

Case No:

Organization Name: Acacia

Charge Date:

Hearing Date: March 19, 2021

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

The Ohio State University Buckeye Pledge/COVID-related Health Order Reports

Submitted on January 22, 2021 at 11:20:56 am EST

Urgency:

Incident Date and Time: 2021-01-21 11:00 PM

Incident Location: Columbus Off Campus - Please list specific street address under

Reported by

Name: Title: Email: Phone:

Address:

[UNAUTHENTICATED]

Involved persons, organizations or addresses -- REQUIRED

Acacia ()

Organization

Report Description

Please describe what you observed (e.g. Student was not wearing her mask in class, large gathering off campus with no face masks or social distancing; Student not complying with quarantine or isolation order)

There were a large number of people that had conglomerated outside of our property and when looking outside more and more people started to walk up to Acacia's house. The music was loud enough to hear clearly from the inside of their house to into my room in my house and could hear people screaming as well. The number of people at the event is estimated as I didn't know how many people were going in and out of their house. What looked like Acacia brothers were trying to get people inside as quickly as possible from their front door as I believe their main form of entry to the party was through the back door. No masks looked to be present during the event as people were drinking.

If you are reporting COVID/Pledge related conduct that occurred during a class, please identify the course name and number, classroom location, instructor name and instructor email.

If you are reporting a large gathering, provide the number of individuals you observed in attendance. **50-100**

If you are reporting a large gathering, what else did you observe?

No observable use of face masks, No observable physical distancing, Presence of alcohol, Loud noise or music

While we have been told that Columbus Police have not approached (nor do they intend to approach) near-campus residences as they are not policing other residences throughout the city in relation to public health issues, you may nonetheless want to report what you observed to their non-emergency line at 614-645-4545. You could also consider reporting to Columbus Public Health using the city's 311 System.

Have you reported this to any other agency or university department?

I reported to an agency/department not listed (describe below)

Please provide details about where else you reported this information to.

Sorority and Fraternity Life (IFC Council Grievance Form)

If you are reporting a student for not following a quarantine or isolation order, please provide additional information, such as the start or end dates of the order.

Please share additional information here.

Pending IR #00038057

Submitted from 65.60.139.142 and routed to Krystal Reeb (Associate Director). Processed by routing rule #690. Copies to: reeb.47@osu.edu,smith.4941@osu.edu,cama.1@osu.edu,demooy.2@osu.edu



STUDENT CONDUCT
550 Lincoln Tower
1800 Cannon Drive
Columbus, Ohio 43210
614-292-0748 Phone
614-292-2098 Fax
studentconduct.osu.edu

January 22, 2021

Waw chapter of Acacia
Sent electronically to

PERSONAL AND CONFIDENTIAL

Regarding Case Number:

Thank you for taking my call a few minutes ago. Please carefully read the attached correspondence from Interim Dean of Students Ryan Lovell. Take care to follow the instructions in both attached letters, including notifying your membership of the interim suspension. Call 614-292-0748 Monday morning to schedule your meeting with me.

Sincerely,

Krystal Reeb Associate Director

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

Director of Organizational Growth & Services - Ryan Ferguson

Chapter Advisor - Greg Horvath



January 22, 2021

Waw chapter of Acacia

PERSONAL AND CONFIDENTIAL

Regarding Case Number:

To the members of the Waw chapter of Acacia:

In accordance with the Registration Guidelines for Student Organizations and the Code of Student Conduct, I have determined reasonable cause exists to believe the activities of the Waw chapter of Acacia pose a significant risk of substantial harm to the safety and security of its members, potential new members and others. This determination is based on an allegation that your chapter hosted an event or gathering contrary to the directives found on the Safe and Healthy Buckeyes website in addition to applicable state health orders.

As a result, I hereby place the Waw chapter on interim suspension pending a full investigation of this matter by the Office of Student Life Student Conduct.

