

Case No: [REDACTED]

Organization Name: Chi Phi

Hearing Date: September 5, 2019

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

From: [REDACTED]

Date: Sun, Mar 24, 2019 at 5:37 PM

Subject: Possible date rape incident

To: [REDACTED]

Please call me [REDACTED] I had a friend who was at a date party at chi phi on friday night. I came and picked her up from the house and she was showing signs of being under the influence of a substance other than alcohol. She has amnesia, and her pulse was extremely difficult to find. She woke up the next morning with no recollection of the night before. Since then, we have come to find out that one guy at the house had "fooled around" with her and she was unable to give consent. Again please call me, i will be happy to tell you everything i know. [REDACTED]

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June 21, 2019

Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Chi Phi,

Student Conduct has received information that describes conduct by Chi Phi on March 22, 2019. 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 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
- 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 must contact Student Conduct **as soon as possible**, and no later than June 28, 2019, 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 prior to our meeting.

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

- Current member roster;
- Guest list for the registered event;

- Copy of registered event form;
- Name(s) of anyone who served alcohol at the event (i.e., bartender);
- Name(s) of those who live at the property where the event 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. Employees of the university's Student Advocacy Center (<http://advocacy.osu.edu>) are available to provide advisor services or other support throughout this process upon request. To find out more information about these services or to request advisor services, please e-mail the Student Advocacy Center at advocacy@osu.edu.

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, 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 June 28, 2019 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) 688-4708 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,



Aaron Reistad
Conduct Case Manager

CC: Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Chi Phi Associate Director of Risk Management - Ryan Lugabihl

Statement of Student Rights

1. **Written notice of university charges** (3335-23-07 A.)
 - a. Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website), or by mail to the accused student's local or permanent address.
2. **Meeting with a University Official** (3335-23-07 C.)
 - a. Students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.
3. **Hearing** (3335-23-08)
 - a. In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing.
 - b. [A] student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing.
 - c. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.
4. **Notice of Hearing** (3335-23-09 A.)
 - a. If a hearing is to be held, written notification will be provided
 - b. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing
 - c. Unless already provided to the student, the notification will include the charge(s), date, time, and location of hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.

5. **Postponement** (3335-23-09 B.)
 - a. The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

6. **Advisor** (3335-23-10 B.)
 - a. The accused student may have an advisor throughout the disciplinary process
 - b. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.

7. **Written statements and witnesses** (3335-23-10 C.)
 - a. The accused student:
 - i. May submit a written statement;
 - ii. May invite relevant factual witnesses to attend;
 - iii. May invite character witnesses to submit written statements;
 - iv. May ask questions of witnesses called by others;
 - v. Will be notified of potential witnesses to be called;
 - vi. Must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing.

8. **Standard of Evidence** (3335-23-10 F.)
 - a. A student will only be found in violation if a preponderance of the evidence supports the charges.

9. **Attendance** (3335-23-11)
 - a. No inference will be drawn against a student for failing to attend a hearing or remaining silent.
 - i. The hearing will proceed and the conclusion will be based on the evidence presented.
 - b. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

10. Record of proceedings (3335-23-12)

- a. A single record consisting of written notes, tape recording, or other method selected by the hearing board or officer, will be made of all hearings.
 - i. Such record will remain property of the university but will be made available to the accused for review during the appeal period.
- b. A written notice of the decision, and, if found in violation, information regarding appeal procedures will be provided to the accused student.

11. Hearing Bodies (3335-23-13 B.)

- a. The accused student has the right to accept responsibility for the charges, which will result in an administrative decision or choose to have a hearing.

12. Hearing Bodies (3335-23-13 C.)

- a. Students will generally be afforded the right to choose an administrative or a board hearing, except under special circumstances where, in order to ensure a fair and just process, the hearing officer may determine the appropriate hearing venue.

