

Case No: [REDACTED]

Organization Name: Phi Delta Theta

Charge Date: 2019-10-25

Hearing Date: December 16, 2019

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

Pending IR #00028629

Submitted from 140.254.8.137 and routed to Krystal Reeb (Associate Director). Processed by routing rule #600.

Copies to: defreitas.12@osu.edu,cugliari.6@osu.edu,reeb.47@osu.edu,smith.4941@osu.edu,records@osu.edu

Submitted from 140.254.8.137 and routed to Krystal Reeb (Associate Director)

Modified by Michael Volkman on August 26, 2019 at 10:56:44 am EDT from 128.146.231.212



August 30, 2019

The Ohio Zeta chapter of Phi Delta Theta

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of the Ohio Zeta chapter of Phi Delta Theta,

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 Ohio Zeta chapter of Phi Delta Theta ("the Ohio Zeta chapter") 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 2018-2019 academic year that could be continuing into this semester.

As a result, I hereby place the Ohio Zeta chapter on interim suspension and temporarily discontinue the Ohio Zeta 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 2018-19 academic year
- All members initiated during the 2018-2019 academic year, 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
- member status (new member, disaffiliated member, etc.).

Terms of interim suspension

During the period of this interim suspension, the Ohio Zeta 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.

Request for reinstatement

The Ohio Zeta chapter has the right to request reinstatement. That request must be in writing and must include supporting documentation or evidence that the Ohio Zeta chapter 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 to me by email to mull.67@osu.edu. Please consult the [Code of Student Conduct, Section 3335-23-20](#), for a complete description of this process.

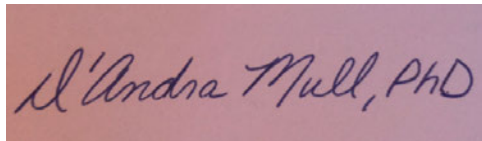
Notice to others

We will share notice of this interim suspension with other university officials, Phi Delta Theta, 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 Ohio Zeta 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 box containing a handwritten signature in blue ink that reads "D'Andra Mull, PhD".

D'Andra Mull, PhD
Associate Vice President for Student Life & Dean of Students

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas

Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell

August 31, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Phi Delta Theta,

Student Conduct has received information that describes conduct by Ohio Zeta chapter of Phi Delta Theta during the 2018-2019 academic year that may be ongoing. The report details practices in your chapter's new member process. I am investigating whether this conduct occurred and, if it did, whether it 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. (*definition effective February 22, 2019*)
- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.
- 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. (*definition did not change*)
- 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. (*definition effective February 22, 2019*)

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

As a leader of the organization, you must contact Student Conduct **as soon as possible**, and no later than September 5, 2019, to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to offer information regarding your chapter's new membership process, to provide materials, and to identify other individuals with information about the alleged incident. Please submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by email to me at volkman.9@osu.edu prior to our meeting.

The Dean of Students directed you to submit member rosters with contact information to Student Conduct. We will review that information during our meeting.

You may bring an 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. I encourage you to bring your chapter's local advisor and/or a representative of your fraternity's headquarters to attend the meeting.

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

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

If you do not contact our office by September 5, 2019 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

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

Sincerely,



Michael Volkman
Senior Conduct Case Manager

Statement of Student Rights

1. **Written notice of university charges** (3335-23-07 A.)
 - a. Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website), or by mail to the accused student's local or permanent address.
2. **Meeting with a University Official** (3335-23-07 C.)
 - a. Students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.
3. **Hearing** (3335-23-08)
 - a. In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing.
 - b. [A] student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing.
 - c. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.
4. **Notice of Hearing** (3335-23-09 A.)
 - a. If a hearing is to be held, written notification will be provided
 - b. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing
 - c. Unless already provided to the student, the notification will include the charge(s), date, time, and location of hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.

5. **Postponement** (3335-23-09 B.)
 - a. The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

6. **Advisor** (3335-23-10 B.)
 - a. The accused student may have an advisor throughout the disciplinary process
 - b. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.

7. **Written statements and witnesses** (3335-23-10 C.)
 - a. The accused student:
 - i. May submit a written statement;
 - ii. May invite relevant factual witnesses to attend;
 - iii. May invite character witnesses to submit written statements;
 - iv. May ask questions of witnesses called by others;
 - v. Will be notified of potential witnesses to be called;
 - vi. Must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing.

8. **Standard of Evidence** (3335-23-10 F.)
 - a. A student will only be found in violation if a preponderance of the evidence supports the charges.

9. **Attendance** (3335-23-11)
 - a. No inference will be drawn against a student for failing to attend a hearing or remaining silent.
 - i. The hearing will proceed and the conclusion will be based on the evidence presented.
 - b. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

10. Record of proceedings (3335-23-12)

- a. A single record consisting of written notes, tape recording, or other method selected by the hearing board or officer, will be made of all hearings.
 - i. Such record will remain property of the university but will be made available to the accused for review during the appeal period.
- b. A written notice of the decision, and, if found in violation, information regarding appeal procedures will be provided to the accused student.

