

Case No: [REDACTED]

Organization Name: Phi Delta Theta

Charge Date:

Hearing Date: November 25, 2019

- Incident report/complaint
- Interim suspension notice (if applicable)
- Notice of investigation/meeting request
- Notice of charges
- Response to charges
- Outcome letter
- Appeal (if applicable)
- Appeal decision (if applicable)

Reeb, Krystal

From: De Freitas, Kim Monteaux
Sent: Wednesday, September 11, 2019 1:26 PM
To: Reeb, Krystal
Subject: Grievances
Attachments: Grievence_Pic1.jpg; Grievence_Pic2.jpg

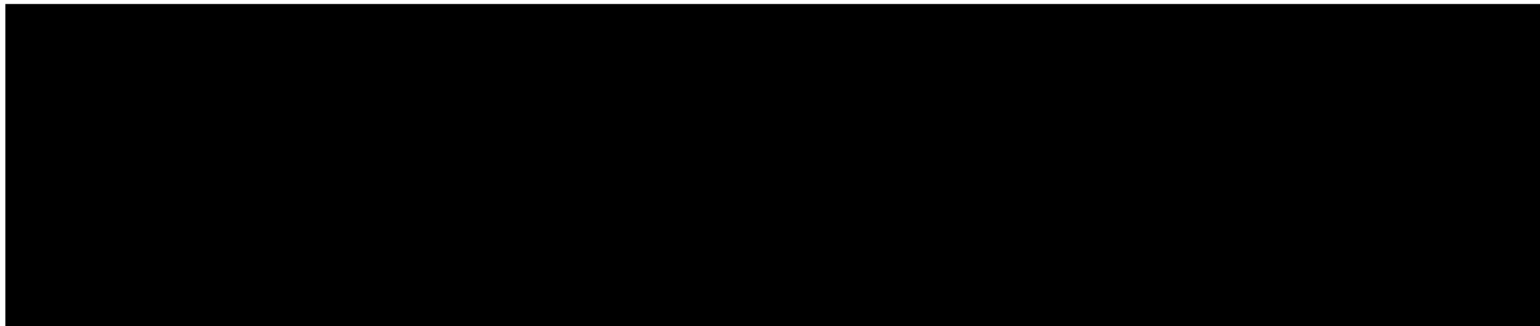
Hi Krystal,

I meet with our [REDACTED] yesterday and we talked through our grievances reported. Below are two you may already be familiar with.

I have asked [REDACTED] not to talk with the chapters at this time regarding these grievances since they are both in process with Student Conduct.

Attached are pictures.

Thanks, Kim



8/31/2019 8:54:39	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	IFC, MCGC, NPHC, or PHA Constitution Violation, Violation of Ohio State Code of Conduct	Unregistered event while on social probation from student conduct
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Kim Monteaux De Freitas, Ed.D.
[She/Her/Hers]
Director of Sorority and Fraternity Life
Office of Student Life Sorority and Fraternity Life
2051 Ohio Union, 1739 N. High Street, Columbus, OH 43210
Office 614-688-4696 | Email defreitas.12@osu.edu

Buckeyes consider the environment before printing.

Reeb, Krystal

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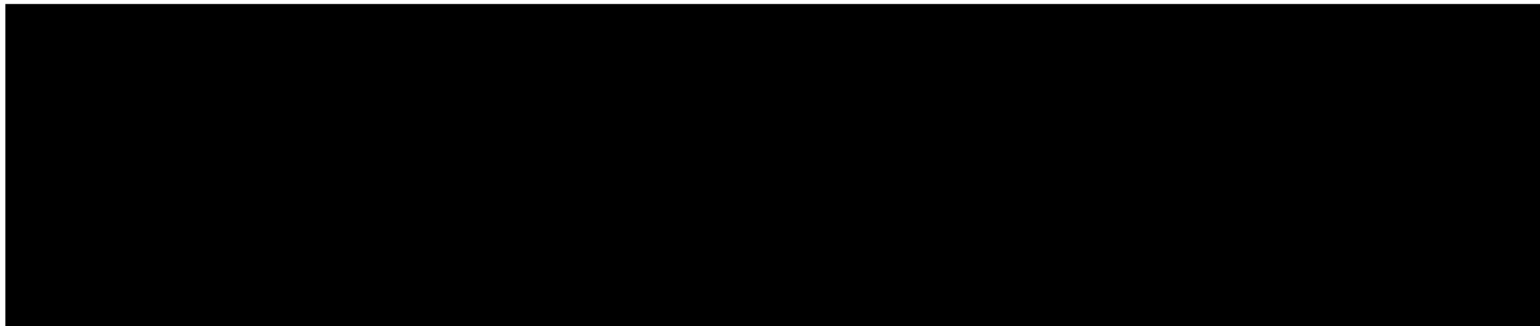
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I have asked [REDACTED] not to talk with the chapters at this time regarding these grievances since they are both in process with Student Conduct.

