

**From:** [Carson, Katelyn](#)  
**To:** [Smith, Kelly](#); [Reeb, Krystal](#)  
**Cc:** [Glaros, Chris M.](#)  
**Subject:** EthicsPoint - OTHER-325  
**Date:** Tuesday, March 26, 2019 8:28:39 AM  
**Attachments:** [OTHER-325.pdf](#)  
[image001.png](#)

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Hi Kelly and Krystal,

We received the attached report related to possible fraternity hazing through EthicsPoint last night. Please let me know if you would like me to post anything specific back to the reporter.

Thanks!  
Katelyn



**Katelyn Carson**

Compliance Coordinator

**Office of University Compliance and Integrity**

21 E. 11th Ave., Columbus, OH 43201

614-688-2077 Office

[carson.147@osu.edu](mailto:carson.147@osu.edu) / [compliance.osu.edu](http://compliance.osu.edu)

Pronouns: she/her/hers / Honorific: Ms.

*Buckeyes consider the environment before printing.*

**Case: OTHER 325 Hotline Web  
OUCI  
Other**

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**Case Snapshot**

**Opened:** 3/25/2019  
**Days open:** Less than 24 hours  
**Last modified:** 3/25/2019 10:03 PM  
**Intake method:** Hotline Web  
**Status:** Open  
**Alert:** Green

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**General Case Info**

**Case number:**  
OTHER-325  
**Received/Reported date:**  
3/25/2019  
**Language:**  
English  
**Assigned tier:**  
OUCI

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**Issue**

**Primary issue:**  
Other

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**Case Details**

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**Reported tier information**

**Case type:**  
Allegation  
**Intake method:**  
Hotline Web

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**Location**

**Organization/Building name:**  
OSU - Other  
**Location/Address:**  
Delta Tau Delta  
**City:**  
Columbus

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**Reporter contact information**

**Is the reporter an employee?**  
No  
**Reporter anonymous:**  
Yes

## Case Information

**Relationship to Institution:**

Anonymous

**Please identify the person(s) engaged in this behavior:**

Delt Brother - Pledge masters

**Do you suspect or know that a supervisor or management is involved?**

Do Not Know / Do Not Wish To Disclose

**Is management aware of this problem?**

No

**What is the general nature of this matter?**

Hazing

**Where did this incident or violation occur?**

Frat house

**Please provide the specific or approximate time this incident occurred:**

March 18-24

**How long do you think this problem has been going on?**

More than a year

**How did you become aware of this violation?**

I heard it

**Please identify any persons who have attempted to conceal this problem and the steps they took to conceal it:**

Brothers- threaten pledges to not talk about it.

**Details:**

Last week DTD brothers made pledges participate in "Hell Week". They made them stay in the house for a week and only let them go back to dorms to shower; they tracked them on their phones to ensure this. Every night they would make them stay up and perform tasks. These tasks include: smoking cigarettes, chewing a certain amount of chewing tobacco, watching pornography, passing around a bottle filled with random contents and drinking it all, shaving body parts, and drinking alcohol. Most nights they would stay up until at least 4 am. They told them the week before to be prepared because they would not have time for school work, they also had to provide their schedules to make sure they were not going anywhere beside the house.

## Follow-ups

**Reporter Additional Information**

There are no additional notes for this incident.

**Questions/Comments and Reporter Responses**

There are no questions asked by the client.

## Assignments & Access

**Case assignee(s):** None

**Restricted access:** None

**Case access list:** Carson, Katelyn; Garrity-Rokous, Gates; Glaros, Chris; Newell, Brian; Patton, Kevin; Test, NAVEX Global; Tobias, Jessica

## Info Contributors

None

## Participants

Name	Job Title	Relationship	Role	Results	Notes
Delt Brother	Pledge masters	None	None	None	

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## Items

Name	Description	Loss Type	Final Outcome	Amount Taken	Amount Recovered	Amount to Recover
Totals:				\$0.00	\$0.00	\$0.00

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## Agencies

None

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## Attachments

None

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## Synopsis

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### Outcome of case

#### Primary outcome:

Select One

#### Secondary outcome 1:

Select One

#### Secondary outcome 2:

Select One

#### Action taken:

Select One

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### Additional details

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## Tasks

None

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## Case Notes

None

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## Related Cases

### Cases Marked as Related to This Case

Case OTHER-325 has no listed relationships.