11. Hearing Bodies (3335-23-13 B.)

- a. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision or choose to have a hearing.

12. Hearing Bodies (3335-23-13 C.)

- a. Students will generally be afforded the right to choose an administrative or a board hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.

13. Right to appeal (3335-23-18 A.)

- a. A student found to have violated the Code of Student Conduct has the right to appeal the original decision.

14. Right to appeal (3335-23-18 A.)

- a. In cases involving charges related to sexual harassment, the victim may appeal the original decision in accordance with the appeals procedures provided in this section
 - i. Such charges include, but are not limited to, sexual misconduct and stalking.

Hearing Procedures

3335-23-10 Hearing procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- A. **Attendance** – Attendance at hearings is limited to those directly involved or those requested by the hearing officer or board to attend. The hearing officer or board will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings
- B. **Advisor** – The accused student may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board
- C. **Written statements & witnesses** – The accused may: submit a written statement invite relevant factual witnesses to attend, invite character witnesses to submit written statements, ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing. The university may present witnesses as well as question those presented by the accused
- D. **Witness absence** – The hearing officer or board coordinator may allow written statements if, for good reason, a fact witness cannot attend the hearing
- E. **Consultants** – In cases requiring special expertise, the board coordinator may appoint individuals with appropriate expertise to serve as consultants to the board. The consultants may be present and provide information as called upon during the hearing but will not vote
- F. **Standard of evidence** – A student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the board will continue to deliberate. If after the board determines that exhaustive deliberations have occurred and a majority decision is not reached, the student will be found not in violation
- G. In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

October 25, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers [REDACTED]

Dear [REDACTED] members of Phi Delta Theta:

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

You will find the investigative packet via the following link:

Link: [REDACTED]

Password: [REDACTED]

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

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

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

If you would like to schedule a meeting to discuss the charges and investigative packet further,

please call the the Office of Student Conduct at 614-292-0748 to schedule this meeting.

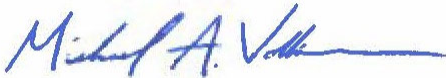
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Upon request, Student Life's Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process

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Please call or email me if you have questions.

Sincerely,



Michael Volkman
Senior Conduct Case Manager

CC:

[REDACTED]
Conduct Case Manager - Aaron Reistad
Phi Delta Theta COO - Sean Wagner
Phi Delta Theta Director of Chapter Services - Dylan Berg
Phi Delta Theta Ohio Zeta Province President - Allan Williams
Phi Delta Theta Chapter Services Coordinator - Todd Simmons

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

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

- 3335-23-04 (L) Hazing. Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, continued membership, or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section. (Code of Student Conduct, Revised February 22, 2019)
- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. (Code of Student Conduct, Revised September 2, 2016)
- 3335-23-04 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. (Code of Student Conduct, Revised February 22, 2019)
- 3335-23-04 (B1): Endangering Behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. Relationship violence or intimate partner abuse may constitute endangering behavior. (Code of Student Conduct, Revised September 2, 2016)

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

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

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

_____ I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Hearing before a University Hearing Officer.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board. My preferred hearing day/times are:**

- _____Mondays starting at 9:00 a.m.
- _____Mondays starting at 1:00 p.m.
- _____Fridays starting at 9:00 a.m.
- _____Fridays starting at 1:00 p.m.

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

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

This form is due by 4:30 pm on **October 29, 2019**.

Signature: _____ Date: _____

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

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

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

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

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

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PERSONAL AND CONFIDENTIAL

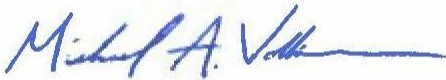
Regarding Case Number: [REDACTED]

[REDACTED]

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

Please let me know if you have any questions.

Sincerely,



Michael Volkman
Senior Conduct Case Manager

Distributed to: [REDACTED]

October 25, 2019

Phi Delta Theta

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers [REDACTED]

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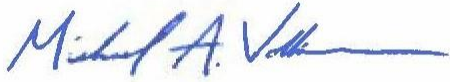
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Sincerely,



Michael Volkman
Senior Conduct Case Manager

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



OFFICE OF STUDENT LIFE
STUDENT CONDUCT

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

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

******* I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**

I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Hearing before a University Hearing Officer.**

I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board. My preferred hearing day/times are:**

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

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

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

This form is due by 4:30 pm on **October 29, 2019.**

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

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Phi Delta Theta

Email: [REDACTED]

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

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

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

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

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

*** I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Hearing before a University Hearing Officer.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board. My preferred hearing day/times are:**

- _____Mondays starting at 9:00 a.m.
- _____Mondays starting at 1:00 p.m.
- _____Fridays starting at 9:00 a.m.
- _____Fridays starting at 1:00 p.m.

