

Case No: [REDACTED]

Organization Name: Chi Phi

Charge Date: 2020-05-08

Hearing Date: July 20, 2020

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

The Ohio State University
Incident Reporting Form

Submitted on February 3, 2020 at 3:39:30 am EST

Nature: Housing-initiated report (UH)
Urgency: None of the below options
Incident Date and Time: 2020-02-03 2:30 AM
Incident Location: Lincoln House Room [REDACTED]

Reported by

Name: [REDACTED]
Title: Resident Advisor
Email: [REDACTED]
Phone: [REDACTED]
Address: 1810 Cannon Drive
[Authenticated as [REDACTED]

Involved Parties

[REDACTED] Concern	[REDACTED] Male	[REDACTED] LINCOLN TOWER [REDACTED]
[REDACTED] Witness	[REDACTED] Male	[REDACTED] LINCOLN TOWER [REDACTED]
[REDACTED] Witness	[REDACTED] Male	[REDACTED] LINCOLN TOWER [REDACTED]
[REDACTED] Witness	[REDACTED] Male	[REDACTED] LINCOLN TOWER [REDACTED]

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language.
At around 2:30am on Monday, February 3, 2020, resident [REDACTED] asked resident advisor (RA) [REDACTED] to come to room [REDACTED]. When [REDACTED] arrived, [REDACTED] was present with suitemates [REDACTED]. The suitemates decided they wanted to file a report on missing roommate [REDACTED]. [REDACTED] said [REDACTED] is usually always back to the dorm for the night. Additionally, [REDACTED] noted "has homework" [REDACTED] would not miss, and [REDACTED]'s bookbag was still in the dorm. [REDACTED] said [REDACTED]'s iPad in the room has missed calls from [REDACTED]'s mother. The residents also noticed [REDACTED] has not been on SnapChat either. The last the roommates saw of [REDACTED] was on Friday, January 31, at 6p. [REDACTED] was going to the Chi Phi fraternity house that night, according to [REDACTED]. [REDACTED] called the Hall Director on-call Clay Peck (PECK.246) to report. PECK.246 instructed [REDACTED] to have the concerned residents call OSU-Non Emergency number to file a missing person's report. [REDACTED] obliged. [REDACTED] called OSU-Non Emergency number. [REDACTED] communicated to [REDACTED] that the police will check the local hospitals and jail for [REDACTED]. [REDACTED] reported to [REDACTED] the police have [REDACTED] at the county jail. [REDACTED] told [REDACTED] to let [REDACTED] know when [REDACTED] returns that Student Legal Services is a resource on campus if [REDACTED] needs. [REDACTED] left room [REDACTED]. Incident ended at around 3:00AM.

Which of the following responded?
Police

Select the Primary overall category reflected in this incident report: (Required/Select Only One)
None of the Above

Select the Secondary category of this incident report: (Optional/Select Only One/Must Differ from Above)

Is there any additional relevant information to report?

This is a follow-up to Report #00032545

If you selected a location other than a residence hall OR if you are documenting an issue that is not conduct related (facilities, mental health), please provide YOUR residence hall so this report is properly forwarded to the correct responding staff member.

Lincoln House

What resource(s) was provided? (Select all that apply)

Student Legal Services

If other, please explain:

Pending IR #00032546

Submitted from 128.146.189.110 and routed to Jonathan Onnen (Hall Director). Processed by routing rule #307.

Copies to: nelson.636@osu.edu,onnen.4@osu.edu,kefalas.1@osu.edu,smith.11556@osu.edu,ryan.1603@osu.edu

The Ohio State University
Incident Reporting Form

Submitted on February 3, 2020 at 2:14:20 am EST

Nature: **Housing-initiated report (UH)**
Urgency: **None of the below options**
Incident Date and Time: **2020-02-03 1:00 AM**
Incident Location: **Lincoln House Floor [REDACTED]**

Reported by

Name: [REDACTED]
Title: **Resident Advisor**
Email: [REDACTED]
Phone: [REDACTED]
Address: **1810 Cannon Drive**
[Authenticated as [REDACTED]]

Involved Parties

[REDACTED] [REDACTED] [REDACTED]
Concern Male LINCOLN TOWER [REDACTED]

[REDACTED] [REDACTED] [REDACTED]
Witness Male LINCOLN TOWER [REDACTED]

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language.