Member list with contact information

As part of the investigation, I am requesting a list of the names and contact information for all current members and any non-members residing in your chapter house or any annex.

Contact information must include:

- first and last name
- local address
- email address
- cell number
- officer/leadership position (if any)
- member status (new, initiated, disaffiliated, withdrew from new member process, non-member)

You must email the member list to me at no later than 4:00 p.m. on Sunday, January 24, 2021.

Terms of interim suspension

During the period of this Interim Suspension, the Waw chapter shall not be eligible to participate in any recognized student organization activities, whether in-person or "virtually," including but not limited to Chapter meetings or programs, Greek Council meetings and sponsored activities, Welcome Week activities, intramural sporting events, Greek Week, recruiting of new members, chapter social events or social events with any other student organizations. In addition, all membership intake activities must cease during the period of Interim Suspension.

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

Notice to membership

You must forward this letter to all members and any non-member residents of your chapter house or any annex house to place them on notice of the interim suspension. Further, this letter provides notice to individual members and non-members that they may be held responsible for failing to comply with the directives within this letter. Additionally, all members, like any students, are responsible for reading the Code of Student Conduct and fully understanding the requirements placed on all students by the Together as Buckeyes training, Buckeye Pledge and the Safe and Healthy Buckeyes website.

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

Request for reinstatement

The Waw chapter has the right to request reinstatement or modifications of the interim suspension. Requests must be in writing and must include supporting documentation or evidence that the Waw chapter (or the proposed modification) does not pose or no longer poses a significant risk of substantial harm to the safety or security of themselves or others or to property. Submit your written request by email to lovell.113@osu.edu. Please consult the Code of Student Conduct, Section 3335-23-20, for a complete description of this process.

Notice to others

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

Investigation

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

Sincerely,

Yew W. fall

Ryan Lovell Interim Dean of Students / Interim Assistant Vice President



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January 22, 2021

Waw chapter of Acacia

PERSONAL AND CONFIDENTIAL

Regarding Case Number:
To and the members of the Waw chapter of Acacia:
Student Conduct has received information that describes conduct by Acacia on or around January 21, 2021. The report details concerns related to a gathering of a size and nature prohibited by university directives and potentially applicable health orders. Additionally, your chapter has not completed sanctions as issued in case . 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 (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 (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.
• 2225 22 04 (N) Violation of university rules or federal state, and local laws. Violation

- 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 (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.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than January 27, 2021, to schedule a preliminary conference with me. The purpose of this conference is twofold. At this meeting I will explain our process for determining whether charges for violations are warranted, and will answer any questions you may have about

the conduct process. We will talk about what happened, and you will be able to identify any other individuals who may have information about the alleged incident. If you have any relevant materials, for example your own written statement, text messages, photos, emails, etc., please email them to me at reeb.47@osu.edu before our meeting.

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 reeb.47@osu.edu.

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, 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 January 27, 2021 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.

my les

Sincerely,

Krystal Reeb Associate Director

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 vie 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.
 - 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)
 - 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)

- o 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.
- o Information on how to submit an appeal, including grounds for appeal, will be included with communication following a decision from the appropriate hearing body.



STUDENT CONDUCT
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February 23, 2021

Waw chapter of Acacia
Sent electronically to

PERSONAL AND CONFIDENTIAL

Regarding Case Number:

Dear and the members of the Waw chapter 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 reeb.47@osu.edu. This form is due by 4:30 p.m. on March 2, 2021. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

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

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,

Kupul Rus

Krystal Reeb Associate Director

CC: Chapter Advisor - Jeffrey Jordan

Director of Organizational Growth & Services - Ryan Ferguso

Chapter Advisor - Greg Horvath

Assistant Director of Sorority and Fraternity Life - Hunter Hartwig



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PERSONAL AND CONFIDENTIAL

Regarding Case Number:		

CHARGE AND PROCESS FORM

Name:	and the members of the Waw chapter of Acacia
Email:	

I. Charge(s): It is alleged that on or around January 21, 2021, the Waw chapter of Acacia violated the following sections of the Code of Student Conduct:

- 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 (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.

