

Williams, Allan R.

From: Rosenfeld, Deirdre J.
Sent: Friday, February 10, 2017 9:35 AM
To: Williams, Allan R.
Subject: FW: Incident of [REDACTED]



Deirdre Rosenfeld

Associate Director, Deputy Title IX Coordinator
Pronouns: She, Her, Hers

Office of Student Life Student Conduct

Suite 550, Lincoln Tower, 1800 Cannon Drive, Columbus, OH 43210
614-292-0748 Office / 614-292-2098 Fax

rosenfeld.36@osu.edu studentconduct.osu.edu

From: Majarian, Jeff
Sent: Friday, February 10, 2017 8:05 AM
To: Rosenfeld, Deirdre J. <rosenfeld.36@osu.edu>
Subject: FW: Incident of [REDACTED]



Jeffrey A. Majarian | Assistant Director

Office of Student Life | Student Conduct

Suite 550, Lincoln Tower

1800 Cannon Drive, Columbus, OH 43210

614-292-0748 Office | 614-292-2098 Fax

majarian.1@osu.edu studentconduct.osu.edu

From: [REDACTED]
Sent: Tuesday, January 31, 2017 9:33 AM
To: Majarian, Jeff <majarian.1@osu.edu>
Cc: Butler, Kate <butler.669@osu.edu>
Subject: Fwd: Incident of [REDACTED]

Dear Jeff,

Below is a message I received yesterday evening from an individual who is alleging that [REDACTED] was provided a date rape drug at a Tau Kappa Epsilon social event [REDACTED]. I spoke to [REDACTED] on the phone after receiving [REDACTED] email and informed her that in order to best look into the incident [REDACTED] described I would be forwarding [REDACTED] email to the Student Conduct Office for further investigation.

I believe Kate may have described this case to you yesterday, please feel free to contact me should you have any further questions.

Additionally, Kate mentioned that you had offered to meet sometime in the near future to discuss the relationship between [REDACTED] and Student Conduct and how we can best work together to ensure that the issues in the Greek Community are efficiently and effectively investigated. [REDACTED] but would you have any time on Monday morning, Feb. 6 to sit down and chat?

If that time is bad for you/Kate we can look at other dates and times.

Thanks for your help,

[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED] <[REDACTED]@buckeyemail.osu.edu>
Subject: Incident of [REDACTED]
Date: [REDACTED] at [REDACTED]
To: [REDACTED] >

Hello [REDACTED]

I apologize beforehand for the length of this email as there is a lot that needs to be said. This is in regards to an event that happened on this previous [REDACTED] I am a [REDACTED] [REDACTED] here at the Ohio State University. I have suspicion to believe that I was given a drink containing a date rape drug at one of our on campus fraternity's party [REDACTED]. Many things have lead me to believe that this occurred and I will share everything in as much detail as possible for you. [REDACTED] were together at an apartment [REDACTED] [REDACTED] and we had drank together [REDACTED]. We were informed that the fraternity Tau Kappa Epsilon was having a party [REDACTED] We thought it sounded fun so we decided to go and had taken [REDACTED] and arrived at the Tau Kappa Epsilon house [REDACTED]. Upon arrival, [REDACTED] entered the house and were questioned by a man standing at the front door. He asked, "who do you know here?" and before being able to answer another man had said, "let them in, they're fine". We headed upstairs and entered a room to the right that [REDACTED] without yet having taken any drinks from this house. After [REDACTED] I

suggested to my friends that we get some drinks and they all agreed with this. [REDACTED] went across the hall to another room that had a bar set up to the right and back of the room. [REDACTED] approached the bar which was set up with different types of liquor and different types of soda. [REDACTED]