March 26, 2019

Delta Tau Delta

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To the members of Delta Tau Delta:

Please read the attached letter from Dr. Matt Couch, Associate Dean of Students, regarding your chapter's interim suspension, effective immediately. Also attached is a letter from Kelly Smith regarding Student Conduct's investigation. Both letters contain important instructions. Please contact call 614-292-0748 to schedule the preliminary conference with me as I will be your primary investigator along with Ms. Smith.

Sincerely,

Emma Anderson  
Student Conduct Case Manager

CC: Associate Dean of Students - Matt Couch, Ph.D.  
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas  
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell

March 26, 2019

Delta Tau Delta  
67 EAST 15TH AVE  
Columbus, OH 43201

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To the members of Delta Tau Delta,

Student Conduct has received a report alleging hazing and alcohol violations by the Beta Phi chapter of Delta Tau Delta during the month of March, 2019. I am investigating whether this conduct may have occurred and 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. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.
- 3335-23-04 (J): Alcohol: Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.
- 3335-23-04 (B1) Endangering behavior: 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 **as soon as possible**, and no later than March 29, 2019, 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. Please submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by email to me at [smith.4941@osu.edu](mailto:smith.4941@osu.edu) prior to our meeting.

**You must immediately email me a copy of your current roster, including individuals who**

**accepted invitations to become members this semester, wheter or not those individuals subsequently decided to not continue with the new membership process. This roster must include first and last names, cell phone numbers, email addresses, status (i.e., new member, "deactivated" member/new member, leadership roles").**

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](mailto: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](mailto: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 March 29, 2019 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

To schedule your preliminary conference, please call Student Conduct at (614) 292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly B. Smith".

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 26, 2019

Delta Tau Delta  
67 EAST 15TH AVE  
Columbus, OH 43201

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To the members of Delta Tau Delta,

In accordance with the University's Student Organization Registration Policy and the Code of Student Conduct, I have determined that there is reasonable cause to believe that Beta Phi chapter of Delta Tau Delta 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 reported activity during between March 18 -24 and perhaps at other times during spring 2019 semester.

As a result, I hereby place Beta Phi chapter of Delta Tau Delta on Interim Suspension and temporarily discontinue the Beta Phi chapter of Delta Tau Delta's registration as a recognized student organization of the university, pending a full investigation of this matter by Student Conduct. As part of the investigation, you must immediately provide a list of the names and contact information of those individuals who were in the process of joining your organization or who were extended invitations to join but exited the process during either fall 2018 or spring 2019 semesters. Email this list to Kelly Smith at [smith.4941@osu.edu](mailto:smith.4941@osu.edu) within 24 hours. This should be accompanied with the names and contact information of your current chapter membership. Relevant contact information for these groups should include names, school rank, cell phone numbers, local mailing addresses, and email addresses. If you do not presently have local address information, please submit the rest of the requested information at this time.

During the period of this Interim Suspension, the Beta Phi chapter of Delta Tau Delta shall not be eligible to participate in any recognized student organization activities, including but not limited to Chapter meetings or programs, Greek Council meetings and sponsored activities, Welcome Week activities, intramural sporting events, Greek Week, recruiting of new members, chapter social events or social events with any other student organizations. In addition, all membership intake activities must cease during the period of Interim Suspension.

Failure to adhere to the terms of this Interim Suspension of chapter activities will subject the chapter and participating individual members to further disciplinary action under the Code of Student Conduct 3335-23-04(H) for Failure to Comply with University Authority.

The Beta Phi chapter of Delta Tau Delta has the right to request reinstatement by submitting a written request by email to me at [couch.28@osu.edu](mailto:couch.28@osu.edu) within three working days from the date of receipt of this letter. Your petition must detail the reasons why you believe your Interim Suspension should be modified and include 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 request, I will review your submission, and then advise you of my determination without undue delay.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matt Couch". The signature is fluid and cursive, with the first name "Matt" and last name "Couch" clearly distinguishable.

