

Case No: [REDACTED]

Organization Name: Kappa Sigma

Charge Date:

Hearing Date: August 5, 2020

- Incident report/complaint
- Notice of investigation/meeting request
- Closing Letter - references revocation in another case

**The Ohio State University
Sorority and Fraternity Life Reporting Form**

Submitted on July 6, 2020 at 11:26:43 am EDT

Nature: **Sorority and Fraternity Life**
Urgency: **None of the below options**
Incident Date and Time: **2020-07-03 5:35 PM**
Incident Location: **Greek chapter house Kappa Sigma**

Reported by

Name: **Hunter Hartwig**
Title:
Email: **hartwig.24@osu.edu**
Phone: **614-247-7990**
Address:
[Authenticated as Hunter Hartwig]

Involved Parties

Kappa Sigma ()
Alleged

Questions

Please provide a detailed description of the incident(s)/concern(s) including as much detail as possible (e.g., names of those present and/or involved, dates, times, locations, etc.).

On Friday, 7/3/2020 Hunter Hartwig.24 received photos from Kim Monteaux DeFreitas.12 regarding a large party at the Kappa Sigma chapter facility during COVID-19. Members and guests can be seen on the front lawn of the chapter facility not wearing masks and not abiding by city guidelines of 10-person maximums. It would appear the members and guests are using a large slip and slide. Hartwig.24 contacted [REDACTED] [REDACTED] as well as Kappa Sigma advisors and housing corporation. [REDACTED] let Hartwig.24 know that [REDACTED] would handle the situation and get the party to stop. Phil Turner from Kappa Sigma's housing corporation also followed up with Hartwig.24 and informed him that the house director was [REDACTED] during this event. [REDACTED] living in the house at the time will potentially have their housing revoked for the fall pending an investigation by the chapter and housing corporation.

Who responded or has been notified of the incident/concern? (Check all that apply)

None

Is the student and/or student organization aware of your concern(s) or that you have filed this incident report?

No

Attachments

kspic7320.png

Pending IR #00034247

Submitted from 162.237.99.135 and routed to Teri Cugliari (Associate Director of Sorority and Fraternity Life). Processed by routing rule #595.

Copies to: defreitas.12@osu.edu, cugliari.6@osu.edu

**The Ohio State University
Sorority and Fraternity Life Reporting Form**

Submitted on July 6, 2020 at 11:26:43 am EDT. Last modified July 6, 2020 at 1:20:08 pm EDT.

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Email: **hartwig.24@osu.edu**
Phone: **614-247-7990**
Address:

Involved Parties

Kappa Sigma (org00015)

Alleged

Questions

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Attachments

kspic7320.png

Pending IR #00034247

Submitted from 162.237.99.135 and routed to Teri Cugliari (Associate Director of Sorority and Fraternity Life)

Modified by Aaron Reistad on July 6, 2020 at 1:20:08 pm EDT from 98.31.43.73

July 6, 2020

The Alpha Sigma chapter of Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] and the members of the Alpha Sigma chapter of Kappa Sigma:

Student Conduct has received information that describes conduct by Kappa Sigma on July 3, 2020. The report details concerns related to violating the interim suspension by hosting an event/party outside the Kappa Sigma chapter house, that if true, would violate the state of Ohio's restriction on mass gatherings. 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 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 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 at 614-292-0748 **as soon as possible**, and no later than July 9, 2020, to schedule a preliminary conference with me. The

purpose of this conference is twofold. At this meeting I will explain our process for determining whether charges for violations are warranted, and will answer any questions you may have about the conduct process. We will talk about what happened, and you will be able to identify any other individuals who may have information about the alleged incident. If you have any relevant materials, for example your own written statement, text messages, photos, emails, etc., please email them to me at reistad.1@osu.edu before our meeting.

As a leader of the organization you are required to notify the entire membership of this matter. Please send one email with this letter as an attachment to all members of your organization and copy me on the email.

Should any individuals wish to provide information to me regarding this investigation they are encouraged to email me at reistad.1@osu.edu.

All members of the organization are advised that should they violate the directives listed in this letter that they will be charged as an individual student with the following policy:

3335-23-04(G) Failure to Comply with University or Civil Authority – Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

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. Upon request, Student Life's Student Advocacy Center (<http://advocacy.com>) is able to provide information and assistance in this process.

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 Responsibilities 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, or a representative from your organization, fail to contact our office by July 9, 2020 to schedule your preliminary conference meeting, I may continue this investigation without your input. This could result in charges, which may lead to a hearing and sanctions if found in violation.


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.

I look forward to speaking with you.

Sincerely,

Aaron Reistad

Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Tyler young
David Kovac
Matthew Charnas
Leo Brown


Student Rights and Responsibilities

The Code of Student Conduct provides the procedures and definitions used to respond to complaints regarding students' behavior. Many of the rights and responsibilities found in the Code of Student Conduct are highlighted below. For a full review of all the rights and responsibilities given to students please refer to the Code of Student Conduct, which can be found at www.studentconduct.osu.edu.