given a drink containing the liquor and a knock off brand of mountain dew in red solo cups. After obtaining the drinks [REDACTED] where we drank them within 20 minutes. After finishing my drink I remember dancing and socializing with my friends and those around me. My memory quickly fades approximately 15 minutes after finishing my drink. Now begins the part of the story regarding my memory loss and also the loss of my friends's memories as well. I will provide the details that I do remember after this point. I felt a point of realization as I was standing [REDACTED]. This only lasts for about two minutes and then another blank period happens which I did not come back from until the next morning [REDACTED]. Awakening in a blur of confusion, I quickly check my cell phone for any type of information to help piece my memories together. I also text [REDACTED] to see if they knew what had happened to me. To my surprise, [REDACTED] had responded with a terrifying story of what had happened to them. The [REDACTED] said she was found almost completely unconscious [REDACTED]

[REDACTED]. The [REDACTED] women's restroom puking [REDACTED]. The [REDACTED] only remembers losing everyone [REDACTED]. I [REDACTED] had not gone [REDACTED] had been left somehow at the [REDACTED] Tau Kappa Epsilon house and doesn't remember [REDACTED] I struggled to figure out [REDACTED] how I made it home so I decided to [REDACTED]

[REDACTED] So [REDACTED], I write to you not to send you a sob story regarding [REDACTED] who probably just drank too much and chose to go out at [REDACTED] own risk. I write to you because I want to prevent this from ever happening to someone [REDACTED]. I woke up on the morning of [REDACTED]

[REDACTED] he scariest part regarding this whole incident is that if I had been sexually assaulted I would have absolutely no memory of it, no pieces to put together in this puzzle, never knowing what happened to my own body. One more thing I believe should be brought up within this message is that I attend this campus with thousands of other people and [REDACTED] I hear remarks that Tau Kappa

Epsilon has built a reputation involving the use of date rape drugs against females. I'm at a loss for words that I'm hearing this. How can this be acceptable behavior in any way? I'm not big on accusations and just writing to you took a lot of work and convincing myself that this needed to be heard. [REDACTED] consider taking action so that you don't hear another story such as mine in the near future. Even worse to consider, what if next time you receive a message as this it involves the death of girl or a girl who was found helpless on the side of a street near campus with evidence that she had been sexually assaulted. [REDACTED]

[REDACTED] I would like to remain as anonymous as is possible in a situation like this but am also willing to give you anything you need to ensure this never happens again. Thank you for taking the time to hear my story and I hope to hear back from you soon.

Sincerely,

[REDACTED]



THE OHIO STATE UNIVERSITY

VIA HAND DELIVERY

Office of the Senior Vice President for Student Life

3034 Ohio Union
1739 North High Street
Columbus, OH 43210-1230

614-247-5353 Phone
614-688-5430 Fax
<http://studentlife.osu.edu>

August 22, 2017

[REDACTED]
Tau Kappa Epsilon, Omicron Chapter
234 East 17th Avenue
Columbus, OH 43201

Dear [REDACTED]

In accordance with the University's Student Organization Registration Guidelines, I have determined that there is reasonable cause to believe that the Omicron Chapter of Tau Kappa Epsilon has 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 involving the use, consumption, and/or distribution of alcohol or drugs during the preceding academic year. As a result, I hereby order the Omicron Chapter to immediately cease and desist all organization activity involving the use, consumption, or distribution of alcohol, regardless of location, pending a full investigation of this matter by Student Conduct. This Cease and Desist Order applies to all activities or events involving the Omicron Chapter, including alcohol consumption in any chapter facility by members and/or their guests, regardless of the size or nature of the event or its location.¹

During the period of your Cease and Desist Order, the Omicron Chapter may participate in essential activities only, provided that those activities do not involve the use, consumption, or distribution of alcohol. Further, the Omicron Chapter may attend and participate in functions sponsored or organized by Sorority and Fraternity Life. 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 Omicron Chapter. Essential activities may include, but are not limited to, standing meetings, leadership retreats, service activities, recruitment activities and events, and/or some philanthropies. I will review your information and take your recommendations under advisement.