13. Right to appeal (3335-23-18 A.)

- a. A student found to have violated the Code of Student Conduct has the right to appeal the original decision.

14. Right to appeal (3335-23-18 A.)

- a. In cases involving charges related to sexual harassment, the victim may appeal the original decision in accordance with the appeals procedures provided in this section
 - i. Such charges include, but are not limited to, sexual misconduct and stalking.

Hearing Procedures

3335-23-10 Hearing procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

- A. **Attendance** – Attendance at hearings is limited to those directly involved or those requested by the hearing officer or board to attend. The hearing officer or board will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings
- B. **Advisor** – The accused student may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board
- C. **Written statements & witnesses** – The accused may: submit a written statement invite relevant factual witnesses to attend, invite character witnesses to submit written statements, ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing. The university may present witnesses as well as question those presented by the accused
- D. **Witness absence** – The hearing officer or board coordinator may allow written statements if, for good reason, a fact witness cannot attend the hearing
- E. **Consultants** – In cases requiring special expertise, the board coordinator may appoint individuals with appropriate expertise to serve as consultants to the board. The consultants may be present and provide information as called upon during the hearing but will not vote
- F. **Standard of evidence** – A student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the board will continue to deliberate. If after the board determines that exhaustive deliberations have occurred and a majority decision is not reached, the student will be found not in violation
- G. In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the accused may be offered the option of an expedited administrative review consisting of an administrative decision or administrative hearing. The accused student may decline such expedited review without the expectation that the process can be completed on an expedited timeline.

August 23, 2019

Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

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

I have attached the Iota chapter of Chi Phi's Charge and Process form to this email. Please review it carefully, select your resolution option, then sign and date the bottom of the form.

I encourage you to consult with an advisor of your choice or with the Student Advocacy Center (<http://advocacy.osu.edu>) as you consider your options. Additionally, 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/>.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on August 30, 2019. 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.

If you have any questions, please feel free to let me know.

Sincerely,



Aaron Reistad
Conduct Case Manager

CC: Chi Phi Associate Director of Risk Management: Ryan Lugabihl

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Chi Phi

Email: [REDACTED]

I. Charge(s): The Iota chapter of the Chi Phi Fraternity is alleged to be in violation of the following section(s) as listed in the OSU Code of Student Conduct:

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University 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.

Specifically, it is alleged that on March 22, 2019, the Iota chapter of the Chi Phi Fraternity violated Ohio State's Code of Student Conduct in the following manner:

Failed to implement proper risk management procedures (i.e. failed to register the pre-game, did not check identification, provided liquor at the pre-game to anyone at the pre-game), which resulted in individuals under the legal drinking age being provided alcohol.

As a result of the alcohol which was provided and/or obtained, and the lack of risk management practices, more than one guest who attended this event experienced adverse reactions.

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

_____ 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.**

_____ 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.

_____ 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.**

Failure to return this form by the stated deadline will result in an Administrative Hearing.

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

This form is due by 4:30 pm on **August 30, 2019.**

Signature: _____ Date: _____

August 23, 2019

Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

Dear [REDACTED]

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

I have attached the Iota chapter of Chi Phi's Charge and Process form to this email. Please review it carefully, select your resolution option, then sign and date the bottom of the form.

I encourage you to consult with an advisor of your choice or with the Student Advocacy Center (<http://advocacy.osu.edu>) as you consider your options. Additionally, 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/>.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on August 30, 2019. 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.

If you have any questions, please feel free to let me know.

Sincerely,



Aaron Reistad
Conduct Case Manager

CC: Chi Phi Associate Director of Risk Management: Ryan Lugabihl

PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

CHARGE & PROCESS FORM

Name: Chi Phi

Email: [REDACTED]

I. Charge(s): The Iota chapter of the Chi Phi Fraternity is alleged to be in violation of the following section(s) as listed in the OSU Code of Student Conduct:

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University 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.

