Morgan, too. You see, Morgan supervised the entomology lab, and entomology is my passion. I've loved bugs ever since I was a small child – studying their habits, altering their environments, figuring out what makes them tick. It's like being the emperor of an entire society. Morgan's post-doc work was in botany, but the chair of the entomology department, Prof. Shelby Grody, was essentially retired and more of a figurehead. Morgan ran the lab. Don't get me wrong; Dr. Grody would drop by the lab sometimes and we'd have fantastic chats about bugs and life. S/he was both a friend and a mentor. But Morgan gave me a lab station right away as a freshman, without my even having to be on the wait list. I started researching wood-boring insects as a sophomore, and by my junior year, I was experimenting on one of the largest Formosan subterranean termite terrariums in the country. I even had a peer-reviewed paper published with Dr. Grody's support in March 2013. All of my work with the Formosans was top-notch! I would never cut corners or cheat when it came to them.

The Formosan termite is not native to the U.S. It had originally been introduced through trade with China, and it flourished in warm parts of the country. I am intrigued by the effect of non-native species on the overall environment. Often they can be very destructive, since they may lack natural predators. Better understanding of our most prolific pests can help us defeat them and save millions, or even billions, of dollars in damage each year. The Formosan was a particularly nasty species: powerful, destructive, and nearly impossible to eradicate. Some have called it a "Super Termite." I hoped I could play a role in bringing them under control.

I loved my research. But as more Zippers got involved in the grade scandal, I worried about the effect on my future if the scandal came to light. That's why I accepted the positions of ZIP President and Pledge Master. I thought I could better keep it under wraps and enhance my credentials at the same time.

I learned of Harper Finch the week before freshman orientation in August 2014. The head of the admissions department is a Zipper, so he always gives the ZIP Pledge Master the inside info on all of the entering freshmen. He told me that Harper was by far the smartest student entering UU that year. He also gave me the names of Avery Koltasch and one other student whom I won't reveal, because we elected to take Logan Kaufmann instead (we only take three pledges per year). Logan is Chip's younger sibling and a legacy. I owe so much to Chip, as does the entire ZIP house, and tapping Logan gave us a chance to pay Chip back. Zippers stick together, after all.

When students pledge ZIP, they move into the campus house. I definitely set out to make Avery and Harper my personal servants during pledge season – all in good fun. But I treated Logan more like an

equal, which created some resentment right from the beginning. That's the tradition for legacies. I knew Harper and Avery would get over it.

As Pledge Master, I had to devise a series of challenges for the pledges called the "Feats of Fortitude." The Feats weren't really that difficult, and no one could call them hazing. They were more like games to bond the pledges to each other and to the rest of the Zippers. They were also service projects to help charities. For instance, my pledge year, we all did a 100 mile bike ride and donated the money we raised to the Utopia Zoo to upgrade their safari ride. Most of the time, the Feats were linked by a theme. My idea was to use social media fads for our 2014 theme. Harper, Avery, and Logan seemed to like that – and they even decided to add an athletic component. That kind of creativity is what ZIP is all about!

The first Feat was the ALS Ice Bucket Challenge. The pledges had to film themselves and post it to the ZIP Facebook page. On their own, the three of them decided to get permission to go to the UU swimming pool after hours, swim some laps, and then do the ALS challenge in a whirlpool filled with ice while pouring 32-ounce jumbo UU cups of ice over each other's heads. They also included a banner with our ZIP motto: "We Stick Together." When the video was posted online, it drew thousands of hits and raised nearly \$40,000 from alumni in just one week! As Pledge Master, I got all of the credit, which was cool with me, and the ZIP alumna leading the ALS Foundation was thrilled by our results. I wanted to raise the bar even more for the rest of the challenges, so I could go down as the best pledge master ever.

