

Case No: [REDACTED]

Organization Name: Acacia

Charge Date: October 2, 2020

Hearing Date: November 6, 2020

- Notice of investigation/meeting request
- Notice of charges
- Response to charges
- Outcome letter
- Appeal (if applicable)
- Appeal decision (if applicable)

September 17, 2020

Acacia

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] the members of Acacia :

Student Conduct has received information that describes conduct by Acacia on September 15-16, 2020. The report details concerns related to your chapter hosting in-person events despite the temporary suspension of all in-person student organization events or gatherings of any kind issued on August 28, 2020. I am investigating whether this conduct may have occurred and violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 3335-23-04 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

I am directing your chapter not to hold any in-person events, even if the university lifts the temporary suspension on in-person events, until further notice.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than September 22, 2020, to schedule a preliminary conference with me. This meeting will held using CarmenZoom. The purpose of this conference is twofold. At this

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

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

- Acacia's schedule of rush events

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

Should any individuals wish to provide information to me regarding this investigation they are encouraged to email me at [reistad.1@osu.edu](mailto:reistad.1@osu.edu).

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

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

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

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

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

If you, or a representative from your organization, fail to contact our office by September 22, 2020 to schedule your preliminary conference meeting, I may continue this investigation without your input. This could result in charges, which may lead to a hearing and sanctions if found in violation.

To schedule your preliminary conference, please call Student Conduct at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

I look forward to speaking with you.

Sincerely,

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

Aaron Reistad  
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D  
[REDACTED]  
Director of Organizational Growth & Services - Jerod Miles

## Student Rights and Responsibilities

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

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

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

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

October 2, 2020

Acacia

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of Acacia :

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

I have attached your Charge and Process form to this email. Please review it carefully and select your resolution option. We can usually schedule an Administrative Hearing on any business day. The University Conduct Board hears cases on Mondays and Fridays. If you select a hearing before the University Conduct Board, please indicate which of the available hearing days/start times you prefer. Upon request, we can provide an excuse letter for employers and instructors.

Once you have completed the form electronically or by hand, email it to [reistad.1@osu.edu](mailto:reistad.1@osu.edu). This form is due by 4:30 p.m. on October 9, 2020. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), [ada-osu@osu.edu](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>.

Student Life's Advocacy Center (<http://advocacy.osu.edu>) is unable to serve as an advisor, but upon request they are able to provide information and assistance about the conduct process.

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

Sincerely,



A handwritten signature in black ink that reads "Aaron Reistad". The signature is written in a cursive, flowing style.

Aaron Reistad  
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D  
Bill Thorton  
Greg Horvath  
Ryan Ferguson  
Jerod Miles, Director of Organizational Growth & Services

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

**CHARGE AND PROCESS FORM**

Name: Acacia

Email: [REDACTED]

**I. Charge(s):** It is alleged that on September 15, 16, and 17, 2020, the Acacia fraternity 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.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 3335-23-04 (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.

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

Your organization failed to comply with university directives restricting student organizations from holding in-person events or gatherings. Additionally, the chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/party of greater than ten (10) individuals, and/or no face

masks being worn to limit the spread of COVID-19.

During the September 17, 2020 in-person recruitment event, alcohol was present and provided to individuals under the age of 21.

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

\_\_\_\_\_ On behalf of the Sam chapter of Acacia I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**

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

\_\_\_\_\_ On behalf of the Sam chapter of Acacia I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board. The preferred hearing day/times for the organization are:**

\_\_\_\_\_ **Mondays starting at 9:00 a.m.**

\_\_\_\_\_ **Mondays starting at 1:00 p.m.**

\_\_\_\_\_ **Fridays starting at 9:00 a.m.**

\_\_\_\_\_ **Fridays starting at 1:00 p.m.**

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

I have received notice of the charges. I will return this form by email to reistad.1@osu.edu by **October 9, 2020** at 4:30 p.m. I understand that if I do not return the form, it may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

\_\_\_\_\_  
Date: \_\_\_\_\_

Acknowledgements

Acacia Executive Board Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Acacia Advisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_



From: Greg Horvath [REDACTED]  
 Subject: Re: Case [REDACTED]  
 Date: October 19, 2020 at 12:45 PM  
 To: Reistad, Aaron Z. reistad.1@osu.edu  
 Cc: [REDACTED] Thornton, B bthornton@nterake-steamship.com, Jeff Jordan  
 awoffice@awofficehj.com, Hartwig, Hunter hartwig.24@osu.edu

H Aaron,

Let's proceed with the adm n strat ve hear ng opt on. Thanks.

