

Case No: 2023533301

Organization Name: Delta Kappa Epsilon

Incident Date: January 22, 2024

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

The Ohio State University
Incident Report

Submitted on January 23, 2024 at 11:23:53 am EST

Nature **Other**
Urgency **Other - please explain in the incident description**
Incident Date and Time **2024-01-22**
Incident Location **Off Campus off campus**

Reported by

Name: **Becca Hamilton**
Title: **Anti-Hazing Compliance Specialist**
Email: **hamilton.814@osu.edu**
Phone: [REDACTED]
Address: [REDACTED]
[UNAUTHENTICATED]

Involved persons REQUIRED

Delta Kappa Epsilon (DeltaKapEp)
Alleged

Narrative Information and Notifications

Please provide a description of the incident.

Yesterday Lacey Gosnell and I (Becca Hamilton) met with [REDACTED] and Trey Robb (DKE HQ). [REDACTED] stated that for Spring 24, DKE held some of their recruitment events off campus/not at their chapter house with no advisor present, as directed in their Sanctions. Before we responded, Trey acknowledged that he believes the chapter could only hold recruitment events either at the chapter house or on campus, and with an advisor present.

What other departments have been notified?

Other Student Life or university department or office

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

Student Conduct

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

I have provided my name and contact information.

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

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

Pending IR #00078528

Submitted from 128.146.189.97. Processed by routing rule #77. Routed to Kirby Bell (She/Her), Associate Director.

Copies to: smith.4941@osu.edu

January 26, 2024

Delta Kappa Epsilon

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2023533301

To [REDACTED] and the members of the Delta Tau chapter of Delta Kappa Epsilon:

Student Conduct received information about an incident involving your organization that occurred during the Spring 2024 recruitment and new member process that may have violated the directives set forth within the sanctions issued under Student Conduct Case No. 2022616002.

As a leader of your organization, I want to hear from you about this report. Please visit <https://go.osu.edu/BeccaHamilton> to schedule a meeting no later than Monday, January 29, 2024. This is a preliminary meeting, not a hearing as no charges have been issued. This meeting offers your organization the opportunity to share information and ask questions about the Student Conduct process.

Notify Members of the Organization

You are required to notify all members—including new members—about this investigation of your organization. Please send an email with this letter as an attachment to all members of your organization and copy hamilton.814@osu.edu on the email notification.

Here are a few considerations to note:

- **Registered Co-Leaders:** You may bring a co-leader, such as a vice president or new member educator.
- **Advisor.** Your organization advisor, headquarters, and Sorority and Fraternity Life liaison are copied on this letter and we encourage their participation throughout the Student Conduct process. You are welcome to bring one additional advisor.
- **Student Rights and Responsibilities.** Information about the [Code of Student Conduct and our process](#) is available online. Additionally, I have attached a Statement of Student Rights and Responsibilities (PDF) to this letter.

Relevant Materials

Deadline: These relevant materials must be emailed to hamilton.814@osu.edu **no later than** Monday, January 29, 2024.

I am requesting you review the roster currently on file with Sorority and Fraternity Life to confirm the information is correct and up to date. If the information is not correct, please download the roster and update it to reflect the contact information below.

Roster information must include:

- first and last name
- name.#
- member status (new, initiated, disaffiliated, etc.)
- semester initiated into chapter
- officer/leadership position (if applicable)

Finally, prior to our meeting, if you or other members of your organization have relevant materials, for example, written statements, text messages, photos, emails, etc., that you or they would like to share with us, please email them to hamilton.814@osu.edu before our meeting.

Resources

[ADA Coordinator](#) 614-292-6207 (voice); 614-688-8605 (TTY); ada-osu@osu.edu

- The ADA Coordinator's office can provide accommodations based on the impact of a disability during the Student Conduct Process. Students are responsible for requesting these accommodations when they feel they are needed. One week's notice will allow for seamless access.

