

Case No: [REDACTED]

Organization Name: Kappa Sigma

Charge Date: 2020-05-01

Hearing Date: May 29, 2020

- 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)

Krystal Reeb (she/her)
Sr. Associate Director

**Case: 25 Hotline Web
Student Conduct
General Student Issues**

Case Snapshot

Opened: 02/21/2020
Days open: Less than 24 hours
Last modified: 02/21/2020 9:04 PM
Intake method: Hotline Web
Status: Open
Alert: Green

General Case Info

Case number:
25

Received/Reported date:
02/21/2020

Language:
English

Assigned tier:
Student Conduct

Issue

Primary issue:
General Student Issues

Case Details

Reported tier information

Case type:
Allegation

Intake method:
Hotline Web

Location

Organization/Building name:
OSU - Student Conduct

Location/Address:

[REDACTED]

City:

Columbus

State/province:

Oh

ZIP/postal code:

43201

Country:

United states

Reporter contact information

Is the reporter an employee?

No

Reporter anonymous:

Yes

Case Information

Relationship to Institution:

Anonymous

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

[REDACTED]

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

Do Not Know / Do Not Wish To Disclose

Is management aware of this problem?

Do Not Know / Do Not Wish To Disclose

What is the general nature of this matter?

Severe physical and mental Hazing and forced lineups

Where did this incident or violation occur?

His house [REDACTED]

Please provide the specific or approximate time this incident occurred:

Lineups every Thursday and Saturdays, the rest of the things were all throughout the week

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

1 to 3 months

How did you become aware of this violation?

I observed it

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

██████ threatens them with physical harm and blackballing if any speak out

Details:

██████ physically and psychologically hazed and degraded pledges of kappa sigma every week including forcing them to consume large unsafe amounts of alcohol, eating of rotten and purposefully disgusting food, forced workouts, knowingly smeared peanut butter on a pledge with peanut butter allergies and used pledges money and meal plan for himself. Made them clean his house everyday and drive him around. Lineups would be up to 8 hours long often forcing them to drink beers put in a dishwasher to make them vomit and stand in their own vomit, every Thursday ██████

Follow-ups

Reporter Additional Information

There are no additional notes for this incident.

Questions/Comments and Reporter Responses

There are no questions asked by the client.

Assignments & Access

Case assignee(s): mith, Kelly

Restricted access: None

Case access list: Brennan, Kellie; Carson, Katelyn; Glaros, Chris; Grosh, Leigha; Haque, Nadia; Ninneman, Meghan; Peirano, Molly; Reeb, Krystal; mith, Kelly; Tobias, Jessica; Wiechart, Kendra

Info Contributors

None

Participants

Name	Job Title	Relationship	Role	Results	Notes
██████	██████	None	None	None	

Attachments

None

Synopsis

Outcome of case

Primary outcome:

- Select One -

Secondary outcome 1:

- Select One -

Secondary outcome 2:

- Select One -

Action taken:

- Select One -

Additional details

Tasks

None

Case Notes

None

Related Cases

Cases Marked as Related to This Case

Case 25 has no listed relationships.



February 22, 2020

Alpha Sigma Kappa Sigma

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of the Alpha Sigma chapter of Kappa Sigma,

In accordance with the Registration Guidelines for Student Organizations and the Code of Student Conduct, I have determined reasonable cause exists to believe that the activities of the Alpha Sigma chapter of Kappa Sigma, pose a significant risk of substantial harm to the safety and security of its members, potential new members and others. This determination is based on allegations involving hazing during the spring 2020 semester.

As a result, I hereby place the Alpha Sigma chapter on interim suspension and temporarily discontinue the Alpha Sigma chapter's registration as a recognized student organization of The Ohio State University, pending a full investigation of this matter by the Office of Student Life Student Conduct.

Member list with contact information

As part of the investigation, I am requesting a list of the names and contact information for:

- all current members,
- all new or initiated members that disaffiliated from the chapter during the spring 2020 semester, and
- all potential new members or students who have indicated interest in joining your chapter.

Contact information must include:

- names
- email
- cell numbers
- school rank
- officer/leadership position (if any)

- member status (new member, disaffiliated member, etc.).

Terms of interim suspension

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

Failure to comply

Failure to adhere to the terms of this interim suspension will subject the chapter and participating individual members to further disciplinary action under the Code of Student Conduct 3335-23-04 (G) for Failure to Comply with a University Official.

Notice to membership

You must forward this letter to all members and potential new members to place them on notice of the interim suspension. Further, this letter provides notice to individual members that they may be held responsible for failing to comply with the directives within this letter. Additionally, all members, like any students, are responsible for reading the Code of Student Conduct, including the following provisions:

Hazing

3335-23-04 (L) Hazing. Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section.

Student conduct system abuse

3335-23-04 (M) Student conduct system abuse. Abuse of any university student conduct system, including but not limited to:

- (1) Failure to obey the summons or directives of a student conduct body or university official;
- (2) Falsification, distortion, or misrepresentation of information before a student conduct body;
- (3) Disruption or interference with the orderly conduct of a student conduct proceeding;
- (4) Knowingly instituting a student conduct proceeding without cause;

- (5) Discouraging an individual's proper participation in or use of, a university student conduct system;
- (6) Influencing the impartiality of a member of a student conduct body prior to, and/or during the course of a student conduct proceeding;
- (7) Harassment and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
- (8) Failure to comply with one or more sanctions imposed under the code of student conduct; and
- (9) Influencing another person to commit an abuse of a university student conduct system.