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

¹ Regarding drugs other than alcohol, I remind you that the Code of Student Conduct prohibits the "[u]se, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs."

In addition to your list of essential activities, I am requesting a list of the names and contact information of your current organizational membership, including any new or prospective members. Contact information includes each individual's first and last name, cell phone number, and email address.

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 without undue delay.

A list of all currently known essential activities, member and prospective member roster information, and any appeal must be provided to Student Conduct, directed to me, by 4:30 PM on **Thursday, August 24, 2017**.

Finally, all of your current members are required to meet with staff from Student Conduct regarding these concerns. Student Conduct will contact you within the next two weeks to schedule a meeting date and time. In order to better facilitate the scheduling of this meeting, you must hold open the next two weekends. This meeting is mandatory and your advisor may be present.

If you are uncertain as to any of the directives outlined in this letter, please contact Student Conduct at (614) 292-0748.

Sincerely,



Doug Koyle
Assistant Vice President
Office of Student Life

cc: Matt Page – Student Life – Student Conduct
Ryan Lovell – Student Life – Sorority and Fraternity Life
Donnie Aldrich – Tau Kappa Epsilon

October 20, 2017

Tau Kappa Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

October 20, 2017

To the members of the Omicron Chapter of Tau Kappa Epsilon:

At this stage in our investigation, there exists reasonable cause to issue charges under the Code of Student Conduct. Attached are four Charge and Process forms. Please review each form carefully.

Investigation Packet

We will make the investigation packet available for your review beginning Wednesday, October 25, 2017. Please call our office at 614-292-0748 to schedule an appointment to review the packet. We encourage you to bring a co-leader and an advisor with you to review the packet. You can only review the packet in our office, but if your advisor cannot travel to Columbus, we can consider arranging a temporary secure web link for your advisor to use while you are in our office.

Additional Materials

As we have previously explained, your organization may provide materials for our consideration. Issuing charges does not change that. You may *still* submit materials. We can continue to add relevant materials to the investigation packet. Should there be a hearing to resolve any or all of the charges, the investigative packet becomes the hearing packet used by the Administrative Hearing Officer or the University Conduct Board to reach an outcome in addition to testimony offered during a hearing. We ask you to submit all materials no later than five business days before a hearing.

Resources

As always, we 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.

Questions

If you have questions about resolution options, including hearing choices and procedures, I encourage you to call or email Ms. Bailey or me.

Due Date

You must return the completed Charge and Process Forms to our office by 4:30 P.M. on October 30, 2017. Should you fail to return the forms on time, we will schedule an Administrative Hearing to resolve the charges.

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

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Tau Kappa Epsilon

I. Charge: Tau Kappa Epsilon 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.

Specifically, it is alleged that over last two academic years (2015-2017), Tau Kappa Epsilon (“TKE”) frequently disregarded and/or was unsuccessful in basic risk management practices necessary to avoid endangering the health and safety of its members and guests. Examples include (but are not limited to):

- Failing to identify members and guests who were over or under 21 in order to restrict alcohol consumption to only those individuals 21 or older;
- Failing to identify and/or control the total amount of alcohol consumed by individuals over the course of an event;
- Failing to identify and assist members or guests who have become intoxicated or impaired due to the consumption of alcohol or other drugs;
- Failing to limit alcohol available or permissible for consumption to those in containers/methods that promote excessive and/or irresponsible drinking (e.g., ice luge, bags of beverages, shot gunning beverages, etc.);
- Allowing members and guests to drink beverages, whether alcoholic or not, from containers, such as “Solo cups,” that have an “open” design such that substances could too easily be added to a member or guest’s drink without their knowledge;
- Failing to monitor the scope of social events, including the movement of guests and/or members to members’ bedrooms or other parts of the house, which created opportunities for guests or members to provide or consume alcohol and other drugs, such as (but not limited to) cocaine or marijuana;
- Failing to register events pursuant to *The Ohio State University Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, and Panhellenic Association Alcohol and Risk Management Policy and Clarification of Risk Management Expectations*;
- Failing to restrict guests and/or members from engaging in hazardous activities, such as being on open windowsills;

- Failing to take corrective action to respond to rumors and allegations that TKE drugged women at social events, thus allowing conditions that create an environment ripe for druggings to occur to remain in place.