Matt Couch, PhD  
Associate Dean of Students

**From:** [Couch, Matthew](#)  
**To:** [REDACTED]  
**Cc:** [De Freitas, Kim Monteaux](#); [Anderson, Emma H.](#)  
**Subject:** RE: Beta Phi Delta Tau Delta Reinstatement  
**Date:** Wednesday, March 27, 2019 1:28:31 PM

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[REDACTED]

I can certainly appreciate the implications of the chapter's interim suspension being in effect during the time these events were scheduled to occur, but I am not able to grant a modification at this time. It may be worthwhile to investigate whether or not the venue for your spring formal could allow you to select a future date and apply some portion of your payments to that rescheduled booking. I understand that you have a meeting with the Student Conduct staff scheduled for next week. Depending on their determination of the risk in this situation, we may be able to reevaluate the chapter's ability to safely host future events. However, all aspects of the interim suspension remain in effect until such a determination can be made. To that end, I am also not able to approve a modification allowing the chapter to proceed with the April 6 events at this time, but I will stay in touch with Student Conduct about what you all discuss.

Dr. Matt Couch

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**From:** [REDACTED]  
**Sent:** Wednesday, March 27, 2019 1:07 AM  
**To:** Couch, Matthew <couch.28@osu.edu>  
**Subject:** Beta Phi Delta Tau Delta Reinstatement

To whom this may concern,

I am writing to you as part of the process to modify the suspension Delta Tau Delta received on 3/26. I am asking that we are reinstated as a student organization until April 7th for the following reasons:

In 11 days, on April 6th, we have our annual Dad's weekend. This event is our biggest philanthropy event of the year. Our national philanthropy is for the Juvenile Diabetes Research Foundation, or JDRF, which is a non-profit organization that fundraises for Type-1 Diabetes Research. On Saturday, April 6th, we are having lunch with all of our members and their fathers, which will be accompanied by a speaker from JDRF. [REDACTED] a student at Olentangy High School, will be coming to our house to give us his story. He was diagnosed with Type-1 Diabetes at the age of two, and his family has been working with JDRF ever since. Our organization is extremely excited to hear [REDACTED] speak and share his story. We hope it will promote awareness about Type-1 Diabetes, and encourage people to donate to JDRF's cause. In 2018, we raised over \$4,000 on this day alone. This year, we are on pace to raise over \$6,000. Most Dads have already booked flights and hotels for that weekend since a majority of our members are from outside of Columbus. It would be very detrimental to our philanthropic

efforts, as well as a large inconvenience for the majority of fathers if we are unable to hold this event.

Additionally, we have our annual spring formal this upcoming weekend. We are traveling to Oglebay in Wheeling, West Virginia to promote brotherhood bonding and to cultivate relationships with others in the Greek community. We have already made all of the final payments, which have amounted to \$19,303 and we are unable to get that money back due to it being so close to the date we are going. This will be a financial crisis for our chapter if we are unable to attend and lose this money.

Lastly, I do not believe we pose a significant risk of substantial harm to the safety or security of ourselves, others or to property. We have never done anything of this nature in the past, present, and will never do anything of that nature in the future. We are a values-based fraternity which holds our men to a higher standard than other students campus-wide. Our four pillars of Truth, Power, Faith, and Courage are active in our everyday lives and are promoted throughout our organization. Currently, we have the third highest GPA out of all of the Fraternities. We also are running a very successful Adopt-A-School program at the GEMS school on Indianola. Last semester, along with our team partner Pi Beta Phi, we raised \$38,645 for BuckeyeThon. This was the highest amount out of any sorority/fraternity pairing. These are just a few examples of the ways we are excelling on campus. We believe we are thriving in the Greek community and are setting an example for others to follow.

I appreciate your time and hope you are understanding of our situation. We would be extremely grateful for any sort of extension you are able to grant Delta Tau Delta.

Regards,

A solid black rectangular box used to redact the signature of the sender.