Amnesty

3335-23-06 Amnesty. At the university's discretion, amnesty may be extended to students who may be hesitant to report a violation of the code to university officials because they fear that they themselves may be accused of minor policy violations, including but not limited to underage drinking, at the time of the incident. If a student is granted amnesty, an educational discussion or other informal resolution may be considered, but no university conduct proceedings under this code will result. At the university's discretion, amnesty may also be extended on a case-by-case basis for minor policy violations when students request assistance for others in need, including the person receiving assistance. If a student is granted amnesty, an educational discussion or other informal resolution may be considered, but no university conduct proceedings under this code will result. In cases of academic misconduct, need does not include the inability of a student to complete an assignment without assistance.

You must copy Student Conduct at studentconduct@osu.edu and the Director of Sorority and Fraternity Life at defreitas.12@osu.edu on the email sent to all members and new members within two hours of the receipt of this letter to ensure all members are aware of their individual responsibility during the interim suspension.

Request for reinstatement

The Alpha Sigma chapter has the right to request reinstatement or modifications of the interim suspension. Requests must be in writing and must include supporting documentation or evidence that the Alpha Sigma chapter (or the proposed modification) does not pose or no longer poses a significant risk of substantial harm to the safety or security of themselves or others or to property.

Submit your written request by email to lovell.113@osu.edu. Please consult the Code of Student Conduct, Section 3335-23-20, for a complete description of this process.

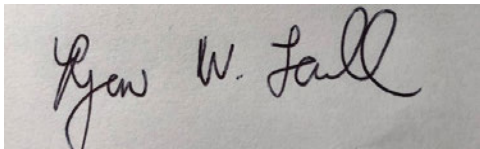
Notice to others

We will share notice of this interim suspension with other university officials, Kappa Sigma, and other necessary members of the university community, including your peer organizations.

Investigation

Finally, Student Conduct will soon send notice of its investigation, including the name and contact information of the assigned case manager. It is important that you meet with the case manager and follow all instructions and directives given to you by Student Conduct. Please know that any efforts by the Alpha Sigma chapter, its members or other students acting on its behalf that could be considered retaliation or student conduct system abuse will not be tolerated and could result in additional disciplinary action against the chapter or the involved individual students.

Sincerely,

A rectangular area containing a handwritten signature in black ink. The signature appears to read "Ryan W. Lovell".

Ryan Lovell
Interim Dean of Students / Interim Assistant Vice President

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

[REDACTED]
Tyler Young, Alumni Advisor, Kappa Sigma
David Kovac, Asst. Alumni Advisor, Kappa Sigma
Matthew Charnas, District Grand Master, Southern Ohio District, Kappa Sigma Fraternity
Leo Brown, Assistant Executive Director, Kappa Sigma Fraternity

February 24, 2020

Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED] and members of the Alpha-Sigma chapter of Kappa Sigma,

Student Conduct has received information that describes conduct by the Alpha-Sigma chapter of Kappa Sigma during the spring 2020 semester. 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 (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.
- 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 at 614-292-0748 **as soon as possible**, and no later than February 27, 2020, to schedule a preliminary conference with me. The purpose of this conference is twofold. At this meeting, I will explain our process for determining whether charges for violations are warranted, and will answer any questions you may have about the conduct process. We will talk about what happened, and you will be able to identify any other individuals who may have information about the alleged incident. If you have any relevant materials, for example, your own written statement, text messages, photos, emails, etc., please email them to me at reistad.1@osu.edu before our meeting.

As stated in your interim suspension letter, you must bring the following information with you to the meeting, or you may submit it prior:

- A list of the names and contact information for:
 - all current members,
 - all new or initiated members that disaffiliated from the chapter during the spring 2020 semester, and
 - all potential new members or students who have indicated an interest in joining your chapter.
- Contact information must include:
 - names
 - email
 - cell numbers
 - school rank
 - officer/leadership position (if any)
 - member status (new member, disaffiliated member, etc.).

As a leader of the organization, you are required to notify the entire membership of this matter as stated in the letter you received from Interim Dean of Students, Ryan Lovell. You must include this letter in that communication.

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

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

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

You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. Your advisor can be any person who is not involved as a witness or other participant in the case. Upon request, Student Life's Student Advocacy Center (<http://advocacy.com>) is able to provide information and assistance in this process.

You will find the [Code of Student Conduct](http://studentconduct.osu.edu) 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 February 27, 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 cursive script that reads "Aaron Reistad".

Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Interim Assistant Vice President for Student Life - Matt Couch, Ph.D.
[REDACTED]
Tyler Young, Alumni Advisor, Kappa Sigma
David Kovac, Asst. Alumni Advisor, Kappa Sigma
Matthew Charnas, District Grand Master, Southern Ohio District, Kappa Sigma Fraternity
Leo Brown, Assistant Executive Director, Kappa Sigma Fraternity

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 1, 2020

Alpha Sigma Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

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

Thank you for meeting with me to discuss Kappa Sigma's conduct case. I am writing to give you an email record of the charges discussed and information shared during the meeting. 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 your organization is responsible for violating any sections of the code; it only causes the second half of our process to begin.

I have attached your organization's Charge and Process Form to this email. Please review it carefully and select your organization's resolution option. Once you have completed the charge and process form, you may scan and email it to reistad.1@osu.edu. This form is due by 4:30 p.m. on May 8, 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.

During this period of virtual learning and while the university is under a state of emergency due to COVID-19, all hearings will be conducting using Carmen Zoom. For your consideration, I have attached a document titled "Guidelines for Remote Conduct Hearings." This document discusses procedures for Zoom administrative hearings. The same procedures would be used if your chapter selects a hearing before the University Conduct Board.

