

Case No: [REDACTED]

Organization Name: Delta Tau Delta

Charge Date: 2022-06-08

Hearing Date: August 18, 2022

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

**The Ohio State University
Incident Report**

Submitted on March 28, 2022 at 2:58:22 am EDT

Nature	Disruptive conduct
Urgency	Other - please explain in the incident description
Incident Date and Time	2022-03-26 11:00 PM
Incident Location	Columbus Off Campus - Please list specific street address under

Reported by

Name:

Title:

Email:

Phone

Address:

[UNAUTHENTICATED]

Involved persons REQUIRED

Delta Tau Delta Fraternity ()

Alleged

Narrative Information and Notifications

Please provide a description of the incident.

Your students, specifically the fraternity Delta Tau Delta, booked a formal event at the Wildhorse Saloon in Nashville, TN on March 26 from 11pm- 2am. The behavior exhibited was BEYOND egregious. Your students were EXTREMELY disrespectful to staff and security, smoking cigarettes inside the venue (extremely prohibited), further violating venue rules by dancing on tables and smashing beer bottles on property, sneaking drinks to underage students, underage students also attempted to bring alcohol into the venue (prohibited). Many, many, many students had to be asked to leave. The event itself even had to be cut short due to the absolutely horrid behavior. This has also escalated to false negative reviews on the venue. This is all captured and documented on high definition security footage. I urge you to reach out to this venue and view it for yourself, anyone would be absolutely appalled and horrified by it. Wildhorse Saloon is a highly-respected establishment and to have that disrespected by your students during their event was absolutely disgusting and unacceptable. It was an awful reflection of your school, as they were there as representatives of both Ohio State and their fraternity. They absolutely left an impression of your school, and it was an extremely repulsive one.

What other departments have been notified?

If you would like to provide additional information about others notified, such as the name of the department or of a specific individual, you may do so here.

I have provided my name, phone number and email address so that I can verify elements of this report or respond to additional questions.

I have not provided my name and contact information and understand that this limits Student Conduct's ability to take further action.

Student Conduct strives to uphold the privacy wishes of those who submit reports. It is important to note that, in order to comply with federal, state and local laws, as well as Ohio State policies, Student Conduct may be required to share information from this report with other university employees, law enforcement, or any Ohio State students charged with violating the Code of Student Conduct. To better understand when and how Student Conduct shares information, please call 614-292-0748 and ask to speak with a staff member.

I understand Student Conduct may be required to share information found in this report with other employees, law enforcement or students charged with violating the Code of Student Conduct based on an

investigation initiated by this report.

Pending IR #00063170

Submitted from 76.22.219.225 and routed to Krystal Reeb (she/her) (Associate Director). Processed by routing rule #80.

Copies to: smith.4941@osu.edu

The Ohio State University Incident Report

Submitted on March 28, 2022 at 2:58:22 am EDT. Last modified March 28, 2022 at 9:29:33 am EDT.

Nature **Disruptive conduct**
Urgency **Other - please explain in the incident description**
Incident Date and Time **2022-03-26 11:00 PM**
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Pending IR #00063170

Submitted from 76.22.219.225 and routed to Krystal Reeb (she/her) (Associate Director)

Modified by Kelly B. Smith (she/her) on March 28, 2022 at 9:29:33 am EDT from 67.149.197.48

Copies originally to: smith.4941@osu.edu

From: "Smith, Kelly" <smith.4941@osu.edu>
Sent: Monday, March 28, 2022 12:46 PM
To: [REDACTED]+osu@efc.maxient.com" [REDACTED]+osu@efc.maxient.com>
Subject: FW: Thank You - Form Received

Kelly Smith, JD

Director

The Ohio State University

Office of Student Life Student Conduct

614-292-0748 Office

smith.4941@osu.edu / studentconduct.osu.edu

Pronouns: she/her/hers / Honorific: Ms.

Engage. Learn. Thrive.

From: SL Student Conduct <studentconduct@osu.edu>
Sent: Monday, March 28, 2022 12:44 PM
To: Smith, Kelly <smith.4941@osu.edu>
Subject: FW: Thank You - Form Received

From: [REDACTED]
Sent: Monday, March 28, 2022 3:50 AM
To: SL Student Conduct <studentconduct@osu.edu>
Subject: Re: Thank You - Form Received

Please cancel this report. My email address is listed and I wished to remain anonymous. I feel extremely unsafe with this information listed and just wish to drop this complaint altogether.

