



THE OHIO STATE UNIVERSITY

Type: **Hazing**
Urgency: **Normal**

Incident Date: **2017-09-29**
Incident Time:
Incident Location: **On Campus**

Reported by

Name:
Title:
Email:
Phone:
Address:

[UNAUTHENTICATED]

Involved Organizations/Individuals

Zeta Beta Tau ()
Alleged

Questions

Please provide a description of the incident(s). Try to include as much detail as possible, including the name(s) of those present and/or involved, date(s) and time(s), location(s), etc.

Saw a [REDACTED] of ZBT who was covered in sharpie and drunk around 3 am walking home and he said "ZBT hazes".

Is the hazing that you have experienced or witnessed ongoing/currently occurring?

Yes

What is your desired outcome in making this report?

To know I made an effort to keep other students and members of Greek Life safe.

Do you understand that submitting an anonymous report may limit Student Conduct's ability to fully investigate or adjudicate reports of hazing?

Yes

Pending IR [REDACTED]

Submitted from [REDACTED] and routed to Jeffrey A. Majarian (Assistant Director)

Copies to: smith.4941@osu.edu

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: The Nu Chapter of Zeta Beta Tau ("ZBT")

I. **Charge:** ZBT 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 (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.

Specifically, it is alleged that on September 28th and 29th, members of ZBT holding positions responsible for the new member process [REDACTED] invited the new members to the chapter house. Several new members interpreted the invitation to involve an official new member activity, namely practicing a song for an upcoming serenade.

Once at the house, the [REDACTED] instead made alcohol available to the new members or allowed new members, even those under the age of 21, to consume alcohol they brought with them to the house. At least one new member consumed enough alcohol to become physically sick such that other members had to take action to monitor the new member's health.

II. **Acceptance/Non-Acceptance of Responsibility:**

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

[REDACTED] 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 Wednesday, November 8, 2017.

Signature:  Date: 11-7-17

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: The Nu Chapter of Zeta Beta Tau ("ZBT")

- I. **Charge:** ZBT 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 (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 during social events beginning on the evenings of September 3rd and September 24th, 2017 Ohio State University Students under the age of 21, drank alcohol at a social events hosted by ZBT. These students became intoxicated such that they either required assistance getting home or once home at their residence hall, required attention from university staff, OSUPD and EMS.

- II. **Acceptance/Non-Acceptance of Responsibility:**

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

[REDACTED] 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.

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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 Wednesday, November 8, 2017.

Signature  Date: 11-7-17



October 6, 2017

Dear [REDACTED]

In accordance with the university's Student Organization Registration Guidelines, and to align with action already taken by your national organization, I am issuing a Cease and Desist directive to the Nu Chapter of Zeta Beta Tau while you continue to work with Student Conduct on their investigation.

During the period of your Cease and Desist Order, the Nu Chapter may **request** to participate in essential activities only. Essential activities may include, but are not limited to, standing meetings, leadership retreats, service activities, and/or some philanthropies. Social activities of any kind are NOT essential activities. Please be aware that your peer organizations may be informed of this order.

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

Complete Roster. In addition to your list of essential activities, I am requesting a complete roster of your members, including any new members who participated in recruitment this semester and any members who deactivated since August 1, 2016. This roster must include relevant contact information for each individual. Relevant contact information includes 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 without undue delay.

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

The **List of Essential Activities**, **Complete Roster** and **Appeal** (if there is one) are due by 4:30 P.M. on Monday, October 9, 2017. Direct all of these materials to me via email to Student Conduct (studentconduct@osu.edu) by 4:30 P.M. on Friday, October 13, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Koyle", with a long horizontal flourish extending to the right.

Doug Koyle
Assistant Vice President
Office of Student Life

Cc: Ryan Lovell – Student Life – Parent, Family and Alumni Relations
Kelly Smith – Student Life – Student Conduct
Ashley Moser-Barron

November 15, 2017

Zeta Beta Tau

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

November 15, 2017

Dear [REDACTED]

I am writing because a colleague alerted me to a typo in the outcome letter I sent earlier this afternoon. The first heading on the second page should read: "No alcohol at any event until January 8, 2018."

Sincerely,



Kelly B. Smith, J.D.
Assistant Director

November 15, 2017

Zeta Beta Tau
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers: [REDACTED]

Dear [REDACTED]

The Nu Chapter of Zeta Beta Tau accepted responsibility for the following violations 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.
- 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 result, I have assigned you the following sanctions:

Probation

Your chapter has been placed on disciplinary probation beginning November 15, 2017 through May 5, 2019. 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.

New Member Stipulations

The new member education meetings must occur at a set time between 9:00 AM and 9:00 PM. Changes to the set time must be approved by the chapter president and one other Executive Board member. Changes to the time cannot be made to punish new member behavior.

Communication with new members by [REDACTED] must include the chapter president or and another exec board member of the president's choosing.

The chapter must cease accepting new members not identified on rosters provided to Sorority and Fraternity Life.