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

On or around January 21, 2021, the Waw chapter of Acacia hosted an event at their chapter house despite the temporary suspension of all in-person student organization events or gatherings of any kind issued by the Office of Student Life. During the event, 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 greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

Additionally, the chapter failed to complete sanctions issued in case
II. Acceptance/Non-Acceptance of Responsibility: To resolve these charges, place your initials next to your selection.
On behalf of the Waw chapter of Acacia I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. <u>I request an Administrative</u> <u>Decision.</u>
On behalf of the Waw 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. <u>I request an Administrative Hearing before a University Hearing Officer.</u>
On behalf of the Waw 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 Waw 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 reeb.47@osu.edu by March 2, 2021 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.
Acacia Signature:
Date:
Acknowledgments
Acacia Executive Board Member Signature: Date:

Acacia Advisor Signature:_	
Date:	



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February 23, 2021

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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 reeb.47@osu.edu. This form is due by 4:30 p.m. on March 2, 2021. 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.

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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,

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Krystal Reeb Associate Director

CC: Chapter Advisor - Jeffrey Jordan

Director of Organizational Growth & Services - Ryan Ferguso

Chapter Advisor - Greg Horvath

Assistant Director of Sorority and Fraternity Life - Hunter Hartwig



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- 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
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Additionally, the chapter failed to complete sanctions issued in case
II. Acceptance/Non-Acceptance of Responsibility: To resolve these charges, place your initials next to your selection.
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On behalf of the Waw 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. <u>I request an Administrative Hearing before a University Hearing Officer.</u>
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Acacia Signature:
Date:
Acknowledgments
Acacia Executive Board Member Signature: Date:

Acacia Advisor Signature:_	
Date:	



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March 19, 2021

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Regarding Case Number:

To and the members of the Waw chapter of Acacia:

Attached is your chapter's outcome letter. Please read it carefully. I look forward to working with you and your advisors over the coming months.

Sincerely,

Krystal Reeb Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD Interim Dean of Students & AVP - Ryan Lovell
Director of Organizational Growth & Services - Ryan Ferguson
House Corporation President. - William Thornton
Chapter Advisor - Jeffrey Jordan
Assistant Director of Sorority and Fraternity Life - Hunter Hartwig

Office of Student Life Student Conduct

550 Lincoln Tower 1800 Cannon Drive Columbus, OH 43210

614-292-0748 Phone 614-292-2098 Fax

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March 19, 2021

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Sent electronically to	
Regarding Case Number:	

Dear and members of the Waw chapter of Acacia,

I am writing to provide the Waw chapter of Acacia (hereinafter "the chapter") with its outcome for this conduct case. The chapter took responsibility and requested an administrative decision for the following violation(s) of the Code of Student Conduct:

- 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 (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.
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During the event, 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

greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

Additionally, the chapter failed to complete sanctions issued in case



Administrative Decision

Sanction Considerations

I considered the following factors in determining appropriate sanctions:

- the chapter's recent conduct history
- the severity of the violation when considered on a continuum
- the chapter's proposed sanctions
- the collaboration and support of your chapter's advisor

This outcome letter does not replace or nullify any sanctions or stipulations set forth by Acacia's inter/national organization (hereinafter "Headquarter's Staff"), advisors, Sorority and Fraternity Life, or IFC.

Sanctions

Deferred Revocation of Registration

I am extending the period of deferred revocation of your chapter's status as a registered student organization through the end of the probation period noted below. Any further violation of the Code of Student Conduct, while on probation may result in the 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.

Disciplinary Probation

Your chapter's disciplinary probation is extended through May 8, 2022.

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

Additional Sanctions

This outcome supersedes all previous sanctions found in the December 2, 2020 outcome letter. Accordingly, Student Conduct will close case 2020109901. When the chapter successfully completes the sanctions detailed herein, Student Conduct will mark all sanctions delivered in the previous cases as complete.