Attached are pictures.

Thanks, Kim



8/31/2019 8:54:39	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Phi Delta Theta	8/31/2019 8:00:00	1975 Indianola Ave	IFC, MCGC, NPHC, or PHA Constitution Violation, Violation of Ohio State Code of Conduct	Unregistered event while on social probation from student conduct
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Buckeyes consider the environment before printing.

September 20, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Phi Delta Theta,

Student Conduct has received information that describes conduct by Phi Delta Theta after the interim suspension was issued. The report details concerns related to Phi Delta Theta hosting events while on interim suspension. 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 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

As a leader of the organization, you must contact Student Conduct **as soon as possible**, and no later than September 25, 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 reistad.1@osu.edu prior to our meeting.

You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. Your advisor can be any person who is not involved as a witness or other participant in the case. Employees of the university's Student Advocacy Center (<http://advocacy.osu.edu>) are available to provide advisor services or other support throughout this process upon request. To find out more information about these services or to request advisor services, please e-mail

the Student Advocacy Center at advocacy@osu.edu.

You will find the Code of Student Conduct and information about our process at <http://studentconduct.osu.edu>. Additionally, I have attached a Statement of Student Rights and a description of the university's Hearing Procedures to this letter.

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

If you do not contact our office by September 25, 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 cursive script that reads "Aaron Reistad".

Aaron Reistad
Conduct Case Manager

CC: Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Regional Advisor: Allan Williams
Director of Chapter Services: Dylan Berg

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.

PERSONAL AND CONFIDENTIAL

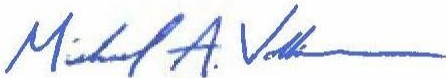
Regarding Case Number: [REDACTED]

[REDACTED]

Attached to this letter is the charge letter with both Charge and Process Forms attached.

Please let me know if you have any questions.

Sincerely,



Michael Volkman
Senior Conduct Case Manager

Distributed to: [REDACTED]

October 25, 2019

Phi Delta Theta

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers [REDACTED]

Dear [REDACTED] members of Phi Delta Theta:

I am writing to give you an update on your conduct cases. At this stage of my investigation, there exists reasonable cause to issue one or more charge(s) under the Code of Student Conduct. Charging does not, however, assume that you are responsible for violating any sections of the code; it only causes the second half of our process to begin.

You will find the investigative packet via the following link:

Link: [REDACTED]

Password: [REDACTED]

Please be advised that the packet contains confidential documents, and thus you may not save, print, screenshot, photograph, or otherwise seek to "record" the document. Further, this investigative packet is a draft. Should you choose a hearing to resolve the charges, our office may add to the packet (we would give you notice if this happens) and you will likewise be invited to add relevant material.

I have attached your Charge and Process forms to this email. Please note that there are two separate Charge and Process Forms: one form for case [REDACTED] and a second form for case [REDACTED]. Please review both forms carefully and select your resolution options on both forms. We can usually schedule administrative hearings on any business day. The University Conduct Board hears cases on Mondays and Fridays. If you select a hearing before the University Conduct Board, please indicate which of the available hearing days/start times you prefer. Upon request, we can provide an excuse letter for employers and instructors.

Once you have completed the forms, you may scan and email the forms to volkman.9@osu.edu. This form is due by 4:30 p.m. on October 29, 2019. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

If you would like to schedule a meeting to discuss the charges and investigative packet further, please call the the Office of Student Conduct at 614-292-0748 to schedule this meeting.