Sent from my iPhone

On Mar 28, 2022, at 1:58 AM, Office of Student Life - Student Conduct (via Maxient) <notifications@maxient.com> wrote:

Thank you for the form you recently submitted. It has been assigned ID #00063170. For your records, a copy is attached here in PDF format.

Message sent by Maxient
Replies will be sent to Office of Student Life - Student Conduct (studentconduct@osu.edu).
<IR00063170.pdf>

facility policy.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than March 31, 2022, to schedule a preliminary conference with me. The purpose of this conference is twofold. At this meeting, I will explain our process for determining whether charges for violations are warranted, and will answer any questions you may have about the conduct process. We will talk about what happened, and you will be able to identify any other individuals who may have information about the alleged incident. If you have any relevant materials, for example, your own written statement/internal investigation, text messages, photos, emails, etc., please email them to me at smith.4941@osu.edu before our meeting.

Prior to our meeting, your chapter must provide:

- a complete list of all members and guests that attended the event in Nashville this past weekend, that list must include:
 - each individual's name
 - their birthdate (if known)
 - cell number
 - email address
- contract or other documentation between the chapter and Wildhorse Saloon or any other venue, hotel or transportation company related to any event this past weekend
- communication (email, text, GroupMe, etc.) providing instructions, expectations or other directions for behavior, the presence, procurement or consumption of alcohol to members or their guests
- complete roster of all members in your chapter (i.e., new members/pledges and active members)

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 smith.4941@osu.edu.

You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. **I highly recommend you bring the member/leader most responsible for planning the Nashville event.** 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.

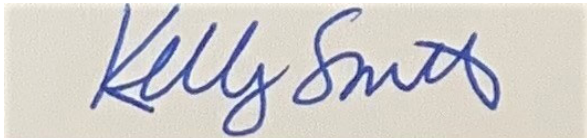
Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), ada-osu@osu.edu,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

If you, or a representative from your organization, fail to contact our office by March 31, 2022, 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,



Kelly B. Smith (she/her)
Director

CC: Associate Director of Sorority and Fraternity Life - Teri Cugliari
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD
Delta Tau Delta, Accountability Training Coordinator - Dana Finley
Delta Tau Delta, Dir. Risk Response & Education Responsibilities - Tiffani Ziemann
Evan Webb, Advisor
Lindsay Henton, Advisor
Joe McGee, Advisor

Student Rights and Responsibilities

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

- Students shall receive written notice of university charges, through one of multiple methods of communication, including: in person; in a residence hall mailbox; by email to official university email address, which may then direct the student to view the notice in a secure website; by text message or other electronic communication; or by mail to a local or permanent address. **(3335-23-08-A)**
- Students are afforded the opportunity to meet with a university official following the notification of charges. **(3335-23-08-C)**
 - University staff members authorized to investigate complaints usually request a meeting with students prior to issuing charges.
 - Once charges are issued, students can request another meeting.
 - 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)**
 - The advisor may be any person other than a witness.
 - 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)**
 - 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)**
 - 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.

July 1, 2022

██████████ Delta Tau Delta

Sent electronically to ██████████

PERSONAL AND CONFIDENTIAL

Regarding Case Number: ██████████

██████████

I am writing to share a summary of the meeting I had with ██████████ yesterday. Also present were Tiffani Ziemann, Evan Webb, Teri Cugliari and Leslie Albeit. After asking ██████████ if he had questions about the Charge and Process form or the Conduct process, we discussed potential resolutions. I want to provide clarity regarding deadlines.

The chapter has until 4:00 p.m. on July 15, 2022, to return the Charge and Process Form (attached).

That is also the deadline to submit an outcome proposal based on yesterday's discussion. My expectation is that in consultation with Ms. Ziemann and its advisors, the chapter identifies an external provider with proven experience (1) assessing patterns of behavior like that seen here, (2) providing resources, education and training to change behavior, and (3) offering assessments on the likelihood of success providing safe and positive experiences for members and the university community.

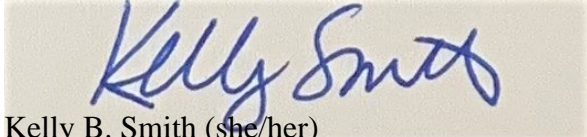
If the chapter chooses an administrative decision and submits a proposal, it is my hope that my outcome will support the proposal. This may require us to work together a little further to shore up details. My goal is an outcome that provides clarity and firm guardrails to support this chapter's successful, continued membership in the university community. That outcome may require a clear alternative, such as the chapter's revocation at a later date if it is unsuccessful meeting expectations.

