



Type: **Housing-initiated report (UH)**
Urgency: **Normal**

Incident Date: [REDACTED]
Incident Time: [REDACTED]
Incident Location: [REDACTED]

Reported by

Name: [REDACTED]
Title: **Resident Advisor**
Email: [REDACTED]
Phone: [REDACTED]
Address: [REDACTED]

Involved Parties

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language.
RA [REDACTED] was in the [REDACTED] Women's bathroom preparing for bed when she heard a commotion outside in the hallway at approximately [REDACTED] M on [REDACTED]. [REDACTED] left the bathroom to see [REDACTED] laying on the floor very much intoxicated outside a door to another residents' room and a man dressed in a cop uniform for Halloween was standing beside [REDACTED]. Noticing [REDACTED] in the hallway, the man approached [REDACTED] in a mildly intimidating manner. The man said, "Can I help you with anything?" to which [REDACTED] responded, "I'm the RA on this floor and was wondering what was going on." [REDACTED] said to the man, "Yeah it's fine that's [REDACTED] my RA." [REDACTED] then began to talk with [REDACTED] about how her night went and [REDACTED] asked [REDACTED] how much she had to drink and how she was feeling. [REDACTED] told [REDACTED] that she hadn't had too much to drink and that she felt fine. The man told [REDACTED] that this was how [REDACTED] gets when she is drunk and [REDACTED] introduced herself to the man. [REDACTED] believes he told her his name was [REDACTED] but she is not completely sure. [REDACTED] then tells [REDACTED] that he is in a fraternity, he is [REDACTED] years old, and "is a cop" and winks at [REDACTED] and nudges the tiniest badge/pin on his collar that in no way actually implicates that he was an actual cop. [REDACTED] was tired and did not realize until after that [REDACTED] may have been insinuating that he was an actual cop, but during the incident [REDACTED] kept note of [REDACTED] but generally focused on [REDACTED]. However, [REDACTED] would like to note that [REDACTED] entered [REDACTED] and told the front desk OAs that he was a cop to which the OAs then allowed him free reign of the building even though [REDACTED] was not in an actual cop uniform and his badge was obviously invalid as well. [REDACTED] then readdressed [REDACTED] and said, "[REDACTED] I'm going to tell you something. Sit down next to me." [REDACTED] didn't immediately realize [REDACTED] was addressing her and hesitated but eventually sat down. [REDACTED] then began to tell [REDACTED] that she is scared of everything because [REDACTED]. [REDACTED] then, talking extremely loudly, told [REDACTED] that she is especially scared of [REDACTED], [REDACTED] because [REDACTED] is different than her. As this topic progressed, [REDACTED] thanked [REDACTED] and decided that it was time for him to leave me with [REDACTED] and left [REDACTED]. [REDACTED] continued to tell [REDACTED] about how [REDACTED] scares her because [REDACTED] and [REDACTED] does not know how to talk with people [REDACTED]. [REDACTED] states that [REDACTED] is aware [REDACTED] and has had [REDACTED] then [REDACTED] recognizes that [REDACTED] is speaking very loudly and negatively towards another [REDACTED] whom [REDACTED]

