

Case No: [REDACTED]

Organization Name: Beta Theta Pi

Hearing Date: February 12, 2021

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

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.

IFC Judicial Board

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 #00036866

Submitted from 99.165.70.76 and routed to Kelly B. Smith (Director). Processed by routing rule #690.

Copies to: cama.1@osu.edu,demooy.2@osu.edu,reeb.47@osu.edu

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.
IFC Judicial Board

** 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 #00036866

Submitted from 99.165.70.76 and routed to Kelly B. Smith (Director)

Modified by Krystal Reeb on October 29, 2020 at 6:46:07 pm EDT from 74.113.47.183

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

Submitted on October 24, 2020 at 11:29:17 am EDT

Nature: **Event or gathering >10**
Urgency: **.**
Incident Date and Time: **2020-10-24 12:00 AM**
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

13th avenue annex of beta theta pi ()
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)

Having a party

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?

No, I have not reported it elsewhere

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

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 #00036694

Submitted from 74.135.19.254 and routed to Kelly B. Smith (Director). Processed by routing rule #690.

Copies to: cama.1@osu.edu,demooy.2@osu.edu,reeb.47@osu.edu

October 30, 2020

Theta Delta 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:

Student Conduct has received information that describes conduct by Beta Theta Pi on October 24, 2020. The report details concerns related to the Theta Delta chapter of Beta Theta Pi hosting a party/gathering/event with more than 10 people in which face masks were not worn and social distancing was not adhered to in violation of state and university guidelines including the Buckeye Pledge. 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 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 3335-23-04 (M1) Student conduct system abuse - Failure to obey summons or directives. Failure to obey the summons or directives of a student conduct body or university official.

I am directing your chapter to not host any in person events until told otherwise.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than November 4, 2020, 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 reistad.1@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 reistad.1@osu.edu.

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

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

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

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

Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), ada-osu@osu.edu, 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 November 4, 2020 to schedule your preliminary conference meeting, I may continue this investigation without your input. This could result in charges, which may lead to a hearing and sanctions if found in violation.

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

I look forward to speaking with you.

Sincerely,

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

Aaron Reistad
Conduct Case Manager

CC: Crystal Sutton
Jacob Tidwell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Kate Butler

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)**
 - 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.

December 7, 2020

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

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

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

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

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

Once you have completed the form electronically or by hand, email it to reistad.1@osu.edu. This form is due by 4:30 p.m. on December 14, 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, or visit <https://ada.osu.edu/>.

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

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

Sincerely,

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

Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Kate Butler
Jacob Tidwell
Crystal Sutton
Fran Ward

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 October 24, 2020, the Theta Delta chapter of Beta Theta Pi violated the following sections of the Code of Student Conduct:

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

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

The Theta Delta chapter of Beta Theta Pi hosted a block/tailgate in violation of prior restrictions limiting the chapter to hosting events with alcohol at third party venues.

Additionally, the chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/party of greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

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 **December 14, 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 President Signature: _____

Date: _____

Acknowledgements

Beta Theta Pi Executive Board Member Signature: _____

Date: _____

Beta Theta Pi Advisor Signature: _____

Date: _____

February 26, 2021

Theta Delta Beta Theta Pi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

I have attached the outcome from the February 12, 2021 University Conduct Board. Please email or call me if you have questions.

Sincerely,



Kelly B. Smith
Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD
[REDACTED]
Associate Director of Sorority and Fraternity Life - Kate Butler
Advisor - Crystal Sutton
Director of Chapter Operations, Beta Theta Pi - Jacob Tidwell
Fran Ward, Esq.

STUDENT CONDUCT APPEALS

Student Appeals

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

Grounds for appeal

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

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

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

Appeal Procedure

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

APPEAL REQUEST FORM

Name: _____ Student ID#: _____

Phone: _____ Email: _____

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

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

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

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

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

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

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

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

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

Signature _____ Date _____

For Student Conduct Staff:

Received by: _____ Time _____

Date Stamp:

Delivered to Appeal Officer

Date _____

February 26, 2021

The Theta Delta chapter of Beta Theta Pi

PERSONAL AND CONFIDENTIAL

Sent electronically to [REDACTED]

Regarding Case Numbers: [REDACTED]

Dear [REDACTED] and members of the Theta Delta chapter of Beta Theta Pi,

I am writing with the University Conduct Board's decision in your conduct case. Your chapter accepted responsibility for the following violations of the Code of Student Conduct:

Charges

Case [REDACTED]

It is alleged that on October 3, 2020, the Theta Delta chapter of Beta Theta Pi violated the following sections of the Code of Student Conduct:

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

by engaging/or attempting to engage in conduct, that includes, but is not limited to: On October 3, 2020, the Theta Delta chapter of Beta Theta Pi hosted a drinking game tournament in violation of prior restrictions limiting the chapter to hosting events with alcohol at third party venues. Additionally, the chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/party of greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

Case 2020215102

It is alleged that on October 24, 2020, the Theta Delta chapter of Beta Theta Pi violated the following sections of the Code of Student Conduct:

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

by engaging/or attempting to engage in conduct, that includes, but is not limited to: The Theta Delta chapter of Beta Theta Pi hosted a block/tailgate in violation of prior restrictions limiting the chapter to hosting events with alcohol at third party venues. Additionally, the chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/party of greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19.

University Conduct Board Hearing – February 12, 2021

Outcome

At the chapter's request, we held a hearing before the University Conduct Board ("UCB") on February 12, 2021. After reviewing the information presented at the hearing, the board found the chapter in violation of all charges in both cases other than the charges for 3335-23-04 (B1) Endangering behavior. The UCB asked that I specifically share the following considerations in this outcome letter. First, the UCB's decision did not hinge on the credibility of the invited witness not in attendance at the hearing. Further, a majority of the UCB found the affiliation of the residents at 162 East 13th Ave. persuasive as to whether the gatherings were significantly associated with the chapter. The UCB did not find the chapter's proffered argument – that the majority of the residents were inactive members – persuasive. Those individuals were still members of Beta Theta Pi and thus subject to discipline by the chapter's Kai. The UCB designed the sanctions below to support the chapter's continuing efforts to educate their members on expected behavior and to hold those members accountable for those expectations. Finally, the UCB was impressed by the documentation provided by Jacob Tidwell, Director of Chapter Operations and the commitment by the Beta Theta Pi Fraternity (hereinafter referred to as the "General Fraternity") to provide direction, structure and accountability to the chapter. The demonstrated commitment by the General Fraternity convinced the UCB to extend the period of deferred revocation rather than proceeding with revocation of the chapter's status as a registered student organization.

Sanction Considerations

The UCB 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 General Fraternity and the chapter's proposed sanctions
- the collaboration and support of the General Fraternity's staff and advisors

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

Sanctions

Deferred Revocation of Registration

The UCB is 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 will 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 incorporates and supersedes all previous sanctions found in the April 23, 2020 outcome letter. Accordingly, Student Conduct will close cases 2019421601, 2019421701 and 2019430801. When the chapter successfully completes the sanctions detailed herein, Student Conduct will mark all sanctions delivered in the previous cases as complete.

Theta Delta Chapter Reorganization Plan

The UCB supports all of the measures included in the documentation provided by Mr. Tidwell for this hearing.

The requirements and directives assigned to the chapter are extensive, appropriate and intentionally crafted to prevent unacceptable behavior and future violations. Along with this, sanctions reflect an understanding of the severity of the violations and level of support by the General Fraternity, chapter officers, advisors, and the housing corporation.

It is the UCB's hope that 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.

Student Conduct will accept direct communication from Mr. Tidwell regarding the progress and completion of the Reorganization Plan.

Follow Up Meetings

Michael, the sanctions delivered by the UCB will require significant coordination by you and other leaders in the chapter. The results of the General Fraternity's reorganization plan may require adjusting sanctions and due dates. We are 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
- three times during the 2021-2022 academic year
 - prior to August 24, 2021
 - prior to November 11, 2021
 - 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 provide opportunities for us to connect regarding the sanctions the chapter has completed and check in on any that remain.

For each meeting, a co-leader must join the president as well as a chapter advisor or representative from the General Fraternity in order to maintain a connection between your organization and 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.

Complete an updated rosters

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

A complete roster includes:

- first and last name
- OSU email address
- cell phone number
- LOCAL 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 the General Fraternity. The president is certifying the accuracy of the roster. The UCB encourages the president to ask members to

submit copies of their lease/rental contract to confirm the local address for members who do not reside in the chapter house or university housing.

The purpose of this requirement is to identify address locations that may be used as “annexes” or strongly associated with the chapter due to multiple members residing there. This will allow chapter leadership, advisors and the General Fraternity 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.