-Greg

On Mon, Oct 19, 2020 at 8:08 AM Reistad, Aaron Z. <reistad.1@osu.edu> wrote:  
 Good Morn ng Greg,

Thank you for prov d ng me w th th s nformat on. I w add t to the case fi e for the organ zat on.

To be clear, Acaca s not be ng charged for any of the a egat ons made by [REDACTED] I chose to nc ude that report n the st of documents you a rece ved so you were aware that the report had been subm tted. S nce there was not any nformat on to substant ate those c a ms no charges were ssued for that a egat on.

I have nc uded a nk be ow to our webs te wh ch goes nto deta regard ng the d fferent reso ut on opt ons wh ch I hope you find he pfu .

<https://studentconduct.osu.edu/for-students/understand-ng-the-student-conduct-process/reso-ut-on/>

Adm n strat ve hear ngs are ab e to be schedu ed sooner than UCB hear ngs as the UCB dates are m ted and there are a ready UCB hear ngs wh ch have been schedu ed.

P ease et me know wh ch opt on the organ zat on has se ected by 4:00 pm today.

Thank you,



Aaron Reistad  
 Conduct Case Manager  
 Pronouns: He, Him, His  
 Student Life Student Conduct  
 550 Lincoln Tower, 1800 Cannon Dr. , Columbus, OH 43210  
 614-292-0748 Office  
[reistad.1@osu.edu](mailto:reistad.1@osu.edu) [studentconduct.osu.edu](http://studentconduct.osu.edu)

On Oct 19, 2020, at 12:36 AM, Greg Horvath [REDACTED] wrote:  
 <Acaca Hous ng Corp OSU Student L fe 2020 10 Oct 19.pdf>

December 2, 2020

Waw Chapter of Acacia  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] members of the Waw chapter of Acacia:

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

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

On September 15, 16, and 17, 2020, the chapter failed to comply with university directives restricting student organizations from holding in-person events or gatherings. Additionally, the chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/party of greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

During the September 17, 2020 in-person recruitment event, alcohol was present and provided to individuals under the age of 21.

**Finding**

At the hearing, your chapter confirmed that rush events were held on September 15 and September 16, knowing that there was a university directive restricting student organizations from holding in-person events or gatherings. [REDACTED] stated this has been a difficult time for the chapter as recruitment is very important since they are a small chapter. For this reason, they went forward with holding in-person rush events.

The response letter sent to the investigator on behalf of The Ohio State University Association of Acacia (a.k.a., Acacia Housing Corporation) as [REDACTED], the Chapter Advisor of The Ohio State University Chapter of Acacia Fraternity, and [REDACTED] states that all CDC guidelines were followed for gatherings. However, [REDACTED] provided testimony at the hearing and in their meeting notes clarifying there were more than 10 people at the events and masks were not regularly worn. It was not clear if physical distancing was maintained, but based on the nature of a basketball tournament, it is unlikely it would have been possible.

The chapter contests that the gathering on September 17, 2020 was a rush event or Acacia gathering. Testimony provided by [REDACTED] who was present at the gathering, confirms that potential new members were invited to the gathering by word of mouth. In the meeting notes, [REDACTED] states there were eight (8) active members and twelve (12) potential new members at the gathering, hosted at a potential new member's house. There were also other guests not affiliated with the chapter. When asked who provided the alcohol, [REDACTED] stated the house hosting the gathering was in charge of it and no risk management practices were followed.