[REDACTED] is positive is [REDACTED] and could potentially hear this conversation, and [REDACTED] tries to move the location of the conversation to a more private area. [REDACTED] refuses to change locations. [REDACTED] then told [REDACTED] that they should continue this conversation when [REDACTED] is in a less intoxicated position because [REDACTED] recognized that she would not be able to effectively address this non-inclusive nor provide any solutions for [REDACTED] in her state at this time. [REDACTED] then told [REDACTED] that she is "terrified" when [REDACTED] moves in her room at night because [REDACTED] thinks about [REDACTED] having sex in their room while [REDACTED] is also in the room and this idea scares [REDACTED] then says that she was raised to believe that sex is bad because her parents are conservatively religious. [REDACTED] felt that this impacted her negatively and correlates with her fears of [REDACTED] having sex while they are both in the room. [REDACTED] then asked [REDACTED] if [REDACTED] had sex in the room before while [REDACTED] is there and [REDACTED] said that this had not occurred. Then, [REDACTED] bursts out of [REDACTED] and [REDACTED] worries that [REDACTED] had heard their conversation. [REDACTED] then begins to tell [REDACTED] that she used to be the happy friend amongst her "depressed" friends in high school, but since [REDACTED] [REDACTED] felt that she was now the sad friend. [REDACTED] would also like to note that [REDACTED] s [REDACTED] during move-in day. [REDACTED] then told [REDACTED] that it is okay and completely valid not to be happy all of the time, and sometimes it is important to take time to be angry with the world and let those bad feelings out instead of trying to appear happy to benefit and comfort friends who are sad. This seemed to comfort [REDACTED] who then stopped crying as much after this point in the conversation. [REDACTED] then reappears from their room to check up on [REDACTED] this time with a box of tissues. [REDACTED] gives [REDACTED] the box of tissues, then goes back into their room. [REDACTED] gives [REDACTED] a couple tissues and [REDACTED] takes time to clean up her face a bit before telling [REDACTED] that she has a class [REDACTED] and is ready for bed. [REDACTED] helps [REDACTED] stand up and [REDACTED] attempts to throw her used tissues away and misses the trash can. [REDACTED] grabs [REDACTED] s phone off of the ground and [REDACTED] helps [REDACTED] walk to her room. [REDACTED] knocks on the door of [REDACTED] to alert [REDACTED] that [REDACTED] and [REDACTED] are entering. [REDACTED] and [REDACTED] enter the room and [REDACTED] begins undressing for bed and [REDACTED] attempts to plug in [REDACTED] s phone in for her so it can charge overnight. Eventually [REDACTED] begins climbing up the rails to her bed and [REDACTED] stands under her to spot [REDACTED] just in case she slips. [REDACTED] indeed slips and falls off the ladder, but [REDACTED] is able to catch [REDACTED] and get [REDACTED] back onto the ladder and successfully into her bed. [REDACTED] decides to go and get water, and [REDACTED] leaves with [REDACTED] telling [REDACTED] goodnight. [REDACTED] tells [REDACTED] that from here on out [REDACTED] will not be making eye contact with [REDACTED] laughs and tells [REDACTED] that that's just drunk talk from [REDACTED] and [REDACTED] exit the room and [REDACTED] asks [REDACTED] if she needs anything from [REDACTED] finds this question confusing and says no, but asks if [REDACTED] said something about [REDACTED] Wanting to keep the privacy of both parties, [REDACTED] tells [REDACTED] that [REDACTED] did not say anything like that to [REDACTED]. [REDACTED] then chats with [REDACTED] for a bit just to make sure [REDACTED] is okay, then [REDACTED] tells [REDACTED] to come get [REDACTED] if [REDACTED] s condition worsens. [REDACTED] returns to her room and climbs in bed. Moments later, [REDACTED] gets a knock on her door and [REDACTED] tells [REDACTED] that [REDACTED] has thrown up repeatedly in their room. [REDACTED] tells [REDACTED] that she doesn't want to appear to get [REDACTED] in trouble, and asks [REDACTED] to knock on the door and pretend to check in and go from there. [REDACTED] follows [REDACTED] s request and upon entering the room, [REDACTED] decides to call RA [REDACTED] who is On Call for the night. [REDACTED] has vomited all over the floor onto [REDACTED] s carpet, and [REDACTED] s clothes. [REDACTED] wakes up [REDACTED] while waiting for [REDACTED] and chats with [REDACTED] while they wait. [REDACTED] enters and decides to call the paramedics once [REDACTED] tells [REDACTED] that she is going to vomit again and begins to shove two fingers down her through to induce vomiting. [REDACTED] immediately grabs a cardboard box and holds it up for [REDACTED] to vomit up. After [REDACTED] is finished vomiting, [REDACTED] asks for [REDACTED] to grab her some tissues, but does not do a good job explaining where and becomes frustrated as [REDACTED] fails to find the tissue box. [REDACTED] got [REDACTED] a tissue box and [REDACTED] eventually falls asleep again. [REDACTED] continues to interact with [REDACTED] to keep her awake and [REDACTED] instructs [REDACTED] to lay on her side. [REDACTED] joins [REDACTED] and both RAs speak to [REDACTED] and [REDACTED] asks about [REDACTED] s night. [REDACTED] says that her and a couple other residents went to a SAE fraternity party however [REDACTED] refused to share the other

