

Case No: [REDACTED]

Organization Name: Alpha Epsilon Pi

Charge Date: 2018-03-28

Hearing Date: April 24, 2018

- Incident report/complaint
- Notice of investigation/meeting request
- Notice of charges
- Outcome letter

Note -- Hearing outcome letter resolved charges in two cases -- [REDACTED]
[REDACTED]

Smith, Kelly

From: Butler, Kate
Sent: Saturday, January 20, 2018 4:10 PM
To: Smith, Kelly
Cc: De Freitas, Kim Monteaux; Lovell, Ryan; Walker, Devin
Subject: FW: Incident We Spoke About
Attachments: Uber.jpg

Hi Kelly,

I received the report below from [REDACTED] The incident described occurred the evening of 1/16 through the morning of 1/17. For reference, in their chapter facility they have some members living in the house and also rent to unaffiliated tenants. When he refers to tenants, those are unaffiliated men.

The only chapter we have that would fit the description of A Blank Pi is Alpha Epsilon Pi. We do not have a list of their new members yet, but I have copied Devin here, so he can pass it along once he receives it.

I also asked him to include the screenshot of the uber that took the student back to his residence hall in case building access logs can be helpful.

If you need anything else from me, please let me know.
Kate

From: [REDACTED]
Sent: Friday, January 19, 2018 6:07 PM
To: Butler, Kate <butler.669@osu.edu>
Subject: Incident We Spoke About

Hi Kate,

Sorry that it has taken a bit, I had to gather all the info that the tenants of the house had. We believe that the man's name was [REDACTED] and it has been said that he mentioned he was rushing, and I quote the tenant, "A blank Pi". Unfortunately our camera did not have a new hard drive attached so we do not have any footage of outside. But we do know that in the night a tenant saw a man walking around without a jacket, shoes, and bloody. It is also known that he did not have his wallet or phone. I am attaching the Uber receipt screenshot of his destination in the morning.

If you need anything from me, please reach out. I would like to reiterate that no Theta Xi brother saw the event and he was let in by a tenant of the house. I'll also add, the screenshot of the receipt was taken 1/18/18 at 7:33PM; two days after the incident that occurred of Tuesday night (1/16)

Thank You

[REDACTED]

[REDACTED]

February 1, 2018

Alpha Epsilon Pi

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Alpha Epsilon Pi,

An Ohio State University staff member provided information to our office that describes conduct by Alpha Epsilon Pi on January 16, 2018. I am investigating whether this conduct may have violated the following sections of the university's 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.
- 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 February 8, 2018 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 February 8, 2018 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,

Kelly B. Smith, J.D.
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.

March 30, 2018

Alpha Epsilon Pi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

March 30, 2018

[REDACTED]

I am writing to clarify that the Charge and Process form sent earlier this week for one of your chapter's conduct case is due before 4:30 p.m. on April 4, 2018. The form attached to the letter incorrectly stated March 29, 2018.

Sincerely,



Kelly B. Smith, J.D.
Director

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

March 28, 2018

Alpha Epsilon Pi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]
[REDACTED]

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

I have attached your Charge and Process form to this email. Please review it carefully and after consulting with your advisors and co-leaders, select your chapter's resolution option, then sign and date the bottom of the form.

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

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on April 4, 2018. Failure to return this form by the stated deadline will result in an Administrative Hearing.

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

Sincerely,



Aaron Reistad
Hearing Officer



PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

CHARGE & PROCESS FORM

Name: Alpha Epsilon Pi

Email: [REDACTED]

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

- 3335-23-04 (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.
- 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

It is alleged that during spring semester, your chapter violated the Code of Student Conduct in the following manner:

- provided alcohol to new members and/or allowing or encouraging new members to consume alcohol during new member activities or events, such as after bids were extended to new members;
- conducted new member "lineups" on one or more occasions late at night or early in the morning;
- required, or encouraged new members to do chores at the chapter house or other locations.

As a result of any or all of these activities, one or more new members experienced adverse health effects due to any or all of the following:

- excessive alcohol consumption
- lack of sleep
- exposure as a result of being sent home without adequate clothing for the weather

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 4:30 pm on **March 29, 2018.**

Signature: _____ Date: _____

Distributed to: Hearing Officer - Aaron Reistad

May 18, 2018

Alpha Epsilon Pi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] Members of Alpha Epsilon Pi:

I am writing to notify you of the outcome of the Eta Chapter of Alpha Epsilon Pi's Administrative Hearing which took place on April 24, 2018. While you were invited to attend this hearing as a representative of the chapter, you chose not to attend. Therefore, I moved forward with the hearing consistent with the Code of Student Conduct. Based on the information available to me at the time of the hearing, I have found Alpha Epsilon Pi **in violation** of the following charges:

Case Number 2017301601:

- 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.
- 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

Case Number 2017301701:

- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

I considered the following factors in determining appropriate sanctions:

- Alpha Epsilon Pi's recent conduct history
- the totality and severity of the violations when considered on a continuum

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

Ohio State University.

Disciplinary Sanction

I am suspending the Eta chapter of Alpha Epsilon Pi effective **May 18, 2018 through August 6, 2023**. Your chapter is no longer recognized as a student organization at Ohio State and no longer has the rights or privileges afforded to a recognized student organization.

During this time please be advised that any student using your organization's name or likeness (e.g., Greek letters) while alleged to have violated the Code of Student Conduct will be investigated and, if applicable, charged as an individual, not as an organization, in the Student Conduct process.

Educational Sanctions

I invite your national organization to discuss reestablishing a chapter at the university at the end of the suspension period. **Your national organization must begin communication at least one year prior to reestablishing, but no sooner than January 1, 2022.**

In discussing its return to our community, Alpha Epsilon Pi's representatives must meet with the Director of Sorority and Fraternity Life, or designee, to discuss the current campus environment and what requirements must be completed before the reestablishing process and during the chapter's first year. These conversations will occur in consultation with the Director of Student Conduct, or designee.

Sorority and Fraternity Life and Student Conduct will take into consideration the organization's efforts to remedy or eliminate underground activity during the suspension period. We encourage Alpha Epsilon Pi representatives to provide Student Conduct with any documentation related to these efforts.

I invite the organization to submit a memorandum identifying actions it might take with new recruits and a new chapter after the suspension period ends. Memorandum topics could include:

- recruitment strategies
- new member reviews and criteria
- alumni and advisor involvement
- selection of consultants and new chapter coordinators
- new member education plans
- alcohol and risk management policies

This optional submission is due no later than July 31, 2018.

Requests for Extensions and Modifications

Any request for an extension or a modification of any required sanction must come from the chapter president to reeb.47@osu.edu. The request must contain a detailed explanation of the reason for the request.

Staffing Change

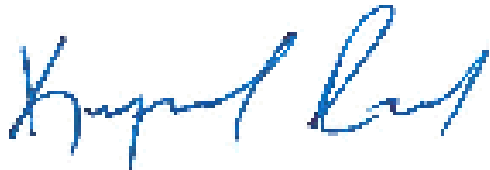
Should Student Conduct no longer employ me or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include the general Student Conduct email address on all sanction items described above. That address is studentconduct@osu.edu.

Appeal

A student or organization found to have violated the Code of Student Conduct has the right to appeal. 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 May 25, 2018. Use the online appeal form found at <https://go.osu.edu/appeals> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in the 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. 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.



Krystal Reeb
Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life
Jason Kirschtel Alpha Epsilon Pi Representative

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 _____