While Student 01 was not present at the hearing, their meeting notes state, "...with Acacia they had a cookout and poker night on Tuesday 9/15, a basketball tournament on 9/16, and tonight (9/17/2020) they are getting together to watch the Cleveland Browns game. Student 01 stated that the cookout and poker night was his first time formally doing anything with Acacia." I do not find that credibility is at issue for this witness as [REDACTED] confirmed all three of these events did occur and was present at all events. Therefore, it's reasonable to believe that a potential new member believed the event held on September 17, 2020 was an Acacia event.

To be clear, the Code of Student Conduct states, "Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest's or member's misconduct." [REDACTED] and other active members, were present at the event on September 17, 2020 where potential new members were permitted to consume alcohol under the age of 21.

Using the preponderance of evidence standard to weigh the information provided at the hearing and found in the hearing packet, I find your chapter in violation of all identified charges as found in the Code of Student Conduct.

## **Sanctions**

### Disciplinary Probation & Deferred Revocation

At this time, I am deferring revocation of your chapter's status as a registered student organization. However, absent extraordinary circumstances, any further violation of the Code of Student Conduct while on probation will result in the immediate revocation of your chapter's status as a registered student organization. Unregistered student organizations do not meet the qualifications of the Greek Housing Standard or the Greek Housing Implementation Report, or benefit from additional privileges provided to registered student organizations.

Your chapter is on probation effective immediately through December 18, 2021. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning. Even after your chapter's probation period ends, we would consider its disciplinary history when considering sanctions for future violations, meaning revocation of registered status is still a likely outcome beyond the probationary period.

## Social Restrictions

Your chapter is limited to hosting/co-hosting ten (10) events where alcohol is present for the remainder of the 2020-2021 academic year.

I expect your chapter to host events without alcohol. Your chapter must learn how to build brotherhood and socialize without relying on the presence of alcohol. Accordingly, in consultation with your Sorority and Fraternity Life liaison, you must develop, plan and register a minimum of three (3) events during spring 2021, without the presence of alcohol. I strongly encourage your chapter to host more than three such events.

Understand that all events must adhere to applicable health orders and university requirements found on the Safe and Healthy website.

## Planning for Online Recruitment

During the hearing, we discussed the difficulties your chapter navigates when recruiting new members as a smaller chapter. These challenges are compounded this semester by needing to navigate limitations on in-person gatherings while human nature desires in-person socialization. While we don't know what the spring semester holds, it is unlikely we will be able to gather as we once did.

Therefore, I want your chapter to take this time to plan an extraordinary online rush experience. In working with your Sorority and Fraternity Liaison (SFL), develop a game plan that:

- Identifies potential barriers in recruiting students who not only are interested in your chapter, but also encompass the values your fraternity holds.
- Create a marketing and communication plan by researching and identifying current and new technologies to make your chapter stand out. Could you make a video? How can you be strategic in pushing communication to students about your organization?
- How will you facilitate online rush events? What type of online event would you be interested in attending? Have you sought feedback from your current members?
- How will you keep your current members active and engaged in the process? How will you obtain buy-in from your members?
- What support do you need from your housing corp., nationals, SFL, ect.?

You will submit your rush game plan to me at [reeb.47@osu.edu](mailto:reeb.47@osu.edu) no later than January 8, 2021, and schedule a meeting with me and your SFL liaison during the first week of classes to review your rush game plan. We will then schedule a follow-up meeting no later than March 31, 2021, to discuss how rush went and how you could implement some of these strategies in your next rush recruitment (hopefully, in person!).

## Health and Safety Presentation

Your chapter will host a virtual presentation regarding the health and safety expectations of the members of the Waw chapter during the spring 2021 semester. The presentation is to be co-led by a chapter advisor, alumni advisor, and/or staff from your national headquarters. You must inform me of the proposed date and time of this presentation no later than one week in advance.

At the conclusion of the presentation, Waw chapter members will be required to complete a quiz created by the chapter based on the content of the presentation. Once all members of the Waw chapter have completed their quiz, you must provide a confirmation of completion by emailing [reeb.47@osu.edu](mailto:reeb.47@osu.edu).



This presentation, completion of the quiz, and confirmation of completion must be completed by March 1, 2021.

