

Smith, Kelly

From: Lovell, Ryan
Sent: Friday, November 10, 2017 1:21 PM
To: Koyle, Douglas; Mull, D'Andra; Smith, Kelly
Cc: Hartwig, Hunter; Butler, Kate; Walker, Devin
Subject: Fwd: Kappa Sigma - Suspension of Operations - Alpha-Sigma

Good afternoon all,

This just came our way from Kappa Sigma. I'm unfamiliar at this time why they have put the chapter in this status or what those allegations may be.

I would recommend that we also place the chapter on cease and Desist to reflect what Kappa Sigma has done and work with them on an investigation moving forward.

We'll set up a time to chat with MATTHEW Charnas to figure out what is going on with the chapter.

If you have questions, let me know. I'm around today though in and out of the house a bit.

Feel free to call me if you want to chat.

Ryan

Sent from my iPhone

Begin forwarded message:

From: "Young, Tyler R." <young.1729@osu.edu>
Date: November 10, 2017 at 12:56:19 PM EST
To: "Hartwig, Hunter" <hartwig.24@osu.edu>
Cc: "Lovell, Ryan" <lovell.113@osu.edu>, "Charnas, Matthew B." <matthew.charnas@gmail.com>
Subject: Fwd: Kappa Sigma - Suspension of Operations - Alpha-Sigma

Hello Hunter and Ryan,

Please be advised that we have suspended operations of the Kappa Sigma Chapter at Ohio State. The Chapter will remain suspended until a formal investigation is completed. We will inform you of the investigation's results and our plan for the Chapter moving forward at the conclusion of the investigation. Should you find any evidence of social and/or alcohol activity occurring with/at/surrounding the Chapter during this time of suspension, please let us know immediately.

Fraternally,

Tyler

Tyler R. Young

Begin forwarded message:

From: Matthew Charnas <matthew.chnas@gmail.com>

Date: November 10, 2017 at 12:43:54 PM EST

To: [REDACTED]

"Young, Tyler R." <young.1729@osu.edu>

Subject: Fwd: Kappa Sigma - Suspension of Operations - Alpha-Sigma

Brothers - See below. I will reiterate to the EC that this means there is to be no social functions until further notice.

If any of you find evidence of social functions please let myself and Tyler know and we can expel any individual found in violation.

Thank you brothers,

AEKDB

Matthew B. Charnas

Alpha-Sigma '04 | The Ohio State University

District Grand Master | Southern Ohio

Matthew.Charnas@gmail.com | 216-644-0008

----- Forwarded message -----

From: Mic Wilson <mic@hq.kappasigma.org>

Date: Fri, Nov 10, 2017 at 12:41 PM

Subject: Kappa Sigma - Suspension of Operations - Alpha-Sigma

To: [REDACTED]

Brothers of the Alpha-Sigma Chapter,

I am sending notice that the operations of the Alpha-Sigma Chapter at The Ohio State University are suspended immediately. This action is taken as a result of communications received regarding alleged violations of the Code of Conduct by the Chapter.

The Chapter is to cease all operations immediately including the following:

Chapter Meetings, Chapter Social Functions, Intramurals, all Pledge and Initiation Activities, all Community Service Projects and all Alumni Events. The Chapter will also be alcohol-free indefinitely which means that there can be no alcohol at any Kappa Sigma event regardless of the location. The Chapter House, and unofficial Chapter House or any other location where Brothers gather must be alcohol-free.

While under the suspension of operations, the Chapter remains obligated to pay all applicable dues and assessments and should continue to collect balances due from members as necessary.

The Supreme Executive Committee has asked District Grand Master Matthew B. Charnas to investigate to determine if a violation of the Code of Conduct has occurred. Brother Charnas, please make sure to have your report and recommendations sent to the SEC within 14 days of this notice. The Brothers of the Alpha-Sigma Chapter are to give Brother Charnas their full Cooperation. Brother Charnas, please make sure to copy conduct@hq.kappasigma.org on all correspondence.

AEKDB,
Mitchell B. Wilson
Executive Director
Kappa Sigma Fraternity

November 30, 2017

Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Kappa Sigma,

I am investigating whether the Alpha-Sigma chapter of Kappa Sigma may have violated any section or sections of the university's Code of Student Conduct. As a leader of the organization, you must contact Student Conduct by December 7, 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 the allegations that prompted your national organization to investigate and suspend your chapter.