At around 1:00AM on Monday, February 3, on Floor [REDACTED] of Lincoln House, resident [REDACTED] knocked on Room [REDACTED] door, to which Resident Advisor [REDACTED] opened. [REDACTED] said "I need to talk to you." [REDACTED] invited [REDACTED] into the room, and [REDACTED] says [REDACTED] has not seen suitemate [REDACTED] "since Friday." [REDACTED] asked if the suitemates have "FindMyFriend or something like that," to which [REDACTED] replied, "SnapMap" but [REDACTED] does not appear on it - "which he usually does." [REDACTED] asked if [REDACTED] wanted to file a report. [REDACTED] said [REDACTED] wants to see if [REDACTED] "shows up to classes tomorrow" before filing a report. [REDACTED] said "okay, let me know if you see [REDACTED] by then." [REDACTED] left the room. Incident ended around 1:10AM.

Which of the following responded?

None

Select the Primary overall category reflected in this incident report: (Required/Select Only One)

None of the Above

Select the Secondary category of this incident report: (Optional/Select Only One/Must Differ from Above)

Is there any additional relevant information to report?

If you selected a location other than a residence hall OR if you are documenting an issue that is not conduct related (facilities, mental health), please provide YOUR residence hall so this report is properly forwarded to the correct responding staff member.

Lincoln House

What resource(s) was provided? (Select all that apply)

None

If other, please explain:

Pending IR #00032545

Submitted from 128.146.189.110 and routed to Jonathan Onnen (Hall Director). Processed by routing rule #307.

Copies to: nelson.636@osu.edu,onnen.4@osu.edu,kefalas.1@osu.edu,smith.11556@osu.edu,ryan.1603@osu.edu

March 5, 2020

Iota Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED] and the members of the Iota chapter of Chi Phi:

Student Conduct has received information that describes conduct by Chi Phi on January 31, 2020, and throughout the new member process. The report details concerns related to an event involving alcohol and hazing. 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 (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.
- 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.

I am directing Chi Phi not to have any events where alcohol is present until further notice.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than March 5, 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 anderson.3443@osu.edu before our meeting.

You must bring the following information with you to the meeting, or you may submit it prior:

Current member list

Guest list for the registered event

Copy of registered event form

Name(s) of anyone who served alcohol at the event (i.e., bartender)

Name(s) of those who live at the property where the event occurred

Any other documents you'd like to provide that demonstrates risk management practices were followed

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 anderson.3443@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 March 5, 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,

A handwritten signature in black ink that reads "Emma Anderson". The signature is written in a cursive, slightly slanted style.

Emma Anderson
Student Conduct Case Manager

CC: Chi Phi Headquarters- Ryan Lugabihl
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Interim Assistant Vice President for Student Life - Matt Couch, Ph.D.

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.

May 8, 2020

Iota Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED] and the members of the Iota chapter of Chi Phi:

I am writing to give you an update on your conduct case. 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 summary and redacted New Member surveys via the following link:

Link: [REDACTED]

Password: [REDACTED]

I have attached your Charge and Process form to this email. Please review it carefully and select your resolution option. We can usually schedule an Administrative Hearing 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.

If you wish to meet to discuss your options and the information further before submitting this form, please email me at anderson.3443@osu.edu.

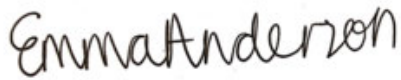
Once you have completed the form electronically or by hand, email it to anderson.3443@osu.edu. This form is due by 4:30 p.m. on May 15, 2020. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

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/>.

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

Please call our office at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday, or email me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Emma Anderson". The signature is written in a cursive, slightly slanted style.

Emma Anderson
Student Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Chi Phi National Organization- Ryan Lugabihl

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Iota chapter of Chi Phi

Email: [REDACTED]

I. Charge(s): It is alleged that on January 31, 2020, and throughout the first half of the spring 2020 semester, the Iota chapter of Chi Phi 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.
- 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.

Specifically, it is alleged that throughout the spring 2020 semester, the Iota chapter of Chi Phi fraternity violated the Code of Student Conduct by:

- providing and/or making available alcohol to new and active members, many under the age of 21, at events hosted by the fraternity
 - this includes an event co-hosted on January 31 at the Chi Phi chapter house
- encouraging and/or requiring new members to go to the gym regularly and document this through posting pictures and/or the completed workout in a group message with

other new members and the new member educator

II. Acceptance/Non-Acceptance of Responsibility: To resolve these charges, place your initials next to your selection.

_____ On behalf of the Iota chapter of Chi Phi 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.**

_____ On behalf of the Iota chapter of Chi Phi 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.**

_____ On behalf of the Iota chapter of Chi Phi 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. The preferred hearing day/times for the organization 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.**

III. Possible Sanctions: If you are found in violation, please understand that the Iota chapter may be subject to a formal reprimand, disciplinary probation, deferred revocation of registration, dismissal, or any other sanction and/or combination of sanctions in the Code of Student Conduct.