**From:** [Reeb, Krystal](#)  
**To:** [Anderson, Emma H.](#)  
**Subject:** FW: Modifications to Suspension  
**Date:** Thursday, April 18, 2019 4:11:05 PM

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Emma,

Please at this to Delt's case.

Thanks!

Krystal

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**From:** Couch, Matthew <couch.28@osu.edu>  
**Sent:** Wednesday, April 17, 2019 3:40 PM  
**To:** [REDACTED]  
**Cc:** De Freitas, Kim Monteaux <defreitas.12@osu.edu>; Reeb, Krystal <reeb.47@osu.edu>  
**Subject:** RE: Modifications to Suspension

[REDACTED]

Thanks for the message and the detailed information in your request for modifications. All of these activities are approved as described. Please let me know if you have any additional questions.

Dr. Matt Couch

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**From:** [REDACTED]  
**Sent:** Wednesday, April 17, 2019 3:27 PM  
**To:** Couch, Matthew <[couch.28@osu.edu](mailto:couch.28@osu.edu)>  
**Subject:** Modifications to Suspension

Dr. Couch,

I am asking for the following modifications to our suspension:

I would like to be able to attend the IFC Meeting tonight (8pm) in the Ohio union. IFC is a separate active student organization at Ohio State designed to govern the councils at the undergraduate level. While I will be acting as a representative of Delta Tau Delta, my participation in the meeting does not directly impact my organization, or involve any other member from Delta Tau Delta. IFC will provide minutes from the meeting if necessary.

I am asking to be able to attend the SFL meeting tonight (7pm) in the Ohio union. The presidents meeting is coordinated by the SFL office and will be run by Kim Monteaux-De Freitas. Krystal Reeb will also be in attendance at the meeting. While I will be acting as a representative of Delta Tau Delta, my participation in the meeting does not directly impact my organization, or involve any other member from Delta Tau Delta.



There will be no alcohol or other substances at these meetings as they are in the union and OSU employees will be in attendance to make sure those guidelines are followed. If you need any additional information on the IFC meeting, [REDACTED] is willing to discuss. His phone number is [REDACTED]

Lastly, I am asking that we are able to hold our annual executive board retreat on April 28th. This "retreat" is held in the Ohio union, and it is a meeting with our executive board and chapter advisors to go over plans for the summer on how we can create policies to better our chapter as a whole. With the recent investigation going on, I believe this will be an extremely beneficial event as we see room for improvement within our chapter and this is a great event to be able to start policies on ways to improve. There will be no alcohol and no use of other substances, as this event is held in the Ohio union and will be facilitated by our chapter advisors.

Please let me know your thoughts, and if you need anything else from myself, let me know.

Regards,

[REDACTED]



May 28, 2019

Delta Tau Delta

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED]

Please see the attached letter and Charge and Process Form ("CPF"). Please return the CPF to me by email before 4:30 p.m. on June 3, 2019.

Sincerely,

Kelly B. Smith, J.D.  
Director

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

**CHARGE & PROCESS FORM**

Name: Delta Tau Delta

Email: [REDACTED]

**I. Charge(s):** The Beta Phi chapter of Delta Tau Delta is alleged to be in violation of the following section(s) as listed in 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.

Specifically, it is alleged that in March of 2019, the Beta Phi chapter of Delta Tau Delta violated Ohio State's Code of Student Conduct in the following manner:

The Beta Phi chapter of Delta Tau Delta held a new membership event referred to as Delt Development Week. New members stayed at the chapter house from approximately March 18 to March 22, 2019. Though no new members reported they were required to engage in activities that caused them physical or mental harm or humiliation, there were activities or conditions that created a substantial risk of causing such harm or humiliation, including but not limited to:

- Shaving or hair-cutting (shaving chests, getting “mullets”)
- Presence or use and/or the availability of alcohol during a new membership activity/event

While no new members reported they were forced or required to shave their face, chest or other body areas or to cut their hair, this activity – even entirely voluntary – created a substantial risk of harm or humiliation.