Recommended Sanctions

On March 10, 2021, the chapter submitted recommended sanctions in consultation with the Housing Corporation Board, Headquarters staff, and Sorority and Fraternity Life Assistant Director Hunter Hartwig.

I believe the requirements and directives assigned to the chapter are appropriate and intentionally crafted to prevent unacceptable behavior and future violations. Along with this, the sanctions identify a level of support by the Headquarters, chapter officers, advisors, and the Housing Corporation Board.

It is my hope by instating these value-driven directives as your chapter's required sanctions by the university that your chapter will thrive through the continued support surrounding you.

The chapter president, a co-leader and a representative from the local and/or Headquarters staff must meet with me no later than March 31, 2021, to discuss appropriate deadlines for these sanctions.

Complete and updated rosters

Your chapter must provide a complete roster of all members to your SFL liaison and me each semester. A complete roster must include:

- first and last name
- OSU email address
- cell phone number
- LOCAL Columbus address
- status (include all inactive members, "early alumni," and members that have resigned or been suspended or expelled within the last 12 months)

When submitting rosters, the president must copy their local advisor and Headquarters staff. The president is certifying the accuracy of the roster. I encourage you to ask your members not living in the chapter house or in university housing to submit copies of their lease to verify their local, Columbus address.

The purpose of this requirement is to identify address locations that might be used as "annexes" or strongly associated with the chapter due to multiple members residing there. This will allow chapter leadership, advisors and the Headquarters staff to hold members accountable for behavior that puts the chapter's standing or reputation at risk. Further, providing the rosters as a matter of routine at the start of each semester removes the pressure chapter leaders or other members may experience when concern about a location arises.

You must submit a roster meeting the requirements above for this semester no later than April 2, 2021.

Repairing Harm

The last year has been difficult. Many lost their jobs. Schools closed. Family members were physically separated from their loved ones in nursing and long-term care facilities.

Over half a million Americans lost their lives.

By hosting a large gathering in violation of health orders, your chapter put other students and residents of Columbus at risk. Such gatherings also damaged the reputation of your fellow students who took their responsibility to care for others through shared sacrifice seriously.

How will your chapter transition from one that prioritizes "social capital" to one known for providing a positive fraternity experience that brings value and honor to its members and community?

In consultation with your advisors and SFL liaison, your chapter must develop a plan to improve its reputation and to repair the harm from the last year. That plan must include:

- 1. Acknowledgment letter. Your chapter must draft a letter to the presidents of all SFL chapters that acknowledges and accepts responsibility for the actions taken by your members over the last year that have put community members at risk and damaged the reputation of the sorority and fraternity life community. You must review this letter with your SFL liaison prior to April 2, 2021 and deliver it to chapter presidents before April 7, 2021.
- 2. <u>Social Restrictions</u>. Your chapter must demonstrate it can provide a positive and safe social experience to its members and invited guests without relying on alcohol. Accordingly, I am restricting the number of events with alcohol as described in the *summary of dates* section below.
- 3. Three additional actions. Your chapter must email me no later than April 12, 2021 a brief memo describing at least three additional measurable actions your chapter will take to enhance its reputation as a positive participant in the sorority and fraternity life, university and Columbus communities. Your chapter may not use its continued commitment to existing philanthropy efforts to fulfill this requirement. Rather, you must identify additional actions that will reduce your chapter's toxic "social footprint" while enhancing its reputation in other areas, such as:
 - Brotherhood (increasing the number of registered brotherhood events that do not involve alcohol);
 - commitment to social change, diversity, belonging and inclusion (attending/participating in Diversity, Equity and Inclusion activities and training offered by the university);
 - being a good neighbor (e.g., reducing noise, improving the appearance of the chapter house and grounds).