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 8:00a.m. and 5:00p.m. Monday through Friday, or email me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Reistad".

Aaron Reistad
Conduct Case Manager

CC: Assistant Director of Sorority and Fraternity Life - Hunter Hartwig
Assistant Executive Director, Kappa Sigma Fraternity: Leo Brown
District Grand Master - Southern Ohio District, Kappa Sigma Fraternity: Mat Charnas
Alumni Advisor: David Kovac
Alumni Advisor: Tyler Young
Alumni Advisor: Walt Shuler

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Alpha Sigma chapter of Kappa Sigma

Email: [REDACTED]

I. Charge(s): It is alleged that during January and February of 2020, the AlphaSigma 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.

Directing and/or encouraging new members to participate in early morning workouts approximately twice a week.

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

_____ On behalf of the Alpha Sigma chapter of Kappa Sigma 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 Alpha Sigma chapter of Kappa Sigma 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 Alpha Sigma chapter of Kappa Sigma 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 Alpha Sigma 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 reistad.1@osu.edu by **May 8, 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

Kappa Sigma Executive Board Member Signature: _____

Date: _____

Kappa Sigma Advisor Signature: _____

Date: _____

Guidelines for Remote Conduct Hearings

1. We will use Carmen Zoom to conduct your administrative hearing.
2. You are responsible for the following:
 - a. providing the computer and/or necessary telecommunications equipment and internet access for the hearing,
 - b. arranging a location with sufficient lighting and privacy that is free from distractions or intrusions for the duration of the hearing.
3. We will work with you to identify an alternative communication method (most often phone) in the event that Carmen Zoom fails.
4. While Carmen Zoom meetings are secure and private, there is always a risk that the transmission of your information could be disrupted or distorted by technical failures; the transmission of your information could be intercepted by unauthorized persons, and/or the electronic storage of your information could be accessed by unauthorized persons. To reduce these risks you may not share the Carmen Zoom meeting invitation information with anyone.
5. If you have trouble connecting to Carmen Zoom for your hearing, please call 614-292-0748 and ask for your Administrative Hearing Coordinator. If you do not engage in the scheduled hearing AND fail to provide notice of a technical difficulty by calling 614-292-0748, we will consider you absent for your hearing. The Code of Student Conduct section 3335-23-13 provides:

Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the respondent and invited witnesses are strongly encouraged to attend and participate. If an individual does not choose to attend a hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a hearing or remaining silent, the hearing will proceed and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the respondent to attend the hearing or answer the charges. In special circumstances, written statements may be considered by the hearing body when a respondent or witness does not attend or fully participate in a hearing.

6. You may not record your hearing. Student Conduct will make an audio recording, which you can review through the appeal period in your case.
7. You may not have any individuals in the room with you during your hearing other than one person acting as your advisor who is introduced by name at the start of the hearing.

July 6, 2020

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

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

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

I am writing to provide the Alpha-Sigma chapter of Kappa Sigma (hereinafter “the chapter”) with my decision. The chapter requested an administrative hearing for the following alleged violation(s) of the Code of Student Conduct:

Case [REDACTED]

- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 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.

On January 25-26, 2020, the chapter violated the Code of Student Conduct by engaging/or attempting to engage in conduct, that includes, but is not limited to, hosting a party where alcohol was present. At the event, underage individuals were provided and consumed alcohol. This violates the sanctions from cases [REDACTED], delivered in an outcome letter on October 4, 2019. The sanctions prohibit the chapter from hosting events with alcohol until January 15, 2022.

Case [REDACTED]

- 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.

During the January and February 2020 semesters, the chapter violated the Code of Student

Conduct by directing and/or encouraging new members to participate in early morning workouts approximately twice a week.

Finding

Case [REDACTED]

At the hearing, your chapter contested the charge stating this was not a chapter event. You presented a witness that confirmed the same representation of the event. Additionally, you shared that this event was not hosted at an annex property and no Kappa Sigma members live at the residence. You identified that 11 active members of the fraternity attended the event with [REDACTED] members being under the age of 21. [REDACTED] of the members under the age of 21 were held accountable and suspended from the fraternity. [REDACTED] deactivated from the chapter.

Using the preponderance of evidence standard to weigh the information provided at the hearing, including that found in the hearing packet and the testimony offered by you, [REDACTED], and other invited witnesses, I find your chapter **not in violation** of the Code of Student Conduct.

Case [REDACTED]

At the hearing, your chapter contested the charge stating hazing is not part of the pledging experience. Pledges were encouraged to go to the RPAC for an opportunity to bond with their pledge brothers as the chapter values mental and physical well-being. You stated this activity is a tradition, voluntary and not part of the official pledge activities.

Witnesses corroborated that the pledges agreed upon a time for the activity. The only time all members of the pledge class were available to participate in the activity was 6:30 a.m. BuckID swipes confirm that between 19-31 pledges of a class of 44 and [REDACTED] active members entered the RPAC on the same days, within the same timeframe, for 6 weeks.

During the hearing, [REDACTED] provided an example of how he communicated this was a voluntary activity to the pledge class. He stated a pledge texted him to apologize for not being able to participate in the RPAC activity due to an injury. [REDACTED] replied that he didn't know why the pledge was texting him because it's not required. [REDACTED] then stated he texted the rest of the pledge class reminding them this was not a required activity.