While no new members reported they were required to consume alcohol during Delt Development Week, there were reports that alcohol was present in the house, including private rooms and common areas, and was available to those new members who chose to consume alcohol. Because new members were living throughout the chapter house during Delt Development Week, the presence or availability of alcohol in the house that week meant that alcohol was part of a new member activity. The presence or availability of alcohol in the house

in this context, while new members are separated from their friends, roommates and others unaffiliated with the chapter, created a substantial risk of mental or physical harm.

**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.

This form is due by 4:30 pm on June 3, 2019.

Signature:\_\_\_\_\_ Date:\_\_\_\_\_



Dear [REDACTED]

On March 26, 2019, the university received a report through the university's anonymous reporting form, EthicsPoint, which contained the following allegation:

Last week DTD brothers made pledges participate in "Hell Week". They made them stay in the house for a week and only let them go back to dorms to shower; they tracked them on their phones to ensure this. Every night they would make them stay up and perform tasks. These tasks include smoking cigarettes, chewing a certain amount of chewing tobacco, watching pornography, passing around a bottle filled with random contents and drinking it all, shaving body parts, and drinking alcohol. Most nights they would stay up until at least 4 am. They told them the week before to be prepared because they would not have time for schoolwork, they also had to provide their schedules to make sure they were not going anywhere beside the house.

As a result, our office initiated an investigation to consider whether charges were warranted for violating the following sections 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. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.

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

3335-23-04 (B1) Endangering behavior: 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.

## Investigation Summary

We interviewed sixteen randomly selected new members<sup>1</sup> and received survey responses from all new member and a significant portion of the active members. We also reviewed other

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<sup>1</sup> I understand all have been initiated. For clarity, we will still refer to members initiated during the spring 2019 semester as "new members" and those members initiated prior to spring 2019 as "current" or "active" members.

materials, such as available Buck ID “swipe” data, and spoke with other witnesses inside and outside of the chapter.

We learned that new members spent the week after spring break at the Delta Tau Delta chapter house. This week was part of a planned tradition called “Delt Development Week.” The new members slept in different locations around the house on extra mattresses, couches or futons. Many went back to their residence hall rooms at times during the week to shower. None of the members we spoke with described missing classes because of Delt Development Week (DDW). All new members participated in DDW.

### **Alcohol**

The new members generally reported that they did not consume alcohol at the chapter house. Responses about the presence or availability of alcohol in the chapter house during DDW was varied (“No one under 21 drank alcohol...anyone who drank did so on their own...it was their own choice... only members 21 and older drank and they consumed only in their rooms... 21 year-old members were drinking around the house, it was March Madness”).

Witnesses described the presence of beer or other alcohol in common areas of the house during DDW.

### **Forced Food/Beverage Consumption**

No new members reported being forced to eat or drink food or beverages.

### **Pornography**

No new members reported pornography being a part of DDW.

### **Shaving**

The new members provided mixed responses to the alleged shaving. Several replied “no.” A few new members elected to respond with “I prefer not to say.” Others noted that a few new members *voluntarily* agreed to shave their chests or get haircuts.

### **Tobacco Use**

New members gave a wide range of responses regarding tobacco use, including varying estimates of the number of members and new members who use tobacco products. Others were unaware that vaping was tobacco use. Most shared that they did not know that university policy prohibited all tobacco use in the chapter house. The variety and range of responses, however, do not necessarily suggest tobacco use was forced, required or otherwise encouraged during DDW.

The investigation revealed a significant amount of tobacco use by new and current members. The university and the Office of Student Life in particular, offer cessation resources to students. I would be happy to help the chapter identify and use those resources.

### **Fatigue/Staying up Late**

New members generally reported they were able to go to sleep according to their own schedules.

### **Chores/Tasks**

New members consistently reported that they cleaned up their own messes but were not asked to do any other chores around the house. No one reported other tasks, including bringing food to the house for existing members.

### **Providing schedules/phone tracking**

The new members consistently reported<sup>2</sup> providing their schedules to the chapter when asked to do so. This was at the start of the new member education process. Colson Meadows confirmed they asked for the schedules so that the chapter could avoid scheduling activities or events that would conflict with classes. New members did not find this intrusive.

Most of the new members reported allowing the chapter to access their location using features available on Snapchat. The new members described this as voluntary, as did Colson Meadows.