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

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

This form is due by 4:30 pm on **October 29, 2019.**

Signature: __________ Date: _____10/30/2019_____

November 25, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Numbers: [REDACTED]

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

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

- 3335-23-04 (L) Hazing. Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation, continued membership, or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section. (Code of Student Conduct, Revised February 22, 2019)
- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form. (Code of Student Conduct, Revised September 2, 2016)
- 3335-23-04 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. (Code of Student Conduct, Revised February 22, 2019)
- 3335-23-04 (B1): Endangering Behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action. Relationship violence or intimate partner abuse may constitute endangering behavior. (Code of Student Conduct, Revised September 2, 2016)
- 3335-23-04 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including

failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

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

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

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

Sanctions

I considered the following factors in determining appropriate sanctions:

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

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

Outcome

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Requests for Extensions and Modifications

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

Staffing Change

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

Appeal

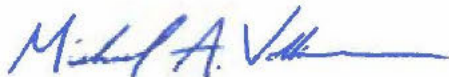
Because your chapter accepted responsibility, it may only appeal on the basis that the

disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4 p.m. on **December 4, 2019**. Use the online appeal form found at <https://go.osu.edu/appeals> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in the signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period.

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

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

Sincerely,



Michael Volkman
Senior Conduct Case Manager

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

[REDACTED]

STUDENT CONDUCT APPEALS

Student Appeals

- A student or organization found to have violated the Code of Student Conduct has the right to appeal the original decision. **The appeal is not intended to re-hear or re-argue the same case, and is limited to the specific grounds outlined below.** The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand delivered to the appropriate appeal officer, or sent via email, **by the deadline provided in the decision letter**, which is usually five (5) working days after the date on which notice of the decision is sent to the student. Each student or organization shall be limited to one appeal. **The decision of the appeal officer is final.**
- In cases involving charges relating to sexual harassment as defined in applicable university policy, the victim may appeal the original decision. Such charges include, but are not limited to, sexual misconduct and stalking.
- A student who (or organization that) has accepted responsibility (Administrative Disposition) for violating the Code of Student Conduct waives the right to appeal, except on the basis that the disciplinary sanction is grossly disproportionate to the violation(s) committed.
- Each party shall be limited to one appeal. The decision of the appeal officer is final.

Grounds for appeal

An appeal may be based only upon one or more of the following grounds:

1. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results;
2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body; or
3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.

Non-attendance by the accused student may not be the sole grounds for an appeal. Dissatisfaction with a decision is not grounds for appeal.

Appeal Procedure

1. Complete the Appeal Request Form, including signing the form.
2. If applicable, attach supporting documentation.
3. Turn in the signed form and any added documentation to Student Conduct by the deadline. Student Conduct will ensure that the appeal officer receives the appeal and the record of the case.
4. Students neither meet with nor make oral presentations to the appeal officer, except at the request of the appeal officer in order to obtain relevant information.
5. Students who do not submit their appeals by the date/time specified in their decision letter waive their opportunity to appeal.
6. Students who do not provide information concerning the basis of their appeal waive their opportunity to an appeal.

APPEAL REQUEST FORM

Name: _____ Student ID#: _____

Phone: _____ Email: _____

I am the: _____accused student _____victim in a sexual harassment/violence case

I am basing my appeal on one or more of the following reasons [If you check a basis, you must provide facts, documentation or perspective that supports your appeal. It is important to provide information that is as detailed and accurate as possible, so that the appeal officer can make an informed decision regarding the appeal. You may attach additional sheets as needed].

_____1. Procedural error that resulted in material harm or prejudice to the student (i.e. by preventing a fair, impartial, or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.

Please identify the procedural error(s) that took place and how the error(s) prevented a fair, impartial or proper hearing.

_____2. Discovery of substantial new evidence that was unavailable at the time of the hearing, and which reasonably could have affected the decision of the hearing body.

Please describe the new evidence and, if appropriate and possible, attach it to this appeal. Indicate why the information was not provided at the time of the hearing. Also indicate why the information is sufficient to alter the original decision in the case.

____3. Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating circumstances.

Please explain how the sanction is grossly disproportionate to the violation (i.e. unreasonably harsh or light, given all of the relevant circumstances).

I certify that the information presented in my appeal is accurate, to the best of my knowledge. I understand that providing false information is a violation of the Code of Student Conduct and subject to disciplinary charges.

Signature _____ Date _____

For Student Conduct Staff:

Received by: _____ Time _____

Date Stamp:

Delivered to Appeal Officer

Date _____

February 20, 2018

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

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

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

You accepted responsibility for the following violations of the Code of Student Conduct:

- **3335-23-04 (J): Alcohol:** Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law

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

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

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

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

Disciplinary Sanction

Your chapter's disciplinary probation is effective immediately through December 15, 2018. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning. Rather, probation supports the chapter's efforts to avoid additional violations, which could result in further disciplinary action including extended probation,

suspension, or dismissal.