[Student Advocacy Center](#) 614-292-1111

- The Student Advocacy Center helps students navigate Ohio State's structure to resolve issues they encounter at the university.
- Student Advocacy Center staff are unable to serve as an advisor, but upon request, they can provide information and assistance about the conduct process.

While this meeting is preliminary, it is not optional. If your organization does not schedule its meeting before Monday, January 29, 2024, I may move forward with the Student Conduct process without your organization's participation. This could result in a formal investigation, charges, a hearing and sanctions.

Please visit <https://go.osu.edu/BeccaHamilton> to schedule a meeting no later than Monday, January 29, 2024. I look forward to meeting with your organization.

Sincerely,

A handwritten signature in black ink that reads "Becca Hamilton". The signature is written in a cursive, slightly slanted style.

Becca Hamilton (she/her)

Anti-Hazing Compliance Specialist

hamilton.814@osu.edu | (614) 247-9722

I am committed to respecting gender diversity; my pronouns can be found in my signature, please feel free to tell me yours.

CC: Assistant Director of Sorority and Fraternity Life, Eddie Labid
Delta Kappa Epsilon, Director of Member Services - Trey Robb
Primary Chapter Advisor, Taft Peck (taft@dke.org)

OFFICE OF STUDENT LIFE STUDENT CONDUCT

Statement of Student Rights and Responsibilities

The Code of Student Conduct provides the definitions and procedures used to respond to complaints regarding student behavior. Many of the rights and responsibilities found in the Code of Student Conduct are highlighted below. To learn more about student rights and responsibilities, refer to the Code of Student Conduct at studentconduct.osu.edu.

3335-23-08-A: 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-C: Students are afforded the opportunity to meet with a university official following the notification of charges.

- University staff members authorized to investigate complaints usually request a meeting with students prior to issuing charges.
- Once charges are issued, students can request another meeting.
- Students are strongly encouraged to meet with a university official.

3335-23-12-C: Students may choose to bring an advisor (i.e., support person) for support throughout the disciplinary process.

- The advisor may be any person other than a witness.
- The advisor may only counsel the student and may not actively participate in the process.

3335-23-08-D: Students are offered options for the resolution of charges.

- Generally, and in accordance with and as provided by Ohio law and the Code of Student Conduct, students may choose between an administrative hearing or a hearing before the University Conduct Board to resolve charges other than those related to:
 - ◊ **3335-23-04-A:** Academic Misconduct
 - ◊ **3335-23-02-C:** 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 on policies.osu.edu.
- **3335-23-09:** 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.

- In these cases, the student waives rights to a hearing and any procedural guarantees that come from taking part in a hearing.

3335-23-10-C: In accordance with and as provided by Ohio law and the Code of Student Conduct, 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.

- **3335-23-11-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-D:** 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.

- Attendance at hearings, though not mandated, is strongly encouraged and also limited to respondents and those directly involved or requested by the hearing body.
- **3335-23-12-D:** 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.

◊ The respondent will have the opportunity to ask questions of all witnesses.

- **3335-23-14:** 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.
- **3335-23-12-E:** Students will only be found in violation if a preponderance of evidence supports the charges.

3335-23-17: 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.

- A disciplinary sanction: a formal reprimand, disciplinary probation, suspension, or dismissal will be given in addition to (in most cases) educational outcomes.

3335-23-18: Students found to have violated the Code of Student Conduct have the right to appeal the original decision.

- 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 29, 2024

Delta Kappa Epsilon

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2023533301

Dear [REDACTED]

I am writing to give you an update on your organization's conduct case. I have concluded my investigation and determined there is reasonable cause to issue charges under the Code of Student Conduct. This does not mean your organization has been found in violation of the charge(s) listed below. Rather, as we move forward in the conduct process, this is your organization's opportunity to choose a resolution option. **Please select your 's resolution option no later than April 5, 2024.**

Charge(s)

It is alleged that on, or around, January 13-16, 2024, your organization engaged or attempted to engage in conduct that includes, but is not limited to:

- Held at least one Spring 2024 recruitment event off campus, violating the sanctions under Case No. 2022616002 which required all recruitment events to be held at the chapter house or university facility.

which is prohibited by the following section(s) of the Code of Student Conduct:

- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.