I encourage you to share any information or material you have related to this incident. 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 December 7, 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,

A handwritten signature in blue ink that reads "Kelly B. Smith". The signature is written in a cursive style with a large, circular flourish at the end.

Kelly B. Smith, J.D.
Assistant Director

CC: Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life

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.

January 30, 2018

Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

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.

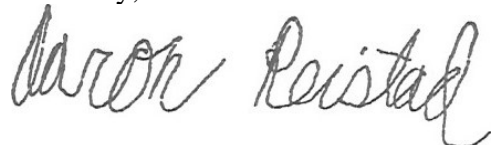
I have attached your Charge and Process form to this email. Please review it carefully, select your resolution option, then sign and date the bottom of the form.

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, designate your choice in the body of an email 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 February 6, 2018. 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,



Aaron Reistad
Hearing Officer

CC: Asst. Dir. of Student Conduct - Kelly Smith, J.D.

Assoc. VP of Student Life - Doug Koyle
Kim Monteaux De Freitas - Director of Sorority and Fraternity Life

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Kappa Sigma

Email: [REDACTED]

I. Charge(s): You are alleged to be in violation of the following section(s) as listed in the OSU Code of Student Conduct:

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

Specifically, it is alleged that on November 17, 2017, you violated Ohio State's Code of Student Conduct in the following manner:

Kappa Sigma hosted events where alcohol was not effectively managed. This includes:
An expectation for each member of the organization that comes to the party to bring enough alcohol for themselves and to share.

Having an average ratio of people to beer of 1:8 or 3 people to a 24 pack of beer.

Having it be common for men to pool their money together to buy alcohol or people bring alcohol to the event without there being a common practice of checking what alcohol was being brought, how much alcohol was brought, if the person bringing it was of age, and implementing a system where the alcohol was stored and monitored.

The practice of using two or three men behind the bar in the basement of the Kappa Sigma house to pass out alcohol.

Having members of the organization who are under 21 typically at the events and there not being established expectations for them regarding alcohol consumption.

Having the less senior members be designated to be the ones behind the bar distributing alcohol.

The chapter's inconsistent practices regarding checking identification for events where alcohol was present.

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 **February 6, 2018.**

Signature: _____ Date: _____

November 10, 2017

Dear [REDACTED]

In accordance with the University's Student Organization Registration Guidelines, I have determined that there is reasonable cause to believe the Alpha-Sigma Chapter of Kappa Sigma violated the rules, regulations, policies and procedures of The Ohio State University, as well as the terms of the Code of Student Conduct. Further, to align with action taken by your national organization:

I hereby order the Alpha-Sigma Chapter of Kappa Sigma to immediately cease and desist all organization activity, pending a full investigation of this matter by Student Conduct.

During the period of this Cease and Desist Order, the Alpha-Sigma Chapter may **request** to participate in essential activities only. Essential activities may include, but are not limited to, standing chapter/executive board meetings, and/or long standing philanthropic events. Social activities of any kind are NOT essential activities. **Please be aware that your peer organizations may be informed of this order.**

List of Essential Activities. I am instructing you to provide me a list of your organization's essential activities for the remaining portion of this semester including dates, times, locations, and the rationale behind why your organization believes the activity is essential to the operation of the Alpha-Sigma Chapter. I will review your information and take your recommendations under advisement. Until then, you are not to engage in any activities.

Complete Roster. In addition to your list of essential activities, I am instructing you to provide a complete roster of your members, including any new members who have yet to be initiated and any members who have deactivated since August 25, 2017. This roster must include relevant contact information for each individual. Relevant contact information includes (if known to your organization): school rank, cell phone numbers, local mailing addresses, and email addresses.

Appeal. You may appeal this Cease and Desist Order by submitting to Student Conduct, directed to me, a written statement of the reasons why you believe the Cease and Desist Order should be lifted, together with any supporting evidence that you deem relevant. Should you do so, I will review the appeal and advise you of my determination.

