

Case No: [REDACTED]

Organization Name: Delta Theta Sigma

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

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

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*Submitted on March 12, 2021 at 1:47:46 pm EST*

Nature: **Event or gathering >10**  
Urgency: **.**  
Incident Date and Time: **2021-03-06**  
Incident Location: **Columbus Off Campus - Please list specific street address under**

Reported by

Name: **Hunter Hartwig**  
Title:  
Email: **hartwig.24@osu.edu**  
Phone: **[REDACTED]**  
Address:  
**[Authenticated as Hunter Hartwig]**

Involved persons, organizations or addresses -- REQUIRED

**[REDACTED]** **[REDACTED]**  
Witness

**Delta Theta Sigma ()**  
Organization

Report Description

Please describe what you observed (e.g. Student was not wearing her mask in class, large gathering off campus with no face masks or social distancing; Student not complying with quarantine or isolation order)

**[REDACTED] reported Delta Theta Sigma via the SFL Grievance Form on the weekend of 3/6/21. [REDACTED] reported that DTS had an out of town formal with 56 people in Kentucky. [REDACTED] has photo evidence of this occurrence.**

If you are reporting COVID/Pledge related conduct that occurred during a class, please identify the course name and number, classroom location, instructor name and instructor email.

If you are reporting a large gathering, provide the number of individuals you observed in attendance.  
**51-100**

If you are reporting a large gathering, what else did you observe?  
**No observable use of face masks, No observable physical distancing, Presence of alcohol**

While we have been told that Columbus Police have not approached (nor do they intend to approach) near-campus residences as they are not policing other residences throughout the city in relation to public health issues, you may nonetheless want to report what you observed to their non-emergency line at 614-645-4545. You could also consider reporting to Columbus Public Health using the city's 311 System.

Have you reported this to any other agency or university department?  
**No, I have not reported it elsewhere**

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

If you are reporting a student for not following a quarantine or isolation order, please provide additional information, such as the start or end dates of the order.

Please share additional information here.

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 #00039052*

*Submitted from 99.165.70.76 and routed to Krystal Reeb (Associate Director). Processed by routing rule #690.*

*Copies to: reeb.47@osu.edu,smith.4941@osu.edu,cama.1@osu.edu,demooy.2@osu.edu* [REDACTED]

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

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*Submitted on March 12, 2021 at 1:47:46 pm EST. Last modified March 12, 2021 at 3:05:02 pm EST.*

Nature: **Event or gathering >10**  
Urgency: **.**  
Incident Date and Time: **2021-03-06**  
Incident Location: **Columbus Off Campus - Please list specific street address under Kentucky**

Reported by

Name: **Hunter Hartwig**  
Title:  
Email: **hartwig.24@osu.edu**  
Phone: **[REDACTED]**  
Address:

Involved persons, organizations or addresses -- REQUIRED

<b>[REDACTED]</b>	2000-01-27	<b>[REDACTED]</b>
Witness		Off Campus

**Delta Theta Sigma (Org00059)**  
Organization

Report Description

\*\* Please describe what you observed (e.g. Student was not wearing her mask in class, large gathering off campus with no face masks or social distancing; Student not complying with quarantine or isolation order)  
**[REDACTED]** reported Delta Theta Sigma via the SFL Grievance Form on the weekend of 3/6/21. **[REDACTED]** reported that DTS had an out of town formal with 56 people in Kentucky. **[REDACTED]** has photo evidence of this occurrence.

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No observable use of face masks, No observable physical distancing, Presence of alcohol

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Have you reported this to any other agency or university department?  
No, I have not reported it elsewhere

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

\*\* If you are reporting a student for not following a quarantine or isolation order, please provide additional information, such as the start or end dates of the order.

\*\* Please share additional information here.

\*\* 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.

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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 #00039052*

*Submitted from 99.165.70.76 and routed to Krystal Reeb (Associate Director)*

*Modified by Krystal Reeb on March 12, 2021 at 3:05:02 pm EST from 74.113.47.183*

March 12, 2021

Alpha Chapter of Delta Theta Sigma  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

To [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma:

Student Conduct has received information that describes conduct by Delta Theta Sigma on March 6, 2021. The report details concerns related to a gathering of a size and nature prohibited by university directives and potentially applicable health orders. 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 (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.