### **Summary of dates**

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

- Disciplinary Probation & Deferred Revocation ends December 18, 2021
- Social Restrictions
  - 2020-2021 academic year – limited to 10 events where alcohol is present
  - Spring 2021 semester – a minimum of 3 brotherhood and/or social events without alcohol
  - All events must adhere to applicable health orders and university requirements found on the Safe and Healthy website
- Planning for Online Recruitment
  - Rush game plan due January 8, 2021
  - Document review meeting with Student Conduct and SFL liaison during the first week of classes
  - Post-rush event follow-up meeting no later than March 31, 2021
- Health and Safety Presentation
  - Virtual presentation, completion of the quiz, and confirmation of completion must be completed by March 1, 2021

I am copying the Interfraternity Council (IFC) on this outcome letter so that they are aware of these sanctions and may use the information as part of their own internal proceedings.

### **Requests for Extensions and Modifications**

I understand that the current circumstances resulting from COVID-19 may create difficulties in organizing and completing sanctions. Please communicate with me by email at reeb.47@osu.edu regarding any challenges your organization encounters. I can be flexible with due dates, as appropriate, if you are making a good-faith effort.

### **Adjustments due to COVID-19 Response**

Some sanctions are deliberately structured to promote learning in a “typical campus environment.” Should COVID- 19 conditions alter that environment, Student Conduct reserves the right to extend any sanctions or sanction deadlines found in this letter.

Please review the university's Safe and Healthy Buckeyes guidelines on events and gatherings found at <https://safeandhealthy.osu.edu/information/current-students/events-and-gatherings>. The university has a comprehensive plan for limiting population density across all campuses. An event is defined as a planned activity, other than academic classes scheduled as part of the university curriculum, that is held in a university building or outdoor space on a university campus or with a community partner. A gathering is defined as a formal or informal assembly of people that is either planned or spontaneous. These restrictions do not prohibit gatherings for the purpose of the expression of First Amendment protected speech.

### **Staffing Change**

Should Student Conduct no longer employ me or if my role were to change, another staff member will

monitor sanction completion. To account for such a change, please include the general Student Conduct email on all sanction items. That address is [studentconduct@osu.edu](mailto:studentconduct@osu.edu).

## Appeal

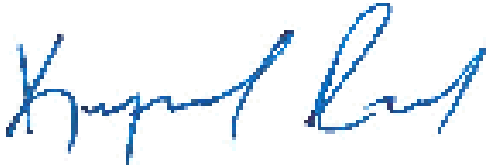
An organization found to have violated the Code of Student Conduct has the right to appeal. To do so, you must submit your appeal in writing no later than 4:00 p.m. on December 9, 2020. You should use the online appeal form found at <https://go.osu.edu/appeals>, or the form attached to this letter to submit your appeal. If you elect to use the attached document, please scan and email it by the deadline to [reeb.47@osu.edu](mailto:reeb.47@osu.edu).

If you do not submit an appeal, this decision will be effective at the end of your appeal period. If you have any questions, call (614) 292-0748 prior to the expiration of your appeal period.

Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at (614) 292-6207 (voice), (614) 688-8605 (TTY), [ada-osu@osu.edu](mailto: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,



Krystal Reeb  
Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D  
[REDACTED]  
Chapter Advisor - Greg Horvath  
House Corporation President. - William Thornton  
Director of Organizational Growth & Services - Ryan Ferguson

## **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 \_\_\_\_\_



ties back to it.

For instance, during the poker tournament, students were welcome to wear facemasks during the event. In fact, our members organized the tournament to cycle students in and out of the house so no more than 10 students gathered in a room, while the other group gathered outside. The basketball event was held outside, and the chapter downsized the event into smaller groups in order to limit the number of students in each game.

More specifically, in terms of the two charges listed below, we are only responsible for partially failing to comply, we did follow state health guidelines, and the alleged alcohol at the off-campus location on the 17th should not be construed as making Acacia as an organization responsible for that. No members of Acacia provided alcohol at the event.

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

**In regards to the event on 9/17, the majority of our executive board was not at the event nor planned the event. Leading to a lack of evidence for our defense. At the time of the hearing I had minimal knowledge of the matter and learned the majority of the information after the hearing.**

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

**I am appealing on the ground of grossly disproportionate sanctions.**

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

**"any further violation of the Code of Student Conduct while on probation will result in the immediate revocation of your chapter's status as a registered student organization"**

**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**

8.) Explain why this sanction is grossly disproportionate.