residents' names and said she wanted to take all of the blame and responsibility herself because she was the one who got the address to the party. The other residents decide to leave before [REDACTED] which is why [REDACTED] returned with [REDACTED] and not the residents she went with. [REDACTED] then leaves to check in on [REDACTED] and see how she is doing. [REDACTED] is doing good and [REDACTED] tells [REDACTED] some ways to remove vomit stains and smells from fabric for her carpet. The cops then arrive and enter the room to talk with [REDACTED]. The cops then ask [REDACTED] if she ([REDACTED]) is the RA for this incident and [REDACTED] says yes and agrees to step out into the hallway to bring the officers to date with the incident so far. The officers and [REDACTED] determine that [REDACTED] is just very intoxicated and not in danger of alcohol poisoning, and [REDACTED] asks one of the officers to cancel the paramedics and the officer does. The officers and [REDACTED] then reenter the room and check in on [REDACTED] [REDACTED] and [REDACTED] and [REDACTED] tell [REDACTED] to get [REDACTED] if needed later in the night. [REDACTED], and the officers tell [REDACTED] and [REDACTED] goodnight and leave [REDACTED]. [REDACTED] then talks further with the officers about the incident and the officers become alerted about the resident telling OAs that he is a cop, but that the outfit is not an illegal impersonation- it is just a Halloween costume. [REDACTED] then walk the officers out of [REDACTED] [REDACTED] and go back to bed. [REDACTED] is alleged for the underage consumption of alcohol.

Which of the following responded?

Police

Select the Primary overall category reflected in this incident report: (Required/Select Only One)

Alcohol Related

Select the Secondary category of this incident report: (Optional/Select Only One/Must Differ from Above)

Mental Health Related

Is there any additional relevant information to report?

If you selected a location other than a residence hall OR if you are documenting an issue that is not conduct related (facilities, mental health), please provide YOUR residence hall so this report is properly forwarded to the correct responding staff member.

[REDACTED]

Pending IR [REDACTED]

Submitted from 164.107.199.1 and routed to Emma Hart (Hall Director). Processed by routing rule #34.

Copies to: bellini.5@osu.edu,toth.255@osu.edu,kefalas.1@osu.edu,smith.11556@osu.edu,hart.676@osu.edu

December 8, 2017

Sigma Alpha Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Sigma Alpha Epsilon:

I am writing to give you an update on your conduct case. At this stage of my investigation, there exists reasonable cause to issue one or more charge(s) under the Code of Student Conduct. Charging does not, however, assume that you are responsible for violating any sections of the code; it only causes the second half of our process to begin.

I have attached your Charge and Process form to this email. Please review it carefully, select your resolution option, then sign and date the bottom of the form.

I encourage you to consult with an advisor of your choice or with the Student Advocacy Center (<http://advocacy.osu.edu>) as you consider your options. Additionally, students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at (614) 292-6207 (voice), (614) 688-8605 (TTY), ada-osu@osu.edu, or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on December 12, 2017. Failure to return this form by the stated deadline will result in an Administrative Hearing.

If you have any questions, please feel free to let me know.