On August 25, I revealed my second challenge. This time I told the pledges to create a dance video that highlighted what it meant to be a Zipper. They decided that the video would raise funds and awareness about blood cancer and the bone marrow donor registry. Logan had recently learned that one of his/her mentors from high school mock trial, Judge Carla Wolf, was fighting a blood cancer, so Logan wanted to support the "Save the Wolf!" campaign. I thought that sounded great. For creative ideas, I suggested they do some research, and even film, in the ZIP archives. That's where Zippers store their class notes, papers, and quizzes – sort of a library for our own use. We emphasized that plagiarism was not permitted! It was just a helpful way to see what different professors looked for in their classes.

I was really pleased with how the pledges ran with the activity. The date for filming was set for August 28. They made a video using Pharrell Williams' "Happy" song, and they got all of us members to take part. We danced all over the ZIP house – so alumni could see all the improvements! – and the finale was a break-dancing competition in the ZIP archives! It was a blast, and I was excited about its impact on the bone marrow donor registry. When we finished, I told Harper and Avery to clean up the mess we'd all made, and I invited Logan to go with me and the other members to a mixer with the Chemistry fraternity.

The next morning, Avery and Harper arrived at 6 a.m. sharp for their special duty, like always. But to my horror, they confronted me with my worst nightmare. While cleaning up the mess the day before, Harper came across one of my "slacker" papers for Morgan's Botany 301 class. Harper started

102 cracking jokes about milkweed. Harper obviously knew the paper didn't deserve an A. She then handed
103 me a folder from the class. I don't have any idea how it got in the archives, but it didn't really matter at
104 that point. I should've joked back and pretended it was all a prank, but it caught me off guard. Instead, I
105 defended the paper and vehemently claimed it was worthy of the grade. They clearly didn't believe me. I
106 was so flustered I shredded the paper in front of them and yelled at them to leave. My mind was racing.

107 I was paralyzed by the thought of being exposed as a fraud. I went to the lab the next day to work
108 on my termite project and speak with Morgan. I was pretty stressed, and I blurted out how we were both
109 at risk and needed to do something, or else Morgan could be fired and I would be expelled. Morgan
110 remained calm and asked me questions about my conversation with Harper and Avery. After listening to
111 my recounting of the discussion, Morgan was convinced that Harper was still a few steps away from
112 figuring it all out, and if we distracted Harper somehow, Avery would lose interest, too. We both agreed
113 that it would escalate matters to keep Harper out of ZIP. But I was worried if we let Harper in, Harper
114 would lord it over me for the rest of the year. Then Morgan said, "We need to convince Harper that ZIP is
115 not something to be messed with so Harper will back off." I wasn't sure how to do that, but I figured I
116 could use the next Feat of Fortitude. Morgan said s/he'd work on an idea as well. We knew we'd have to
117 work quickly because we were already halfway through the pledge period.

118 That night I searched YouTube and found some videos for "Krispy Kreme Challenges." There
119 were various types, from eating as many donuts as you could in a certain time period, to combining the
120 donuts with a fun run to raise money for charity. I decided we'd use that model, incorporating a 5K run.
121 We'd donate all contributions to the American Diabetes Association – an ironic cause for a donut run!
122 Harper had told the ZIP leadership that she has Type I diabetes and given us some information, but I only
123 skimmed it. I'm not pre-med, after all. I figured if I upped the donut requirement for Harper, it could
124 make Harper feel a bit sick but not do any real harm. And I figured surely Harper could adjust his/her
125 insulin levels to compensate for the donuts.

126 I planned to announce the third Feat on Monday, September 1. Fortunately we got a bit of a head
127 start on scaring Harper off when s/he woke up on August 31 covered in small insect bites. From the
128 pattern, I could tell the bites were caused by bedbugs. The timing was a bit ironic since Morgan and I had
129 briefly discussed using the lab's bedbugs against Harper, but I had nixed it as being too much, too fast.
130 And there were no reports of bedbugs on campus, so it might make others suspicious of the lab, and us.
131 We needed to keep our "punishments" just between us and Harper. That afternoon Harper approached me
132 and accused me of hazing with the bedbugs. I just laughed it off and said something flippant like "better
133 to be the victim of bedbugs than maggots." Just a little entomological humor!