Organization Notice. I am instructing you to provide notice that your chapter has been placed on Cease and Desist to all members of your chapter, including new members. You must send this notice via email, with a copy to me at koyle.1@osu.edu, within twenty-four hours of receiving of this order. Your email must explicitly state that no further activities may occur unless they are essential activities approved in advance by me. Including a copy of this letter is advisable.

Failure to adhere to the terms of this Cease and Desist Order will subject the organization and participating individual members to further disciplinary action, including interim suspension, under the Code of Student Conduct for Failure to Comply with University Authority.

The **List of Essential Activities**, **Complete Roster** and **Appeal** (if there is one) are due by 4:30 P.M. on Monday, November 13, 2017. Direct these materials to me via email at koyle.1@osu.edu, with a copy to Student Conduct at smith.4941@osu.edu.

Sincerely,

Doug Koyle

A handwritten signature in black ink that reads "Doug Koyle" with a long horizontal line extending to the right.

Assistant Vice President
Office of Student Life

Cc:

Ryan Lovell – Senior Director of Parent and Family Relations and Greek Life
Kelly Smith – Student Life – Student Conduct

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.

Sig

For Student Conduct Staff:

Received by:

Time

Date Stamp:

Delivered to Appeal Officer

Date

Kappa Sigma Appeal Letter

To the Office of Student Conduct,

I am writing to you to request a moderation to our progressive return to social. We certainly do understand our current situation, but are hoping for the opportunity to prove that our chapter has changed how we will conduct social events with alcohol, and demonstrate our improved risk management policy before next semester begins, so that we can start anew at that time. The current timeline that we have prevents us from being able to properly do this, because the first date that we are allowed to have 1-to-1 ratio social events with alcohol will not be until April 21st, 2018, which will place that event in the midst of Ohio State's spring finals, when most of our members and members of other chapters will be studying rather than engaging in social activities. We would be missing out on an opportunity to express our commitment to improving our social behaviors and our risk management procedures before the upcoming fall semester. We are asking if this April 21st date might be able to be moved up closer to the beginning of the month of April. Please let us know if there is anything we can do in addition to our current educational and risk management procedures to make this possible. Thank you for your time.

Sincerely,

 Kappa Sigma



March 9, 2018

Kappa Sigma
[REDACTED]

Delivered via e-mail to [REDACTED]

Dear [REDACTED]

I have received your appeal of the outcome that resulted from your chapter's student conduct case. The Code of Student Conduct requires that appeals state the basis on which you are appealing each case. Your appeal is based on your claim that the sanctions imposed are grossly disproportionate to the violations committed.

I have reviewed your appeal and all information in these cases and have given your request careful consideration. I do not find the sanctions to be disproportionate to the violations for which your organization was found responsible. I have, therefore, decided to support the decisions that resulted from this process. We will, however, modify the beginning date for 1-to-1 social events with alcohol from April 21 to April 14, to avoid the conflict with finals as you mentioned in your appeal.

If you have questions regarding this case, please contact Student Conduct.

Doug Koyle
Assistant Vice President
Office of Student Life

cc: Student Conduct

February 15, 2018

Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

February 15, 2018

Dear [REDACTED] Attached please find the decision letter regarding case [REDACTED]



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

Kappa Sigma
[REDACTED]

RE: [REDACTED]

Dear [REDACTED]

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

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

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:

- Kappa Sigma's recent conduct history
- No specifically named individuals who suffered harm
- The active engagement of your advisor's and staff from your national organization

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 effective immediately through December 16, 2018. 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 March 24, 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 March 24, 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 March 31, 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 March 31, 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 April 21, 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 September 8, 2018

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.

Event Four - 1:3 Ratio Member/Non-Member Event – Permissible on or after October 8, 2018

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: Effective immediately through December 16, 2018
- Risk Management Analysis Summary due – March 24, 2018
- Documented Compliance Plan due – March 24, 2018
- Progressive Return of Social Privileges
 - First event with alcohol present – members only – March 31, 2018
 - First event with guests 1:1 ratio – April 21, 2018
 - First event with guests 1:2 ratio – September 8, 2018
 - First event with guests 1:3 ratio – October 8, 2018
- 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.

Cease & Desist

The Cease and Desist directive issued on November 10, 2017 remains in effect until the end of the appeal period. Should your chapter file an appeal, the Cease and Desist remains in effect until the appeal is decided.

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