Sincerely,



Katie Bailey
Hearing Officer

CC: Kim Monteaux De Freitas - Director of Sorority and Fraternity Life
F. Michael Sophir - Sigma Alpha Epsilon

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Sigma Alpha Epsilon

I. Charge: Sigma Alpha Epsilon (“SAE”) is alleged to be in violation of the following section of the Code of Student Conduct:

- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (H): Failure to Comply with University or Civil Authority: Failure to comply with the legitimate directives of authorized University or civil officials as defined in the Code of Student Conduct
- 3335-23-04 (L): Disorderly or Disruptive Conduct: Disorderly or disruptive conduct that unreasonably interferes with University activities or with the legitimate activities of any member of the University community

Specifically, it is alleged that on October 31, 2017 SAE violated Ohio State’s Code of Student Conduct in the following manner:

Rather than follow IFC, FIPG, SAE and any other applicable BYOB Policies, and other risk management strategies, which are designated to reduce risk and promote adherence to applicable laws, your chapter instead endangered the health and safety of guests and members by:

- Failing to ID members and guests to determine their age.
- Failing to identify/mark all guests based on age in a manner that would limit access to alcohol only to guests 21 years old or older.
- Failing to implement any systems to control the amount of alcohol available and/or consumed members and guests.
- Failing to distribute alcohol brought to the function to its proper owner.
- Purchasing and providing alcohol to members and guests, paid for in part by members’ dues or other “passing the hat” type collections, including charging guests to attend the event.

- Purchasing and/or providing alcohol other than beer and individual servings of wine, such as Four Loco.
- Failing to monitor all those who attended the event through the use of a guest list.

Your chapter disrupted the community, who are primarily Ohio State Students, and did not comply with directives in the following manner:

- Hosting a social event on a Tuesday night beginning at 8 PM without a permit, which resulted in two noise complaints that required law enforcement to respond.
- Failing to comply with directives from law enforcement after receiving one noise complaint, response and subsequently allowed approximately 200 guests to attend the event.

II. Acceptance/Non-Acceptance of Responsibility:

To resolve these charges, place your initials next to your selection.

_____ I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. I request an Administrative Decision.

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. I request an Administrative Hearing before a University Hearing Officer.

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. I request a hearing before the University Conduct Board.

Failure to return this form by the stated deadline will result in an Administrative Hearing.

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options.

This form is due by 4:30pm on December 15, 2017.

Signature: _____ Date: _____

November 3, 2017

[REDACTED]
[REDACTED]
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Sigma Sigma Alpha Epsilon,

Residence Life provided information to our office that describes conduct by Sigma Alpha Epsilon on October 31st - November 1, 2017. I am investigating whether this conduct may have violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

As a leader of the organization, you must contact Student Conduct by November 10, 2017 to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to explain what happened, to provide materials, and to identify other individuals with information about the alleged incident.

I encourage you to share any information or material you have related to this incident. You should bring a copy of your organization's risk management policy, specifically as it relates to events involving alcohol, as well as any documentation related to the social event hosted on October 31st. You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. Your advisor can be any person who is not involved as a witness or other participant in the case. Employees of the university's Student Advocacy Center (<http://advocacy.osu.edu>) are available to provide advisor services or other support throughout this process upon request. To find out more information about these services or to request

advisor services, please e-mail the Student Advocacy Center at advocacy@osu.edu.

You will find the Code of Student Conduct and information about our process at <http://studentconduct.osu.edu>. Additionally, I have attached a Statement of Student Rights and a description of the university's Hearing Procedures to this letter.

Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at (614) 292-6207 (voice), (614) 688-8605 (TTY), ada-osu@osu.edu, or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you do not contact our office by November 10, 2017 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

To schedule your preliminary conference, please call Student Conduct at (614) 292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday. Thank you in advance for your prompt attention to this matter.

Sincerely,



Jeffrey A. Majarian
Assistant Director

CC: Associate Director of Sorority and Fraternity Life - Kate Butler

Statement of Student Rights

1. **Written notice of university charges** (3335-23-07 A.)
 - a. Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website), or by mail to the accused student's local or permanent address.
2. **Meeting with a University Official** (3335-23-07 C.)
 - a. Students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.
3. **Hearing** (3335-23-08)
 - a. In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing.
 - b. [A] student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing.
 - c. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.
4. **Notice of Hearing** (3335-23-09 A.)
 - a. If a hearing is to be held, written notification will be provided
 - b. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing
 - c. Unless already provided to the student, the notification will include the charge(s), date, time, and location of hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.