134 We scheduled the race for Friday, September 5: Labor Day weekend. A lot of students were in
135 town, and they were happy for something fun to do – especially with free donuts! All the Zippers joined

136 in. Instead of making everyone eat a dozen donuts, we just gave everyone six – everyone, that is, except
137 Harper. On Monday, I had called Harper over and told her that as punishment for keeping a messy room
138 at the ZIP house -- a room infested with bed bugs! – Harper had to eat twelve donuts. Harper tried to
139 protest, but I said either she met the challenge, or she was out. Reluctantly, Harper agreed. I didn't
140 announce it publicly because we were just trying to keep it between us and Harper. But I suspected
141 Harper would tell Avery, and that was all right with me. They both needed to know ZIP meant business.

142 As soon as the race started, I hopped on my bike and rode as quickly as I could to the donut
143 station. I wanted to videotape the fun and make sure Harper did as instructed. As the racers arrived, they
144 had a blast snarfing down their donuts and guzzling water before heading back out. Harper, Avery, and
145 Logan were near the front of the pack. They were laughing and joking – and I was glad to see that Harper
146 ate all twelve donuts with no trouble. As soon as they started back, I videotaped a few more runners, then
147 took a shortcut back to the ZIP house. I stationed myself at the finish line, and soon the pledges came into
148 view. Harper didn't look so good, almost like s/he was about to faint. I dashed over, and Avery said,
149 “She's already thrown up and almost fainted! I think something's wrong. We need to get Harper to the
150 ER, fast!” My car was right there, so I insisted on driving. Sure, I'd wanted to scare Harper, but I
151 certainly didn't want Harper to end up in the hospital – or worse!

152 Fortunately the ER docs stabilized Harper pretty quickly. After vomiting up the donuts, Harper
153 almost went into diabetic shock because her blood sugar dropped too low from the extra insulin. I had no
154 idea that could happen! I trusted Harper to speak up if the activity would be too dangerous for her. Avery
155 looked really frustrated, and when the doc left us, Avery accused me of intentionally trying to hurt
156 Harper. I know it looked bad. I said, “It was all in good fun; I'm not a diabetes expert!” When Harper was
157 released, she thanked me for saving her life by getting her to the ER so quickly. I figured Harper had
158 learned a lesson, and we'd have no more problems.

159 But I was wrong. Harper emailed the next day, copying Avery, accusing me of hazing and
160 threatening to tell the UU admin about everything. I was stunned. How could Harper act that way? I
161 should have cooled down before responding, but I was upset and wrote something stupid in reply. Tone
162 and intention never convey well in email. I decided I'd better talk to Morgan again.

163 Even though it was a Saturday, I knew I could find Morgan in the lab. I was in a panic, afraid
164 Harper was going to ruin our lives. Morgan was as calm as ever and told me it was time to drop the whole
165 thing. “If you do nothing, it will take care of itself. I promise.” But I had trouble letting it go. Finally,
166 Morgan asked me about the final Feat of Fortitude. I told Morgan I would have them do “planking” on
167 September 15, and that they would be assigned popular locations around campus to pull off the stunt.
168 Morgan asked where Harper would have to do it, and I said that I thought I'd assign Harper the
169 Friendship *Paifang* in the UU Botanical Gardens right beside the biology building. Morgan looked

thoughtful and said that seemed like a perfect place.

Then I checked on my termites and saw that half of them had died due to a weird bacterial infection that had swept through the lab! I'd neglected them the past few days, and now this had happened. I couldn't believe it. After Morgan left, I cleaned out the terrarium and left for the night. I was so upset that I forgot to record it in my log book.