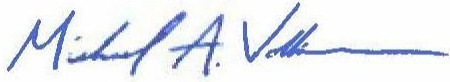
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Upon request, Student Life's Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process

Once you have completed the form, you may scan and email it to volkman.9@osu.edu. This form is due by 4:30 p.m. on October 29, 2019. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

Please call or email me if you have questions.

Sincerely,



Michael Volkman
Senior Conduct Case Manager

CC: Phi Delta Theta Ohio Zeta Chapter Risk Manager - Michael Swingler
Conduct Case Manager - Aaron Reistad
Phi Delta Theta COO - Sean Wagner
Phi Delta Theta Director of Chapter Services - Dylan Berg
Phi Delta Theta Ohio Zeta Province President - Allan Williams
Phi Delta Theta Chapter Services Coordinator - Todd Simmons



THE OHIO STATE UNIVERSITY

OFFICE OF STUDENT LIFE
STUDENT CONDUCT

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

I. Charge(s): It is alleged that your chapter violated the following sections of the Code of Student Conduct:

- 3335-23-04 (L) Hazing. Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, 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. (Code of Student Conduct, Revised February 22, 2019)
- 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.
(Code of Student Conduct, Revised September 2, 2016)

- 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. (Code of Student Conduct, Revised February 22, 2019)
- 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. Relationship violence or intimate partner abuse may constitute endangering behavior. (Code of Student Conduct, Revised September 2, 2016)

It is alleged that during the 2018-2019 academic year the Ohio Zeta chapter of Phi Delta Theta violated Ohio State University's Code of Student Conduct by requiring, encouraging, participating in, and/or facilitating activities or other conduct that caused and/or created a substantial risk of causing mental and/or physical harm and/or humiliation. This includes, but is not limited to:

- New members participating in line-ups, a physical activity that required new members to hold stress positions, including but not limited to "the rack", "the beetle", and wall-sits, as a form of punishment;
- New members completing tasks, which include but are not limited to, running errands for, cleaning for, and driving to bars for older initiated members of the organization;
- and New members being confined to the Phi Delta Theta chapter house for consecutive days prior to initiation, where new members were required to stay inside the chapter house and had their BuckIDs, wallets, phones, and/or other devices taken from them.

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. My preferred hearing day/times are:**

- _____ **Mondays starting at 9:00 a.m.**
- _____ **Mondays starting at 1:00 p.m.**
- _____ **Fridays starting at 9:00 a.m.**
- _____ **Fridays starting at 1:00 p.m.**

Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

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 **October 29, 2019.**

Signature: _____ Date: _____ 10/30/2019 _____



PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

I. Charge(s): It is alleged that your chapter violated the following sections 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.

by engaging/or attempting to engage in conduct, that includes, but is not limited to:

Hosting an event at the Phi Delta Theta annex (1975 Indianola Ave.) on August 31, 2019, and a chapter meeting on September 2, 2019, thereby not complying with the interim suspension which was issued on August 30, 2019.

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.**

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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 **October 29, 2019.**

Signature: _____  _____ Date: _____10/30/2019_____

November 25, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers: [REDACTED]

Dear [REDACTED] the members of the Ohio Zeta chapter of Phi Delta Theta:

I am writing to provide the Ohio Zeta chapter of Phi Delta Theta with my decision. The chapter took responsibility and requested an administrative decision for the following alleged violations of the Code of Student Conduct:

- 3335-23-04 (L) Hazing. Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, 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. (Code of Student Conduct, Revised February 22, 2019)
- 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. (Code of Student Conduct, Revised September 2, 2016)
- 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. (Code of Student Conduct, Revised February 22, 2019)
- 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. Relationship violence or intimate partner abuse may constitute endangering behavior. (Code of Student Conduct, Revised September 2, 2016)
- 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.

