



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

Incident Date: [Redacted]
Incident Time: [Redacted]
Incident Location: [Redacted]

Reported by

Name: [Redacted]
Title: [Redacted]
Email: [Redacted]
Phone: [Redacted]
Address: [Redacted]

Involved Parties

- Student 2** [Redacted] [Redacted] **Student 2** @buckeyemail.osu.edu
Alleged Female [Redacted]
- Student 4** [Redacted] [Redacted] **Student 4** @buckeyemail.osu.edu
Alleged Female [Redacted]
- Student 3** [Redacted] [Redacted] **Student 3** @buckeyemail.osu.edu
Alleged Male [Redacted]

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language.

On [Redacted] at approximately [Redacted], Resident Advisor (RA) [Redacted] reached out to the on call Resident Advisors -- RA [Redacted] and RA [Redacted]. RA [Redacted] and RA [Redacted] responded to the message, and walked down to [Redacted] RA [Redacted] and RA [Redacted] found Resident **Student 2** being held up with forced assistance by Resident [Redacted] **Student 3**. RA [Redacted] proceeded to ask Resident **Student 2** questions to see if Resident **Student 2** could answer. After questioning without response, RA [Redacted] asked Resident **Student 3** to gently put Resident **Student 2** down on the floor. Resident **Student 3** complied, and gently put Resident **Student 2** on the ground. RA [Redacted] and RA [Redacted] then proceeded by telling the individuals surrounding the residents to walk back into their rooms, and leave the incident so that it could be handled correctly. RA [Redacted] then began to call EMS because Resident **Student 2** was still not responding. RA [Redacted] held Resident **Student 2** on Resident **Student 2**'s side as Resident **Student 2** began vomiting. RA [Redacted] then went to [Redacted] Front Desk to wait for EMS. During this time, RA [Redacted] held Resident **Student 2** up, while talking with Resident [Redacted] **Student 4** (Resident **Student 2**'s roommate). Resident **Student 4** told RA [Redacted] that Resident **Student 2** drank 3-4 cups of Four LOCO before leaving to go to the party at Delta Chi. However, Resident **Student 4** then told RA [Redacted] that Resident **Student 4** did not know how much alcohol Resident **Student 2** drank after the 3-4 cups of Four LOCO. EMS then arrived to pick Resident **Student 2** up, and took Resident **Student 2** to [Redacted].

During this same incident, Resident **Student 3** walked to the restroom to vomit in the bathroom pod's toilet. RA [Redacted] went to check on Resident **Student 3** while RA [Redacted] checked that Resident **Student 2** was taken with EMS. RA [Redacted] came back to the incident with Resident **Student 2** and EMS, and said the Resident **Student 3** was passed out in the restroom. EMS told RA [Redacted] that Resident **Student 2** was okay, and then gave RA [Redacted] an ammonia packet to wake Resident **Student 3** if he needed assistance. RA [Redacted] then asked whether RA [Redacted]

and RA [REDACTED] should call EMS for Resident Student 3 if Resident Student 3 did not wake up. EMS responded by saying that RA [REDACTED] and RA [REDACTED] should recall EMS and ask EMS to send out another team.

RA [REDACTED] and RA [REDACTED] then went to address the incident with Resident Student 3 where they found Resident Student 3 vomiting in the restroom. Resident Student 3 then fell over and appeared to be unconscious. Resident Student 3's roommate was at the scene, and was willing to assist with Resident Student 3's transportation back to [REDACTED], but Hall Director (HD) David TERNIER.1 arrived at the scene and did further assessment. While HD TERNIER.1 was performing further assessment, it became clear that Resident Student 3 needed to be transported by EMS. RA [REDACTED] proceeded to call EMS, while Resident Student 3 continued to lay on the floor. Resident Student 3's roommate told RA [REDACTED] that Resident Student 3 drank 4-5 cups of Four LOCO before going to the Delta Chi party. Resident Student 3 then told HD TERNIER.1 that he had 3-4 cups of jungle juice at the party, and that he did not know what was in it.

EMS then arrived at the scene, and took Resident Student 3 to the hospital. RA [REDACTED], RA [REDACTED] and HD TERNIER.1 checked on the roommates that were at the scene to make sure they felt comfortable and were okay. All roommates responded by saying they were okay, and the incident ended.

RA [REDACTED] and RA [REDACTED] refer Resident Student 2 and Resident Student 3 as violators of the alcohol policy.

Which of the following responded?
EMS

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)
Alcohol 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.

Pending IF [REDACTED]

Submitted from 164.107.42.218 and routed to Aaron Moore (Hall Director). Processed by routing rule #11.

Copies to:

bellini.5@osu.edu,kefalas.1@osu.edu,moore.2542@osu.edu,smith.11556@osu.edu,clemonsthompson.1@osu.edu [REDACTED]

November 16, 2017

Delta Chi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Delta Chi,

An Ohio State University staff member provided information to our office that describes conduct by Delta Chi on October 28, 2017. I am investigating whether this conduct may have violated the following sections of the university's 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
- 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.