**The probation period is too long., Other (provide further explanation in response to the next question).**

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

**This will lead to the chapter to have a fear of going to the university for help, or self-report any issue happening internally at the chapter. Living in fear of having our status revoked will create additional problems and harm the chapter, not help it learn from past mistakes.**

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

**It is our hope that this be removed from the proposed sanctions in place for more educational or rehabilitating programs to better the chapter going forward. For example, having regular check-ups and progress reports with Acacia's SFL liaison and Acacia Headquarters Chapter Success Coach to ensure the chapter is staying on track with their sanctions. Or requiring the chapter members to give back to the community by sharing COVID-19 safety practices. We are open to discussing sanctions that will benefit both the chapter and the community going forward.**

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

**The Ohio State Chapter of Acacia disagrees with the ruling of the university and this letter serves as our appeal. Acacia admits our fault in most of our actions that resulted in the initial hearing, but we cannot accept all three charges the university has filed against our chapter.**

**We understand that our events on Tuesday (9/15) and Wednesday (9/16) were not in compliance with the university directive regarding in-person events. We understand the danger of spreading COVID-19, which is**

why our chapter did our best to adhere to the state of Ohio's policy on gathering safely. More on that below. The off-campus football game watching, on Thursday, September 17th, that some of our members attended was not an Acacia event, and any charges related to that day should not apply.

Ohio State Acacia would like to use this platform to voice our frustration and disappointment in the institution in regards to the timing and verdict of this investigation. The initial allegations were sent in September, including an initial investigation interview. The hearing was not until November. This has put our chapter leadership in a unfortunate situation. We did not receive the verdict until December 2nd, resulting in [REDACTED] being burdened with dealing with this during finals week. The mental stress this has put the chapter leadership into began when we received the letter, and now the university is saying we are on probation for another 12 months from this month.

We expected the sanctions in regards to our events on the 15th and 16th, however, we did not imagine that hosting two events when we were very conscious of state COVID-19 guidance would result in a year-long sentence.

In our hearing, both Greg Horvath, Jeff Jordan, and [REDACTED] have been empathetic towards the situation and the impact our actions could have had. We feel the same mentality has not been reciprocated towards our organization. For instance, in our hearing our questions to university official Aaron Reistad were deflected and treated in an unprofessional manner considering the charges that have been later issued to our organization. [REDACTED] and Horvath vehemently expressed frustrations with Reistad in his conduct during the hearing. In our appeal we hope to have a more understanding approach from the university and come to a fair judgement both sides can agree upon.

Our chapter members, as students of Ohio State University, and our alumni advisors, as alumni of the same, seek to have a productive relationship with the university in the context of Acacia Fraternity. We appreciate the time and energy that university staff has had to devote to following up on this, and we are sorry for our actions related to the first two events in question. As an organization, it is difficult to agree to conditions that place us one mistake away from losing affiliation with Ohio State University.

Thank you for your time and understanding,  
Ohio State Acacia

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

*Pending IR #00037732*

*Submitted from 98.179.165.124 and routed to Krystal Reeb (Associate Director). Processed by routing rule #103.*

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



December 15, 2020

Waw Acacia  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED]

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

I have given your appeal careful consideration. Based on my independent review of the record and supporting documents, I do not find that a procedural error resulted in material harm or prejudice to you, and I do not find that the sanction imposed is grossly disproportionate to the violations committed. Additionally, I do not find that the discovery of substantial new evidence that was unavailable at the time of the hearing could have affected the decision of the hearing body. I have, therefore, decided to support the decision that resulted from this process.

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

Sincerely,



Matt Couch, PhD  
Interim Assistant Vice President for Student Life

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



Name: [REDACTED]

Date: 9-17-20

Case No: [REDACTED]

Case Manager: Aaron Reistad

In Person/Phone: Phone

Advisor:

Email:

Notes: [REDACTED] stated That on Thursday night he finished all his homework and decided to go out and party. He stated that he consumed quite a bit of alcohol prior to going out.