Education on potential criminal, civil liability and insurance coverage

Your chapter must attend an educational session with an attorney licensed to practice law in the state of Ohio. You must share this outcome letter with the attorney. The educational sessions must contain information on potential consequences under criminal and civil law that could flow from hosting gatherings with alcohol or other behavior (such as hazing) that puts the chapter, its individual members or its guests at risk. Your chapter must also obtain information on insurance coverage provided by your Headquarters to share with the attorney one week prior to the

presentation. You must invite your SFL liaison, local advisor(s), and me to the educational session, though our attendance is not required. If necessary to provide additional information or context regarding insurance coverage, your local advisors or Headquarters might require a separate meeting with the chapter.

Attendance by all chapter members is mandatory. I encourage the chapter to conduct these sessions via Zoom. Please ask permission of all presenters to record the session(s). If they do not give permission to record, the chapter must prepare a summary of the presentation(s).

Student Legal Service

I encourage you to reach out to Student Legal Services to ask if they will provide this service to your chapter. Student Legal Service is a non-profit organization. They likely will not charge your chapter for this service. Because this service is valuable, your chapter – in order to recognize that value – must make a donation no less than \$150.00 or \$5.00/per member to one of the following entities in honor of Student Legal Service's dedication to the Ohio State community:

- Legal Aid Society of Columbus
- Court Appointed Special Advocates of Franklin County

Your chapter is free to suggest a different recipient of that donation, so long as the recipient is an organization that provides legal or social services to residents of Franklin County.

Other lawyer(s)

Your chapter may hire a lawyer or law firm to provide this informative session, so long as you provide me with the name and contact information of the alternative selection at least 14 days in advance of the session to allow me to verify they have the experience and expertise to deliver the expected content. You may also hire a different lawyer or firm if Student Legal Services is unable to provide this session to your chapter.

To document completion of this sanction, the chapter must deliver the following:

- an email identifying the date and time of the presentation
- a recording of the Zoom session or a written summary of its content

I encourage the chapter to complete this requirement as soon as possible. The deadline to complete this is April 23, 2021. I can extend this deadline upon request from a chapter advisor.

Follow Up Meetings

Konstantinos, your chapter's success meeting the requirements found in this outcome and avoiding any further reports will require significant coordination by you and other leaders in the chapter. I am invested in your chapter successfully completing all of the requirements found in this letter. I encourage you to communicate with me frequently regarding your chapter's progress. I can provide clarity regarding expectations and offer modifications and extensions if necessary.

At a minimum, you must meet with me as follows:

- Once during the spring 2021 semester before April 23, 2021
 - This does not include our initial meeting by March 31 to determine sanction deadlines for your recommended sanctions.
- Three times during the 2021-2022 academic year
 - o prior to August 24, 2021
 - o prior to November 11, 2021
 - o prior to March 2, 2022

During these meetings, we will discuss areas of challenge and success the chapter has had throughout the year, how social events and risk management have been going, and plans for the future. These meetings will be an opportunity for us to connect and engage in dialogue regarding the sanctions the chapter has completed and check in on any that remain.

For each meeting, the president must be joined by a co-leader/s. The co-leader(s) must be a sophomore. This is critical to the chapter's ongoing success, as it will provide continuity through the transition period during the next academic year. I also ask that a chapter advisor or Headquarters staff join these meetings to maintain positive connections and communication channels with Student Conduct.

Call 614-292-0748 to schedule the meetings. This could change during the 2021-22 academic year, but for now, all meetings will utilize Zoom.

Chapter Communication

At the end of the appeal period, your chapter is required to email this outcome letter to all members, including new members (any person going through the new member or pledging process) and inactive members. The goal is to make all members aware of the chapter's status and the requirement to provide an accurate local address to the chapter. Everyone should also understand the university requires students maintain up-to-date contact information, including local address, with the university through BuckeyeLink.

