

Case No: [REDACTED]

Organization Name: Beta Theta Pi

Three incidents were resolved on April 23, 2020. This packet is for an incident on Feb 12, 2020.

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

**The Ohio State University  
Sorority and Fraternity Life Reporting Form**

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*Submitted on February 18, 2020 at 1:49:47 pm EST*

Nature: **Sorority and Fraternity Life**  
Urgency: **Alcohol**  
Incident Date and Time: **2020-02-12**  
Incident Location: **Off campus Beta Theta Pi Annex**

Reported by

Name: **Teri Cugliari**  
Title:  
Email: **cugliari.6@osu.edu**  
Phone: **614-688-3287**  
Address:  
**[Authenticated as Teri Cugliari]**

Involved Parties

**Alpha Xi Delta (Org00041)**  
Alleged

**Beta Theta Pi (Org00006)**  
Alleged

Questions

Please provide a detailed description of the incident(s)/concern(s) including as much detail as possible (e.g., names of those present and/or involved, dates, times, locations, etc.).

**On Tuesday February 18 the Alpha Xi Delta [REDACTED], reported to me a possible sexual assault of a member. A report regarding the alleged assault has been submitted to OIE.**

**While asking additional questions, [REDACTED] stated that this was alleged to have taken place following a Beta/AXiD co-hosted event called "Wine Wednesday". When I asked additional questions about the event [REDACTED] stated that the reporting party was heavily intoxicated. I asked if she had gotten intoxicated at the event and [REDACTED] replied "yes, but I'm not sure" I asked [REDACTED] about alcohol at the event and she stated "the frat provided it" I asked additional questions and she stated that it is pretty normal to show up at events like this and the fraternity provides the alcohol without questions. I asked if anyone checked ID's and [REDACTED] said no, you just walk up to the bar. [REDACTED] did say she was not present at this event, but this is how things typically work.**

**I explained to [REDACTED] that providing alcohol at social events violates alcohol policies, particularly providing alcohol to underage individuals. I explained to [REDACTED] that since this was a co-hosted event, both groups are responsible for following alcohol policies. I let [REDACTED] know that I would be reporting this to Student Conduct to investigate.**

Who responded or has been notified of the incident/concern? (Check all that apply)

**None**

Is the student and/or student organization aware of your concern(s) or that you have filed this incident report?

**Yes**

*Pending IR #00032922*

*Submitted from 140.254.8.187 and routed to Krystal Reeb (Associate Director). Processed by routing rule #596.*

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

February 19, 2020

Beta Theta Pi

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To the members of the Theta Delta chapter of Beta Theta Pi,

Student Conduct has received information that describes conduct by Beta Theta Pi on February 12, 2020. The report details concerns related to alcohol management and/or distribution of alcohol to underage individuals. 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 (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.
- 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.
- Based on the nature of the allegation, I am directing your chapter not to have any events where alcohol is present pending the outcome of this investigation.

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

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

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

3335-23-04(G) Failure to Comply with University or Civil Authority – Failure to

comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction

As a leader of the organization, you must contact Student Conduct **as soon as possible**, and no later than February 24, 2020, to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to explain what happened, to provide materials, and to identify other individuals with information about the alleged incident. Please submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by email to me at [reistad.1@osu.edu](mailto:reistad.1@osu.edu) prior to our meeting.

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

Guest list for the registered event;

Copy of registered event form;

Name(s) of anyone who served alcohol at the event/pregame (i.e., bartender);

Name(s) of those who live at the property where the event/pre-game occurred;

Any other documents you'd like to provide that demonstrates risk management practices were followed

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

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

If you do not contact our office by February 24, 2020 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this

investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

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

Sincerely,

A handwritten signature in cursive script that reads "Aaron Reistad". The signature is written in black ink and is positioned above the typed name.

Aaron Reistad  
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas  
Alumni Advisor Aaron Moore

## Student Rights and Responsibilities

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

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

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

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



March 6, 2020

The Theta Delta chapter of Beta Theta Pi  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To [REDACTED] and the members of the Theta Delta chapter of Beta Theta Pi:

Thank you for speaking with me to discuss Beta Theta Pi's conduct case. I am writing to give you an email record of the charges discussed and information shared during the meeting. At this stage of my investigation, there exists reasonable cause to issue one or more charge(s) under the Code of Student Conduct. Charging does not, however, assume that your organization is responsible for violating any sections of the code; it only causes the second half of our process to begin.

I have attached your organization's Charge and Process Form to this email. Please review it carefully and select your organization's resolution option. Our office 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, our office can provide an excuse letter for employers and instructors.

Once you have completed the charge and process form, you may scan and email it to [reistad.1@osu.edu](mailto:reistad.1@osu.edu). This form is due by 4:30 p.m. on March 19, 2020. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

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

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

Please call our office at 614-292-0748 between 8:00a.m. and 5:00p.m. Monday through Friday,

or email me if you have questions.

Sincerely,

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

Aaron Reistad  
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas  
Aaron Moore  
Jacob Tidwell

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

**CHARGE AND PROCESS FORM**

Name: [REDACTED] and the members of the Theta Delta chapter of Beta Theta Pi

Email: [REDACTED]

**I. Charge(s):** It is alleged that on February 12, 2020, the Theta Delta chapter of Beta Theta Pi violated the following sections of the Code of Student Conduct:

- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

The Theta Delta chapter of Beta Theta Pi co-hosted an event where alcohol was provided and failed to successfully implement risk management practices. This resulted in guests under the age of 21 being provided and consuming alcohol.

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

\_\_\_\_\_ On behalf of the Theta Delta chapter of Beta Theta Pi 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 Theta Delta chapter of Beta Theta Pi 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 Theta Delta chapter of Beta Theta Pi 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 Theta Delta chapter may be subject to a formal reprimand, disciplinary probation, deferred revocation of registration, dismissal, or any other sanction and/or combination of sanctions in the Code of Student Conduct.

I have received notice of the charges. I will return this form by email to reistad.1@osu.edu by **March 19, 2020** at 4:30 p.m. I understand that if I do not return the form, it may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

Beta Theta Pi [REDACTED] Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Acknowledgements

Beta Theta Pi Executive Board Member Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Beta Theta Pi Advisor Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

From: [REDACTED]  
Subject: Beta Theta P  
Date: March 17, 2020 at 10:22 AM  
To: Re stad, Aaron Z. re stad.1@osu.edu



Hello Aaron,

Thank you for all of your help through this process. We appreciate the due diligence you took in the investigation. At this time, On behalf of the Theta Delta chapter of Beta Theta Pi I accept responsibility for all violations of the Code of Student Conduct as listed in Section I of the three forms provided. I request an Administrative Decision.

I am hoping that we can be given an extension to form our sanction recommendations. Life has been quite crazy lately with the Coronavirus updates every day. Let me know if this would be okay.

I hope you and your family stay well during this time! Thanks again.

Best regards,



Signatures.pdf



[REDACTED] Org  
Charge...eet.pdf



[REDACTED] Org  
Charge...eet.pdf



[REDACTED] Org  
Charge...eet.pdf