**I am directing the Alpha chapter of Delta Theta Sigma to not to have any in-person events/gatherings until further notice.**

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than March 17, 2021, 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/internal investigation, text messages, photos, emails, etc., please email them to me at [volkman.9@osu.edu](mailto:volkman.9@osu.edu) before our meeting.

Prior to our meeting, your chapter must provide a complete roster of all members in your chapter (i.e., new members/pledges and active members). A complete roster includes each member's:

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

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

- Guest list for the registered event
- Copy of registered event form

**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 [volkman.9@osu.edu](mailto:volkman.9@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.

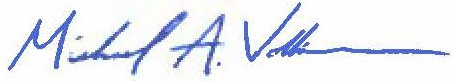
You will find the Code of Student Conduct and information about our process at <http://studentconduct.osu.edu>. Additionally, I have attached a Statement of Student Rights and Responsibilities to this letter.

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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.


If you, or a representative from your organization, fail to contact our office by March 17, 2021 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,



Michael Volkman  
Senior Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD  
Interim Assistant Vice President for Student Life - Matt Couch  
Associate Director of Sorority and Fraternity Life - Teri Cugliari  
Delta Theta Sigma Advisor - Brad Bergefurd  




## Student Rights and Responsibilities

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

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

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

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

April 16, 2021

Alpha chapter of Delta Theta Sigma  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma:

I am writing to give you an update on your organization'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 you are responsible for violating any sections of the code; it only causes the second half of our process to begin.

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

Once you have completed the form electronically or by hand, email it to [volkman.9@osu.edu](mailto:volkman.9@osu.edu). This form is due by 4:30 p.m. on April 21, 2021. 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.

You will find the investigative information you requested in our meeting on April 15, 2021 via the following link:

Link: [REDACTED]

Password: [REDACTED]

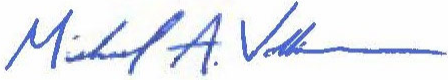
Please be advised that the material may contain confidential documents, and thus you may not save, print, screenshot, photograph, or otherwise seek to "record" the document. Further, these investigative materials are a draft. Should you choose a hearing to resolve the charges, our office may add to the information (we would give you notice if this happens) and you will likewise be invited to add relevant materials.

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

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 blue ink that reads "Michael A. Volkman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Volkman  
Senior Conduct Case Manager

CC: Delta Theta Sigma Advisor - Brad Bergesford

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

**CHARGE AND PROCESS FORM**

Name: [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma

Email: [REDACTED]

**I. Charge(s):** It is alleged that on or around March 6, 2021, the Alpha chapter of Delta Theta Sigma violated the following sections of the Code of Student Conduct:

- 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.

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

- Multiple members of the Alpha chapter of Delta Theta Sigma planned and/or participated in an event/gathering in Kentucky that included 50-60 attendees. The chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/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 Alpha chapter of Delta Theta Sigma 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 Alpha chapter of Delta Theta Sigma 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 Alpha chapter of Delta Theta Sigma 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 Alpha 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 [volkman.9@osu.edu](mailto:volkman.9@osu.edu) by **April 21, 2021** 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 Theta Sigma [REDACTED] Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Acknowledgements

Delta Theta Sigma Executive Board Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Delta Theta Sigma Advisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

April 26, 2021

Delta Theta Sigma  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

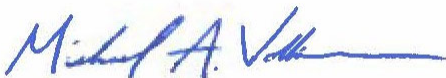
Dear [REDACTED] and the members of Delta Theta Sigma

I have not received your completed Charge and Process form. I emailed it to you on April 16, 2021. It was due on April 21, 2021.

Because you missed the deadline, you are no longer able to select a hearing before the University Conduct Board. Pursuant to section 3335-23-09 of the Code of Student Conduct, I can issue an Administrative Decision, or refer this case for an Administrative Hearing. Before I make that decision, I will give you an opportunity to return the form by email to me at [volkman.9@osu.edu](mailto:volkman.9@osu.edu).

If you do not email the form before 4:30 p.m. on April 28, 2021 I will proceed with my work.