These acts and failures to act created substantial risks that endangered the safety, physical and mental health, or lives of TKE members and TKE guests.

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 Monday, October 30, 2017.

Signature: _____ Date: _____

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Tau Kappa Epsilon

I. Charge: Tau Kappa Epsilon (“TKE”) 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.

Specifically, it is alleged that over the last two academic years (2015-2017), as result of Tau Kappa Epsilon not consistently following universities policies and/or other basic risk management policies, multiple individuals reported suffering harm to their physical or mental health or to their safety during and after attending TKE events. Examples include (but are not limited to):

- Adverse physical reactions, such as but not limited to vomiting;
- Physical harm, illness or injury requiring hospitalization;
- Fear for health and safety after observing an individual place an unknown substance directly into her beverage;
- Memory loss (“blacking out”) such that guests reported arriving at locations with no knowledge of how they traveled or were transported there, this includes but is not limited to guests who found themselves in bar restrooms and a random location in downtown Columbus.

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 Monday, October 30, 2017.

Signature: _____ Date: _____

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Tau Kappa Epsilon

I. Charge: Tau Kappa Epsilon (“TKE”) is alleged to be in violation of the following section 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 or applicable University policy

3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.

Specifically, it is alleged that over last two academic years (2015-2017), Tau Kappa Epsilon hosted social events during which:

- Alcohol was consumed by and/or distributed or made available to underage members or guests;
- Alcoholic beverages were used as part of a competition, such as drinking games or chugging contests;
- Drugs, including cocaine, were present, distributed, and/or used in the house by TKE members or guests.

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 Monday, October 30, 2017.

Signature: _____ Date: _____

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Tau Kappa Epsilon

I. Charge: Tau Kappa Epsilon (“TKE”) is alleged to be in violation of the following section of the Code of Student Conduct:

3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

Over the last two academic years (2015-2017), Tau Kappa Epsilon did, require, and/or encourage their new members in conjunction with their initiation to do tasks at social events. This list provides a few examples of the type of tasks delegated to new members:

- Operating and managing the area where alcohol was kept and distributed;
- Cleaning up after social events;
- Monitoring guest and members’ levels of intoxication;
- Caring for guests and members who need assistance due high levels of substance use (e.g., alcohol and other drugs).

The tasks that were done, required, and/or encouraged, whether or not the new members voluntarily agreed upon them, caused or created substantial risks of causing mental/physical harm or humiliation.

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 Monday, October 30, 2017.

Signature: _____ Date: _____

October 5, 2017

Tau Kappa Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

October 5, 2017

Dear [REDACTED]:

Please read the attached letter from the Assistant Vice President of Student Life. We will talk about this at tomorrow's meeting.

Sincerely,



Kelly B. Smith, J.D.
Assistant Director

CC: Ryan Lovell
Donnie Aldrich - Tau Kappa Epsilon



October 5, 2017

Dear [REDACTED]

I have determined that there is reasonable cause to believe that the Omicron Chapter of Tau Kappa Epsilon's activities pose a significant risk of substantial harm to the safety or security of themselves, others, or to property. This determination is based, in part, on apparent violations of the terms of the Cease and Desist notification that you received on August 22, 2017. That notification directed you to provide our office with a list of your organization's essential activities for the remaining portion of the semester. You have not complied with this directive, yet have continued to schedule activities for your organization.

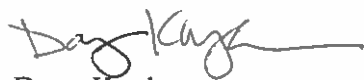
Accordingly, I hereby immediately place the Omicron Chapter of Tau Kappa Epsilon on Interim Suspension and temporarily discontinue the Omicron Chapter's registration as a recognized student organization by the university, pending a full investigation by Student Conduct.