Investigative Summary

An investigative summary is provided with information found throughout the investigation and additional details related to the above charges. Click the link below to review the document.

Investigative Summary Link: [REDACTED]

Access Code: XXXXXXXXXX

Please be advised that the packet contains confidential information, and thus you may not save, print, screenshot, photograph, or otherwise seek to "record" the document. However, you may take personal notes.

Acceptance/Non-Acceptance or Responsibility

To resolve these charges, place your initials next to your selection.

_____ On behalf of the Delta Tau chapter of Delta Kappa Epsilon I accept responsibility for the violations of the Code of Student Conduct as listed under the Charges section of this form. **I request an Administrative Decision.**

_____ On behalf of the Delta Tau chapter of Delta Kappa Epsilon I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed under the Charges section of this form. **I request an Administrative Hearing, in accordance with and as provided by Ohio law and the Code of Student Conduct to resolve the charges, before a University Hearing Officer.** These hearings can be scheduled on any business day.

_____ On behalf of the Delta Tau chapter of Delta Kappa Epsilon I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed under the Charges section of this form. **I request a hearing before the University Conduct Board, in accordance with and as provided by Ohio law and the Code of Student Conduct, to resolve the charges.** These hearings are scheduled on Wednesdays and Fridays.

Failure to respond to this letter 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 charge(s).

Possible Sanctions

If you are found in violation, please understand that the 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.

Acknowledgement

I have received notice of the charges and **I will return this form by email to hamilton.814@osu.edu by April 5, 2024, 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.

Delta Kappa Epsilon [REDACTED]

Signature: _____ Date: _____

Group Acknowledgment of Letter & Resolution Option

By signing below, I acknowledge that I have read this letter and am in agreement with my fellow group leader regarding the selected resolution option.

Delta Kappa Epsilon Executive Board Member

Signature: _____ Date: _____

Delta Kappa Epsilon Advisor

Signature: _____ Date: _____

If you have any questions, please email me at hamilton.814@osu.edu.

Sincerely,



Becca Hamilton (she/her)
Anti-Hazing Compliance Specialist

CC: Delta Kappa Epsilon, Director of Member Services - Trey Robb
Assistant Director of Sorority and Fraternity Life - Eddie Labid

August 14, 2024

Delta Kappa Epsilon

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2023533301, 2023578001, 2023598501, 2023611801, 2023789002

To [REDACTED] and the members of the Delta Tau chapter of Delta Kappa Epsilon:

This letter is to notify the members of Delta Tau chapter of Delta Kappa Epsilon of the outcome of the Administrative Hearing held on July 12, 2024. After a review of the testimony and evidence, I reached the following finding(s):

Case 2023533301:

- 3335-23-04 (M8) Student Conduct System Abuse – Failure to comply with sanctions – In violation

Case 2023578001:

- 3335-23-04 (L) Hazing. Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, tied to initiation, continued membership, or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, using alcohol, creating excessive fatigue, and paddling, punching, or kicking in any form. Failure to intervene, prevent, or report acts of hazing may constitute a violation of this section. -- In violation
- 3335-23-04 (B1) Endangering Health or Safety - 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. -- In violation

Specifically, the Delta Tau chapter of Delta Kappa Epsilon was found in violation of conduct that includes, but is not limited to:

Case 2023533301:

- On or around January 13-16, 2024, your organization held at least one spring 2024 recruitment event off campus violating the sanctions under case number 2022616002, which required all recruitment events to be held at the chapter

house or university facility.

Case 2023578001:

- On or around February 5, 2024, your organization required, encouraged, or pressured a new member to consume vinegar to the extent that they became ill and sought medical attention.