While this example does show an effort to remind the pledge class that this was voluntary, the Code of Student Conduct states hazing can occur whether an activity is voluntarily agreed upon. Additionally, this example shows that members of the pledge class interpreted the event as encouraged/required by the chapter.

Using the preponderance of evidence standard to weigh the information provided at the hearing, including that found in the hearing packet and the testimony offered by you, [REDACTED], and witnesses, I find your chapter **in violation** of the Code of Student Conduct.

Sanction

Revocation

On October 4, 2019, the University Conduct Board issued sanctions for violations from two previous cases. 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 result in the 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 headquarters, advisors, Sorority and Fraternity Life or the IFC.

The chapter's registration as a student organization is revoked effective Monday, July 6, 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 Kappa Sigma while engaging in behavior that violates the Code of Student Conduct are

subjecting themselves to potential disciplinary action in their individual capacities, which could result in sanctions up to and including dismissal from the university. Likewise, if they are operating on behalf of Kappa Sigma, this could open a new case against your organization that potentially could extend your revocation term.

Reestablishment

Kappa Sigma's international organization must begin communication one year prior to reestablishing, but no sooner than January 1, 2023.

In discussing its return to our community, Kappa Sigma 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. I encourage Kappa Sigma representatives to provide Student Conduct with any documentation related to these efforts.

I invite the international 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 July 31, 2020.

The Office of Student Life will contact parents and families of organization members and potential new members to inform them of this outcome and provide additional care and support resources available to their student.

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 Kappa Sigma while engaging in behavior that violates the Code of Student Conduct are subjecting themselves to potential disciplinary action in their individual capacities, which could result in sanctions up to and including dismissal from the university.

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 reeb.47@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

An organization found to have violated the Code of Student Conduct has the right to appeal. To do so, you must submit your appeal in writing, addressed to the Vice President for Student Life, no later than 4:00 pm on Monday, July 13, 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 reeb.47@osu.edu.

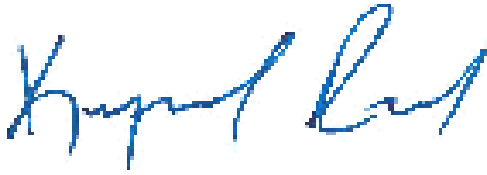
If you do not submit an appeal, this decision will be effective at the end of your appeal period.

Upon request, Student Life’s Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process, including the possible impact that any assessed sanctions may have on you.

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.

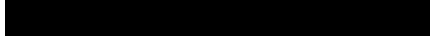
If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8 a.m. and 5 p.m. Monday through Friday.

Sincerely,



Krystal Reeb
Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Interim Assistant Vice President for Student Life - Matt Couch


Alumni Advisor - Tyler Young

Assistant Alumni Advisor - David Kovac

District Grand Master - Southern Ohio District, Kappa Sigma Fraternity - Matthew Charnas

Assistant Executive Director, Kappa Sigma Fraternity - Leo Brown

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 _____

From: "Reeb, Krystal" <reeb.47@osu.edu>
Sent: Monday, July 13, 2020 4:29 PM
To: [REDACTED]
Subject: FW: Kappa Sigma Appeal
Attachment(s): Appeal.pdf 62092 bytes
image001-2.png 3605 bytes

[REDACTED]

I want to confirm I received your appeal justification. Please note that your outcome letter states, "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 reeb.47@osu.edu."

Please either fill out the appeal form and email it to me or complete the online appeal form and attach this document. You can find the form attached to your outcome letter or here - <https://studentconduct.osu.edu/about-us/links-and-documents/>.

I know this may feel redundant, but it provides clarity for the appeals officer.

Thank you,
Krystal

The Ohio State University

Krystal D. Reeb

Associate Director

Pronouns: She, Her, Hers

Office of Student Life Student Conduct

Lincoln Tower 550, 1800 Cannon Drive, Columbus, OH 43210

614-292-9765 Office / 614-292-2098 Fax

reeb.47@osu.edu studentconduct.osu.edu

From: [REDACTED]
Sent: Monday, July 13, 2020 3:56 PM
To: Reeb, Krystal <reeb.47@osu.edu>
Subject: Kappa Sigma Appeal

Hello,

Attached is our letter of appeal on behalf of Kappa Sigma.

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]

To whom it may concern,

First, we would like to state the purpose of this letter, and to thank you for your consideration of our plea. As an organization, but also as a group of student leaders, we want our actions to coincide with the values and mission of the university which we attend and love. It would be unthinkable for us, as stewards of the new members which have grown to become friends and brothers to us, to put those who are in our care in harm's way. As such, this letter of appeal is in regards to the decision and subsequent suspension of the OSU Kappa Sigma chapter as a result of Case [REDACTED]

We strongly believe that the action for which this sanction has been placed on our organization does not violate the aforementioned section of the Student Code of Conduct. We would like to offer some contentions for your consideration, which we believe would exonerate us as an upstanding group of young men, behaving in accordance with the values and regulations of the Ohio State University. Below, we examine the literal contentions of this regulation as it applied in this case, as well as the underlying values, which we hold to be equally as important.