Your chapter must submit a compliant roster prior to March 19, 2021 by email to smith.4941@osu.edu.

Marketing Campaign

The chapter must complete a marketing/social media campaign to promote safe and healthy practices by individuals and chapters in the Sorority and Fraternity community. The chapter must implement this campaign during the spring 2021 semester and continue it through the fall 2021 semester. This campaign must be positive – meaning it cannot focus on risks to chapters for non-compliance, but rather must be rooted in the purpose behind practices such as masking; social distancing; COVID testing; cooperating with contact tracing; quarantining/isolating when positive or exposed; vaccination; and limiting the size of gatherings. The campaign must be adaptable to changing circumstances, including any restrictions or “best practices” promoted for social gatherings during the fall semester, such as those associated with football Saturdays.

The campaign must include one social media platform (Instagram, Twitter) and documentation (PowerPoint, PDF).

You must prepare a proposal detailing your marketing campaign that includes:

- a description on how your chapter will will fairly and equitably assign responsibility to all of your members (please take care to appropriately include new members in a reasonable and equitable manner so to avoid even the slightest appearance of hazing).
- the platform(s) you will use in the campaign
- themes (hashtags) your campaign will emphasize
- citations to public health or other authorities, such as sociological and psychological articles on motivation and persuasion for your peer groups.

You must submit your proposal to me (smith.4941@osu.edu), your SFL liaison, advisor and General Fraternity prior to April 23, 2021

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 session 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 the

General Fraternity to share with the attorney one week prior to the presentation. You must invite your SFL liaison, local advisor, Jacob Tidwell and me to the educational session. If necessary to provide additional information or context regarding insurance coverage, Mr. Tidwell may require a separate meeting with the chapter.

Attendance is mandatory. I encourage the chapter to conduct 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 see 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 \$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

The UCB encourages the chapter to complete this requirement as soon as possible, but recognizes that it might be better to wait until the conclusion of the General Fraternity’s Reorganization Plan. For now, the deadline to complete this is April 2, 2021. I can extend this deadline upon request from Mr. Tidwell.

Chapter Communication

At the end of the appeal period, your chapter must 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 and or landlord/property owners for the chapter house
- 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 members will result in a charge for 3335-23-04 (M8) *Student conduct system abuse*.

Summary of Dates

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

- Deferred Revocation of Registration - Continues through May 9, 2022
- Disciplinary Probation – Continues through May 9, 2022
- Social Restrictions/Directives¹ –
 - Spring 2021 semester: Maximum of 3 events with alcohol at a third party venue and a minimum of 3 dry events
 - Autumn 2021 semester: Maximum of 5 events with alcohol at a third party venue and a minimum of 6 dry events
 - Spring 2022 semester: Maximum of 8 events with alcohol at a third party venue and a minimum of 6 dry events
- Follow Up Meetings:
 - Once during the spring 2021 semester - Before April 23, 2021
 - Three times during the 2021-2022 academic year
 - Prior to August 24, 2021
 - Prior to November 11, 2021
 - Prior to March 2, 2022
- Roster due – March 19, 2021

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 smith.4941@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

¹ These dates replace and supersede those found in the April 23, 2020 letter. Additionally, to the extent current health orders, Safe and Healthy requirements, or other applicable rules for student organizations prohibit such events, Student Conduct may extend these requirements and directives into future semesters.

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

Appeal

An organization found to have violated the Code of Student Conduct has the right to appeal. To do so, you must submit your appeal in writing, addressed to the Senior Vice President for Student Life, no later than 4:00 p.m. on Friday, March 5, 2021. 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.

Upon request, Student Life's Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process, including the possible impact that any assessed sanctions may have on you.

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,

Kelly Smith
Director, Student Conduct

Beta Theta Pi at The Ohio State University

Theta Delta Chapter Reorganization Plan

Timeline: The timeline below provides our immediate next steps to address the Theta Delta Chapter's ongoing operations.