On the morning of September 15, I called the pledges together to announce their final Feat. I began to explain what planking was, when both Harper and Avery got disdainful looks on their faces. Granted, planking had been more popular back in 2011, but it wasn't completely lame. Then Harper said, "I know! How about we start our own fad – 'pandaing!' Pandas like to crawl up on tree branches, lie on their bellies, and let their legs hang down. We can 'panda' to raise money for a panda at the Utopia Zoo! How about it?" I had to admit it seemed like a cool idea. The pledges all liked it, and we laughed and joked as though everything was okay.

I gave permission for "pandaing" and stressed that safety trumped creativity. Under no circumstances did I want anyone back in the hospital! I assigned Avery to the Student Union; Logan to the football field; and Harper to the *Paifang*. They excitedly agreed to meet right after dinner to videotape each other as they completed their feats. Right before they left for class, Logan pulled me aside and said s/he'd caught Harper looking at the ZIP national anti-hazing webpage. Logan was very concerned Harper would accuse me of hazing and told me to watch my back. I thanked Logan for the heads-up and said to make sure Harper made it back safely. I figured I'd try one more time to talk with Harper; maybe if I made Harper a ZIP committee chair, Harper would drop it all. I'd tried the stick; maybe a carrot was a better approach.

I almost thought about going along to cheer for them as they completed their feats, but I figured that might stress them out. They should enjoy this accomplishment on their own. Around 10 p.m., as I was studying for a quiz, the campus police came to the ZIP house and told us Harper had died after falling headfirst from the top of the *Paifang*. I couldn't even understand what they were saying at first, I was so shocked. As the investigation continued the next couple of days, I became the center of attention. It was even picked up by the national media after Morgan revealed the paper grading scandal to the UU administration. I was suspended, and then expelled. I was tried and convicted in the court of public opinion, and I think the cops charged me with murder because of all the media attention. Nothing I did even rises to the level of hazing; eating a dozen donuts isn't some awful torture. Murder? That's crazy talk.

I'll admit I deserved to be kicked out for cheating, but what happened to Harper was not on me. Everyone knew the *Paifang* was old and rickety. I told them that safety was paramount. Harper could have chosen to "panda" in a tree at the botanical gardens if she had any doubts. No one held a gun to Harper's head; she assumed the risk and tragically paid the price. I know a lot is being made of the Formosan termites on the *Paifang*, but I had nothing to do with that. Maybe some were dormant in the

204 gate; after all, it was from China. And while I studied pheromones, I was certainly no expert on the
205 subject. I couldn't have made them in the lab without someone knowing. I was rarely in the lab by myself
206 – which is not true of Morgan. I don't even like to think it, but Morgan certainly had motive and skills
207 that surpass mine. It was wrong for me to cheat, but I can move on. The scandal is the end of Morgan's
208 life work.

209 Of the available exhibits, I am familiar with the following and only the following: Exhibits 1 – 3
210 (ZIP bylaws, pledge promise, and national website page); Exhibit 4 (a photo of my Botany 301 paper);
211 Exhibit 6 (emails between me and Harper), and Exhibit 10 (my lab notes). My attorney showed me
212 Exhibit 7, too, and the bottom photo of the *Paifang* gate looks accurate to how the gate was before
213 Harper's accident. And the photos in Exhibit 11 accurately show planking and Harper's description of
214 how pandas lie on tree branches.

215 I swear or affirm to the truthfulness of everything stated in this affidavit. Before giving this
216 statement, I was told it should contain everything I knew that may be relevant to my testimony, and I
217 followed those instructions. I also understand that I must update this affidavit if anything new occurs to
218 me until the moment before opening statements begin in this case.

Grayson Zayne
SIGNATURE

December 8, 2014
DATE

Subscribed and sworn before me this 8th day of December, 2014

Michelle LaFrankie
Michelle LaFrankie
Notary Public in and for the State of Utopia