During the period of this Interim Suspension, the Omicron Chapter shall not be eligible to participate in any recognized student organization activities including, but not limited to, organizational meetings or programs, Homecoming/BuckeyeThon/Welcome Week activities, intramural sporting events, recruitment of new members, organizational social events, or social events with any other student organizations. **In addition, all new member activities must cease during the period of Interim Suspension.** Failure to adhere to the terms of this Interim Suspension may subject the organization and participating individual members to further disciplinary action under the Code of Student Conduct. This Interim Suspension will remain in effect until the completion of the disciplinary process as administered by Student Conduct.

Please be aware that your peer organizations may be informed of this order.

You have the right to appeal this Interim Suspension by submitting to me, within three (3) working days of the date of receipt of this letter, a written petition detailing the reasons why you believe that the Interim Suspension should be modified, together with any supporting evidence that you deem relevant. Please consult the Code of Student Conduct, Section 3335-23-20, for a complete description of this process. Should you submit such a petition, I will review your submission, and then advise you of my determination without undue delay.

Sincerely,



Doug Koyle
Assistant Vice President
Office of Student Life

Cc: Ryan Lovell – Student Life – Sorority and Fraternity Life
Donnie Aldrich – Tau Kappa Epsilon
Kelly Smith – Student Life – Student Conduct

December 20, 2017

TKE Tau Kappa Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

I'm writing to notify you of the outcome of Tau Kappa Epsilon's Administrative Hearing. We held the hearing on November 20, 2017. After a review of the testimony and evidence, I reached the following finding(s):

- 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. -- In violation
- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy -- In violation
- 3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs. -- Not in violation
- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. -- In violation

As a result of the violations, the following sanctions have been given:

SUSPENSION

The Omicron chapter of Tau Kappa Epsilon has been placed on disciplinary suspension beginning December 20, 2017 through December 17, 2020. Your chapter can petition the Director of Student Conduct to re-colonize for the Spring Semester 2021. In determining whether to grant a petition, the Director (or designee) will consider whether the chapter has satisfactorily completed the stipulations described below.

You must submit your petition in writing via US Mail or email to the Director no later than 90 days prior to the term in which your chapter seeks to re-colonize. For example, a petition to re-colonize for Spring Semester 2021 is due by October 13, 2020. Prior to submitting your petition, call 614-292-0748 or check the Student Conduct website to obtain our departmental mailing address and/or the email address of the Director.

Violations by individuals who appear to be operating as the Tau Kappa Epsilon organization during the suspension may result in further disciplinary action for your chapter, including but not limited to an extended suspension or dismissal.

PROBATION

Your chapter will be placed on disciplinary probation for one year after the first class receives their bids for membership.

I. Required Activity to Complete Prior to Requesting to Re-colonize:

Documentation of the following plans must be included in your chapter's petition to re-colonize.

A. Activate and Engage the Chapter's Board of Advisors

It is Student Conduct's understanding that all Tau Kappa Epsilon chapters are required to be incorporated under the laws of their state. You are to immediately (no later than December 29, 2017) provide all documentation of your incorporated status including, but not limited to:

- List of Board of Advisors or Directors with their individual contact information
- Your current by-laws
- Name and contact information of your Statutory Agent
- National constitution and by-laws
- Contact information for your housing corporation

Before any attempt to re-colonize your chapter, updated versions of these required documents need to be provided to Student Life's Student Conduct and Sorority and Fraternity Life departments.

Additionally, a plan for how the Board of Advisors will fulfill their primary roles, as stated or outlined by your national organization, will need to be submitted to Student Life's Student Conduct and Sorority and Fraternity Life departments. This plan also must address how your chapter will document and report your compliance with your national organization standards.