Educational Sanctions

Risk Management Analysis

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

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

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

Minimum Risk Management Practices Required

Adherence to BYOB Policies

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

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

Paid Security

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

Sober Monitors

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

Follow Up Meetings

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

Documented Compliance

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

Documenting Alcohol

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

Guest Lists

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

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

Additional Items

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

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

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

Progressive Return of Social Privileges

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter Presentation to Stakeholders

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

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

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

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

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

Summary of Dates

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

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

Requests for Extensions and Modifications

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

Staffing Change

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

Appeal

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Bailey', with a stylized flourish at the end.

Katie Bailey
Hearing Officer

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

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).

see attached documents

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

12/9/2019

For Student Conduct Staff:

Received by: *Michael A. Vollen*

Time 1:45 pm 12/9/19

Date Stamp:

RECEIVED

DEC 9 2019

Delivered to Appeal Officer

STUDENT CONDUCT

Date 12/9/19

To the Office of Student Conduct,

Phi Delta Theta is appealing the sanctions imposed on November 25th, 2019 on the grounds that the sanctions were grossly disproportionate to the violations committed. Our basis for this is centered on a number of factors:

- An apparent lack of consideration into the individual nature of this case relative to previous Student Conduct decisions regarding other Ohio State fraternities

In various meetings with Student Conduct officials, it was often stressed that the time frame surrounding Conduct decisions was difficult to estimate due to the individual nature of each case. It was mentioned that Conduct did not impose “cookie-cutter decisions”. However, Phi Delta Theta’s multiple-year revocation as a student organization follows the same path as Theta Tau, Phi Kappa Psi, Zeta Beta Tau, Tau Kappa Epsilon, Alpha Epsilon Pi, and Sigma Alpha Mu. It is difficult to believe that the individual nature of Phi Delta Theta’s case, and the recommended sanctions drafted on behalf of Phi Delta Theta’s General Headquarters, was seriously considered in the decision process. Rather it appears that the members of Phi Delta Theta were disregarded into the likeness of the previous six fraternities mentioned, going against the words of Student Conduct officials of no “cookie-cutter decisions”.

- The incorrect assumption that Phi Delta Theta has not seized previous opportunities to change it’s structure and culture to conform and exceed University standards.

The decision letter states that previous reports of misconduct from Phi Delta Theta, which did not receive formal charges, provided opportunities for Phi Delta Theta to “recommit to leading the community in hosting safe events and initiatives for its members and guests”. In 2018, Phi Delta Theta underwent social suspension and was administered a list of “Minimum Risk Management Practices” to adopt. Phi Delta Theta formally adopted those risk management practices, and began redrafting its risk management policy to include new practices that went beyond those imposed from Conduct. These new practices included the use of third-party vendors for social events, an online guest list system for social events, and an overhaul of risk policy that addressed plans of action in case something were ever to go wrong at social events. Phi Delta Theta repeatedly demonstrated it’s eagerness to follow these policies, and was one of the first of the large social fraternities to adopt these policies, establishing ourselves as community leaders in the aspect of social risk management.

- The sanctions imposed serve as a punishment for current members and yield no future opportunity for current members to impose the cultural changes that Student Conduct wishes to see in 2025

The Conduct letter states that Phi Delta Theta’s revocation as a student organization is the most appropriate and proportionate response, as well as the outcome that provides Phi Delta Theta with “the opportunity to develop a culture that mirrors it’s vision and values in its re-established chapter”. In no way does this outcome provide Phi Delta Theta the opportunity to develop any new structural or cultural changes, especially those changes planned by Phi Delta Theta’s General Headquarters. Status revocation

until 2025 ensures that no current members of Phi Delta Theta would be able to congregate or operate in any capacity that could benefit the future newly-established chapter, as every current member will have graduated by that date. The letter suggests that current members submit a memorandum identifying actions they could take when re-joining campus in 2025, but current members would have no way to ensure that these actions are actually followed through by future members. Current members of Phi Delta Theta have already taken measures to enact a plan of action that would have completely changed the structure and culture of Phi Delta Theta in the coming semesters, and these measures were created with the help of the General Headquarters. The current members and Phi Delta Theta's General Headquarters demonstrated great enthusiasm and will to adopt this new plan of action, as the chapter had similarly done with the previous risk management policies, but that opportunity is negated by Conduct's sanctions.