Aaron asked [REDACTED] about how in the police report it states that he told officers that he was at the Phi Kappa Tau fraternity earlier in the night?

[REDACTED] stated that he has no recollection of this. He stated that he does not think he was actually there and that he was just saying stupid things to the officers. [REDACTED] stated that he had been attempting to rush for Phi Kappa Tau but they stopped all in person events due to the pandemic. [REDACTED] later looked at his phone from that night and he had not communicated with them and they had not communicated with him either.

[REDACTED] stated that he ended up joining Acacia fraternity because he received a bid from them last night.

Aaron asked [REDACTED] about any in person events he did with Phi Kappa Tau.

[REDACTED] stated that the only one he could think of was a time where he was invited over to an address where some brothers lived to hang out. [REDACTED] later learned this residence was referred to as "The Dugout." The rest of the rush events for Phi Tau were over Zoom. [REDACTED] estimated there were approximately 10 men at the house when he went over to hang out. [REDACTED] stated that while there they just hung out and talked with each other to try and get to know each other. [REDACTED] looked at his text messages and told Aaron that the night he went over there was August 29, 2020.

[REDACTED] stated that with Acacia they had a cookout and a poker night on Tuesday 9/15, a basketball tournament on 9/16, and tonight they are getting together to watch the Cleveland Browns game.

[REDACTED] stated that the cookout and poker night was his first time formally doing anything with Acacia.

Aaron asked [REDACTED] what his thoughts were on the police report that he read?

[REDACTED] stated that he thought that he was a complete idiot. [REDACTED] stated that he is not that kind of person at all.

[REDACTED] stated that he began drinking around 5:30 – 6:00 and that he drank way too much.

[REDACTED] stated that he began drinking at his apartment. While there he was consuming White Claws. [REDACTED] estimated that he consumed between 18 – 20 White Claws.

█████ stated that he had purchased two 12 packs of White Claw and when he returned home the next day there were only four left.

█████ stated that this is much more than he normally consumes. He stated he consumed this much because some of his favorite Youtubers were in Columbus and meeting people and █████ was excited to meet them and he just took his drinking too far.

█████ estimated he left his apartment around 7:30 – 8:00.

█████ stated from there he just began to walk around and never went to a specific location.

█████ stated that his last memory of the night was walking with a group of individuals who were also trying to find the Youtubers.

█████ next memory is waking up in the jail cell.

█████ was able to leave the jail around noon the next day.

█████ stated that he does not believe he urinated on himself the night before at the station because his clothes were fine. He thought that he just urinated on the floor.

█████ concluded by saying that he is incredibly sorry for all of this and he feels horrible about what happened. This is not who he is and he is embarrassed and mad at himself for this happening. He had to speak with his parents about this happening and also his girlfriend who he was supposed to see that night.

o

#### • **The Student Conduct Process**

- o The Code of Student Conduct is on our website and you may always call or email me with any further questions or with new information.
- o You may submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by email to Reistad.1@osu.edu.
- o **INVESTIGATION:** Your Case Manager is a neutral investigator, not an advocate. This investigation may include:
  - Interviews of the relevant parties
  - Collection of relevant information, such as reports, photos, texts, social media posts
- o **NOTES:** Student Conduct may use this document in any hearing for which it provides relevant information.
- o **CHARGES:** The Case Manager will determine whether to issue charges for potential violations of the Code of Student Conduct and/or the Residence Life Handbook. **NOTE:** If warranted, a Charge and Process Form will be sent to the respondent's university email account. A notice to the respondent will also be sent if the case is closed without charges.
- o **CASE RESOLUTION OPTIONS:** As you know, Ohio State is suspending face-to-face classes and transitioning to virtual learning for the remainder of the semester. Pursuant to the Code of Student Conduct, sections 3335-23-10 (C) and 3335-23-12 (G), the university may determine the appropriate hearing body in special circumstances. In order to provide a fair and just process to our students, we will be conducting administrative hearings for pending cases using Carmen Zoom. We

are not scheduling University Conduct Board hearings at this time. If charged, the respondent has two resolution options:

- **Administrative Decision:** Accept responsibility. The Case Manager will issue the outcome, which includes appropriate sanctions.
    - **NOTE:** The respondent has the option to appeal on the ground the sanctions issued are grossly disproportionate.
  - **Administrative Hearing:** Elect to have an Administrative Hearing before another Case Manager (“hearing body”);
  - ***\*\*If a student does not respond to the CPF before the deadline, the Case Manager can issue an administrative decision or proceed with scheduling a hearing.\*\****
- o **HEARING INFORMATION**
- At a hearing, the respondent can present relevant evidence and call witnesses with relevant information.
  - Student Conduct will provide written notice of the hearing date and location ten days in advance of the hearing, unless the respondent waives the ten-day notice.
  - The respondent may invite witnesses with relevant information about the charges.
  - Evidentiary standard – preponderance, or the greater weight of the evidence
  - **NOTE: If a hearing is held in this matter, your attendance is voluntary; however, we strongly encourage you to attend and participate. Your participation will allow the hearing body to meet you, to hear your description of these events, and to ask you any questions that they may feel are important in deciding the outcome in this case. All of these things may be important factors for the hearing body to consider as they review the evidence in this case. If you do not participate, the hearing body will make findings based on the evidence presented. The hearing body will draw no inference against a student for failing to attend a hearing or remaining silent; however, non-participation may limit information accessible to the hearing body and could affect the type and weight of evidence the hearing body ultimately has before it.**
- o **SANCTIONS:** If the respondent is found responsible or if accepting responsibility for charges issued, sanctions will be issued.
- Sanctions issued include a disciplinary (“standing”) sanction (i.e. Formal Reprimand, Probation, Suspension, or Dismissal).
  - Educational sanctions are issued in conjunction with standing sanctions and may include OSU or community programs/resources, or self-directed assignments.
  - Standing and educational sanctions are progressive in nature, meaning subsequent violations will likely result in more serious sanctions.
- o **APPEALS:** The respondent can appeal to the VPSL
- Can appeal – sanctions grossly disproportionate under all three resolution options.
  - Hearing outcomes – add two grounds: Procedural error that affected the outcome and substantial new information.
  - More info about appeals is on our website.
- o **ADVISORS:** The respondent may choose to bring an advisor for support throughout the disciplinary process. The advisor (i.e., support person) may be any person other than a witness. 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 body.
- o **FERPA:** Family Educational Rights and Privacy Act
- o Students have access rights to records and an expectation of privacy.
- Exceptions to FERPA:
    - Threat of harm;
    - University employees (educational need to know);
    - Subpoena
  - FERPA can be waived for the following:
    - Advisors;

- Academic clearances or background checks for employment & licensure;
    - Public Records requests (i.e. crimes of violence/sexual misconduct – the name of the accused and limited additional information [code sections, sanctions] can be released).
  - **CODE OF STUDENT CONDUCT:** The current Code of Student Conduct and additional information is on the Student Conduct website: <http://studentconduct.osu.edu>.
  - **RETALIATION:** Retaliation is a violation of the Code of Student Conduct.
- **RESOURCES** – Should you wish to seek support, advice or other assistance regarding this incident or the student conduct process, the following resources are available to all OSU students:
    - Counseling & Consultation Service, <http://ccs.osu.edu/> 614-292-5766
    - Student Advocacy, <http://advocacy.osu.edu/> 614-292-1111
    - Accommodations
      - Disability Services (accommodations in the *classroom*), <http://ods.osu.edu/> 614-292-3307
      - ADA Coordinator (accommodations in the *conduct process*), (614) 292-6207 (voice), (614) 688-8605 (TTY), [ada-osu@osu.edu](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>
    - Student Legal Services, <http://studentlegal.osu.edu/> , 614-247-5853
    - Title IX and sexual misconduct support and reporting resources, <http://titleix.osu.edu/>
  - **MEETING NOTES** – Student Conduct may use this document in a hearing for this or any other case for which it might be relevant. You may submit a written statement of your own by email to [Reistad.1@osu.edu](mailto:Reistad.1@osu.edu).