Additionally, at the end of the appeal period, the chapter must email this outcome letter to:

- all local and alumni advisors
- the housing corporation board (already copied on this letter)
- all landlord/property owners for any "annex house" (if there are questions regarding whether a location is considered an annex house for purposes of this requirement we will discuss this while examining your chapter roster at our first meeting)

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

Summary of Dates

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

- Disciplinary Probation Effective immediately through May 8, 2022
- Social Restrictions/Directives 1
 - Spring 2021 semester: Maximum of 2 events with alcohol at a third party venue and a minimum of 3 dry events
 - o <u>Autumn 2021 semester</u>: Maximum of 5 events with alcohol at a third party venue and a minimum of 6 dry events
 - o <u>Spring 2022 semester:</u> Maximum of 8 events with alcohol at a third party venue and minimum of 6 dry events
- Follow Up Meetings:
 - o Once during the spring 2021 semester Before April 23, 2021
 - o Three times during the 2021-2022 academic year
 - Prior to August 24, 2021
 - Prior to November 11, 2021
 - Prior to March 2, 2022
- Additional Dates:
 - March 31, 2021 deadline to meet and identified sanction deadlines
 - April 2, 2021 roster due
 - o April 2, 2021 draft acknowledgment letter due to Hunter Hartwig
 - April 7, 2021 acknowledgment letter to chapter presidents
 - April 12, 2021 email with additional actions to repair harm and improve reputation
 - April 23, 2021 education on legal risk
 - o appeal deadline or after an appeal decision appeal deadline/communication to members

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 to reeb.47@osu.edu regarding any challenges your chapter encounters. I can be flexible with due dates if you are making a good-faith effort.

Staffing Change

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

Interim Suspension

The terms of your interim suspension will remain in effect until the Student Conduct process has been concluded, either with an appeal decision, or if no appeals are received prior to the deadline (see below). Should you have any questions, please contact me directly.

¹ All restrictions/directives are contingent on whether such events are permitted under university directives and existing state, county or local health orders.

Appeal

Because your chapter accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 p.m. on March 26, 2021. 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, along with any relevant documentation, by the deadline to reeb.47@osu.edu. You may also fax the form and documentation to 614-292-2098.

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 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

Krystal Reeb Associate Director

Kynt les





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
facts, documentation or perspective that supp	following reasons [If you check a basis, you must provide orts your appeal. It is important to provide information that the appeal officer can make an informed decision regarding as needed].
	erial harm or prejudice to the student (i.e. by preventing a s from the designated procedures will not be a basis for prejudice results.
Please identify the procedural error(s) that to proper hearing.	ok place and how the error(s) prevented a fair, impartial or
2. Discovery of substantial new eviden reasonably could have affected the decision of	ace that was unavailable at the time of the hearing, and which of the hearing body.
	ropriate and possible, attach it to this appeal. Indicate why 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	
	Date	
	Bate	
	Date	
For Student Conduct Staff:	Date	
For Student Conduct Staff: Received by:	Time	
Received by:		
Received by:		

The Ohio State University Student Conduct Appeal

Submitted on March 26, 2021 at 3:26:31 pm EDT

Nature:	Administrative Decision issued by Student Conduct (you accepted
Urgency:	responsibility and received sanction(s) from your investigative hearing

Incident Date and Time: officer)
Incident Location: No

Reported by 2021-03-26 Krystal Reeb

Name: Title: Email: Phone: Address:

[UNAUTHENTICATED]

Student Information

Representative for a student organization

Appeal

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

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

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

 NA
- 3.) Discovery of substantial new evidence that was UNAVAILABLE at the time of the hearing, and which reasonably could have affected the decision of the hearing body

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

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

NA

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."

ÑΑ

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."

We are appealing on the grounds of grossly disproportionate sanctions. Specifically, we have consulted legal counsel and we believe that there are a few instances where the sanctions overstep in terms of personal privacy and legal liability of our members.