While no new members described feeling “forced” to enable location sharing with the chapter, asking new members to provide this level of access to the chapter is risky. New members, wanting to belong and eager to please active members may initially consent to sharing this information. Later, new members might begin to feel “surveilled,” which could limit their ability to “opt out” of events or activities.

## **Charge and Process Form**

Based on the investigation, there is reasonable cause move forward with one charge, 3335-23-04 (M): Hazing.<sup>3</sup>

This charge results from the particular nature of DDW. When the chapter hosts the new members in the house for multiple days, it creates a risk that unorganized or spontaneous “shenanigans” conduct will occur, such as the alleged shaving and haircuts. Further, DDW turns the chapter house into a 24/7 new member activity location. Thus, the presence of any alcohol creates a substantial risk of harm.

I have attached a Charge and Process Form. Please review the form with your chapter leadership and your local and national advisors.

Should your chapter accept responsibility and request an administrative decision, I will sanction your chapter to a term of probation that would end on December 15, 2020.

DDW, as currently designed, presents inherent risks. When the chapter hosts the new members in the house for multiple days, the likelihood of unorganized or spontaneous “shenanigans,” such as the alleged shaving and haircuts, increases compared to new member events of a more limited duration. Additionally, there is the risk of “evolving” traditions where active members attempt to

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<sup>2</sup> Some of the new members initially reported they were not asked to provide their schedules. Later in the interviews, after we explained that there was nothing “wrong” per se in such a request, they changed their response.

<sup>3</sup> While there is similar language in the definitions of Endangering Behavior and Hazing, we typically do not charge both unless actual harm resulted or the alleged conduct was widespread, systemic, or substantially obvious that it was prohibited by the Code or the national organization’s own policy.

“top” their own experience with successive new member classes. Further, DDW turns the chapter house into a 24/7 new member activity location.

All the members we spoke with, however, recalled DDW as a deeply meaningful experience. It is not the intent of this charge to cause the chapter to end DDW. Rather, I hope the chapter, with the assistance of its local and national advisors, will implement necessary changes to reduce risks inherent with hosting new members in the house for successive days and nights.

Accordingly, I would require your chapter to create a plan that addresses the risks identified by this process. I would review and revise your plan over the summer so that it is ready to implement during the fall 2019 semester. In January of 2020, we would meet to reassess the plan again in advance of the spring 2020 semester.

Lastly, I would consider including, as required sanctions, educational activities recommended by your national organization or local advisors.

Should your chapter request a hearing, I will provide this letter to the hearing body for its use to determine sanctions if the hearing board finds that a preponderance of the evidence supports a violation. Ultimately, the hearing body has discretion to determine its own sanctions based on the guidelines provided in the Code of Student Conduct.

Please return the charge form before 4:30 p.m. on June 3, 2019. If you need additional time to consult with your members and advisors, call or email me to ask for an extension.

While Emma and I have concerns regarding the overly rehearsed responses from the new members, we commend you and your chapter for its general cooperation during this investigation. We are hopeful you can create a safe and meaningful new member process for all future members of the Beta Phi chapter of Delta Tau Delta.

Sincerely,



This form is due by 4:30 pm on June 3, 2019. Signature: \_\_\_\_\_  
Date: 5/29/2019

June 27, 2019

Delta Tau Delta

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of Delta Tau Delta:

I am writing with my decision in your conduct case. On behalf of your chapter, you accepted responsibility for the following violation 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.

It was alleged that in March of 2019, the Beta Phi chapter of Delta Tau Delta violated Ohio State's Code of Student Conduct in the following manner:

The Beta Phi chapter of Delta Tau Delta held a new membership event referred to as Delt Development Week. New members stayed at the chapter house from approximately March 18 to March 22, 2019. Though no new members reported they were required to engage in activities that caused them physical or mental harm or humiliation, there were activities or conditions that created a substantial risk of causing such harm or humiliation, including but not limited to:

- Shaving or hair cutting (shaving chests, getting “mulletts”)
- Presence or use and/or the availability of alcohol during a new membership activity/event

While no new members reported they were forced or required to shave their face, chest or other body areas or to cut their hair, this activity – even entirely voluntary – created a substantial risk of harm or humiliation.