Here is a list of questions, which speak to

1. Would active, current members of the group refuse to participate in this activity with the new members? - NO.
2. Does the activity risk emotional or physical harm/abuse? - NO. The voluntary trips to the RPAC were unsupervised, unprompted by active members, and
3. Would I object to this activity being photographed for the school newspaper or filmed by the local TV news crew? - NO. We would be proud to know that our new members were taking full advantage of all of the amenities the Ohio State University has to offer.
4. Would I feel uncomfortable participating in this activity if my parents, professor, coach or university official were watching? - NO.
5. Would we get in trouble if the Director of Student Conduct walked by? - NO
6. Am I being asked to keep these activities a secret? - NO. Nobody was ever asked to keep these activities a secret. In fact, the information was volunteered to the Office of Student Conduct by chapter leadership.
7. Am I doing anything illegal? - NO. Performing voluntary physical exercise is not illegal.
8. Does participation violate my values or those of my organization? - NO. Both the school and Kappa Sigma believe in the value of balancing academic, social, and physical wellness.
9. Is this activity causing emotional distress or stress of any kind to myself or others? - NO. Nobody was asked to participate, much less encouraged to, or in any way pressured to do so.

10. Are we using university equipment in violation of the university student handbook or RPAC regulations? - NO

One of the questions to "Ask Yourself" to determine if hazing is being used can be found in Section 3335-23-04, "Would active, current members of the group refuse to participate in this activity with the new members and do exactly the same activity?" Our chapter believes its 80-man Kappa Sigma chapter would answer "NO". The Kappa Sigma National Headquarter education doctrine for pledges does not cover health and fitness. Kappa Sigma at The Ohio State University does believe in health and fitness and would share equally in an RPAC experience with others be they pledges, friends or members.

Another question found in Section 3335-23-04, "Does the activity risk emotional or physical harm/abuse?" The Ohio State University has one of our Nation's finest facilities in the RPAC. Undergraduate and graduate students are thrilled to use it. RPAC is also on the short list of must-see facilities for parents and friends when visiting. RPAC, the Oval and Mirror Lake, the Ohio Union, the Oxley-Thompson Library and more. Learning that pledges voluntarily went for fitness without fear of risk isn't surprising and as young persons they do not view physical harm from a work-out as being risky. Emotional harm is subjective but the fitness regime didn't appear to threaten the pledge class' spirit for wanting to join Kappa Sigma.

There are eight more questions which helps to organize a student's understanding of the ideas or concept of hazing. Kappa Sigma members would answer NO to all of them except, "If someone were injured, would I feel comfortable being investigated by the police or insurance carrier?" Members would have no issue answering questions.

The hazing investigation was spurred by a fictitious anonymous account, which was proven not to be true. In the process of the investigation, information was volunteered as we did not believe it to be hazing for our pledges to have conducted public, voluntary workouts. The pledges themselves, during the course of the investigation, have repeatedly stated that they were not hazed, and as such, there is no basis for a hazing charge. Additionally, the actives who did attend, were doing so not to "supervise" or "oversee" the activity, but rather to pursue their own fitness goals while participating in a common act of brotherhood. The actions found in violation of the university code did not in fact violate university code, because there was nothing mandatory nor harmful of stemming from the opportunity to participate in physical activity with peers.

In closing, Kappa Sigma asks that the Office of Student Conduct rescind the recent decision to revoke its student organization (Kappa Sigma) status with Student Life and Greek

Life. This Appeal is our act of contrition for being so uninformed on the merits of one very poor decision which was to engage in a manner seen as an act of hazing.

Warmest regards,

A solid black rectangular redaction box covering the signature area.

The Ohio State University
Student Conduct Appeal

Submitted on July 14, 2020 at 9:34:42 am EDT




Nature: **Administrative Hearing**
Urgency: **one**
Incident Date and Time: **2020-06-10**
Incident Location: **Krystal Reeb**

Reported by

Name:
Title:
Email:
Phone:
Address:

[UNAUTHENTICATED]

Student Information

  
Representative for a student organization

Appeal

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.

I am NOT appealing on the ground of procedural error(s).

2.) If you are appealing on the ground of procedural error, please identify the error(s) and explain how the error(s) prevented a fair, impartial or proper hearing. If you are not appealing on this ground, enter "N/A."

N/A

3.) 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

I am NOT appealing on the ground of substantial new evidence.

4.) Please describe the substantial new evidence and explain how it would have affected the outcome. If you are not appealing on this ground, enter "N/A."

N/A

5.) Please explain why this evidence was not available before or at your hearing. If you are not appealing on this ground, enter "N/A."

N/A

6.) Disciplinary Sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

I am appealing on the ground of grossly disproportionate sanctions.

7.) Refer to your outcome letter, which lists the sanctions given in your case. List the sanction (or sanctions) you believe are grossly disproportionate. If you are NOT appealing on this ground, enter "N/A."

Revocation of Chapter's status as a registered student organization.

8.) Explain why this sanction is grossly disproportionate.

The suspension period is too long.

9.) Provide additional information regarding your selection to the previous question.

N/A

10.) Provide an alternative sanction (or sanctions) that would be proportionate (i.e., shorter probation/suspension periods; different effective start or end dates for a suspension period). A response to this question is REQUIRED to submit an appeal on the ground of "disproportionate sanction." The decision on whether to grant an appeal and alter a sanction, however, remains with the Senior Vice President of Student Life (or designee). If you are not submitting an appeal on this ground, enter "N/A."

As stated in our letter below, I believe we deserve to be a registered student organization that is recognized by Ohio State. I'm proposing to allow us to recruit and operate as a Student Organization with very strict guidelines on everything from recruitment to social. We want to represent Ohio State, and are willing to make sacrifices in order to do so.

11.) Is there additional information you wish to share?

N/A

12.) If you are submitting other material with this appeal, please describe that material below.

This is a letter stating the reason behind our appeal

Attachments

appeal713.pdf

Pending IR #00034309

Submitted from 50.4.234.240 and routed to Krystal Reeb (Associate Director). Processed by routing rule #103.