It is alleged that during the 2018-2019 academic year the Ohio Zeta chapter of Phi Delta Theta violated Ohio State's Code of Student Conduct by requiring, encouraging, participating in, and/or facilitating activities or other conduct that caused and/or created a substantial risk of causing mental and/or physical harm and/or humiliation. This includes, but is not limited to:

- New members participating in line-ups, a physical activity that required new members to hold stress positions, including but not limited to "the rack", "the beetle", and wall-sits, as a form of punishment;
- New members completing tasks, which include but are not limited to, running errands for, cleaning for, and driving to bars for older initiated members of the organization; and
- New members being confined to the Phi Delta Theta chapter house for consecutive days prior to initiation, where new members were required to stay inside the chapter house and had their BuckIDs, wallets, phones, and/or other devices taken from them.

Additionally, it is alleged that Phi Delta Theta hosted an event at the Phi Delta Theta annex (1975 Indianola Ave.) on August 31, 2019, and held a chapter meeting on September 2, 2019, thereby not complying with the interim suspension, which was issued on August 30, 2019.

Sanctions

I considered the following factors in determining appropriate sanctions:

- Phi Delta Theta's recent conduct history
- prior sanctions (attached)
- the severity of the violations when considered on a continuum
- the honesty and transparency of the organization and its members throughout the investigation
- Phi Delta Theta's proposed sanctions

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

Outcome

I want to acknowledge the chapter's sanction recommendations, which included holding individual members responsible for their actions. However, the majority of the chapter leadership and its members had several opportunities during the investigation to report elements of hazing and endangering behavior in its new member process. It was not until further individual cases were initiated that members of the organizations confirmed elements of hazing and endangering behavior were present in the chapter. Based on the investigation, there was an ongoing systemic failure to prevent, intervene, or report multiple and repeated acts of hazing.

Further, the chapter failed to abide by the terms of the interim suspension issued on August 30, 2019 by hosting an event and chapter meeting. During the investigation into the event on August 31, 2019, chapter members disclosed that there was a chapter meeting on September 2, 2019.

Student Conduct issued an outcome letter in 2018 to the Ohio Zeta chapter of Phi Delta Theta in response to allegations of alcohol. Since issuing the 2018 outcome letter, the university received reports regarding continued behavior inconsistent with the chapter's values and the university's expectations. While those reports did not result in formal charges, Student Conduct worked with the chapter in redirecting behavior concerns in the campus community. Each of those cases provided an opportunity for the chapter to recommit to leading the community in hosting safe events and initiatives for its members and guests.

Therefore, due to the severity of the incidents in this case, the failure to comply with the legitimate directive of a university official, and the chapter's past conduct history, I have determined the most appropriate and proportionate response is the revocation of the chapter's registration. I hope this outcome provides Phi Delta Theta the opportunity to develop a culture that mirrors its vision and values in its re-established chapter.

The Ohio Zeta chapter's registration as a student organization is revoked effective **November 25, 2019**, or upon the date of an appeal decision (if the chapter submits an appeal and the revocation is upheld) through **August 4, 2024**. If you choose to reestablish a chapter of Phi Delta Theta at Ohio State, your international organization must begin communication at least one year prior to reestablishing, **but no sooner than January 1, 2023**.

With Phi Delta Theta's revocation of recognition as a registered student organization at Ohio State, your chapter no longer has the rights and privileges afforded to a recognized fraternity or student organization. Those rights and privileges include, but are not limited to, the following:

- Listing in the online student organization directory
- \$250 line-of-credit to be used in the Resource Room
- Opportunity to apply for Operating Funds and Programming Funds
- Discounted rates for on-campus space reservations
- Opportunity to register for the Student Involvement Fair
- Opportunity to register for the Homecoming Parade
- Opportunity to apply for office or locker space in the KBK Center for Student Leadership and Service
- Access to Student Organization Success Coaches
- Access to enhanced trainings and workshops through Student Activities
- Access to free marketing resources
- Access to free website hosting, email address and/or email listserv
- Participation in governing council and SFL community events and programming put on by SFL staff or the Greek Programming Board
- Membership in honor societies such as Order of Omega
- New and active member ongoing education via the Standards of Excellence program and council programming
- Recognition in the Sorority and Fraternity Life Awards program
- Ability to host social events with National Panhellenic Conference (NPC) sororities and their members in the Panhellenic Association.