- Students shall receive written notice of university charges, through one of multiple methods of communication, including: in person; in a residence hall mailbox; by email to official university email address, which may then direct the student to view the notice in a secure website; by text message or other electronic communication; or by mail to a local or permanent address. **(3335-23-08-A)**
- Students are afforded the opportunity to meet with a university official following the notification of charges. **(3335-23-08-C)**
 - o University staff members authorized to investigate complaints usually request a meeting with students prior to issuing charges.
 - o Once charges are issued, students can request another meeting.
 - o Students are strongly encouraged to meet with a university official.
- Students may choose to bring an advisor (i.e., support person) for support throughout the disciplinary process. **(3335-23-12-C)**
 - o The advisor may be any person other than a witness.
 - o The advisor may only counsel the student and may not actively participate in the process.
- Students are offered options for the resolution of charges. **(3335-23-08-D)**
 - o Generally, students may choose between an administrative hearing or a hearing before the University Conduct Board to resolve charges other than those related to:
 - Academic Misconduct **(3335-23-04-A)**
 - Discrimination and harassment, including, but not limited to sexual misconduct, based on a protected class, prohibited by university policies 1.15 and 1.10, which can be found at <http://policies.osu.edu>. **(3335-23-02-C)**
 - o NOTE: If students fail to respond to the initiation of charges and there is enough information to support finding a violation, the hearing officer may issue an administrative decision, as long as the sanctions do not include suspension or dismissal. **(3335-23-09)**
- An administrative decision allows the student to admit, in writing, to the violation(s), and serves as a request to have appropriate sanctions made by the hearing officer, rather than having charges referred to a hearing body. **(3335-23-09)**

- In these cases, the student waives rights to a hearing and any procedural guarantees that come from taking part in a hearing.
- Students have the opportunity to request a separate hearing and choose either an administrative (with one university official) or board hearing, except under special circumstances. **(3335-23-10-C)**
 - Students will receive notice of the hearing at least 10 calendars prior to the hearing, including all charge(s), logistical information, and statement of student's rights. **(3335-23-11-C)**
 - The respondent may request to postpone the hearing for a reasonable cause, which must be made in writing and received by the person sending the hearing notification at least 2 business days in advance. Decisions on postponements are made at the discretion of the university. **(3335-23-11-D)**
 - Attendance at hearings, though not mandated is strongly encouraged, and also limited to, respondents and those directly involved or requested by the hearing body.
 - Students will be informed of witnesses invited to attend the hearing by the university, and will be able to invite relevant factual witnesses to attend. **(3335-23-12-D)**
 - The respondent will have the opportunity to ask questions of all witnesses.
 - A single record of the proceedings, consisting of written notes, audio recording, or another method determined by the hearing body will be made. This will remain the property of the university but will be made available to the respondent for review during the appeal period. **(3335-23-14)**
 - Students will only be found in violation if a preponderance of evidence supports the charges. **(3335-23-12-E)**
- Students found in violation of the code, or who accept responsibility for violating the code, will receive sanctions that should be commensurate with the violations found to have occurred. **(3335-23-17)**
 - A disciplinary sanction: a formal reprimand; disciplinary probation; suspension; or dismissal, will be given in addition to (in most cases) educational outcomes.
- Students found to have violated the code of student conduct have the right to appeal the original decision. **(3335-23-18)**
 - All appeals must be sent within five working days after the date on which notice of the decision was sent to the student, unless the deadline was extended in response to an extension request as described in 3335-23-18-A(2).
 - Students who accept responsibility through an administrative decision waive their right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.

- Students are limited to one appeal of a decision, and the decision of the appeal officer is final.
- Information on how to submit an appeal, including grounds for appeal, will be included with communication following a decision from the appropriate hearing body.

August 5, 2020

The Alpha Sigma chapter of Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] and the former members of the Alpha Sigma chapter of Kappa Sigma:

I am writing to provide the Alpha Sigma chapter of Kappa Sigma with my decision. The chapter took responsibility and requested an administrative decision for the following violation(s) of the Code of Student Conduct:

- 3335-23-04 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

Specifically, your chapter held an event/party outside of the Kappa Sigma house with more than ten people while the chapter was under interim suspension and while such gatherings were prohibited by applicable health orders/directives.

The Alpha Sigma chapter of Kappa Sigma's status as a registered student organization was revoked on July 6, 2020, through August 4, 2024, and upheld by the appellate officer on July 21, 2020. Based on the chapter's current status with the university, the chapter's charter being revoked by the Kappa Sigma Fraternity International Headquarters and all members being expelled, I will not be issuing any additional sanctions to the chapter.

To be clear, should future incidents occur, Student Conduct would investigate allegations of violations of the Code of Student Conduct by individual students who live at the Kappa Sigma chapter house (1842 Indianola Ave.) and/or any known annex property in the same way we do

for all other individual students. Along with this, students using your organization's name or likeness (e.g., Greek letters) or otherwise claiming to act as Kappa Sigma while engaging in behavior that violates the Code of Student Conduct are subjecting themselves to potential disciplinary action in their individual capacities which could result in sanctions up to and including dismissal from the university. Likewise, if they are operating on behalf of Kappa Sigma, this could open a new case against your organization that potentially could extend Kappa Sigma's revocation term.

Any future incident/s associated with the Alpha Sigma chapter of Kappa Sigma during the period of the registration being revoked would be reported to the Kappa Sigma Fraternity International Headquarters and taken into consideration during the chapter's re-establishment process.

I encourage you to share this message with other students who were former members of Kappa Sigma so that they are aware.

If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,



Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D

[REDACTED]
Tyler Young
Matthew Charnas
David Kovac
Leo Brown
Phil Turner
Carl Heucroth
Mic Wilson
Walt Shuler