- The sanctions imposed create unnecessary hardship for sophomores living in the Phi Delta Theta chapter house

The letter states that current sophomores living in the Phi Delta Theta chapter house will be subject to University policy, which would entail that these students must move into on-campus housing as Phi Delta Theta's chapter house would lose its STEP-approved status. The University housing policy states that financial hardship and special hardship are reasonable excuses for exemption from the standard housing policy. Conduct's decision to revoke Phi Delta Theta's student organization status and thus its STEP-approved status has already created both financial and special hardships for sophomore members of Phi Delta Theta, given that these students are now dealing with the stress of the logistics surrounding the move back onto campus, as well as the costs of doing so. Many sophomores choose to live in a fraternity chapter house because room and board, as well as the chapter house meal plan are cheaper than the University's options. Many sophomores pay for college on their own, and are now struggling to figure out how they will afford to live back on campus and pay for a University meal plan. The timing of Conduct's decision adds to this stress, as sophomores only have one month to figure their housing and meal plan situation.

Attached to this letter of appeal are the previous sanction recommendations drafted by Phi Delta Theta and their General Headquarters, as well as one of the risk management policies that was drafted in response to the 2018 Conduct case. All risk management policy documents can be sent into Student Conduct upon request. The sanctions recommendations has been updated to include membership reviews, conducted by Phi Delta Theta's General Headquarters. These reviews would seek to remove those members who are not committed to the ideals that Phi Delta Theta upholds and the structural changes that have been occurring. Another edit to the recommendations has been made that pushes back Phi Delta Theta's recruitment to Autumn of 2020, fully ensuring that there is ample time to plan the new Phikeia program. The recommendations and risk management policy are meant to serve as proof of Phi Delta Theta's willingness and eagerness to change Greek culture for the better, as it has done in the past with its commitments to raising the cumulative chapter GPA, hosting philanthropy events for charities such as Live Like Lou, and adopting new and intuitive risk management policies. The signatures below serve as a display of solidarity from Phi Delta Theta's members in everything stated in this letter, as well as solidarity in their commitment to continue being a force of positive change in the Ohio State community.

Sanctions Recommendations (Updated)

- **Pilot Program:** Enroll in & start the Pilot Program for Phikeia Education in the Autumn of 2020.
 - Both the Phikeia Educator and the Recruitment Chairman would be expected to attend the training track offered at the 2020 President's Leadership Conference (PLC).
- **New Member Education:** During 2 of the 3 weeks of new member education, a General Headquarters (GHQ) staff member or a locally trained volunteer would be present and part of the weekly meeting.
- **Anti-Hazing/Risk Prevention Experience:** Either as a chapter or in collaboration with the campus community, host an event that would hone in on a pressing risk management issue that would provide education and other beneficial resources to help push against this.
- **Advisory Board Structure:** In conjunction with GHQ, the Housing Corporation (HC), and the Chapter Advisory Board (CAB), realigning current structures of both advisory groups to represent best practices for chapters of Phi Delta Theta. All members of the CAB would complete the GHQ-provided training module to prepare for their role.
 - Once determine, a meeting with GHQ/CAB/HC and the Ohio State University staff would be scheduled to begin to create relationships and understand shared expectations.
- **Spring Semester Meeting:** Hosting a post-PLC retreat/session planned with the entire chapter and led by a GHQ staff member with CAB members present to reset expectations to set the tone for the chapter moving forward.
- **Recruitment:** Through working with the Director of Growth, the chapter will utilize GHQ's recommended bid selection and recruitment voting process to ensure alignment with the pilot program.
- **Accountability:** Individual accountability for any member involved in the allegations from last spring as well as providing the opportunity for members to resign if not willing to get on board with changes and the AFH policy.
- **PLC Cohort:** The chapter president will participate in a cohort-based experience through PLC. This will include monthly meetings with a GHQ staff member and fellow chapter presidents that will serve as a support structure for all chapters involved.
- **Social Probation:** Until 8/25/2020. Event hosted follow this date will need to be put through the proper registration processes with both the university and GHQ and will require approval from both parties.
- **Live-In Advisor:** The newly hired live-in advisor is expected to attend GHQ's Live-In Leadership Adviser training in summer 2020.
- **Kleberg Emerging Leaders Institute:** Six (6) members will be expected to attend this educational leadership conference.
- **Officer Structure:** The chapter will add two (2) risk prevention officer positions – one for GHQ's event planning and one for the Ohio State University's event planning to broaden the workload and capacity.
- **Chapter Operations:** Review of chapter bylaws and governance structure to ensure it's in alignment with the code and promotes individual accountability especially around AFH and new member education.
- **Province Retreat:** The chapter will be expected to send twelve (12) members to the 2020 Province Retreat hosted at Ashland University; six of these members must be chapter officers.
- **Membership Review:** Led by GHQ staff, a membership review will occur in early January in conjunction with alumni volunteers. These interviews will allow GHQ/alumni to determine membership based off of answers to a series of questions asked during the membership interview. That statuses of Good Standing, Suspended (up to one year), Alumni, or Separated (removed/expelled) will be assigned to each member, then approved by the regional volunteer (Province President, Allan Williams). Members not in line with our values/policies or those unwilling to commit to those will be removed from membership.