Further, any student using your organization's name or likeness (e.g., Greek letters) while alleged to have violated the Code of Student Conduct may be investigated and, if applicable, charged as an individual in the Student Conduct process.

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

In determining whether to permit reestablishment of a chapter at Ohio State in **August of 2024**, Sorority and Fraternity Life and Student Conduct will take into consideration the organization's efforts to remedy or eliminate underground activity while the chapter remains deactivated. We encourage Phi Delta Theta representatives to provide Student Conduct with any documentation related to these efforts.

I invite the organization to submit a memorandum identifying actions it will take when re-joining our campus community. Memorandum topics could include:

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

This optional submission is due no later than December 15, 2019.

My colleagues in the Office of Student Life will work closely with the chapter to address any housing concerns, as the chapter house is a STEP-approved facility housing sophomore students that may be subject to campus housing policy, which states that all unmarried, full-time students within two years of high school graduation must live on campus, unless exempted, space is no longer available, or they are living with family.

They will also contact parents and families to inform them of this outcome and provide additional care and support resources available to their student.

Requests for Extensions and Modifications

Any request for an extension or a modification of any outcome must come from the chapter president to volkman.9@osu.edu. The request must contain a detailed explanation of the reason for the request.

Staffing Change

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

Appeal

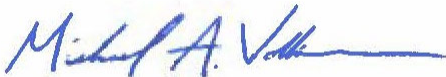
Because your chapter accepted responsibility, it may only appeal on the basis that the

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 p.m. on **December 4, 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 the signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period.

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

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

Sincerely,



Michael Volkman
Senior Conduct Case Manager

CC: Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Phi Delta Theta COO - Sean Wagner
Phi Delta Theta Director of Chapter Services - Dylan Berg
Phi Delta Theta Chapter Services Coordinator - Todd Simmons
Phi Delta Theta Ohio Zeta Province President - Allan Williams
Phi Delta Theta Chapter Advisory Board Member - Julian Rosemond
[REDACTED]

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 _____

February 20, 2018

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]
[REDACTED]

I'm writing to notify you of the outcome of your University Conduct Board Hearing. We held the hearing on February 14, 2018. After a review of the testimony and evidence, the University Conduct Board reached the following finding(s):

- **3335-23-04 (B1) Endangering behavior:** Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. -- Not in violation

You accepted responsibility for the following violations 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

In determining the following outcomes, including the length of the probation period and the timing of the return of social privileges, we considered several factors:

- Phi Delta Theta's recent conduct history
- Phi Delta Theta accepting responsibility for the alcohol violation
- Phi Delta Theta's reactive steps to improve risk management
- A specific individual who experienced harm

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, the IFC, or The Ohio State University.

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

Disciplinary Sanction

Your chapter's disciplinary probation is effective immediately through December 15, 2018. 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 Sanctions

Risk Management Analysis

Your chapter must complete a thorough Risk Management Analysis to assess the real, perceived, and potential risks of the chapter's activities. Base your analysis on current and past practices, beliefs, values, and attitudes of new and initiated members, alumni, and Ohio State community members. Your chapter must identify all applicable policies, guidelines and expectations placed on the chapter by your national organization, FIPG, IFC, Sorority and Fraternity Life, and the Code of Student Conduct.

Your Risk Management Analysis should include an executive summary that reports the findings and recommendations, as well as a two-year plan of action for the chapter. The focus of the Risk Management Analysis should include ways to evaluate, develop, strengthen, and assess risk management in relation to the chapter's philanthropic, recruitment, new member, social, ritual, and alumni programs. Executive members must complete this analysis in consultation with your chapter advisor. In addition to Student Conduct, you must submit the Risk Management Analysis to your national headquarters, alumni board, and Sorority and Fraternity Life.

Your chapter must submit the Risk Management Analysis along with copies of all the applicable policies to bailey.1347@osu.edu and studentconduct@osu.edu, no later than 4:00 p.m. on April 24, 2018. Failure to meet this requirement will result in an extension of the prohibition against events with alcohol.