As a leader of the organization, you must contact Student Conduct by November 23, 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 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 23, 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 and is positioned above a light gray rectangular background.

Kelly B. Smith, J.D.
Assistant Director

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 23, 2018

Delta Chi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

January 23, 2018

Dear [REDACTED]

Attached is a Charge and Process form. It is due on January 30, 2018. To help your chapter make a decision on resolution options, I've made my investigation materials available at this website:

[https://osu.box.com/v/\[REDACTED\]](https://osu.box.com/v/[REDACTED])

It requires a password, which is the same as what you use to access letters, such as this one, using our case management system.

A few notes:

- This is a draft packet and there may be additions. In particular, I am looking for emails from you and [REDACTED] with corrections/additions to the meeting notes.
- In order to protect personal information that may be found in this document, it cannot be downloaded any you may not take screenshots or photos of the materials.
- This packet will be available to you through the remainder of this case. If you select a hearing, I will add relevant materials you wish to include.

If you wish to review our process again now that we have reached this stage, please call my office to set an appointment. I will be out of the office this week beginning tomorrow. My colleague Aaron Reistad is available to answer your questions.

Thank you for your consistent cooperation with our investigation.

Sincerely,



Kelly B. Smith, J.D.
Assistant Director

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

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Delta Chi

I. Charge: Delta Chi 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

Specifically, it is alleged that on October 28, 2017, Delta Chi:

- Failed to implement effective BYOB practices, thus allowing members and guests access to alcohol they did not bring and to consume more than they would have had BYOB practices been followed,
- Failed to mark all members and guests under the age of 21, thus allowing them access to alcohol, and
- Provided beer and Four Loco to guests.

At least two individuals, who consumed alcohol while attending the event, required transportation to the hospital.

II. Acceptance/Non-Acceptance of Responsibility:

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

 X 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 4:30 pm on January 30, 2018.

Signature:  _____ Date: 01/30/2018



November 15, 2017

Dear [REDACTED]

In accordance with the University's Student Organization Registration Guidelines, I have determined that there is reasonable cause to believe that Delta Chi violated the rules, regulations, policies and procedures of The Ohio State University, as well as the terms of the Code of Student Conduct, in connection with incidents alcohol and other drugs, brotherhood activities and social events. As a result:

I hereby order Delta Chi 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, Delta Chi 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 Delta Chi. 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.l@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 Friday, November 17, 2017. Direct all of these materials to me via email at koyle.1@osu.edu, with a copy to Student Conduct at smith.4941@osu.edu.

Sincerely,

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

Doug Koyle
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

The Ohio State University
Student Conduct Appeal

Submitted on February 22, 2018 at 2:42:23 pm EST

Nature: **Administrative Decision issued by Student Conduct (you accepted responsibility and received sanction(s) from your investigative hearing officer)**
Urgency:
Incident Date and Time:
Incident Location: **one**
Reported by **2018-02-15**
Kelly Smith

Name:
Title:
Email:
Phone:
Address:

[UNAUTHENTICATED]

Student Information

████████████████████
Respondent

████████████████████

████████████████████

Appeal

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.

I am NOT appealing on the ground of procedural error(s).

2.) If you are appealing on the ground of procedural error, please identify the error(s) and explain how the error(s) prevented a fair, impartial or proper hearing. If you are not appealing on this ground, enter "N/A."

N/A

3.) 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

I am NOT appealing on the ground of substantial new evidence.

4.) Please describe the substantial new evidence and explain how it would have affected the outcome. If you are not appealing on this ground, enter "N/A."

N/A

5.) Please explain why this evidence was not available before or at your hearing. If you are not appealing on this ground, enter "N/A."

N/A

6.) Disciplinary Sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating actors.

I am appealing on the ground of grossly disproportionate sanctions.

7.) Refer to your outcome letter, which lists the sanctions given in your case. List the sanction (or sanctions) you believe are grossly disproportionate. If you are NOT appealing on this ground, enter "N/A."

We are appealing these sanctions on the grounds that they are grossly disproportionate to the charges against us and the infractions that we committed.

Specifically, we are challenging the following sanctions:

- 1) "Paid Security"
- 2) "Progressive Return of Social Privileges"

8.) Explain why this sanction is grossly disproportionate.

The probation period is too long., The suspension period is too long., Other (provide further explanation in response to the next question).

9.) Provide additional information regarding your selection to the previous question.

We strongly feel that the length of time that the "progressive return to social privileges" takes is way too long and not reflective of the infractions that we committed or our chapter as a whole. We have already been on social probation since November 16th 2017, that means in the end, we will have been on social probation pieces for over 14 months straight. We weren't distributing liquor, using drugs, or any other serious violation of the rules. Also, within the sanctions document itself, the report says, "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." This quote clearly states that this progressive return is supposed to take place during the course of "several weeks". As defined by the dictionary and society as a whole, several means a few but not more than many or a significant number. In this case, this process is taking well over "several weeks", nearly 20 weeks to be exact, not including the entire spring semester before this starts in September. These sanctions in no way are completed in a timely manner or fair manner. The "paid security at all social events" piece of the sanctions is also something that we feel is grossly disproportionate to what we are being charged with and wouldn't have helped or prevented anything. When we hire paid security for a private event, the bill for that is several hundred dollars, that isn't something that a chapter can afford. Requiring this at every social event going forward would practically be killing our chapter's social calendar and ability to have socials with other sororities or organizations. The hired security doesn't help with IDs or even go inside the house to help monitor guests. There is no practical use for the hired security, it is just an expense that won't make the party safer.