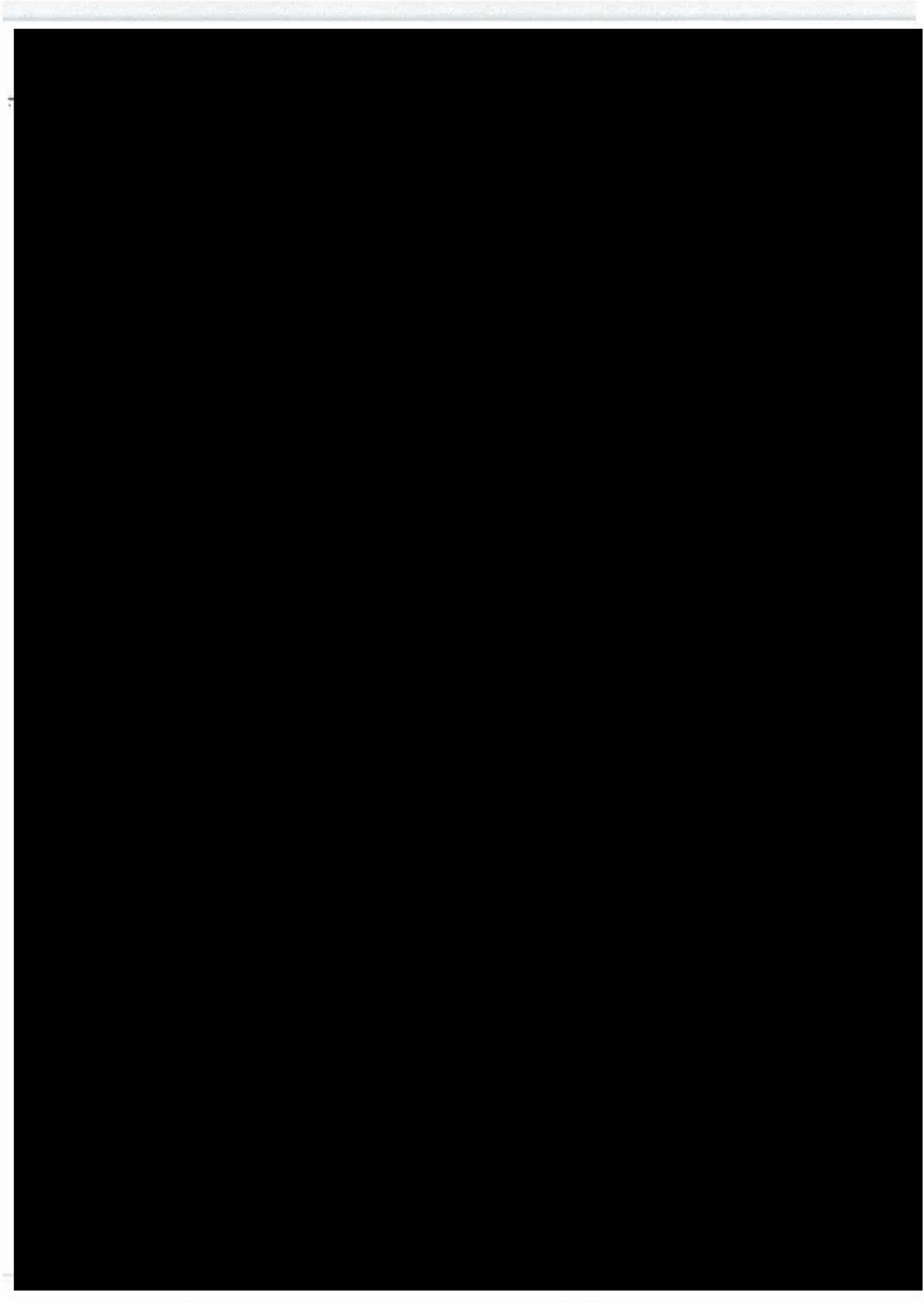
Phi Delta Theta - After Hours Risk Management Policy