5. **Postponement** (3335-23-09 B.)
 - a. The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

6. **Advisor** (3335-23-10 B.)
 - a. The accused student may have an advisor throughout the disciplinary process
 - b. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.

7. **Written statements and witnesses** (3335-23-10 C.)
 - a. The accused student:
 - i. May submit a written statement;
 - ii. May invite relevant factual witnesses to attend;
 - iii. May invite character witnesses to submit written statements;
 - iv. May ask questions of witnesses called by others;
 - v. Will be notified of potential witnesses to be called;
 - vi. Must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing.

8. **Standard of Evidence** (3335-23-10 F.)
 - a. A student will only be found in violation if a preponderance of the evidence supports the charges.

9. **Attendance** (3335-23-11)
 - a. No inference will be drawn against a student for failing to attend a hearing or remaining silent.
 - i. The hearing will proceed and the conclusion will be based on the evidence presented.
 - b. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

10. Record of proceedings (3335-23-12)

- a. A single record consisting of written notes, tape recording, or other method selected by the hearing board or officer, will be made of all hearings.
 - i. Such record will remain property of the university but will be made available to the accused for review during the appeal period.
- b. A written notice of the decision, and, if found in violation, information regarding appeal procedures will be provided to the accused student.

11. Hearing Bodies (3335-23-13 B.)

- a. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision or choose to have a hearing.

12. Hearing Bodies (3335-23-13 C.)

- a. Students will generally be afforded the right to choose an administrative or a board hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.

13. Right to appeal (3335-23-18 A.)

- a. A student found to have violated the Code of Student Conduct has the right to appeal the original decision.

14. Right to appeal (3335-23-18 A.)

- a. In cases involving charges related to sexual harassment, the victim may appeal the original decision in accordance with the appeals procedures provided in this section
 - i. Such charges include, but are not limited to, sexual misconduct and stalking.

Hearing Procedures

3335-23-10 Hearing procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- A. **Attendance** – Attendance at hearings is limited to those directly involved or those requested by the hearing officer or board to attend. The hearing officer or board will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings
- B. **Advisor** – The accused student may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board
- C. **Written statements & witnesses** – The accused may: submit a written statement invite relevant factual witnesses to attend, invite character witnesses to submit written statements, ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing. The university may present witnesses as well as question those presented by the accused
- D. **Witness absence** – The hearing officer or board coordinator may allow written statements if, for good reason, a fact witness cannot attend the hearing
- E. **Consultants** – In cases requiring special expertise, the board coordinator may appoint individuals with appropriate expertise to serve as consultants to the board. The consultants may be present and provide information as called upon during the hearing but will not vote
- F. **Standard of evidence** – A student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the board will continue to deliberate. If after the board determines that exhaustive deliberations have occurred and a majority decision is not reached, the student will be found not in violation
- G. In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

February 15, 2018

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

February 15, 2018

Dear [REDACTED] As mentioned during our conversation on February 9, 2018 the previous outcome letter to Sigma Alpha Epsilon included the incorrect dates. Attached please find the updated decision letter.



Aaron Reistad
Hearing Officer

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life

STUDENT CONDUCT APPEALS

Student Appeals

- A student or organization found to have violated the Code of Student Conduct has the right to appeal the original decision. **The appeal is not intended to re-hear or re-argue the same case, and is limited to the specific grounds outlined below.** The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, **by the deadline provided in the decision letter**, which is usually five (5) working days after the date on which notice of the decision is sent to the student. Each student or organization shall be limited to one appeal. **The decision of the appeal officer is final.**
- In cases involving charges relating to sexual harassment as defined in applicable university policy, the victim may appeal the original decision. Such charges include, but are not limited to, sexual misconduct and stalking.
- A student who (or organization that) has accepted responsibility (Administrative Disposition) for violating the Code of Student Conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.
- Each party shall be limited to one appeal. The decision of the appeal officer is final.