B. New Member Education Plan

Working with Sorority and Fraternity Life, your chapter will review and restructure the fraternity's New Member Education process. This review and restructuring should specifically address how and why members are assigned safety roles for registered events, as well as the risk management efforts made

by the fraternity to ensure a safe and healthy process for all new members. The New Member Education process must include training on hazing prevention offered by Sorority and Fraternity Life or Student Conduct. The entire chapter membership must be present.

C. Risk Management Accountability Plan

The chapter must document its compliance efforts. This includes developing a plan to identify and retain documentation that demonstrates compliance with all applicable risk management policies including Interfraternity Council (IFC) and Tau Kappa Epsilon's policies (BYOB, Risk Management – FIPG, Third Party Vendor Rules). This plan must also identify someone from the Board of Advisors who will review this documentation once a month during the academic year.

Additionally, the documentation plan must address the following specific compliance areas:

a. *Wristbands and Punch cards*

The chapter must use wristbands to identify members and guests 21 and older at any event with alcohol. For each and every event, event-specific punch cards must be created and used. Punch cards must contain all information required by your national organization.

Bartenders may only serve alcohol to members and guests when the member or guest is wearing a wristband, demonstrating that they are 21 or older, and presents a punch card to the bartender. Punch cards are to be collected at the exits when guests leave an event.

b. *Documenting Alcohol*

The chapter must develop a plan to accurately describe and count alcohol available for the event. This plan must include a process to document the alcohol consumed through the use of an after-event comparison of the alcohol consumed during the event with the number of punch cards collected. The chapter must keep a record of alcohol brought to an event and the amount left after the end of the event.

c. *Guest Lists*

The chapter must develop a plan for maintaining guest lists that will track invited guests, guests added during an event, the age of all guests and members attending events, and the alcohol brought by guests to the event.

d. *Additional Items*

Following are additional examples of what a documentation plan should include (Note: These are examples only and not meant to be a comprehensive list):

- Receipts for wristbands;
- Punch cards collected during an event;
- Alcohol identification (type and amount) consumed and left over after an event;
- Guest lists; and,
- Receipts for food, water, non-alcoholic beverages.

II. Disciplinary Probation Period

During the period of disciplinary probation, your chapter is required to implement all approved plans outlined in Section I of this letter, ensuring to adhere to all accountability measures. Additionally, your chapter will adhere to the following schedule for expanding social privileges:

- **No alcohol until after the second Saturday of the semester:** No events with alcohol until after the second Saturday of the semester. This prohibition applies to all social, brotherhood, alumni or any other chapter event regardless of location. “Dry” events, such as a catered brunch with a sorority, are permissible.

- Thereafter, the chapter may expand its social privileges as follows:

- After the second Saturday of the semester, the chapter may have a members-only event with alcohol.
- After the fourth Saturday of the semester, the chapter may have a social event with alcohol with a member to guest ratio no greater than 1:1,
- After the sixth Saturday of the semester, the chapter may have a social event with alcohol with a member to guest ratio no greater than 1:2.
- Beginning the eighth Saturday of the semester, the chapter may have social events with a member to guest ratio no greater than 1:3.
- It is expected that the chapter will host dry social events in between the dates listed above. Further, your chapter must always follow the most restrictive

policies between your national organization, the university and the IFC.

III. Education Sanctions

Within three-weeks of re-colonization, your chapter is required to meet with Student Life's Student Conduct and Sorority and Fraternity Life departments. The purpose of this meeting is to receive updates on policy changes that have occurred during the chapter's absence and to learn of training opportunities available to the chapter. Your chapter will then work collaboratively with Student Life's Student Conduct and Sorority and Fraternity Life departments to identify the training sessions that will most benefit your chapter as a registered student organization and to create a plan to train 100% of your chapter.

NOTIFICATION

You are required to share this outcome with your membership within 24 hours. Notification of your chapter's suspension will be provided to your inter/national headquarters, NIC, all other Ohio State chapter presidents, their advisors and inter/national headquarters and local law enforcement. Please note that individuals who violate policy or law will be individually held accountable for their actions, which may result in further disciplinary action for the individual and your chapter pursuant to the university's Code of Student Conduct.