10.) Provide an alternative sanction (or sanctions) that would be proportionate (i.e., shorter probation/suspension periods; different effective start or end dates for a suspension period). A response to this question is REQUIRED to submit an appeal on the ground of "disproportionate sanction." The decision on whether to grant an appeal and alter a sanction, however, remains with the Senior Vice President of Student Life (or designee). If you are not submitting an appeal on this ground, enter "N/A."

After reviewing the charges against us and the currently proposed sanctions, we feel that there are other options that could provide a greater impact for the chapter and community going forward. Attached, you'll find the corrective action plan that has been set up by our Headquarters. Within this program, you'll see a heavy focus on education and correcting the infractions at the root of the problem rather than taking away the ability to do something for a year with no education or real changes made in the meantime. This education includes having our entire chapter go through an online alcohol education program that helps to teach both the dangers of drinking but also the impact it can have, how to handle situations, and how to prevent them before they even happen. This online education program will give our brothers and the chapter as a whole a better understanding of everything surrounding alcohol consumption. Another aspect of these education sanctions is a weekly discussion and presentation surrounding a risk management-based topic. Attached, you'll find the schedule of these talks with the topics listed for the rest of this semester. These talks will then continue again throughout the entire fall semester. These talks are meant to not only teach our brothers about different aspects of risk management and safety but to also keep the topics fresh in our brother's minds so they're always thinking about what a good idea is and what isn't.

With all of that being said, we feel that the "Progressive Return to Socials" time-table should be moved up and start this semester rather than two weeks into the Fall 2018 semester, this will allow the changes to happen while things are fresh in brothers minds so they actually understand why we are doing what we are doing rather than it occur months from now when people won't be thinking about it as much. If we have to work through it now, we feel like it will have a greater impact on the chapter and how we operate as well as the entire community. We also feel that instead of requiring the paid security, we should be focusing on education and processes that will directly impact the chapter and our members as well as our guests.

11.) Is there additional information you wish to share?

As a chapter and organization, we feel like we have already implemented several changes and processes that correct the issues that our chapter faced in the past. For example, we now utilize a very strict guest list that

requires brothers to submit any names they want on it at least two days before the event. During the running of the event, any additional names are added to another list on the side that is then logged after the event, so they remain in our records. While working the door, the brothers not only mark down who is coming in on the guest list, but they are also checking the ID of every single person who comes in. If someone doesn't have any ID to present them, even under 21, they are rejected. Guests who are 21 are given a red neon wristband so they can clearly be identified by anyone within the party. Guests who are under 21 but over the age of 18 are given a blue neon wristband so they can also be clearly identified throughout the party. Our sober monitors are also given yellow neon wristbands so that guests and other brothers who may need assistance in any way can easily identify them and get the help that is needed. Our social chair and risk manager both attended the "Fake ID training class" put on by IFC at the beginning of this semester. In between our cease and desist being lifted but before we were put on social probation by these sanctions, we were able to host a few social events where we adhered to these policies. During these events, we had zero risk management issues arise and felt that everything we did was safe and had our brothers and guest's safety as the primary concern.

12.) If you are submitting other material with this appeal, please describe that material below.

Attached you'll find several documents. The first one is the education corrective action plan that our headquarters laid out for us to help fix and prevent these infractions from occurring again. The second document is a letter from our Alumni Board of Trustees President, Chris Heiberger. The third document is a letter from our "BB", alumni advisor, Erik Hail. You'll also find attached our "Values-Based Approach to FIPG" and our schedule of the "Ten Minute Talks" to be held during our weekly chapter meeting.

Attachments

correctiveactionoutcomeohiostatechapter.pdf

chaptertalksdeltachispring2018.xlsx

responsetouniversitysanctions.docx

20172018fguide.pdf

████████████████████.pdf

Pending IR ██████████

Submitted from 74.142.213.110 and routed to Kelly B. Smith, J.D. (Director). Processed by routing rule #94.

Copies to: studentconduct@osu.edu,smith.4941@osu.edu



March 9, 2018

Delta Chi
[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.

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

Delta Chi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

February 15, 2018

Dear [REDACTED] Attached please find the decision letter for 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

February 15, 2018

Delta Chi
[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

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:

- Delta Chi's recent conduct history
- Multiple individuals being transported to the hospital due to alcohol consumption which was distributed by Delta Chi
- Delta Chi's cooperative spirit from both the chapter, advisors, and the national headquarters

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 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 October 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 November 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 January 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: Effective immediately through December 16, 2018
- 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 – October 8, 2018
 - First event with guests 1:2 ratio – November, 8, 2018
 - First event with guests 1:3 ratio – January 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