If the chapter chooses to go to a hearing *and* submits a proposal, upon the chapter's request, I can provide the proposal to the selected hearing body to consider should the hearing body find the chapter in violation.

The chapter could choose not to submit a proposal, in which case we will proceed directly to the selected resolution without the input on sanctioning that would come from a proposal.

Please email me and copy all of the advisors, Jack and Ethan if you have questions.

Sincerely,



Kelly B. Smith (she/her)

Director

CC: Associate Director of Sorority and Fraternity Life - Teri Cugliari

Delta Tau Delta, Dir. Risk Response & Education Responsibilities - Tiffani Ziemann

Leslie A. Albeit, Esq.

Chapter Advisor - Evan Webb



June 8, 2022

Delta Tau Delta

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] and the members of the Beta Phi chapter of Delta Tau Delta:

I am writing to give you an update on your organization's 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 your organization is responsible for violating any sections of the code; it only causes the second half of our process to begin.

You will find the Code of Student Conduct and information about our process at <http://studentconduct.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.

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.

[REDACTED] along with Mr. Webb, Ms. Ziemann and Ms. Culiari so that we can review the Conduct process and resolution options. Finding one time to assemble for a meeting is challenging. If it is helpful, I can meet after 5 p.m. on select weekdays to accommodate participants in other time zones or conflicts with summer employment. Please email me possible meeting times between June 15 - 17 and June 21-24.

After we meet, I will set a deadline to return the attached Charge and Process form.

Sincerely,



Kelly B. Smith (she/her)

Director

CC: Delta Tau Delta, Dir. Risk Response & Education Responsibilities - Tiffani Ziemann

Associate Director of Sorority and Fraternity Life - Teri Cugliari

Chapter Advisor - Evan Webb



PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta

Email: [REDACTED]

I. Charge(s): It is alleged that on or around March 26, 2022, and on subsequent dates in April 2022, the Beta Phi chapter of Delta Tau Delta violated the following sections of the Code of Student Conduct:

- 3335-23-04 (M2) Student conduct system abuse - Falsification of information. Falsification, distortion, or misrepresentation of information before a student conduct body.
- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (C) Destruction of property. Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.
- 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:

- The chapter contracted with HiFi Social to arrange an event at the Wildhorse Saloon in Nashville, Tennessee on/around March 26, 2022. The event included alcohol. The chapter was limited to a maximum of 8 events with alcohol for the spring 2022 semester by the outcome in a previous conduct case [REDACTED]. The chapter did not register this event preventing an accurate count of the number of events with alcohol held by the chapter.
- Some members and/or guests (“Members/guests” hereinafter used to identify chapter members and their dates) arrived at Wildhorse Saloon already intoxicated. Some were seen exchanging wristbands or alcohol with other members/guests in a manner that would allow individuals under 21 to receive and consume alcohol.
- Members/guests brought in outside alcohol even though that was prohibited by the venue.
- Members/guests were “rowdy” and smashed Wildhorse Saloon property (glasses, dishes).
- During the chapter’s preliminary conference on April 8, 2022, [REDACTED] [REDACTED] were dishonest about the Wildhorse Saloon/Nashville event. This dishonesty included the following:
 - The Wildhorse Saloon/Nashville event was not a chapter event, but an independently organized event paid for solely out of personal funds belonging to [REDACTED]
 - [REDACTED] claimed he paid for the event, which cost \$3,600 and no one paid him back.
 - [REDACTED] delivered drink coupons to his friends and the coupons were not made generally available to members.
 - [REDACTED] said the contract with HiFi Social was just with him and it was a mistake if it said anything else.
 - [REDACTED] said information about the event was shared only by word of mouth and he did not send text messages, apps, emails, etc.
 - The officers said there was no coordinated hotel rooms. Individuals were responsible for their own lodging.
 - [REDACTED] said they could not identify who attended and who didn’t, how many were members of the chapter, how many were not.
 - [REDACTED] said nonmembers were invited/participated in the event.
 - [REDACTED] scheduled a follow-up meeting on April 25, 2022. During that meeting [REDACTED] said he wanted to correct the record and provide additional documentation, including:
 - A copy of the contract with HiFi Social, which showed:
 - a total estimated cost for the event of \$51,682.01
 - a block of 110 hotel rooms
 - an event name - “Ohio State DTD Formal”
 - Communication regarding the event was done through a GroupMe

- message.
- Rosters identifying members and guests

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

_____ On behalf of the Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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.**

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III. Possible Sanctions: If you are found in violation, please understand that the Beta Phi 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 have made the resolution choice indicated above in consultation with the chapter's executive board, advisor(s) and Delta Tau Delta. 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.