- **February 12:** Campus-based conduct hearing
- **February TBD:** General Fraternity begins the membership review process.
- **February TBD:** Outcome of the hearing announced.
- **March TBD:** Membership review process complete.
- **April 23:** Last day of Classes
- **April 26-30:** Final Exams

Phase I: Reorganization Plan

Spring 2021	<ol style="list-style-type: none"> 1. Status Change: The Theta Delta Chapter will be moved from "Probation" to "Under Reorganization". All chapter activities shall cease and the charter will be placed in the care of the Board of Trustees. 2. Reorganization Terms: Administrative Office staff and General Fraternity Officers will coordinate a membership review, utilizing online applications and virtual interviews to determine which members will be granted Early Alumni Status (EAS) or remain active members. 3. Chapter Leadership: The Theta Delta Chapter will reestablish a leadership structure based upon the appointment of officers by the Theta Delta Chapter Advisory Team, House Corporation, Alumni Association, District Chief, and Administrative Office Staff. Officer candidates will apply to be considered for appointment.
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Phase II: Operational Changes

Spring 2021 – Fall 2021	<ol style="list-style-type: none"> 1. Chapter Status: The Theta Delta Chapter will be moved to a "Suspended" status. The General Fraternity will recognize the chapter membership based upon the active members who have been reinstated at the conclusion of the Membership Review. <ol style="list-style-type: none"> a. Only the following chapter operational privileges will be returned: community service, activities related to developing the member education process, chapter and executive team meetings, alumni facilitated retreats, recruitment meetings, and University or IFC-sponsored functions. b. Operational privileges will be granted back to the chapter after necessary training, resources, and support has been provided and upon approval from the Theta Delta Chapter Advisory Team and District Chief.
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- 2. Reorganization Kickoff Retreat:** The Theta Delta Chapter alumni, General Fraternity Officers, and reinstated undergraduate members will hold a kickoff retreat, during which chapter operations, the development of the membership education plan and the path to a return to good standing will be discussed and agreed upon.
 - a. The chapter will develop a new set of membership expectations during the reorganization process and will have a commitment from each member moving forward to uphold these expectations.
 - b. This retreat will occur in March 2021 and the format will accommodate all COVID-19 restrictions.
- 3. Chapter Operations:** The Administrative Office staff will assist the chapter in the development of a spring and fall semester operating calendar to be approved by the District Chief (via email).
 - a. The Administrative Office staff and the Theta Delta Chapter Advisory Team will support the chapter in the implementation of the approved operating calendar events.
 - b. The chapter will utilize the results of their Beta Brotherhood Assessment to set goals and ensure they are working to develop a more positive brotherhood experience.
- 4. Leadership Development:** The Theta Delta Chapter will achieve Knox Award level participation in the available education and leadership programs. The programs available to the chapter includes those hosted by the chapter itself, the university, the General Fraternity, or other entities pre-approved by the District Chief (via email).
 - a. At a minimum, this will include representatives at the following General Fraternity experiences: Presidents Academy (1), Convention Delegate (1), Leadership College (2), Wooden Institute (3-6), and Keystone Conference (8).
 - b. Chapter members will receive risk management and prevention education at each General Fraternity leadership development opportunity and will develop action plans following each program they attend.
 - c. The chapter will also receive education including, but not limited to, bystander intervention training, sexual assault prevention training, and best practice for ongoing member education.
 - d. The chapter is expected to host/sponsor their own programs throughout the year. A minimum of two programs are expected to be offered prior to August 2021.
- 5. Recruitment:** The Theta Delta Chapter Advisory Team guide the chapter membership through a values-based recruitment effort compliant with all University and Fraternity policies.
- 6. New Member Education:** The chapter will continue its participation in the Son of the Stars new member education pilot program for the Spring 2021 term.
 - a. If the chapter chooses not to participate in the program for the 2021-2022 academic year, their new member education program must be certified as compliant with all New Member Education Assessment (NMEA) expectations and criteria.

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| | <ol style="list-style-type: none">7. Education: The chapter, in conjunction with the Advisory Team and alumni leadership, will guide every returning member and pledge through a member education program which will include but not be limited to hazing prevention education, leadership development training, bystander intervention, diversity/equity/inclusion, and any additional education requirements stipulated by The Ohio State University and the General Fraternity.8. Elected Chapter Leadership: Upon rededication of the returning members and initiation of the new members, the chapter will elect officers in October 2021.9. Chapter Advisors: The General Fraternity Officers will work to actively recruit and appoint a full volunteer advisory team. When possible, the advisory team should include alumni and Friends of Beta (non-members).10. Return to Good Standing: The Theta Delta Chapter Advisory Team will assist the chapter in meeting the chapter operations requirements and the chapter may apply for a return to Good Standing beginning in August 2021.<ol style="list-style-type: none">a. The Theta Delta Chapter Advisory team will receive and complete online and in person training modules to assure their consistent approach to chapter operations. |
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