Grounds for appeal

An appeal may be based only upon one or more of the following grounds:

1. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

Non-attendance by the accused student may not be the sole grounds for an appeal. Dissatisfaction with a decision is not grounds for appeal.

Appeal Procedure

1. Complete the Appeal Request Form, including signing the form.
2. If applicable, attach supporting documentation.
3. Turn in the signed form and any added documentation to Student Conduct by the deadline. Student Conduct will ensure that the appeal officer receives the appeal and the record of the case.
4. Students neither meet with nor make oral presentations to the appeal officer, except at the request of the appeal officer in order to obtain relevant information.
5. Students who do not submit their appeals by the date/time specified in their decision letter waive their opportunity to appeal.
6. Students who do not provide information concerning the basis of their appeal waive their opportunity to an appeal.

APPEAL REQUEST FORM

Name: _____ Student ID#: _____

Phone: _____ Email: _____

I am the: _____accused student _____victim in a sexual harassment/violence case

I am basing my appeal on one or more of the following reasons [If you check a basis, you must provide facts, documentation or perspective that supports your appeal. It is important to provide information that is as detailed and accurate as possible, so that the appeal officer can make an informed decision regarding the appeal. You may attach additional sheets as needed].

_____1. Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.

Please identify the procedural error(s) that took place and how the error(s) prevented a fair, impartial or proper hearing.

_____2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body.

Please describe the new evidence and, if appropriate and possible, attach it to this appeal. Indicate why the information was not provided at the time of the hearing. Also indicate why the information is sufficient to alter the original decision in the case.

____3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating circumstances.

Please explain how the sanction is grossly disproportionate to the violation (i.e. unreasonably harsh or light, given all of the relevant circumstances).

I certify that the information presented in my appeal is accurate, to the best of my knowledge. I understand that providing false information is a violation of the Code of Student Conduct and subject to disciplinary charges.

Signature _____ Date _____

For Student Conduct Staff:

Received by: _____ Time _____

Date Stamp:

Delivered to Appeal Officer

Date _____

February 15, 2018

Sigma Alpha Epsilon
[REDACTED]

RE: [REDACTED]

Dear [REDACTED]

I am writing with my decision in your conduct case. You accepted responsibility for the following violations of the Code of Student Conduct:

3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law

3335-23-04 (H): Failure to comply with university or civil authority: Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

3335-23-04 – (L): Disorderly or disruptive conduct: Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

In determining the following outcomes, including the length of the probation period and the timing of the return of social privileges, we considered several factors:

- Sigma Alpha Epsilon's recent conduct history
- The impact this incident had on the surrounding community of the chapter house requiring more than one police interaction
- Sigma Alpha Epsilon's cooperative spirit during the conduct process

This outcome letter does not replace or nullify any sanctions or stipulations set forth by your organization's national headquarters, advisors, Sorority and Fraternity Life, or the IFC.

Disciplinary Sanction

Your chapter's disciplinary probation is extended immediately through the fall 2019 semester. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning. Rather, probation supports the chapter's efforts to avoid additional violations, which could result in further disciplinary action including extended probation, suspension, or dismissal.

Educational Sanctions

Risk Management Analysis

Your chapter must complete a thorough Risk Management Analysis to assess the real, perceived, and potential risks of the chapter's activities. Base your analysis on current and past practices, beliefs, values, and attitudes of new and initiated members, alumni, and Ohio State community members. Your chapter must identify all applicable policies, guidelines and expectations placed on the chapter by your national organization, FIPG, IFC, Sorority and Fraternity Life, and the Code of Student Conduct.

Your Risk Management Analysis should include an executive summary that reports the findings and recommendations, as well as a two-year plan of action for the chapter. The focus of the Risk Management Analysis should include ways to evaluate, develop, strengthen, and assess risk management in relation to the chapter's philanthropic, recruitment, new member, social, ritual, and alumni programs. Executive members must complete this analysis in consultation with your chapter advisor. In addition to Student Conduct, you must submit the Risk Management Analysis to your national headquarters, alumni board, and Sorority and Fraternity Life.