I have received notice of the charges. I will return this form by email to anderson.3443@osu.edu by May 15, 2020 at 4:30 p.m. I understand that if I do not return the form, it 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.

Date: _____

Acknowledgements

Chi Phi Executive Board Member Signature: _____

Date: _____

Chi Phi Advisor Signature: _____

Date: _____

May 8, 2020

Iota Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of the Iota chapter of Chi Phi:

I am writing to give you an update on your conduct case. 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 summary and redacted New Member surveys via the following link:

Link: [REDACTED]

Password: [REDACTED]

I have attached your Charge and Process form to this email. Please review it carefully and select your resolution option. We can usually schedule an Administrative Hearing 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.

If you wish to meet to discuss your options and the information further before submitting this form, please email me at anderson.3443@osu.edu.

Once you have completed the form electronically or by hand, email it to anderson.3443@osu.edu. This form is due by 4:30 p.m. on May 15, 2020. 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.

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/>.

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

Please call our office at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday, or email me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Emma Anderson". The signature is written in a cursive, slightly slanted style.

Emma Anderson
Student Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Chi Phi National Organization- Ryan Lugabihl

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] and the members of the Iota chapter of Chi Phi

Email: [REDACTED]

I. Charge(s): It is alleged that on January 31, 2020, and throughout the first half of the spring 2020 semester, the Iota chapter of Chi Phi 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.
- 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.

Specifically, it is alleged that throughout the spring 2020 semester, the Iota chapter of Chi Phi fraternity violated the Code of Student Conduct by:

- providing and/or making available alcohol to new and active members, many under the age of 21, at events hosted by the fraternity
 - this includes an event co-hosted on January 31 at the Chi Phi chapter house
- encouraging and/or requiring new members to go to the gym regularly and document this through posting pictures and/or the completed workout in a group message with

other new members and the new member educator

II. Acceptance/Non-Acceptance of Responsibility: To resolve these charges, place your initials next to your selection.

X On behalf of the Iota chapter of Chi Phi 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.**

_____ On behalf of the Iota chapter of Chi Phi 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.**

_____ On behalf of the Iota chapter of Chi Phi 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. The preferred hearing day/times for the organization 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.**

III. Possible Sanctions: If you are found in violation, please understand that the Iota chapter may be subject to a formal reprimand, disciplinary probation, deferred revocation of registration, dismissal, or any other sanction and/or combination of sanctions in the Code of Student Conduct.

I have received notice of the charges. I will return this form by email to anderson.3443@osu.edu by May 15, 2020 at 4:30 p.m. I understand that if I do not return the form, it 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.

Date: 5/18/20

Acknowledgements

Chi Phi Executive Board Member Signature: _____

Date: _____

Chi Phi Advisor Signature: Ryan Legel
Date: _____

July 20, 2020

Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED] and the members of the Iota chapter of Chi Phi:

I am writing to provide the Iota chapter of Chi Phi with my decision. The chapter took responsibility and requested an administrative decision for the following alleged violation(s) 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.
- 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.

Specifically, it is alleged that throughout the spring 2020 semester, the chapter violated the Code of Student Conduct by:

- providing and/or making available alcohol to new and active members, many under the age of 21, at events hosted by the fraternity
 - this includes an event co-hosted on January 31 at the chapter house
- encouraging and/or requiring new members to go to the gym regularly and document this through posting pictures and/or the completed workout in a group message with other new members and the new member educator

Sanction Consideration

Prior Conduct History

Student Conduct issued an outcome letter on April 15, 2019, to the chapter for violating the alcohol section of the Code of Student Conduct. The chapter was placed on disciplinary probation through December 15, 2019, was limited to 3 events with alcohol in the spring 2019 semester and was required to complete: Chi Phi Personal Safety Policy Training; a risk management policy review; and two meetings with Student Conduct during the fall 2019 semester.

While Student Conduct was investigating the above concern, the chapter hosted an event where they failed to implement proper risk management processes, which resulted in individuals under the age of 21 being provided alcohol, resulting in more than one guest experiencing adverse reactions. This led to a subsequent investigation and to the chapter accepting responsibility for violating the alcohol and endangering behaviors sections of the Code.

As a result of the second incident, in an outcome delivered on September 5, 2019, the chapter's status as a registered student organization was placed on deferred revocation and the chapter's disciplinary probation was extended through May 3, 2020. The incidents involving violations of the alcohol and hazing sections of the Code, therefore, occurred while the chapter was under disciplinary probation and following the delivery of educational opportunities and reviews of risk management strategies.