[REDACTED]
Date: _____

Acknowledgments

Delta Tau Delta Executive Board Member Signature: _____

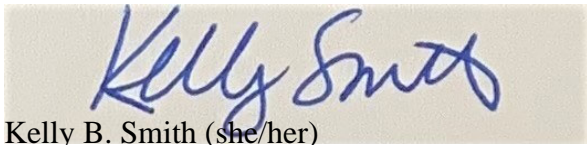
Date: _____

Beta Phi Chapter Advisor Signature: _____

Date: _____

Delta Tau Delta Signature: _____

Date: _____



Kelly B. Smith (she/her)

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PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

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Date: 11/19/2022

Acknowledgments

Delta Tau Delta Executive Board Member Signature: _____

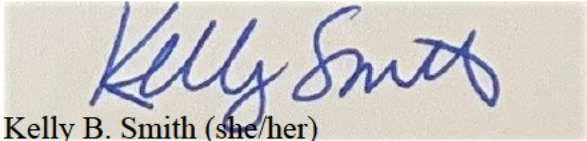
Date: _____

Beta Phi Chapter Advisor Signature: _____

Date: _____

Delta Tau Delta Signature: _____

Date: _____



Kelly B. Smith (she/her)

Director

August 22, 2022

Andrew Delta Tau Delta

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta:

I am writing to provide the Beta Phi chapter of Delta Tau Delta with my decision. The chapter took responsibility and requested an administrative decision for the following alleged violation(s) of the Code of Student Conduct:

- 3335-23-04 (M2) Student conduct system abuse - Falsification of information. Falsification, distortion, or misrepresentation of information before a student conduct body.
- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (C) Destruction of property. Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.
- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

I have attached a copy of the original Charge and Process form. It is unsigned because the chapter president communicated the request for an administrative decision by email.

Sanctions

I considered the following factors in determining appropriate sanctions:

- the chapter's conduct history, including any previous sanctions.
- the severity of the violations when considered on a continuum.
- the cooperation and engagement of the chapter, its members, and local and national representatives.

Deferred Revocation & Probation - until December 17, 2023

- At this time, I am deferring the revocation of your chapter's status as a registered student organization. However, 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 17, 2023. 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.

Successful participation in the [Plaid program](#)

[Plaid](#) is an independent service provider. Tiffani Ziemann, Delta Tau Delta's Director of Risk Response and Education, reports that other Delta Tau Delta chapters have programs with Plaid and have found the service helpful. [REDACTED] submitted a proposal on July 15, 2022. In that proposal, the chapter agreed to undergo "a full immersive experience with Plaid." Based on conversations with Ms. Ziemann, I am accepting this proposal from the chapter.

The Beta Phi chapter must successfully complete the program proposed by its national fraternity with Plaid. This requirement includes the following expectations:

- the program requires active, verified participation from all chapter members
- the program requires at least three in-person meetings or activities
- Plaid will provide a written assessment of the chapter's participation at least once while the program is underway
- upon conclusion of the program, Plaid will provide Student Conduct with a written summary that describes the chapter's participation and an assessment of the chapter's strengths and room for growth areas

- if at any point during the program, Plaid concludes that the chapter is no longer making a good faith effort to participate in and complete the program, it should notify me by email as soon as possible
- all costs for the program are to be borne by the chapter
- the chapter and Delta Tau Delta agree that should the chapter fail to successfully participate and complete the program with Plaid, it will be considered a violation of section 3335-23-04 (M8) of the Code of Student Conduct and the chapter's status as a registered student organization will be revoked

State of the Chapter Communication

As soon as possible and no later than 4 p.m. on Friday, September 2, 2022, the chapter will send a "State of the Chapter" update to all of its members and their parents. This update must include:

- a description of the Plaid program and any costs individual members are responsible for paying
- an acknowledgment that the chapter's participation in the Plaid program was a result -- in part -- of violations of the Code of Student Conduct
- a statement from Tiffani Ziemann (or another Delta Tau Delta representative) supporting the chapter's participation in Plaid and detailing potential consequences from the fraternity should the chapter fail to successfully complete the program
- a statement describing what might be required of second-year students living in the chapter house should the chapter lose recognition by Delta Tat Delta and/or lose registered student organization status with the university (I encourage the chapter and its advisors to work with their chapter liaison, Sorority and Fraternity Life's Associate Director - Teri Cugliari, to better understand university policies and practices regarding second-year housing requirements)

The "State of the Chapter" must be a collaborative document drafted by and sent under the signatures of

- the chapter president and other executive board leaders
- Tiffani Ziemann (or another Delta Tau Delta representative)
- Evan Webb (or another chapter advisor), and
- a representative from the Housing Corporation.

Additional Conditions from the Chapter's Proposal

██████████ July 15, 2022 proposal states the chapter will be "under an operational suspension" and will participate in "no social events" and will "postpone any recruitment activities to the spring" when it anticipates an organizational culture that is more conducive to bringing on new members.

Student Conduct accepts these proposals. As an outcome of this case, the Beta Phi chapter may not **host events with alcohol during the autumn 2022 semester**. Further, the chapter may **not engage in recruitment - formal or informal - until spring 2023**.

Accordingly, the chapter will send an email to the council presidents that includes the following elements:

- notice that the chapter will not be holding events with alcohol until further notice and no earlier than January 9, 2023
- notice that the chapter will not be recruiting new members until spring 2023
- any further concerns the chapter deems prudent to share, such as requests for assistance or support regarding alleged events community members may attribute to the chapter

Spring 2023 Requirements and Conditions

Upon successful completion of the Plaid program, Student Conduct anticipates the chapter returning to normal operations for the spring 2023 semester with the following understanding - should Plaid issue recommendations that limit or alter normal operations the chapter must abide by those recommendations. The chapter can request a consultation with Student Conduct once a month to review any required recommendation that limits normal operations. Consultations must include Teri Cugliari, Tiffani Ziemann (or another Delta Tau Delta representative) and Evan Webb (or another chapter advisor).

Social Calendars - Balanced with and without alcohol

The chapter must build a sustainable social calendar that includes events with and without alcohol. The chapter will meet with Teri Cugliari to review a proposed draft list of social events for the spring semester before the end of the autumn semester (December 18, 2022). The chapter will then submit a final social calendar after considering the feedback provided. If the chapter makes any changes to an event, it must send Ms. Cugliari an email alerting her to the change.

The chapter will repeat this process for the autumn 2023 semester, providing a draft social calendar of events with and without alcohol before the end of the spring 2023 semester (May 7, 2023).

Status Meetings

The chapter president and another member of the executive team must meet with Student Conduct and Teri Cugliari at least twice a semester until December 17, 2023. These meetings can be in person or over Zoom. While it is helpful to have Tiffani Ziemann and Evan Webb in attendance, that is not required for all of the check-in meetings. If the chapter president is meeting regularly with Teri Cugliari, she may request meetings with her alone be used to fulfill one required meeting each semester.

As the Director, my calendar can make it difficult to schedule appointments. Accordingly, I will be asking one of Student Conduct's Assistant Directors to join me to support the chapter while managing sanctions for this case.

Summary of dates

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

- Deferred revocation and probation through **December 17, 2023**
- "State of the Chapter" update email to members and their parents before 4 p.m. **September 2, 2022**
- No events with alcohol before **January 9, 2023**
- No recruiting (formal or informal) activities before **January 9, 2023**
- Draft social calendar to SFL Liason Teri Cugliari before 4 p.m. on **December 18, 2022**
- Draft social calendar to SFL Liason Teri Cugliari before 4 p.m. on **May 7, 2023**
- Two status meetings a semester with Student Conduct and SFL Liason Teri Cugliari (Ms. Cugliari can waive one on the chapter's behalf), scheduled before:
 - **September 28, 2022**
 - **December 7, 2022**
 - **March 1, 2023**
 - **April 12, 2023**
 - **August 30, 2023**
 - **November 8, 2023**

Requests for Extensions and Modifications

Any request for an extension or a modification of any outcome must come from the chapter president to smith.4941@osu.edu. The request must contain a detailed explanation of the reason for the request.