Copies to: studentconduct@osu.edu,smith.4941@osu.edu

To whom it may concern,

First, we would like to state the purpose of this letter, and to thank you for your consideration of our plea. As an organization, but also as a group of student leaders, we want our actions to coincide with the values and mission of the university which we attend and love. It would be unthinkable for us, as stewards of the new members which have grown to become friends and brothers to us, to put those who are in our care in harm's way. As such, this letter of appeal is in regards to the decision and subsequent suspension of the OSU Kappa Sigma chapter as a result of Case [REDACTED]

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Warmest regards,

A solid black rectangular redaction box covering the signature area.

Dr. Meslissa Shivers
Vice President, Student Life
The Ohio State University
3034 N High St.
Columbus, OH 43210

RE: Kappa Sigma Appeal – Case [REDACTED]

Dear Dr. Shivers:

I am writing this in support of the Alpha Sigma chapter of Kappa Sigma's appeal of its revocation of a finding of hazing and as a recognized student organization. It will be a shame if these students are unable to benefit from membership in a Greek organization. Time spent as a member of a fraternity or sorority is often part of the positive college experience for many students, which you know. Spending time participating in such an organization is as valuable as classwork. One learns organization dynamics, personal relations, planning, responsibility, self-discipline, loyalty and much more.

I have been a supporter of The Ohio State University for many years. That support comes not only because I received a fine education but also because of my time in a fraternity. What I learned as an officer in that group I was able to apply to a successful career in industry. My capstone position was Executive Vice President of R&D for Nabisco. I had 1200 scientists reporting to me. I did not learn how to run such an organization in the classroom.

Currently and for the past several years, I have been involved with the university. My vitae include:

- Adjunct Professor- Food Science & Technology Department
- Previously Senior Lecturer – Fisher College of Business
- Distinguished Graduate Award – College of Engineering
- Meritorious Service Award – College of Engineering
- Meritorious Service Award – College of Food, Agriculture and Environmental Science
- 3 endowments – 2 scholarships in Chemical Engineering and a lectureship in Food Science.
- House Company Board – Kappa Sigma
- Alumni Advisory Board - Chemical Engineering Department
- Alumni Association
 - President's Club - Life Member (currently Scarlet and Gray Ambassador)
 - Alumni Advisory Council- representing College of Engineering (2 years)

I list these not to bore you but to demonstrate what continued loyalty to Ohio State can mean. "Once a Buckeye, always a Buckeye" is made a lot easier when a graduate can identify with a student organization. I am told that most donors to the Ohio State Foundation were Greeks as undergraduates. The Kappa Sigma fraternity members have surely learned their lesson now and know what can happen if they appear to run contrary to the Student Code of Conduct. Thank you for reading this.

Sincerely

Ronald D. Harris
[REDACTED]

Kappa Sigma Appeal Documentation

Case: [REDACTED]

Content	Page
Email from KR to the president: Requesting the chapter re-submit appeal using the correct form	2
Appeal form and accompanying letter	3
Email and attached documentation from Kappa Sigma Fraternity	8
Letter of support sent to Dr. Melissa Shivers	11

Reeb, Krystal

From: Reeb, Krystal
Sent: Monday, July 13, 2020 4:29 PM
To: [REDACTED]
Subject: FW: Kappa Sigma Appeal
Attachments: Appeal.pdf

[REDACTED]

I want to confirm I received your appeal justification. Please note that your outcome letter states, “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 reeb.47@osu.edu.”

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I know this may feel redundant, but it provides clarity for the appeals officer.

Thank you,
Krystal



Krystal D. Reeb
Associate Director
Pronouns: She, Her, Hers
Office of Student Life Student Conduct
Lincoln Tower 550, 1800 Cannon Drive, Columbus, OH 43210
614-292-9765 Office / 614-292-2098 Fax
reeb.47@osu.edu studentconduct.osu.edu

From: [REDACTED]
Sent: Monday, July 13, 2020 3:56 PM
To: Reeb, Krystal <reeb.47@osu.edu>
Subject: Kappa Sigma Appeal

Hello,

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Best regards,

[REDACTED]

9.) Provide additional information regarding your selection to the previous question.

N/A

10.) Provide an alternative sanction (or sanctions) that would be proportionate (i.e., shorter probation/suspension periods; different effective start or end dates for a suspension period). A response to this question is REQUIRED to submit an appeal on the ground of "disproportionate sanction." The decision on whether to grant an appeal and alter a sanction, however, remains with the Senior Vice President of Student Life (or designee). If you are not submitting an appeal on this ground, enter "N/A."

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To whom it may concern,

First, we would like to state the purpose of this letter, and to thank you for your consideration of our plea. As an organization, but also as a group of student leaders, we want our actions to coincide with the values and mission of the university which we attend and love. It would be unthinkable for us, as stewards of the new members which have grown to become friends and brothers to us, to put those who are in our care in harm's way. As such, this letter of appeal is in regards to the decision and subsequent suspension of the OSU Kappa Sigma chapter as a result of Case [REDACTED]

We strongly believe that the action for which this sanction has been placed on our organization does not violate the aforementioned section of the Student Code of Conduct. We would like to offer some contentions for your consideration, which we believe would exonerate us as an upstanding group of young men, behaving in accordance with the values and regulations of the Ohio State University. Below, we examine the literal contentions of this regulation as it applied in this case, as well as the underlying values, which we hold to be equally as important.