Involvement and Engagement

The National Fraternity has been present and available throughout the entirety of this conduct process, as well as during previous investigations. For each incident, they have provided evidence of their commitment to support the chapter today and moving forward. The National Fraternity understands the significance and impact of the continued incidents, and the need for change. The National Fraternity's proposed sanctions demonstrate a need for a comprehensive restructuring of chapter operations, increased levels of intentional advising, and new membership.

I share this previous conduct history and involvement from the National Fraternity in an effort to help you understand the extent Student Conduct has continued to support and educate the chapter to become a model for hosting safe events and creating an environment consistent with the values of Ohio State and Chi Phi. There is a systemic issue with alcohol use in the chapter, particularly in its failure to use the appropriate risk management practices, leading to alcohol continually being provided to those under the age of 21. Despite changes in leadership within the chapter, a problematic culture around alcohol has continued to flourish, and as demonstrated in this case, a culture of hazing new members has become evident.

Sanction

Revocation

On September 5, 2019, an administrative decision was issued for violations from case [REDACTED]. Sanctions included deferred revocation of your chapter's status as a registered student organization and disciplinary probation through May 7, 2023. The letter states, "...any further violation of the Code of Student Conduct while on probation will invoke immediate revocation of your chapter's status as a registered student organization."

Therefore, I have no choice but to revoke your chapter's status as a registered student organization.

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

The chapter's registration as a student organization is revoked effective July 20, 2020, or upon the date of an appeal decision (if the chapter submits an appeal and the revocation is upheld) through August 4, 2024.

With the chapter'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 training 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 the National Panhellenic Conference (NPC) sororities and their members in the Panhellenic Association.

Students using your organization's name or likeness (e.g., Greek letters) or otherwise claiming to act as Chi Phi 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 Chi Phi, this could open a new case against your organization that potentially could extend your revocation term.

Reestablishment

Chi Phi's national organization must begin communication one year prior to reestablishing, but no sooner than January 1, 2023.

In discussing its return to our community, Chi Phi'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 Chi Phi representatives to provide Student Conduct with any documentation related to these efforts.

Petition for Early Return

Student Conduct values the involvement of national organizations who actively work to support the health and safety of Ohio State students and our community. Because representatives of the national organization, local advisors and local alumni have consistently been present during the conduct proceedings, we anticipate the national organization is invested in fostering a strong, vibrant, safe, and healthy Sorority and Fraternity community at the university. Accordingly, we are offering the national organization the opportunity to reestablish prior to August of 2024.

In order to petition for an early return, the National Fraternity must:

- revoke the Iota chapter's charter to eliminate the ongoing systemic issues within the current chapter
- eliminate and/or show ongoing attempts to eliminate underground (i.e., "rogue" off-campus group) activity
- to the extent the National Fraternity owns/operates and/or can collaborate with the housing board, it must show evidence of efforts to control occupancy of the identified chapter house to remove any current members and to have a process in place to avoid leasing to members who are part of any potential underground group
- agree to re-establish as a member of the appropriate council within Sorority and Fraternity Life

You may begin conversations to submit a petition with the Director of Sorority and Fraternity Life, or designees, no sooner than August 17, 2021. If the petition is accepted you may not begin the reestablishment process before August 2022. Your petition must include the following in addition to any information identified by the Director of Sorority and Fraternity Life:

- 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

The final decision to re-establish a chapter at Ohio State belongs to the IFC in collaboration with Sorority and Fraternity Life and Student Conduct.

Chapter Communication Plan

It is important that all members, new members, and those who work closely with the chapter be aware of this outcome. Students using your organization's name or likeness (e.g., Greek letters) or otherwise claiming to act as Chi Phi 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.

Thus, at the end of the appeal period, the chapter is required to email this outcome letter to:

- all new and active members
- all local and alumni advisors
- the housing corporation/board and/or landlord/property owners for the chapter house
- all landlord/property owners for any "annex" houses

You must copy me on this communication so that I can verify completion. Failure to send this communication to all new and active members will result in a charge being issued for 3335-23-04 (M8) Student conduct system abuse.

Requests for Extensions and Modifications

Any request for an extension or a modification of any outcome must come from the chapter president to anderson.3443@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 on all sanction items. That address is studentconduct@osu.edu.

Appeal

Because you accepted responsibility, you may only appeal on the basis that the disciplinary sanction is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing no later than 4:00 p.m. on July 27, 2020. You should use the online appeal form found at <https://go.osu.edu/appeals>, or the form attached to this letter to submit your appeal. If you elect to use the attached document, please scan and email it by the deadline to anderson.3443@osu.edu.

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.

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,

EmmaAnderson

Emma Anderson
Student Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Interim Assistant Vice President for Student Life - Matt Couch
[REDACTED]
Chi Phi National Fraternity- Ryan Lugabihl