First, the requirement to provide the university with cell phone number violates the personal privacy of our

members. We are willing to provide the first and last name, OSU email address, local Columbus address, and status of members, as we have already done. However, the requirement that we provide cell phone number violates the personal privacy of our members by singling us out amongst other OSU students because of our membership in a registered student organization. We are concerned that providing cell phone numbers could expose our members to potentially limitless tracking or monitoring by the University. We want to be open and transparent about who our members are, however this personal information is intrusive and unnecessary.

Further, we are concerned by your rationale in wanting local Columbus addresses in order to further monitor and track students at OSU. We have no annex houses.

Second, we do not believe that including information related to anyone who is inactive, "early alumni", resigned, suspended, or expelled in last 12 months has anything to do with our current active chapter and members. Frankly, when someone goes into one of these categories, we don't have contact with them anymore.

Third, the requirement to draft and send an "acknowledgment letter" as defined in the outcome letter violates the 5th Amendment of the Constitution and potentially exposes all of our current members to civil and/or criminal legal liability. We understand that a Student Conduct case is not the same as a legal proceeding. However, we also know that information that is conveyed or communicated during Student Conduct cases is discoverable in a court of law. We are curious as to whether the OSU General Counsel has reviewed this requirement in light of protecting students from future potential legal liability. What is the purpose of an "acknowledgement letter" from our organization when we are also listed on OSU website related to this Student Conduct case?

Fourth, the "Social Restrictions/Directives" as stated seem to completely prohibit our chapter from hosting any events with alcohol at our chapter house for the duration of time that all of our current members will still be students. We understand the intent of this sanction, however it is almost impossible for a chapter of 15 men to have enough money to host a event at a third party venue. Further, all of our members who are 21 and who live in the chapter house maintain an individual right to lawfully consume alcohol. We are concerned that this sanction could be used against us if one of our members is lawfully consuming alcohol at the facility they are leasing. The chapter does not rent the facility, it is individual members with individual lease contracts.

In summary, we have already taken responsibility for our conduct. We have made internal changes outlined in our March 10th letter to Krystal Reeb. We have comprehensive sanctions outlined in the rest of the Outcome letter, to which agree to the vast majority. We believe that there are potential unintended consequences related to the items we outlined above.

Thank you for your time, energy, and attention already spent on this case. We look forward to continued partnership with the University in making our OSU community as great as we know it can be.

8.) Explain why this sanction is grossly disproportionate.

The probation period is too long., The effective date of the suspension/dismissal results in economic hardship., Other (provide further explanation in response to the next question).

- 9.) Provide additional information regarding your selection to the previous question. **See above.**
- 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."
- -Eliminating the requirement for cellphone information.
- -Eliminating the requirement of any inactive, suspended, or alumni within the last 12 months.
- -Eliminate the requirement for the acknowledgement letter. We would be willing to address our SFL

counterparts in an in person meeting.

- -Allow the chapter to have our registered active chapter events at the chapter house with alcohol. We would propose that during these events we would welcome the university to send someone to check on our compliance.
- 11.) Is there additional information you wish to share?

As stated above the new probationary period lasts until all of our current members would be graduating (May 2022) and we ask to maintain our current probationary period until December, 2021.

12.) If you are submitting other material with this appeal, please describe that material below. ${\bf NA}$

Pending IR #00039386

Submitted from 74.135.3.248 and routed to Krystal Reeb (Associate Director). Processed by routing rule #103. Copies to: studentconduct@osu.edu,smith.4941@osu.edu



STUDENT CONDUCT
550 Lincoln Tower
1800 Cannon Drive
Columbus, Ohio 43210
614-292-0748 Phone
614-292-2098 Fax
studentconduct.osu.edu

April 5, 2021

Acacia
Sent electronically to

PERSONAL AND CONFIDENTIAL

Regarding Case Number:

Dear

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

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

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

Sincerely,

Matt Couch, PhD

Associate Dean of Students

CC: Associate Director of Student Conduct - Krystal Reeb