Minimum Risk Management Practices Required

Adherence to BYOB Policies

Upon your chapter being able to host events where alcohol is permitted, the chapter must abide by the BYOB policy identified in their FIPG insurance policy or other risk management guidelines provided by your national organization. At a minimum, your chapter must meet the following expectations:

- Guests who do not arrive to the event with alcohol should not be served, regardless of the guest's age.
- Guests who are of age must have their ID checked and are allowed a maximum of six 12 ounce beers or four wine coolers which they have brought themselves.

Paid Security

Further, for any social event in which alcohol is present, the chapter will hire third-party security to "work the door" such that only invited guests gain admittance and that everyone is properly identified as 21 and older or under the age of 21.

Sober Monitors

Adhere to the sober monitor to guest ratio expectation established by Sorority and Fraternity Life and your national headquarters. At a minimum, there must be at least one sober monitor per twenty guests.

Follow Up Meetings

In addition to your regular communication with your contact in Sorority and Fraternity Life, your chapter is required to meet with Katie Bailey once during each semester of the probationary period. The intention of these meetings is to maintain communication regarding the growth and progress of the chapter and continue a working relationship with each other. The President, Vice President, and Risk Manager must attend each meeting. Call 614-292-0748 during normal business hours to schedule these meetings.

Documented Compliance

Your chapter must “show its work” regarding its compliance efforts. The chapter must develop a Documentation Plan to identify and retain documentation that demonstrates compliance. The plan must identify someone from the national organization who will review your chapter’s compliance with its Documentation Plan once a month during the remainder of the 2017 - 2018 academic year and throughout the 2018 - 2019 academic year. The Documentation Plan must address the following specific compliance areas:

Documenting Alcohol

Your Documentation Plan must include procedures to inventory and track alcohol, including the type and amount) brought to, consumed during, and left over at social events. These procedures must include the number of drinks served by the bartender(s).

Guest Lists

Your Documentation Plan must include procedures to create, use and maintain guest lists for all social events that will:

- track invited guests
- identify guests added during an event
- confirm the age of all guests and members attending events
- record the type and amount of alcohol brought by guests and members to the event

Additional Items

Here are additional examples of what your Documentation Plan should include:

- receipts for paid-security
- written instructions provided to security prior to each event
- receipts for wristbands or punch cards
- wristband tabs collected during an event, or used punch cards collected after the event
- receipts for food, water, non-alcoholic beverages

Your chapter's Documentation Plan is due by 4:00 p.m. on April 24, 2018 by email to bailey.1347@osu.edu and studentconduct@osu.edu.

Progressive Return of Social Privileges

Progressive social privileges is an educational tool that provides your chapter with the opportunity to work through a set of planned social functions over several weeks to test your ability to host events in full compliance with risk management guidelines, state and local laws and statutes, and other applicable university policies.

Effective immediately, your chapter may not host any events with alcohol present.

Your organization is prohibited from participating, sponsoring, or hosting any meetings, philanthropies, or social events involving alcohol. This includes, but is not limited to in-house socials, alumni events, catered socials, tailgates, (semi) formals, and third-party vendor location socials. Thus, both on-campus and off-campus social events (e.g., at restaurants, bars, catering facilities, etc.) are prohibited. It should also be noted that this definition refers to any third-party vendor regardless of location, including outside the city of Columbus, Ohio. This also includes philanthropy events at third-party vendors.

Beginning September 8, 2018, your chapter may begin hosting events with alcohol according to the progressive schedule detailed below. Note that between events with alcohol, your chapter is required to host "dry" events. This progression will only begin and/or continue if your chapter has no further disciplinary action against them, and has complied with previous sanctions.

If your national organization requires smaller member to guest ratios for events with alcohol, your chapter must follow those rules. This sanction does not increase those ratios.

Your chapter must register all events, including events without alcohol, pursuant to Sorority and Fraternity Life and/or IFC guidelines.

Event One - Members Only Event – Permissible on or after September 8, 2018

This first social event with alcohol must be a Members Only Event. The event **MUST** be limited to members of the organization only. This means that no one outside the organization can attend. A majority (more than half) of the chapter must be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event **MUST** be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate.