This hearing also considered charges in cases 2023598501, 2023611801, 2023789002. All involved allegations concerning conduct at social events attributed to the chapter. During the hearing, [REDACTED] offered testimony that events may have been held by members and their friends at their private residences. There is insufficient information to establish the specific locations or hosts of the events in question. Accordingly, I am entering findings of "Not in violation" and dismissing these three cases.

Sanction Consideration

The most significant factor in determining an appropriate outcome is your chapter's conduct history.

In October of 2022, Student Conduct received a report alleging hazing of new members. After investigating and issuing charges, the chapter accepted responsibility and was placed on disciplinary probation and deferred revocation through May 5, 2024. In January of 2023, Student Conduct received another report that resulted in an investigation and charges, including hazing. The chapter accepted responsibility and Student Conduct issued additional educational sanctions while keeping the chapter on deferred revocation.

With two additional violations, including a third hazing violation, revocation is the most appropriate outcome.

Outcome

Organization Outcome – Revocation

The Delta Tau Delta Kappa Epsilon chapter's recognition as a registered student organization is revoked effective August 14, 2024 through August 6, 2028. If you choose to reestablish a chapter of Delta Tau Delta Kappa Epsilon at Ohio State, Delta Kappa Epsilon headquarters ("Headquarters") must begin communication with the university at least one year prior to reestablishing, but no sooner than January 10, 2028. With the revocation of the chapter's recognition as a registered student organization at Ohio State, your chapter no longer has the rights and privileges afforded to a

recognized student organization. Those rights and privileges include, but are not limited to, the following:

- Listing in the online student organization directory
- \$250 line-of-credit to be used in the Resource Room
- Opportunity to apply for Operating Funds and Programming Funds
- Discounted rates for on-campus space reservations
- Opportunity to register for the Student Involvement Fair
- Opportunity to register for the Homecoming Parade
- Opportunity to apply for office or locker space in the KBK Center for Student Leadership and Service
- Access to Student Organization Success Coaches
- Access to enhanced trainings and workshops through Student Activities
- Access to free marketing resources
- Access to free website hosting, email address and/or email listserv
- Participation in governing council and SFL community events and programming put on by SFL staff or the Greek Programming Board
- Membership in honor societies such as Order of Omega
- New and active member ongoing education via the Standards of Excellence program and council programming
- Recognition in the Sorority and Fraternity Life Awards program
- Ability to host social events with National Panhellenic Conference (NPC) sororities and their members in the Panhellenic Association.

Further, any student using Delta Kappa Epsilon's name or likeness (e.g., Greek letters) while alleged to have violated the Code of Student Conduct may be investigated and, if applicable, charged as an individual in the Student Conduct process.

Delta Kappa Epsilon also is prohibited from using the name, logos and other trademarks of The Ohio State University and any prior permissions granted to the organization by the university's Office of Trademark and Licensing are revoked. This includes, but is not limited to, the usage of Brutus and the university's name on the Delta Kappa Epsilon social media pages. Failure to comply with this requirement will result in referral to the university's Office of Trademark and Licensing for review and possible enforcement action.

Continued operation of Delta Kappa Epsilon will prevent any consideration of a return to the community as a registered student organization until operations cease.

In discussing its return to our community, Delta Kappa Epsilon Headquarters representatives must meet with the Director of Sorority and Fraternity Life, or designee, to discuss the current campus environment and what requirements must be completed before the reestablishing process and during the chapter's first year. These

conversations will occur in consultation with the Director of Student Conduct, or designee. In determining whether to permit reestablishment of a chapter at Ohio State, Sorority and Fraternity Life and Student Conduct will take into consideration the organization's efforts to remedy or eliminate underground activity while the chapter remains deactivated. We encourage Delta Tau Delta Kappa Epsilon Headquarters' representatives to provide Student Conduct with any documentation related to these efforts. Specifically, we invite Headquarters to submit a memorandum that details actions it will take during the revocation period to suppress underground activities, such as publicity strategies regarding the unauthorized use of Delta Kappa Epsilon's name and trademarks. This memorandum is due no later than one week after the conclusion of an appeal or by the appeal deadline if no appeal is submitted.