No Alcohol at any event until January 8, 2017

No events with alcohol until January 8, 2018. This prohibition applies to all social events regardless of location; brotherhood and alumni events. “Dry” events, such as a catered brunch with a sorority, are permissible.

Risk Management Summary

The chapter must review all applicable risk management policies (IFC, Zeta Beta Tau’s policies (BYOB, Risk Management – FIPG, Third Party Vendor Rules). The chapter must prepare a summary of the practices required to be in compliance with those policies.

The chapter must submit that summary along with copies of all the applicable policies to Student Conduct, along with the planning and documentation memorandum described below, no later than 4:00 PM on January 3, 2018. Failure to meet this requirement will result in an extension of the prohibition against events with alcohol.

Planning and Documentation

From January 8, 2018 onward, the chapter may host events with alcohol so long as it does so in full compliance with all applicable risk management policies.

Specific Required Practices

No Four Loco

Regardless of what is permissible under the risk management policies identified above, the chapter may not serve or allow guests to consume Four Loco at any social event.

Paid Security

Further, the chapter will hire third-party security to “work the door” such that only invited guests gain admittance and that all guests are properly identified as 21 and older or under the age of 21.

Wristbands with drink tabs

The chapter will use wristbands such as those found at

<http://www.taticketprinting.com/t/wristbands/types/tear-off-tab>

to identify members and guests 21 and older. Bartenders may only serve members and guests when the member or guest tears off a tab from their wristband and provides it to the bartender. The bartender must retain all tabs throughout the evening and the chapter is required to retain the tabs pursuant to its documentation plan as described below.

Third Party Vendors

Between January 8, 2018 and May 5, 2019, the chapter may have no more than four third party vendor social events a semester.

Documented Compliance

The chapter must “show its work” regarding its compliance efforts. The chapter must develop a plan to identify and retain documentation that demonstrates compliance. This plan must also identify someone from the national organization who will review this documentation once a month during the academic year. Additionally, the documentation plan must address the following specific compliance areas.

Documenting Alcohol

The chapter must develop a plan to describe and count alcohol that allows a comparison after the party with the number of tabs saved by the bartender(s). The chapter must keep a record of alcohol brought to an event and the amount left after the end of the event.

Guest Lists

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

Additional Items

Here are additional examples of what a good documentation plan should include :

- Receipts for paid-security
- Written instructions provided to security prior to each event
- Receipts for wristbands
- Wristband tabs collected during an event
- Alcohol identification (type and amount) consumed and left over after an event
- Guest lists
- Receipts for food, water, non-alcoholic beverages.

The chapter will summarize all of the planning and documentation expectations described above in a memorandum to Student Conduct due by 4:00 PM on January 3, 2018.

Educational Sanction

You must complete the following educational sanction that includes an idea provided by your advisor. Your chapter must attend a “two hour informative and interactive session with a local law firm that handles code of conduct cases as well as criminal defense cases, mandatory for all members to attend. The two hours will consist of two partner attorneys presenting on the risks associated with underage drinking. This will lead into a discussion on ancillary risks associated with irresponsible alcohol consumption such as sexual assault, the need to protect your record for future employment and graduate school options, and treatment options for suspected drug or alcohol addictions.”

After your chapter attends the session described above, it must prepare a presentation summarizing information from that session with a focus on the most serious risks presented. This presentation should include slides and an executive summary of no more than two double-spaced pages. Your chapter leadership must meet with Devin Walker or another staff member in Sorority and Fraternity Life to review the presentation and summary and to identify an opportunity to share this information with the Sorority and Fraternity Life Community.

It is expected that all members will make a contribution to the summary and presentation. If it is more productive to do that work in small groups, please take care to create those groups with a variety of member “vintages” so that the chapter avoids the appearance of assigning work based on membership status of longevity.

To document completion of this sanction, the chapter must deliver the following:

- Copy of the Presentation Slides and the executive summary
- An email identifying the date and time of the presentation, its location and audience.

By email to smith.4941@osu.edu no later than 4:30 PM on March 9, 2018.

Summary of Due Dates

- Risk Management Summary by 4:00 PM on January 3, 2018 to smith.4941@osu.edu
- Planning & Documentation Memorandum by 4:00 PM on January 3, 2018 to smith.4941@osu.edu
- Presentation Slides, Executive Summary & Presentation Date, Time, Location & Audience by 4:00 PM on March 9, 2018 to smith.4941@osu.edu

Requests for Extensions and Modifications

Any request for an extension or a modification of any required sanction must come from the chapter president to smith.4941@osu.edu. That request must contain a detailed explanation of the reason for the request. Such requests will only be considered if the chapter has taken reasonable steps to timely complete all sanctions.

Appeal

Because you 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 pm on November 22, 2017. Use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period.

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options, including the possible impact that any assessed sanctions may have on you and your status as a student at

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

Cease & Desist

The Cease & Desist order remains in place (as modified) until the conclusion of the appeal period.

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,

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

CC: Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life
Devin Walker - Coordinator of Sorority and Fraternity Life
Nancy Schwartz - Zeta Beta Tau
Leslie Albeit, Esq.

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 _____