Here is a list of questions, which speak to

1. Would active, current members of the group refuse to participate in this activity with the new members? - NO.
2. Does the activity risk emotional or physical harm/abuse? - NO. The voluntary trips to the RPAC were unsupervised, unprompted by active members, and
3. Would I object to this activity being photographed for the school newspaper or filmed by the local TV news crew? - NO. We would be proud to know that our new members were taking full advantage of all of the amenities the Ohio State University has to offer.
4. Would I feel uncomfortable participating in this activity if my parents, professor, coach or university official were watching? - NO.
5. Would we get in trouble if the Director of Student Conduct walked by? - NO
6. Am I being asked to keep these activities a secret? - NO. Nobody was ever asked to keep these activities a secret. In fact, the information was volunteered to the Office of Student Conduct by chapter leadership.
7. Am I doing anything illegal? - NO. Performing voluntary physical exercise is not illegal.
8. Does participation violate my values or those of my organization? - NO. Both the school and Kappa Sigma believe in the value of balancing academic, social, and physical wellness.
9. Is this activity causing emotional distress or stress of any kind to myself or others? - NO. Nobody was asked to participate, much less encouraged to, or in any way pressured to do so.

10. Are we using university equipment in violation of the university student handbook or RPAC regulations? - NO

One of the questions to "Ask Yourself" to determine if hazing is being used can be found in Section 3335-23-04, "Would active, current members of the group refuse to participate in this activity with the new members and do exactly the same activity?" Our chapter believes its 80-man Kappa Sigma chapter would answer "NO". The Kappa Sigma National Headquarter education doctrine for pledges does not cover health and fitness. Kappa Sigma at The Ohio State University does believe in health and fitness and would share equally in an RPAC experience with others be they pledges, friends or members.

Another question found in Section 3335-23-04, "Does the activity risk emotional or physical harm/abuse?" The Ohio State University has one of our Nation's finest facilities in the RPAC. Undergraduate and graduate students are thrilled to use it. RPAC is also on the short list of must-see facilities for parents and friends when visiting. RPAC, the Oval and Mirror Lake, the Ohio Union, the Oxley-Thompson Library and more. Learning that pledges voluntarily went for fitness without fear of risk isn't surprising and as young persons they do not view physical harm from a work-out as being risky. Emotional harm is subjective but the fitness regime didn't appear to threaten the pledge class' spirit for wanting to join Kappa Sigma.

There are eight more questions which helps to organize a student's understanding of the ideas or concept of hazing. Kappa Sigma members would answer NO to all of them except, "If someone were injured, would I feel comfortable being investigated by the police or insurance carrier?" Members would have no issue answering questions.

The hazing investigation was spurred by a fictitious anonymous account, which was proven not to be true. In the process of the investigation, information was volunteered as we did not believe it to be hazing for our pledges to have conducted public, voluntary workouts. The pledges themselves, during the course of the investigation, have repeatedly stated that they were not hazed, and as such, there is no basis for a hazing charge. Additionally, the actives who did attend, were doing so not to "supervise" or "oversee" the activity, but rather to pursue their own fitness goals while participating in a common act of brotherhood. The actions found in violation of the university code did not in fact violate university code, because there was nothing mandatory nor harmful of stemming from the opportunity to participate in physical activity with peers.

In closing, Kappa Sigma asks that the Office of Student Conduct rescind the recent decision to revoke its student organization (Kappa Sigma) status with Student Life and Greek

Life. This Appeal is our act of contrition for being so uninformed on the merits of one very poor decision which was to engage in a manner seen as an act of hazing.

Warmest regards,

A solid black rectangular redaction box covering the signature area.

From: "Reeb, Krystal" <reeb.47@osu.edu>
Sent: Tuesday, July 14, 2020 11:03 AM
To: [REDACTED]+osu@efc.maxient.com" [REDACTED]+osu@efc.maxient.com>
Subject: FW: FW: Kappa Sigma Appeal
Attachment(s): [REDACTED]_KappaSigmaExpulsion.pdf 368492 bytes
image001.png 3605 bytes

From: Matthew Charnas [REDACTED]
Sent: Tuesday, July 14, 2020 10:31 AM
To: Reeb, Krystal <reeb.47@osu.edu>
Cc: Reistad, Aaron Z. <reistad.1@osu.edu>
Subject: Re: FW: Kappa Sigma Appeal

Good Morning Krystal -

Thanks for reaching out regarding the chapter's appeal document. I've attached the expulsion letter that came from Kappa Sigma HQ to each undergraduate member including [REDACTED]. They are allowed to appeal their individual expulsion as well as the charter removal within 30 days of the letter. Accordingly, [REDACTED] is able to also appeal the university decision based on his current status within Kappa Sigma. As you may note, Kappa Sigma HQ removed their charter due to alcohol violations. Kappa Sigma takes a strong stance against hazing, however, we did not find the chapter guilty of that based on the investigation.

Thank you for your consideration of their appeal. Don't hesitate to reach out if you have any questions.

Matthew B. Charnas
District President | Southern Ohio
[REDACTED]

On Mon, Jul 13, 2020 at 5:10 PM Reeb, Krystal <reeb.47@osu.edu> wrote:

Hi Matt,

I hope this email finds you well. I wanted to reach out to let you know that [REDACTED] has submitted an appeal on behalf of Kappa Sigma. I see that he didn't copy you or any other representative of Kappa Sigma so I wanted to make sure you were aware.

I'd like to provide the Kappa Sigma Fraternity the opportunity to submit any documentation you'd like the appeal officer to review given your decision last week including clarifying [REDACTED] status within Kappa Sigma.

As always, I appreciate your partnership and don't hesitate to reach out if you have any questions.