Summary of Dates

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

- Revocation Effective – August 14, 2024
- Revocation End Date – August 6, 2028
- Headquarters memorandum – August 21, 2024, or one week after the conclusion of an appeal
- First date to establish communication about potential reestablishment – January 10, 2028

Chapter Communication Plan

To ensure the entire chapter is aware of the chapter's status, at the end of the appeal period, [REDACTED] is required to email this outcome letter to all new and active members. You must copy me on this communication so that I can verify completion.

Requests for Extensions and Modifications

Any request for an extension or modification of any outcome must come from [REDACTED] [REDACTED] to smith.4941@osu.edu. The request must contain a detailed explanation of the reason for the request and a new proposed deadline. I will review requests and communicate deadlines and/or next steps through email.

Staffing Change

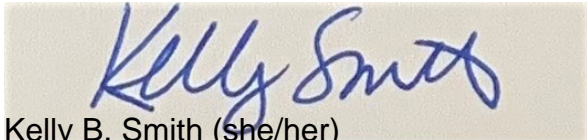
Should Student Conduct no longer employ me or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include the general Student Conduct email on all sanction items. That address is studentconduct@osu.edu.

Appeal

You have the right to appeal this outcome. To do so, you must submit your appeal through the online form no later than 4 p.m. (ET) on August 21, 2024. You can learn more about the [appeal process on our website](#). If you do not submit an appeal, this decision will be effective at the end of your appeal period. If you have further questions, call (614) 292-0748 prior to the expiration of your appeal period.

If you have any questions concerning this matter, please do not hesitate to contact me through email at smith.4941@osu.edu between 8 a.m. and 5 p.m. Monday through Friday.

Sincerely,



Kelly B. Smith (she/her)
Director

CC: Delta Kappa Epsilon, Director of Member Services - Trey Robb
Assistant Director of Sorority and Fraternity Life - Eddie Labid
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD
Chapter Advisor - Taft Peck

When a respondent would like to appeal the decision of a hearing body, the below procedures are followed.

GROUNDINGS FOR APPEAL

A respondent may appeal the original decision of a hearing body. An appeal is not an opportunity to “re-argue” the case. The appeal must be based on the grounds provided in the Code, which are listed below.

Note: Respondents who accepted responsibility through an Administrative Decision may only appeal on the grounds that the sanctions are grossly disproportionate to the violation(s) committed.

PROCEDURAL ERROR

Procedural error that resulted in material harm or prejudice to the respondent (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.

SUBSTANTIAL NEW EVIDENCE

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.

GROSSLY DISPROPORTIONATE SANCTIONS

Disciplinary sanctions imposed are grossly disproportionate to the violation(s) committed, considering the relevant aggravating or mitigating factors.

The respondent may not appeal the decision based solely on the grounds that the respondent was not in attendance before the hearing body or that the respondent is dissatisfied with the decision.

HOW TO APPEAL

COMPLETE FORM

Complete and submit the Appeal Request Form found at go.osu.edu/appeals before the deadline provided in the outcome letter. The respondent is limited to submitting one appeal.

The respondent waives their right to appeal if they fail to submit their appeal by the stated deadline in the decision letter or fail to provide information concerning the basis for their appeal.

REVIEW OF APPEAL

The appeal officer will decide the appeal based upon a review of the record and supporting documents.

FINAL DECISION

The appeal officer will send notice of their final decision, which could include the following outcomes:

UPHOLD

The appeal officer may uphold the original decision and/or sanction(s).

REMAND OR REFER

The appeal officer may remand the case to the original hearing body to consider a specific issue as directed by the appeal officer, or the appeal officer may refer the case to a new hearing body to be reheard.

MODIFY OR REDUCE

The appeal officer may modify or reduce the sanction(s).

DISMISS AND VACATE

The appeal officer may dismiss the respondent's case or individual charge(s) and vacate any portion or all of the sanction(s).