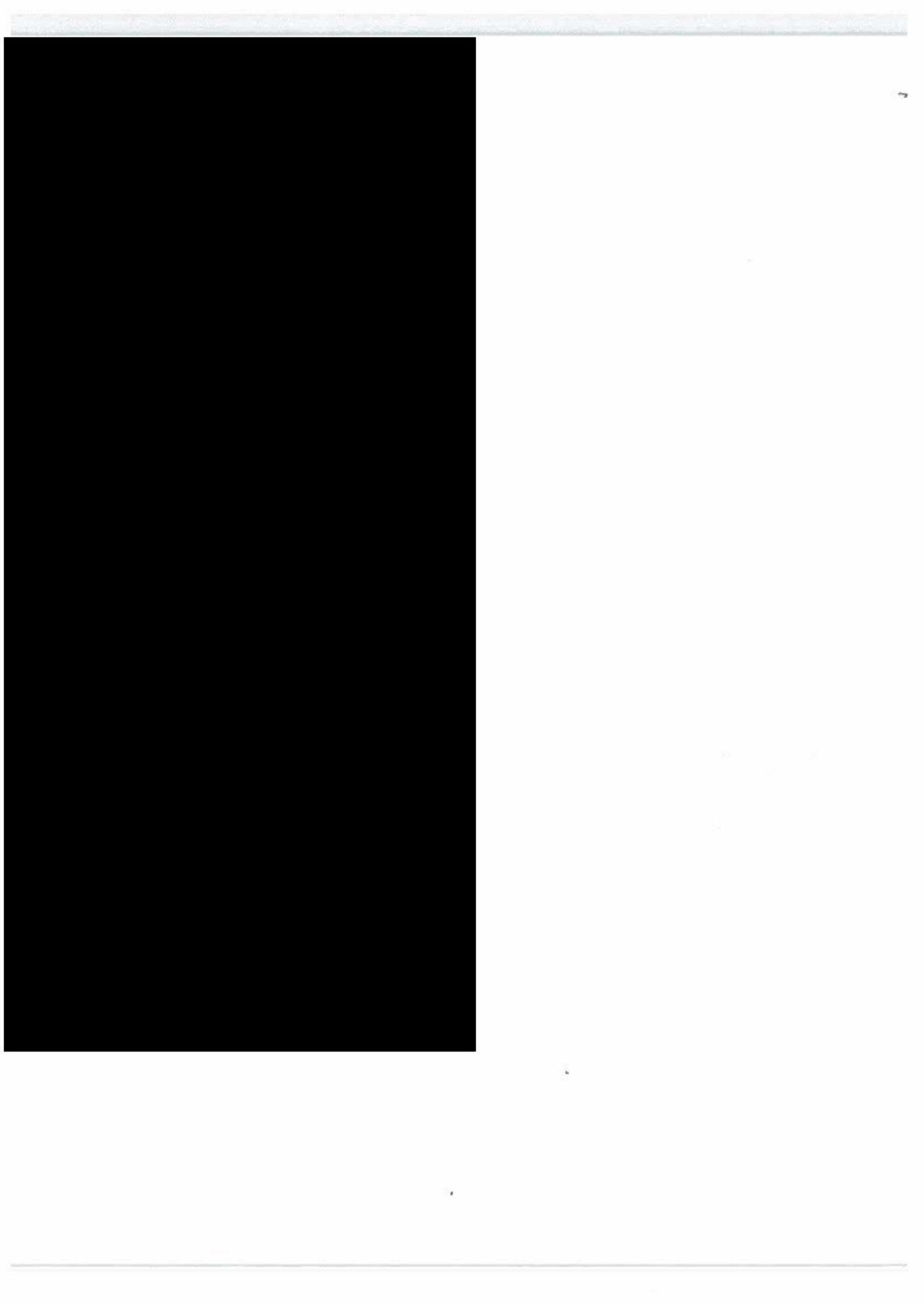
-AFTER HOURS GENERAL OVERVIEW AND OPERATIONS -

- Under SFL this is a **TYPE 3** event
- The event will take place at a fraternity annex house in the back parking lot OR inside the annex. The address shall be specified in required documents.
- Transportation to the event for members is by walking from their homes or uber-ing. The same goes for guests of the event.
- The event will typically start at 11pm and always end by 2am
- Members are allotted to invite any family & three out of university friends
- Members from sororities are to be invited by the chapter
- The typical after hours should have 3:1 ratio (girls to boys)
- There will be one entrance to the event which will first have sober monitors signing in guests via circle and QR scanner
- There will be a bar in place that is ran by a recognized third party vendor that will sign all of our required documents to serve alcoholic beverages to guests over the age of 21
- Working in tangent with the vendor will be a security guard either partnered or hired by the same company as the vendor.
 - Will check ID's at the door and give wristbands to guests over 21 and write X's on hands of guests under 21.
 - The security will be placed behind the sober monitors signing in guests. This provides 2 layers of security before being allowed to enter the event.
- At the start of each event a food order will be placed (either pizza or similar style food) that will be placed near the bar throughout the duration
- There will also be a gatorade cooler placed near the bar labelled water that guests can use at any time.