Thanks,
Krystal

The Ohio State University
Krystal D. Reeb
Associate Director
Pronouns: She, Her, Hers
Office of Student Life Student Conduct
Lincoln Tower 550, 1800 Cannon Drive, Columbus, OH 43210
614-292-9765 Office / 614-292-2098 Fax

From: [REDACTED]
Sent: Monday, July 13, 2020 3:56 PM
To: Reeb, Krystal <reeb.47@osu.edu>
Subject: Kappa Sigma Appeal

Hello,

Attached is our letter of appeal on behalf of Kappa Sigma.

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]



Matthew Charnas

Kappa Sigma Expulsion

Kim Yancey <kim@hq.kappasigma.org>

Wed, Jul 8, 2020 at 10:16 AM

To: [Redacted]

Cc: "matthew.chnas" [Redacted] <matthew.chnas [Redacted]>



July 8, 2020

Dear [Redacted]

This notice will inform you that pursuant to Article IV, Section 10, Sub-Section 5 (A) of the Constitution of Kappa Sigma Fraternity, the Supreme Executive Committee unanimously expelled the Alpha-Sigma Chapter at The Ohio State University on July 6, 2020. This action resulted in the withdrawal of the Chapter's Charter and the expulsion of undergraduate members of the Chapter, including yourself. Accordingly, as a result of your expulsion, all future rights, privileges, and benefits of membership in Kappa Sigma Fraternity will be denied you.

The Kappa Sigma Fraternity also directs you to cease and desist from participation in any further activities or events involving the Kappa Sigma Fraternity. You have no authority or standing to utilize the name or service marks of the Fraternity. Should you attempt to participate in any sub rosa activity or operate an underground chapter, participate in any damage or negative action to the chapter house or Kappa Sigma property, violence or retaliation on other members the Fraternity may take legal action against you. The Fraternity will also turn your name over to the University and encourage them to take any and all disciplinary/judicial action that is possible regarding your status as a student at the institution.

You have the right to appeal your expulsion in accordance with Article V, Section 5 of the Constitution of Kappa Sigma Fraternity. Pursuant to that Section, any written appeal must be received by the Supreme Executive Committee not later than 30 days from the date of this notice.

Should you have any questions concerning this matter, please do not hesitate to contact the Assistant Executive Director Leo Brown at Kappa Sigma International Headquarters.

Sincerely,

Mitchell B. Wilson
Executive Director

MBW:ky

CC: Matthew B. Charnas, District Grand Master - Southern Ohio

Dr. Meslissa Shivers
Vice President, Student Life
The Ohio State University
3034 N High St.
Columbus, OH 43210

RE: Kappa Sigma Appeal – Case [REDACTED]

Dear Dr. Shivers:

I am writing this in support of the Alpha Sigma chapter of Kappa Sigma's appeal of its revocation of a finding of hazing and as a recognized student organization. It will be a shame if these students are unable to benefit from membership in a Greek organization. Time spent as a member of a fraternity or sorority is often part of the positive college experience for many students, which you know. Spending time participating in such an organization is as valuable as classwork. One learns organization dynamics, personal relations, planning, responsibility, self-discipline, loyalty and much more.

I have been a supporter of The Ohio State University for many years. That support comes not only because I received a fine education but also because of my time in a fraternity. What I learned as an officer in that group I was able to apply to a successful career in industry. My capstone position was Executive Vice President of R&D for Nabisco. I had 1200 scientists reporting to me. I did not learn how to run such an organization in the classroom.

Currently and for the past several years, I have been involved with the university. My vitae include:

- Adjunct Professor- Food Science & Technology Department
- Previously Senior Lecturer – Fisher College of Business
- Distinguished Graduate Award – College of Engineering
- Meritorious Service Award – College of Engineering
- Meritorious Service Award – College of Food, Agriculture and Environmental Science
- 3 endowments – 2 scholarships in Chemical Engineering and a lectureship in Food Science.
- House Company Board – Kappa Sigma
- Alumni Advisory Board - Chemical Engineering Department
- Alumni Association
 - President's Club - Life Member (currently Scarlet and Gray Ambassador)
 - Alumni Advisory Council- representing College of Engineering (2 years)

I list these not to bore you but to demonstrate what continued loyalty to Ohio State can mean. "Once a Buckeye, always a Buckeye" is made a lot easier when a graduate can identify with a student organization. I am told that most donors to the Ohio State Foundation were Greeks as undergraduates. The Kappa Sigma fraternity members have surely learned their lesson now and know what can happen if they appear to run contrary to the Student Code of Conduct. Thank you for reading this.

Sincerely

Ronald D. Harris
[REDACTED]

July 21, 2020

Alpha Sigma Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED]

I have received your appeal of the sanctions that resulted from your disciplinary case. The Code of Student Conduct (“Code”) requires that an appeal state the basis on which you are appealing the outcome. Your appeal is based on your claim that the sanction imposed is grossly disproportionate to the violation committed. Pursuant to the Code, an appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in the Code. A decision by a hearing body will not be altered unless it is determined that the appeal standards provided by the Code have been met.

I have given your appeal careful consideration. Based on my independent review of the record and supporting documents, I do not find that the sanction imposed is grossly disproportionate to the violations committed. I have, therefore, decided to support the decision that resulted from this process.

If you have questions regarding your case, please contact the Student Conduct office at (614) 292-0748.

Sincerely,



Matt Couch, PhD
Interim Assistant Vice President for Student Life

CC: Associate Director of Student Conduct - Krystal Reeb
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D