Specifically, it is alleged that on March 22, 2019, the Iota chapter of the Chi Phi Fraternity violated Ohio State's Code of Student Conduct in the following manner:

Failed to implement proper risk management procedures (i.e. failed to register the pre-game, did not check identification, provided liquor at the pre-game to anyone at the pre-game), which resulted in individuals under the legal drinking age being provided alcohol.

As a result of the alcohol which was provided and/or obtained, and the lack of risk management practices, more than one guest who attended this event experienced adverse reactions.

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

TDA 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.**

 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.

_____ 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.**

Failure to return this form by the stated deadline will result in an Administrative Hearing.

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to formal reprimand, disciplinary probation, suspension, dismissal or any other sanction or combination of sanctions in the Code of Student Conduct.

This form is due _____ **August 30, 2019.**

Signature: _____  _____ Date: 26 August 2019

September 5, 2019

Chi Phi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Iota Chapter of Chi Phi Fraternity:

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

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University 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.

Specifically, it was alleged that on March 22, 2019, the Iota chapter of the Chi Phi Fraternity violated Ohio State's Code of Student Conduct in the following manner:

Failed to implement proper risk management procedures (i.e. failed to register the pre-game, did not check identification, provided liquor at the pre-game to anyone at the pre-game), which resulted in individuals under the legal drinking age being provided alcohol.

As a result of the alcohol which was provided and/or obtained, and the lack of risk management practices, more than one guest who attended this event experienced adverse reactions.

I considered the following factors in determining appropriate sanctions:

- Chi Phi's recent conduct history
- Chi Phi's cooperative spirit throughout the conduct process
- The severity of the violations when considered on a continuum
- The timing of this incident as it compares to Chi Phi's prior incident
- The prior sanctions Chi Phi was assigned

This outcome letter does not replace or nullify any sanctions or stipulations set forth by prior outcome letters, your organization's national headquarters, advisors, Sorority and Fraternity

Life, or the IFC.

Sanctions

Deferred Revocation

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

Your chapter was placed on probation as a result of case number [REDACTED]. I am extending the probation period through May 3, 2020. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning.

Even after your probation period ends, we would consider your chapter's disciplinary history when considering sanctions for future violations, meaning revocation of registered status is still a likely outcome beyond the probationary period.

Revision of Policies and Procedures

Sanctions in case [REDACTED] required your chapter to complete a risk management policy review in consultation with your Alumni Board, Chapter Advisor, and/or a National/ Regional Representative(s). Your chapter has proposed to additionally revise the Policies and Procedures document. In my continued efforts to collaborate with your chapter I accept this sanction.

Your chapter will revise its Policies and Procedures document focusing on when alcohol is present, in collaboration with your Alumni Board, Chapter Advisor, and/or a National/ Regional Representative(s). Once your revision is complete you will schedule a meeting with me and a designee from Sorority and Fraternity Life to review your updated risk management guidelines and Policy and Procedures document and discuss how you will implement these practices to mitigate concerns of providing alcohol to guests under the age of 21 and promote an atmosphere for safe and responsible drinking. This meeting must occur no later than October 2, 2019.

One week prior to the meeting please submit the following to me, Chi Phi's Associate Director of Risk Management, and the Director of Sorority and Fraternity Life:

- Your current risk management policies and procedures.
- The names and contact information of those individuals who assisted your chapter with the revision.
- An executive summary of the changes that were made through your revision
- A draft pre- and post-checklist of responsibilities when hosting an event where alcohol is present.
 - This should include tasks to document risk management practices to prove compliance (e.g., taking pictures of the check-in table throughout the night, saving guest lists, receipts for paid security).

Hosting Privileges

To assist you in focusing on compliance with risk management practices, you are limited to having ten (10) events where alcohol is present during the autumn 2019 semester.