After the successful completion of the Members Only Event, your chapter must host a social event without alcohol where eighty percent of the entire chapter is present, preferably with other invited guests or another chapter.

After successful completion of Event One and the subsequent non-alcoholic event, your chapter is eligible to host additional Members Only events with alcohol.

Event Two - 1:1 Ratio Member/Non-Member Event – Permissible on or after October 8, 2018

During this social event, alcohol is permitted with a 1:1 Ratio Member/Non-Member Event (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter must be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event **MUST** be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful completion of the 1:1 Ratio Member/Non-Member Event, your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Two and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:1 ratio and member only events.

Event Three - 1:2 Ratio Member/Non-Member Event – Permissible on or after November 8, 2018

During this social event, alcohol is permitted and your chapter may not exceed a 1:2 Ratio Member/Non-Member Event (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter should be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event **MUST** be planned, coordinated, and implemented collaboratively with your alumni board, chapter advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful 1:2 Ratio Member/Non-Member Event – your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Three and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:2, 1:1 ratio and member only events.

Event Four - 1:3 Ratio Member/Non-Member Event – Permissible on or after January 8, 2019

During this social event, alcohol is permitted and a 1:3 Member/Non-Member ratio must not be exceeded (i.e. tailgate or date party or event with a fraternity/sorority). A majority (more than half) of the chapter should be present. This event must adhere to all risk management guidelines, state and local laws and statutes, and other applicable university policies. This event **MUST** be planned, coordinated, and implemented collaboratively with your Alumni Board, Chapter Advisor, national organization, and any other organizations/offices you feel appropriate. This event assumes successful implementation of progressive social privileges up to this point.

After the successful 1:3 Ratio Member/Non-Member Event – your chapter must host a non-alcohol social event where 80% of the entire chapter is present, preferably with other people or another chapter. After successful completion of Event Four and the subsequent non-alcoholic event, your chapter is eligible to host additional 1:3, 1:2, 1:1 ratio and member only events.

Beginning January 8, 2020 your organization is eligible to host events with a member to guest ratio that is greater than 1:3. Any and all member to guest ratio requirements established by your national headquarters, Sorority and Fraternity Life, and The Ohio State University which are lower than 1:3 must be adhered to.

Chapter Presentation to Stakeholders

After the Fall 2018 semester has begun and before October 8, 2018, your chapter will give a 60 minute presentation to staff from Student Conduct and Sorority and Fraternity Life on the following topics:

- your chapter values
- how the members of your chapter lived out those values when holding events with alcohol while following all applicable risk management rules, policies, and local, state and federal laws
- how demonstrating compliance as detailed in this outcome serves the short and long-term interests of your chapter, IFC and the university

Please prepare slides and/or other materials for 25 minutes. The remaining 35 minutes is reserved for follow-up questions and dialogue.

While your entire membership should have the opportunity to contribute to the presentation, the executive board is required to attend the presentation.

You must call 614-292-0748 to schedule your presentation at least two weeks in advance of your intended presentation date.

Summary of Dates

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

- Disciplinary Probation: Effective immediately through the Fall 2018 semester
- Risk Management Analysis Summary due – April 24, 2018
- Documented Compliance Plan due – April 24, 2018
- Presentation to Stakeholders – on or before October 8, 2018
- Progressive Return of Social Privileges
 - First event with alcohol present – members only – September 8, 2018
 - First event with guests 1:1 ratio – October 8, 2018
 - First event with guests 1:2 ratio – November 8, 2018
 - First event with guests 1:3 ratio – January 8, 2018
 - First event with guests greater than 1:3 ratio – January 8, 202

Requests for Extensions and Modifications

Your chapter president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Requests must contain a detailed rationale for the request.

Staffing Change

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

Appeal

You have the right to appeal this decision to the Senior Vice President of Student Life. You must submit your appeal no later than 4:00 pm on February 27, 2018. To submit an appeal, use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> You may also submit a written appeal, using the form attached to this letter along with any relevant documentation, to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period. If you have any questions, call (614) 292-0748 prior to the expiration of your appeal period.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a stylized flourish extending to the right.

Katie Bailey
Hearing Officer

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