Your Chapter has the right to appeal this decision to the Senior Vice President of Student Life. You must submit your appeal no later than 4:00 pm on December 29, 2017. To submit an appeal, use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> You may also submit a written appeal, using the form attached to this letter 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. If you have any questions, call (614) 292-0748 prior to the expiration 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.

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,



Ronnie J. Boyer
Sexual Misconduct Investigator

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

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 _____

August 24, 2017

Tau Kappa Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Tau Kappa,

Our office has received reports that a number of individuals became substantially impaired by alcohol or other drugs during or soon after attending social events hosted by Tau Kappa Epsilon ("TKE"). Further, we received reports regarding the availability and distribution of alcohol and other drugs at TKE events that might have violated university policies. Accordingly, we are investigating whether TKE may have violated the following sections of the Code of Student Conduct:

- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
- 3335-23-04 (O): Violation of University Rules: Violation of other published university rules, policies, standards, guidelines, or violations of federal, state, or local law. University rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

All currently enrolled TKE members must attend a meeting with staff from the Office of Student Conduct at **8:00 AM on Saturday, August 26, 2017** in room 311 in Enarson Classroom Building at 2009 Millikin Rd.

The LAST PAGE of this letter is an instruction sheet you must forward to all of your members

by 6:30 PM today, August 24, 2017.

In his August 22, 2017 letter directing your chapter to cease and desist all activity involving the use, consumption or distribution of alcohol, Doug Koyle instructed you to provide us with a list of the names and contact information of your current membership, including any new or prospective members. Please email that list to me at page.324@osu.edu by 4:30 PM on August 24, 2017. Please also identify those members holding leadership positions.

Additionally, in your capacity as a leader of the organization, please call 614-292-0748 as soon as possible to schedule a preliminary conference with me to take place next week. At this conference, I will share more information about the allegations we are investigating. I will also further explain the student conduct process and answer questions you may have about our process. Further, you will have the opportunity to share information, to provide materials, and to identify other individuals with information about allegations.

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.

If you do not contact our office by August 28, 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 black ink, appearing to read 'Matthew B. Page', with a long horizontal line extending to the right.

Matthew B. Page
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.

Instructions

- All currently enrolled Tau Kappa Epsilon members must attend a meeting with staff from the Office of Student Conduct at 8:00 AM on Saturday, August 26, 2017 in room 311 in the Enarson Classroom Building at 2009 Millikin Rd. After reviewing TKE's membership roster, we may instruct some members to arrive at 9:00 AM.
- Members will meet individually with Student Conduct staff after completing a questionnaire.
- We cannot predict when individual members will finish their interviews. Accordingly, please bring a packed lunch and water/coffee/soda.
- There may be a waiting period between the meeting and individual interviews. Please bring individual study materials or something to read to pass the time.
- Members may not communicate with other members or outside individuals during the meeting. Student Conduct staff will collect cell phones and/or other devices (iPads, laptops) for the duration of the meeting. If you anticipate a need for friends, family members or others to reach you to deliver time-sensitive information, please direct them to call 614-247-8600 so that we can connect them with you.
- If you have a conflict that cannot be resolved that will prevent your attendance on Saturday, you must send an email to me at page.324@osu.edu with a cc: to smith.4941@osu.edu by 1:00 PM on Friday, August 25, 2017. That email must contain:
 - a description of the conflict, and
 - an acknowledgement that you agree not to discuss this matter to any degree with TKE members or other individuals until after you meet individually with a staff member of Student Conduct.
- Members who cannot attend Saturday's meeting, must call 614-292-0748 to schedule a make-up meeting, which must take place prior to 4:00 PM on Friday, September 1, 2017.
- Failure to follow these instructions may result in disciplinary action under the Code of Student Conduct.
- 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/>.