-TO DO LIST-

- Register the event on SFL page (*5 days prior to event)**
- SFL - 3rd Party Vendor Risk Management Plan**
 - Update Primary Contract
 - Check all 3rd party vendor details** from Vendor's *Certificate of Liability & License* - Ask for a copy if cannot be found, or previously used (submit new licenses on the drive for future reference)
 - Check 3rd Party Security for whom is checking ID's
 - Order food** for the event and place the food along with the water cooler near the bar at a table.
 - Sign off - social chair, president, chapter advisor
- Phi Delt - 3rd Party Vendor Agreement**
- Phi Delt - Security Agreement**
- Google Form - Invite/Guest List**
- Party Check**
 - Non alcoholic beverages present
 - Guest list
 - Non salty food present
 - Guests and sober monitors list posted by door
 - Single Secure entrance
 - Checking ID's / marking guests
 - Signs for food and water
 - Emergency contacts, alternative transportation, sober monitors signs posted at door & bar





December 4, 2019

Senior Vice President for Student Life
Office of Student Conduct
550 Lincoln Tower
1800 Cannon Drive
Columbus, Ohio 43210

Dear Ms. Calhoun (Interim Senior Vice President for Student Life):

This letter is being offered by alumni in support of the Ohio Zeta chapter appeal to sanctions issued by the Office of Student Conduct. Historically, the revocation of a chapter's student registration has been to rid the campus of fraternities who have participated in the most heinous of activities. Our Fraternity and the Ohio Zeta chapter has not and does not stand for this type of behavior, yet is being cast and treated as among groups of people who commit such activities. We believe there is a better way.

Accordingly, in addition to the self-proposed sanctions previously offered by the Chapter, we suggest the following additional suspension sanction and actions.

- Extending the current suspension for the full year to the beginning of Fall semester 2020.
- Furthermore, during this time period, addressing the activities listed below including further enrichment of these actions by creating, documenting, and more importantly, establishing new standard operating procedures that will drive and assure follow through. While on the extended suspension; in order to plan, mobilize and execute these actions and minimize disruption to sophomores currently living in the fraternity house we would essentially operate as a rooming house with approved sophomore live-in rights.
 - Documented recurring systematic hazing education for chapter leadership and its members
 - Mentorship programs for all first year members
 - Parent engagement strategies
 - Greater structured alumni and advisor involvement and periodic metric based reporting
 - New member education on required behavioral standards for continued affiliation
 - Implementation of drug and alcohol risk management policies and education as prescribed by the university and General Headquarters
 - Receive endorsements from IFC and General Headquarters on above procedures
 - As needed, but at least annually, conduct an in person inspection process with regional or national fraternity personnel to review the above policies and refresh as necessary

We believe these changes are reasonable and will allow for the opportunity for real and sustainable change.

We have discussed these items with the Chapter and key engaged alumni. All agree that change is needed and that such actions will make a positive difference. During these discussions the following additional thoughts and insights were shared and agreed upon which we believe go to the heart of the matter.

- As a result of the sanctions imposed during the Fall Semester and discussions among members with advisors and university personnel, we believe that a significant culture change has already taken place. This has happened essentially overnight. The members realize that more change is necessary and are committed to making positive change not just at Ohio Zeta, but working to achieve this throughout the university.
- As we read and hear about the need for change at fraternities and sororities, the change experts generally agree that the best way for change is from with-in. Our proposed sanctions demonstrate our desire to be part of the change, we believe this is a real opportunity for the university to make significant change.
- Student organizations have been forming for hundreds of years and will continue to do so in the future. The much needed oversight and control of student organizations can only be exercised with the cooperation of all parties. If the Chapter is suspended as proposed then that control is lost. If the Greek System is going to survive and thrive then it must evolve. This type of fundamental change can only take place with the support of all stakeholders. It must begin with a genuine desire and full transparency. Otherwise the risk of unsanctioned organizations will begin to take hold and pose new challenges and threats to student life.
- We are open to further oversight; essentially being an "open book" and leading the way for change.
- Sanctions that blame and punish chapters are negative and dark ways to address change. Especially for the sophomores who were the new initiates and have the most to lose, by the university directed sanctions.
- We are willing and happy to meet with university officials and have further discussions to show our commitment for making improvements.

In summary, we recognize that the Chapter behavior was inappropriate and we along with the Chapter are disappointed, embarrassed and apologize for the actions. At no time was there any intent to cause harm or injury to anyone; rather misguidedly the actions were thought to build a stronger bond among members giving new members a feeling that they had achieved something special as a full active member. There are clearly better ways. As alumni of Ohio State, we along with the active Chapter want to be part of the solution – not part of the problem. Our members and alumni are devoted to our university and seek the opportunity to make a real and sustainable difference. We ask the university to accept this genuine offer for change. We are anxious to work closely with the university to address change. Working together we can make a significant difference.

We respectfully request for our sanctions to be set in line with this appeal and are committed to providing leadership and demonstrating an exemplary example of the way forward. We are ready, willing and able to lead the change. Thanks for your consideration of our appeal and we look forward to a positive outcome.

Ohio Zeta House Corporation and Chapter Advisory Board, December 4, 2019

December 16, 2019

Phi Delta Theta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and Phi Delta Theta:

I have received your appeal of the sanctions that resulted from your disciplinary case. The Code of Student Conduct 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.

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
Associate Dean of Students

CC: Conduct Case Manager - Michael Volkman
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas