

Case No: [REDACTED]

Organization Name: Delta Tau Delta

Hearing Date: March 13, 2021

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

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

Submitted on September 29, 2020 at 8:39:05 am EDT

Nature: **Sorority and Fraternity Life**
Urgency: **Together as Buckeyes Pledge**
Incident Date and Time: **2020-09-26**
Incident Location: **Off campus 1972 Indianola**

Reported by

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

Involved Parties

Delta Tau Delta (Org00011)
Alleged

Questions

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

The following incident was reported via the SFL grievance form. Additional information was gathered from the original reporting part and is included in the second paragraph.

Heard from people that a large event was going on near the corner of 18th and Indianola. Received a snapchat from a friend that said she was at a block in that area and the house's blue paint is pretty recognizable.

Additional information collected via the original reporter:

Thanks for following up. Yes, there was alcohol and a large crowd in the snapchats I saw. I walked by the event on my way to a friends house after I submitted the report and it was still going on. The house put up tarps around the backyard but I could still see a large crowd through the cracks and people coming and going around the side of the house.

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

Is the student and/or student organization aware of your concern(s) or that you have filed this incident report?
No

Did this incident include behavior related to COVID-19 or the Together as Buckeyes Pledge, such as failure to wear a face mask or observe social distancing?

This report is not to be used to solely report known cases of COVID-19. If this is the case, please contact your supervisor for support.
Yes

Pending IR #00036100

Submitted from 184.57.54.63 and routed to Krystal Reeb (Associate Director). Processed by routing rule #662.

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

September 30, 2020

Beta Phi chapter of Delta Tau Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

Dear [REDACTED] members of the Beta Phi chapter of Delta Tau Delta Fraternity:

Student Conduct has received information that describes conduct by Delta Tau Delta on September 26, 2020. The report details concerns related to hosting a block party gathering with alcohol at the Delta Tau Delta annex house. Additionally, the chapter allegedly 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.

I am investigating whether this conduct may have occurred and violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.
- 3335-23-04 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 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.

I am directing your chapter not to host/participate in any in-person events or gatherings pending the outcome of the conduct process.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than October 5, 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 staten.88@osu.edu before our meeting.

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

- The names of each resident that reside in the Delta Tau Delta annex house located at 1972 Indianola.

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 staten.88@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 October 5, 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 black ink, appearing to be "Brittany Staten", written over a horizontal line.

Brittany Staten
Case Manager

CC: [REDACTED]
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Chapter Advisor- Howard Harcha
Vice President of Membership - Doug Russell
Chapter Advocate- Jeff Pelletier

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.

November 16, 2020

Beta Phi chapter of Delta Tau Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta:

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.

You will find the investigative summary via the following link:

[REDACTED]

Password: [REDACTED]

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 staten.88@osu.edu. **This form is due by 4:30 p.m. on November 24, 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, appearing to be 'Brittany Staten', with a long horizontal line extending to the right.

Brittany Staten
Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, Ed.D
Doug Russell
Jeff Pelletier
Howard Harcha
Leslie A. Albeit
Tiffani Ziemann

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta

Email: [REDACTED]

I. Charge(s): It is alleged that on the weekend of September 26, 2020, the Beta Phi chapter of Delta Tau Delta violated the following sections of the Code of Student Conduct:

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

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

- hosting a gathering/event where alcohol was present, including providing and/or permitting those under the age of 21 to consume alcohol

- failing to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/gathering 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi 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 staten.88@osu.edu by **November 24, 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.

Delta Tau Delta [REDACTED] Signature: _____

Date: _____

Acknowledgements

Delta Tau Delta Executive Board Member Signature: _____
Date: _____

Delta Tau Delta Advisor Signature: _____
Date: _____

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: [REDACTED] the members of the Beta Phi chapter of Delta Tau Delta

Email: [REDACTED]

I. Charge(s): It is alleged that on the weekend of September 26, 2020, the Beta Phi chapter of Delta Tau Delta violated the following sections of the Code of Student Conduct:

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

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

- hosting a gathering/event where alcohol was present, including providing and/or permitting those under the age of 21 to consume alcohol

- failing to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/gathering 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 Beta Phi chapter of Delta Tau Delta 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.**

X On behalf of the Beta Phi chapter of Delta Tau Delta 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 Beta Phi chapter of Delta Tau Delta 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 Beta Phi 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 staten.88@osu.edu by **November 24, 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 hearing on 11-23-09 of the Code of Student Conduct, or scheduled charges.

Delta Tau Delta _____ Sig

Date: 1/18/21

Acknowledgements



Delta Tau Delta Executive Board Member Signature: Eric Droll
Date: 1/18/21

Delta Tau Delta Advisor Signature: Howard Harscha
Date: 1/18/21



March 16, 2021

Ethan Delta Tau Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Beta Phi chapter of Delta Tau Delta,

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

Sincerely,



Kelly B. Smith
Director

CC: Associate Director of Sorority and Fraternity Life - Teri Cugliari

[REDACTED]
Tiffani Ziemann, Director of Risk Response & Education Responsibilities, Delta Tau
Delta
Dana Finely, Accountability Training Coordinator
Howard Harcha, Esq.
Leslie A. Albeit, 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 _____

March 16, 2021

PERSONAL AND CONFIDENTIAL

Sent electronically to [REDACTED]

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Beta Phi chapter of Delta Tau Delta,

I am writing to provide the Beta Phi chapter of Delta Tau Delta (hereinafter “the Beta Phi chapter” or “the chapter”) with its outcome for this conduct case. On February 19, 2021, you accepted responsibility for the charges and requested an administrative decision on behalf of the chapter.

The chapter took responsibility and requested an administrative decision for the following alleged violation(s) of the Code of Student Conduct:

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

On the weekend of September 26, 2020, the Beta Phi chapter engaged or attempted to engage in conduct, which included, but was not limited to:

- hosting a gathering/event where alcohol was present, including providing and/or permitting those under the age of 21 to consume alcohol
- failing to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/gathering of greater than ten (10) individuals, and/or no face masks being worn to limit the spread of COVID-19

Administrative Decision

Sanction Considerations

I considered the following factors in determining appropriate sanctions:

- the chapter's recent conduct history
- the severity of the violation when considered on a continuum
- the chapter's proposed sanctions
- the collaboration and support of your chapter's advisor, Howard Harcha, and the support of Tiffani Ziemann, Director of Risk Response & Education and Dana Finley, Accountability Training Coordinator

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

Sanctions

Disciplinary Probation

Your chapter's disciplinary probation is effective immediately through December 12, 2021.

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

Chapter's Proposed Actions

On January 22, 2021, during a meeting with Ms. Ziemann, your chapter's advisors (Howard Harcha, Esq. and Leslie Albeit, Esq.) and Sorority and Fraternity Life Associate Director Teri Cugliari, your chapter presented action items it developed in consultation with its advisors (hereinafter "Chapter's Action Plan" or "CAP"). As an outcome in this case, your chapter is

required to keep the commitments made in the Chapter's Action Plan. In our follow-up meetings, you will provide updates on the CAP. In consultation with your advisor(s), Ms. Ziemann, Ms. Finely and Ms. Cugliari, we may revise and amend the CAP so that it is achievable and in alignment with university programs and expectations and Delta Tau Delta values.¹

Complete and updated rosters

Your chapter must provide a complete roster of all members to Ms. Cugliari and me each semester. A complete roster must include:

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

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

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

You must submit a roster meeting the requirements above for this semester no later than March 24, 2021.

Delta Tau Delta Reorganization/Membership Review

The CAP described a membership review process undertaken by the chapter. Because of this case, the chapter must extend its complete cooperation with a more formal membership review process undertaken pursuant to the Executive Office's regional or national processes. Your chapter's success requires members committed to Delta Tau Delta's values and maintaining the chapter's registered status with the university. I fear there may be a significant number of current members whose values lie elsewhere.

Further, all chapter members must comply with Delta Tau Delta's partnership with Dyad Strategies, including responding to the Membership Impact Study.

¹ For example, SFL excellence programs are not intended to be used as "sanctions"

Repairing Harm

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

Over half a million Americans lost their lives.

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

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

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

1. Acknowledgment letter. Your chapter must draft a letter to the presidents of all SFL chapters that acknowledges and accepts responsibility for the actions taken by your members over the last year that have put community members at risk and damaged the reputation of the sorority and fraternity life community. You must review this letter with Ms. Cugliari prior to March 26, 2021 and deliver it to chapter presidents before March 31, 2021.
2. Exemplary stewardship. Your members must demonstrate improved stewardship. How can you care for your reputation and community if you cannot demonstrate a base-level commitment to care for chapter property? Prior to April 1, 2021, you must provide an accounting of all damage done to the chapter house this year and efforts by individual members or the chapter to repair or pay for the cost of repairs and clean-up for damage occurring since August 1, 2020.
3. Social Restrictions. Your chapter must demonstrate it can provide a positive and safe social experience to its members and invited guests without relying on alcohol. Accordingly, I am restricting the number of events with alcohol as described in the [summary of dates](#) section below.
4. Three additional actions. Your chapter must email me – no later than April 5, 2021 – a brief memo describing at least three additional measurable actions your chapter will take to enhance its reputation as a positive participant in the sorority and fraternity life, university and Columbus communities. Your chapter may not use its continued commitment to existing philanthropy efforts to fulfill this requirement. Rather, you must identify additional actions that will reduce your chapter’s toxic “social footprint” while enhancing its reputation in other areas, such as:
 - Brotherhood (increasing the number of registered brotherhood events that do not involve alcohol);
 - commitment to social change, diversity, belonging and inclusion (attending/participating in Diversity, Equity and Inclusion activities and training offered by the university);

- being a good neighbor (e.g., reducing noise, improving the appearance of the chapter house and grounds).

Education on potential criminal, civil liability and insurance coverage

Your chapter must attend an educational session with an attorney licensed to practice law in the state of Ohio. You must share this outcome letter with the attorney. The educational sessions must contain information on potential consequences under criminal and civil law that could flow from hosting gatherings with alcohol or other behavior (such as hazing) that puts the chapter, its individual members or its guests at risk. Your chapter must also obtain information on insurance coverage provided by the Executive Office to share with the attorney one week prior to the presentation. You must invite your SFL liaison, local advisor(s), and me to the educational session, though our attendance is not required. If necessary to provide additional information or context regarding insurance coverage, your local advisors or the Executive Office might require a separate meeting with the chapter.

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

Student Legal Service

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

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

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

Other lawyer(s)

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

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

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

I encourage the chapter to complete this requirement as soon as possible, but recognize that it might be better to wait until the conclusion of reorganization/membership review action taken by the Executive Office. For now, the deadline to complete this is April 16, 2021. I can extend this deadline upon request from a chapter advisor.

Follow Up Meetings

Ethan, your chapter's success meeting the requirements found in this outcome and avoiding any further reports will require significant coordination by you and other leaders in the chapter. We are invested in your chapter successfully completing all of the requirements found in this letter. We 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 will be an opportunity for us to connect and engage in dialogue regarding the sanctions the chapter has completed and check in on any that remain.

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

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

Chapter Communication

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

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

- all local and alumni advisors

- the housing corporation/board 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 new and active members will result in a charge being issued for 3335-23-04 (M8) Student conduct system abuse.

Summary of Dates

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

- Disciplinary Probation – Effective immediately through December 12, 2021
- Social Restrictions/Directives² –
 - Spring 2021 semester: Maximum of 2 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 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
- Additional Dates:
 - March 24, 2021 – roster due
 - March 26, 2021 – draft acknowledgment letter due to Ms. Cugliari
 - March 31, 2021 – acknowledgment letter to chapter presidents
 - April 1, 2021 – stewardship plan due
 - April 5, 2021 – email with additional actions to repair harm and improve reputation
 - April 16, 2021 – education on legal risk
 - March 23, 2021 – appeal deadline/communication to members

Requests for Extensions and Modifications

I understand that the current circumstances resulting from COVID-19 may create difficulties in organizing and completing sanctions. Please communicate with me by email

² All restrictions/directives are contingent on whether such events are permitted under university directives and existing state, county or local health orders.

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

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.

Subsequent/Ongoing Conduct Case(s)

Ethan, your chapter must cooperate fully with the new conduct case opened last week. Should your chapter be found in violation for that (or any other new cases), the outcome could extend the probation period found in this letter, place the chapter in the status of deferred revocation, or revoke the chapter's status as a registered student organization. Do not give up and do not delay! The chapter must proceed to meet all of the expectations and deadlines found in this outcome.

Appeal

Because your chapter accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 p.m. on March 23, 2021. Use the online appeal form found at <https://go.osu.edu/appeals>, or the form attached to this letter to submit your appeal. If you elect to use the attached document, please scan and email it, along with any relevant documentation, by the deadline to smith.4941@osu.edu. You may also fax the form and documentation to 614-292-2098.

If you do not submit an appeal, this decision will be effective at the end of your appeal period. If you have any questions, call (614) 292-0748 prior to the expiration of your appeal period.

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

If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday.

Sincerely,

Kelly Smith, Director