Staffing Change

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

Appeal

Because you accepted responsibility, you may only appeal on the basis that the disciplinary sanction is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing no later than 4 p.m. on August 29, 2022. 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

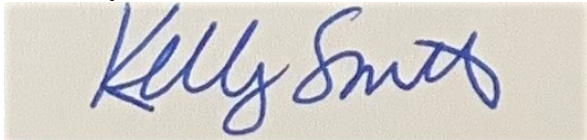
you elect to use the attached document, please scan and email it by the deadline to smith.4941@osu.edu.

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

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

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

Sincerely,



Kelly B. Smith (she/her)
Director

CC: Associate Director of Sorority and Fraternity Life - Teri Cugliari
Delta Tau Delta, Dir. Risk Response & Education Responsibilities - Tiffani Ziemann
[REDACTED]
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD
Evan Webb, Chapter Advisor
Leslie A. Albeit, Esq.

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta

Email: [REDACTED]

I. Charge(s): It is alleged that on or around March 26, 2022, and on subsequent dates in April 2022, the Beta Phi chapter of Delta Tau Delta violated the following sections of the Code of Student Conduct:

- 3335-23-04 (M2) Student conduct system abuse - Falsification of information. Falsification, distortion, or misrepresentation of information before a student conduct body.
- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (C) Destruction of property. Actual or threatened damage to or destruction of university property or property of others, whether done intentionally or with reckless disregard.
- 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:

- The chapter contracted with HiFi Social to arrange an event at the Wildhorse Saloon in Nashville, Tennessee on/around March 26, 2022. The event included alcohol. The chapter was limited to a maximum of 8 events with alcohol for the spring 2022 semester by the outcome in a previous conduct case [REDACTED]. The chapter did not register this event preventing an accurate count of the number of events with alcohol held by the chapter.
- Some members and/or guests (“Members/guests” hereinafter used to identify chapter members and their dates) arrived at Wildhorse Saloon already intoxicated. Some were seen exchanging wristbands or alcohol with other members/guests in a manner that would allow individuals under 21 to receive and consume alcohol.
- Members/guests brought in outside alcohol even though that was prohibited by the venue.
- Members/guests were “rowdy” and smashed Wildhorse Saloon property (glasses, dishes).
- During the chapter’s preliminary conference on April 8, 2022, [REDACTED] [REDACTED] were dishonest about the Wildhorse Saloon/Nashville event. This dishonesty included the following:
 - The Wildhorse Saloon/Nashville event was not a chapter event, but an independently organized event paid for solely out of personal funds belonging to [REDACTED].
 - [REDACTED] claimed he paid for the event, which cost \$3,600 and no one paid him back.
 - [REDACTED] delivered drink coupons to his friends and the coupons were not made generally available to members.
 - [REDACTED] said the contract with HiFi Social was just with him and it was a mistake if it said anything else.
 - [REDACTED] said information about the event was shared only by word of mouth and he did not send text messages, apps, emails, etc.
 - The officers said there was no coordinated hotel rooms. Individuals were responsible for their own lodging.
 - [REDACTED] said they could not identify who attended and who didn’t, how many were members of the chapter, how many were not.
 - [REDACTED] said nonmembers were invited/participated in the event.
 - [REDACTED] scheduled a follow-up meeting on April 25, 2022. During that meeting [REDACTED] said he wanted to correct the record and provide additional documentation, including:
 - A copy of the contract with HiFi Social, which showed:
 - a total estimated cost for the event of \$51,682.01
 - a block of 110 hotel rooms
 - an event name - “Ohio State DTD Formal”
 - Communication regarding the event was done through a GroupMe

- message.
- Rosters identifying members and guests

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

_____ On behalf of the Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi 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 have made the resolution choice indicated above in consultation with the chapter's executive board, advisor(s) and Delta Tau Delta. 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.

[REDACTED]
Date: _____

Acknowledgments

Delta Tau Delta Executive Board Member Signature: _____

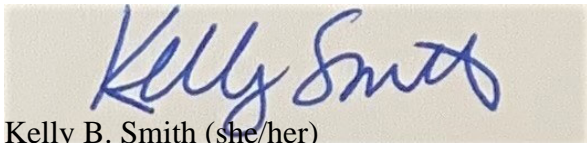
Date: _____

Beta Phi Chapter Advisor Signature: _____

Date: _____

Delta Tau Delta Signature: _____

Date: _____



Kelly B. Smith (she/her)

Director

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 _____