Your chapter must submit the Risk Management Analysis along with copies of all the applicable policies to Reistad.1@osu.edu and studentconduct@osu.edu, no later than 4:00 p.m. on April 15, 2018. Failure to meet this requirement will result in an extension of the prohibition against events with alcohol.

Minimum Risk Management Practices Required

Adherence to BYOB Policies

Upon your chapter being able to host events where alcohol is permitted, the chapter must abide by the BYOB policy identified in their FIPG insurance policy or other risk management guidelines provided by your national organization. At a minimum, your chapter must meet the following expectations:

- Guests who do not arrive to the event with alcohol should not be served, regardless of the guest's age.
- Guests who are of age must have their ID checked and are allowed a maximum of six 12 ounce beers or four wine coolers which they have brought themselves.

Paid Security

Further, for any social event in which alcohol is present, the chapter will hire third-party security to “work the door” such that only invited guests gain admittance and that everyone is properly identified as 21 and older or under the age of 21.

Follow Up Meetings

In addition to your regular communication with your contact in Sorority and Fraternity Life, your chapter is required to meet with Aaron Reistad once during each semester of the probationary period. The intention of these meetings is to maintain communication regarding the growth and progress of the chapter and continue a working relationship with each other. The President, Vice President, and Risk Manager must attend each meeting. Call 614-292-0748 during normal business hours to schedule these meetings.

Documented Compliance

Your chapter must “show its work” regarding its compliance efforts. The chapter must develop a Documentation Plan to identify and retain documentation that demonstrates compliance. The plan must identify someone from the national organization who will review your chapter’s compliance with its Documentation Plan once a month during the remainder of the 2017 - 2018 academic year and throughout the 2018 - 2019 academic year. The Documentation Plan must address the following specific compliance areas:

Documenting Alcohol

Your Documentation Plan must include procedures to inventory and track alcohol, including the type and amount) brought to, consumed during, and left over at social events. These procedures must include the number of drinks served by the bartender(s).

Guest Lists

Your Documentation Plan must include procedures to create, use and maintain guest lists for all social events that will:

- track invited guests
- identify guests added during an event
- confirm the age of all guests and members attending events
- record the type and amount of alcohol brought by guests and members to the event

Additional Items

Here are additional examples of what your Documentation Plan should include:

- receipts for paid-security
- written instructions provided to security prior to each event
- receipts for wristbands or punch cards

- wristband tabs collected during an event, or used punch cards collected after the event
- receipts for food, water, non-alcoholic beverages

Your chapter's Documentation Plan is due by 4:00 p.m. on April 15, 2018 by email to Reistad.1@osu.edu and studentconduct@osu.edu.

Progressive Return of Social Privileges

Progressive social privileges is an educational tool that provides your chapter with the opportunity to work through a set of planned social functions over several weeks to test your ability to host events in full compliance with risk management guidelines, state and local laws and statutes, and other applicable university policies.

Effective immediately, your chapter may not host any events with alcohol present.

Your organization is prohibited from participating, sponsoring, or hosting any meetings, philanthropies, or social events involving alcohol. This includes, but is not limited to in-house socials, alumni events, catered socials, tailgates, (semi) formals, and third-party vendor location socials. Thus, both on-campus and off-campus social events (e.g., at restaurants, bars, catering facilities, etc.) are prohibited. It should also be noted that this definition refers to any third-party vendor regardless of location, including outside the city of Columbus, Ohio. This also includes philanthropy events at third-party vendors.

Beginning September 8, 2018, your chapter may begin hosting events with alcohol according to the progressive schedule detailed below. Note that between events with alcohol, your chapter is required to host "dry" events. This progression will only begin and/or continue if your chapter has no further disciplinary action against them, and has complied with previous sanctions.

If your national organization requires smaller member to guest ratios for events with alcohol, your chapter must follow those rules. This sanction does not increase those ratios.