Documentation for each event with alcohol must include the following to be considered compliant with this sanction:

- event registration for Sorority and Fraternity Life
- receipts for trained and insured security services and third-party bartender
- signed and dated guest list for the event
- documented evidence that BYOB policies were followed
- time-stamped photo evidence (e.g., sign-in table, wristbands, alcohol management, etc.)

You will schedule three meetings with myself and a representative from Sorority and Fraternity Life to review compliance with these sanctions. You must come prepared with documentation proving your chapter's compliance. Meetings will be scheduled as follows:

- 1st meeting - No later than October 2, 2019 (This meeting can occur at the same time as the meeting to follow up after the revision of your Policies and Procedures document)
- 2nd meeting - No later than November 15, 2019, to discuss any events where alcohol was present and to review your documentation.
- 3rd meeting - No later than January 20, 2020, to review documentation for all events where alcohol was present.

If all policies and procedures are followed during the autumn 2019 semester your chapter will be permitted to return to having the number of social events with alcohol as identified by IFC and/or Sorority and Fraternity Life. Additionally, if your chapter does not attend these meetings and/or comply with this sanction, further limitations may be placed on your chapter's ability to hold events where alcohol is present.

Policy Education Workshop

Your chapter proposed to participate in a Policy Education Workshop facilitated by a Chi Phi staff member with 90% of the chapter in attendance by October 1, 2019. In my continued effort to collaborate with your chapter I accept this proposed sanction.

In order to complete this sanction, 90% of your chapter is required to be in attendance. Please have a roster of all members at the event and have those in attendance sign next to their name. Please give this sign-in roster to the Chi Phi staff member who facilitates the presentation for them to share with me. This will verify that the presentation was completed and that 90% of members were in attendance.

Notice must be sent to me no later than October 2, 2019.

Continued Alcohol Education

To continue the conversation around alcohol use, individual liability, and risk and liability to your chapter—your chapter will engage in two (2) university-sponsored alcohol education

programs/presentations. You will complete one event in the autumn 2019 semester and one in the spring 2020 semester in which no less than 80% of your chapter will attend. I must be notified by December 15, 2019, of completion of the autumn program and by May 1, 2020, of the spring program.

After each program, you will use a chapter meeting to discuss the program and how it pertains to your chapter and what you've taken away as a group. You will then create a summary about the program and the discussion which occurred during the chapter meeting. Your chapter advisor must be present at this chapter meeting and sign off on your summary. This summary will be included in your notice to me regarding attendance at the event.

Summary of Dates

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

- Disciplinary Probation - Extended through May 3, 2020
- Hosting Privileges - Effective immediately through December 15, 2019 where the chapter is limited to 10 events with alcohol.
 - 1st meeting - No later than October 2, 2019 (This meeting can occur at the same time as the meeting to follow up after the revision of your Policies and Procedures document)
 - 2nd meeting - No later than November 15, 2019, to discuss any events where alcohol was present and to review your documentation.
 - 3rd meeting - No later than January 20, 2020, to review documentation for all events where alcohol was present.
- Revision of Policies and Procedures document - Meeting between yourself, a representative from SFL, and I by October 2, 2019
- Policy Education Workshop With Chi Phi Staff Member - Due by October 2, 2019
- Continued Alcohol Education - Notification of Autumn program by December 15, 2019 and notification of Spring program by May 1, 2019

Alcohol Directive: As this case has now been resolved, the prior directive instructing your chapter to not have any events with alcohol is lifted. Please ensure to comply with all above sanctions to avoid future concerns.

Requests for Extensions and Modifications

Your organization's president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Requests must contain a detailed rationale for the request.

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.

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 September 12, 2019. Use the online appeal form found at <https://go.osu.edu/appeals> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form along with any relevant documentation to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end 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,



Aaron Reistad
Conduct Case Manager

CC: Chi Phi Associate Director of Risk Management - Ryan Lugabihl
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Coordinator of Sorority and Fraternity Life - Ashly Horton
[REDACTED]

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 _____