While no new members reported they were required to consume alcohol during Delt Development Week, there were reports that alcohol was present in the house, including private rooms and common areas, and was available to those new members who chose to

consume alcohol. Because new members were living throughout the chapter house during Delt Development Week, the presence or availability of alcohol in the house that week meant that alcohol was part of a new member activity. The presence or availability of alcohol in the house in this context while new members are separated from their friends, roommates and others unaffiliated with the chapter, created a substantial risk of mental or physical harm.

## **Sanctions**

I considered the following factors in determining appropriate sanctions:

- Delta Tau Delta's recent conduct history
- Delta Tau Delta's cooperative spirit throughout the conduct process
- The severity of the violations when considered on a continuum
- The support and engagement of local alumni, in particular that of Buck Byrne and Howard Harcha

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

## **Disciplinary Sanction**

I am placing your chapter on probation effective June 27, 2019 through December 15, 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.

## **Educational Sanction - Review – New Member Experiences/Education Plan**

Your chapter must consider how to provide meaningful experiences to new members while mitigating the risk. In particular, your chapter must consider whether to continue the practice of hosting new members overnight during Delt Development Week. Among the questions to consider are:

- What are the positive outcomes your chapter identifies with hosting new members overnight?
- Can the chapter mitigate the risks inherent in hosting overnight stays and if so, how?
- Are there alternative events or activities that could produce the same positive experiences with less risk?
- What other parts of your new member process present concern?
- What "traditions" have developed over the last two or three years that merit review?
- How does your chapter regularly communicate expectations to current members about the new member process?

- How well does your chapter communicate with your new members and their parents?
- Has the chapter considered providing more information to new members and their families?
- How can your chapter better utilize its strong long alumni support in the new member process?

To consider these questions and others, your chapter will review its new member education plan in consultation with Sorority and Fraternity Life and your local advisors. I have copied Buck Byrne and Howard Harcha on this letter. Your chapter will email a memorandum to me at [smith.4941@osu.edu](mailto:smith.4941@osu.edu) before August 9, 2019 that summarizes the conclusions of your review. The memorandum should include a description of changes that will result from the review. I will share my reactions, especially any concerns about overlooked areas or underdeveloped processes with your chapter and your advisors.

During the fall semester, you should review the memorandum as necessary during your regular meetings with Sorority and Fraternity Life. After chapter elections, you and the new exec board must meet with Sorority and Fraternity Life to assess your chapter's efforts and plan to maintain positive momentum during your chapter's leadership transition. This meeting must happen before December 15, 2019.

## **Summary of Dates**

Here is a summary of important dates found in this outcome:

- Disciplinary Probation – Effective June 27, 2019 through December 15, 2019
- Reviewing Risk Management Practices – First draft due August 9, 2019
- Meeting to review plan and reflect on the fall 2019 recruitment process – Before December 15, 2019

## **Request for Extensions and Modifications**

Because scheduling meetings with your exec board and advisors over the summer might be challenging, you might need to request an extension or other minor modifications. Please submit any such requests to me at [smith.4941@osu.edu](mailto:smith.4941@osu.edu).

## **Staffing Change**

Should Student Conduct no longer employ me, or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include [studentconduct@osu.edu](mailto:studentconduct@osu.edu) on all of the sanction items described in this letter.

## **Recommendation to End Interim Suspension**

I have advised the Associate Dean of Students, Dr. Matt Couch that based on the information obtained in the investigation, your cooperation with this process, and the support of your local alumni, I recommend ending the interim suspension. Either the Associate Dean or I will inform you of his response.

## Appeal

Because your chapter accepted responsibility, it 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 July 5, 2019. 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 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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Contact me immediately if you need additional time in order to seek any appropriate accommodation.

If you have any questions concerning this matter, please call me at 614-247-8600 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,



Kelly B. Smith, J.D.  
Director

CC: Buck Byrne  
Howard Harcha

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

## **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.

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Signature

Date

For Student Conduct Staff:

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Received by:

Time

Date Stamp:

Delivered to Appeal Officer

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Date