Your chapter must register all events, including events without alcohol, pursuant to Sorority and Fraternity Life and/or IFC guidelines.

Event One - Members Only Event – Permissible on or after September 8, 2018

This first social event with alcohol must be a Members Only Event. The event MUST be limited to members of the organization only. This means that no one outside the organization can attend. A majority (more than half) of the chapter must be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event MUST be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate.

After the successful completion of the Members Only Event, your chapter must host a social event without alcohol where eighty percent of the entire chapter is present, preferably with other invited guests or another chapter.

After successful completion of Event One and the subsequent non-alcoholic event, your chapter is eligible to host additional Members Only events with alcohol.

Event Two - 1:1 Ratio Member/Non-Member Event – Permissible on or after November 8, 2018

During this social event, alcohol is permitted with a 1:1 Ratio Member/Non-Member Event (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter must be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event MUST be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful completion of the 1:1 Ratio Member/Non-Member Event, your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Two and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:1 ratio and member only events.

Event Three - 1:2 Ratio Member/Non-Member Event – Permissible on or after January 8, 2019

During this social event, alcohol is permitted and your chapter may not exceed a 1:2 Ratio Member/Non-Member Event (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter should be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event MUST be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful 1:2 Ratio Member/Non-Member Event – your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Three and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:2, 1:1 ratio and member only events.

During the 2018 – 2019 academic year, Sigma Alpha Epsilon is not permitted to host events that exceed the 1:2 member to non-member ratio.

Event Four - 1:3 Ratio Member/Non-Member Event – Permissible on or after September 8, 2019

During this social event, alcohol is permitted and a 1:3 Member/Non-Member ratio must not be exceeded (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter should be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event **MUST** be planned, coordinated, and implemented collaboratively with your Alumni Board, Chapter Advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful 1:3 Ratio Member/Non-Member Event – your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Four and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:3, 1:2, 1:1 ratio and member only events.

Chapter Presentation to Stakeholders

After the fall 2018 semester has begun and before October 8, 2018, your chapter will give a 60 minute presentation to staff from Student Conduct and Sorority and Fraternity Life on the following topics:

- your chapter values
- how the members of your chapter lived out those values when holding events with alcohol while following all applicable risk management rules, policies, and local, state and federal laws
- how demonstrating compliance as detailed in this outcome serves the short and long-term interests of your chapter, IFC and the university

Please prepare slides and/or other materials for 25 minutes. The remaining 35 minutes is reserved for follow-up questions and dialogue.

While your entire membership should have the opportunity to contribute to the presentation, the executive board is required to attend the presentation.

You must call 614-292-0748 to schedule your presentation at least two weeks in advance of your intended presentation date.

Summary of Dates

Here is a summary of important dates found in this outcome:

- Disciplinary Probation: extended immediately through December 16, 2019
- Risk Management Analysis Summary due – April 15, 2018
- Documented Compliance Plan due – April 15, 2018
- Progressive Return of Social Privileges

- First event with alcohol present – members only – September 8, 2018
- First event with guests 1:1 ratio – November 8, 2018
- First event with guests 1:2 ratio – January 8, 2019
- First event with guests 1:3 ratio – September 8, 2019
- Presentation to Stakeholders – on or before October 8, 2018

Requests for Extensions and Modifications

Your chapter president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Requests must contain a detailed rationale for the request.

Staffing Change

Should Student Conduct no longer employ me, or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include studentconduct@osu.edu on all of the sanction items described in this letter.

Appeal

Because your chapter accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 p.m. on February 22, 2018. Use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period.

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options, including the possible impact that any assessed sanctions may have on you and your status as a student at the university. Additionally, students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), ada-osu@osu.edu, or visit <https://ada.osu.edu>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

Aaron Reistad
Hearing Officer

cc: Kim Monteaux De Freitas – Director of Sorority and Fraternity Life
Ryan Lovell – Sr. Director of Parent and Family Relations and Greek Life