Sincerely,



Michael Volkman  
Senior Conduct Case Manager



April 16, 2021

Alpha chapter of Delta Theta Sigma  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma:

I am writing to give you an update on your organization'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 you are responsible for violating any sections of the code; it only causes the second half of our process to begin.

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

Once you have completed the form electronically or by hand, email it to [volkman.9@osu.edu](mailto:volkman.9@osu.edu). This form is due by 4:30 p.m. on April 21, 2021. 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.

You will find the investigative information you requested in our meeting on April 15, 2021 via the following link:

Link: [REDACTED]

Password: [REDACTED]

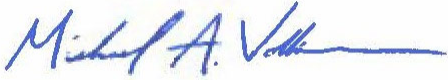
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Please call our office at 614-292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday, or email me if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Volkman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Volkman  
Senior Conduct Case Manager

CC: Delta Theta Sigma Advisor - Brad Bergefurd

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

**CHARGE AND PROCESS FORM**

Name: [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma

Email: [REDACTED]

**I. Charge(s):** It is alleged that on or around March 6, 2021, the Alpha chapter of Delta Theta Sigma violated the following sections of the Code of Student Conduct:

- 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.

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

- Multiple members of the Alpha chapter of Delta Theta Sigma planned and/or participated in an event/gathering in Kentucky that included 50-60 attendees. The chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/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 Alpha chapter of Delta Theta Sigma 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 Alpha chapter of Delta Theta Sigma 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 Alpha chapter of Delta Theta Sigma 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 Alpha 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 [volkman.9@osu.edu](mailto:volkman.9@osu.edu) by **April 21, 2021** 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 Theta Sigma [REDACTED] Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Acknowledgements

Delta Theta Sigma Executive Board Member Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Delta Theta Sigma Advisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

May 18, 2021

Delta Theta Sigma

Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of the Alpha chapter of Delta Theta Sigma::

I am writing to provide the Alpha chapter of Delta Theta Sigma with my decision. Because you did not return the Charge and Process Form, a decision was made in your absence. After a review of all available information, I reached the following finding(s):

- 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. – IN VIOLATION

Specifically, multiple members of the Alpha chapter of Delta Theta Sigma planned and/or participated in an event/gathering in Kentucky that included 50-60 attendees. The chapter failed to abide by the Buckeye Pledge and applicable health orders/directives including, but not limited to, the lack of physical distancing, hosting an event/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.

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

## **Disciplinary Sanction**

### Disciplinary Probation

Your chapter's disciplinary probation is effective immediately through December 19, 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**

### Health and Safety Presentations

Your chapter is required to host a presentation regarding the health and safety expectations of its members during the fall 2021 and spring 2022 semesters. The presentations are to be co-led by a chapter advisor, alumni advisor, and/or staff from your national headquarters and may be done virtually or in-person, so long as it abides by current health orders. You must inform Michael Volkman of the proposed date and time of this presentation no later than one week in advance by emailing Michael at [volkman.9@osu.edu](mailto:volkman.9@osu.edu).

At the conclusion of the presentation, chapter members will be required to complete a quiz created by the chapter based on the content of the presentation. Once all members of the chapter have completed their quiz, you must provide a confirmation of completion by emailing [volkman.9@osu.edu](mailto:volkman.9@osu.edu). This presentation, completion of the quiz, and confirmation of completion for fall 2021 must be completed by October 1, 2021. The second presentation, completion of the quiz, and confirmation of completion for spring 2022 must be completed by February 18, 2022.

### Complete and Updated Rosters

Your chapter must provide a complete roster of all members to student conduct each semester while on disciplinary probation. 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 contact from National

Fraternity. The president is certifying the accuracy of the roster.

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 National Fraternity to hold members accountable for behavior that puts the chapter’s standing or reputation at risk. Further, providing the rosters as a matter of routine at the start of each semester removes the pressure chapter leaders or other members may experience when concern about a location arises. You must submit a roster meeting the requirements above for this semester no later than September 3, 2021 at [volkman.9@osu.edu](mailto:volkman.9@osu.edu).

### 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.

Your organization's participation in this gathering 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 provide a positive fraternity experience that brings value and honor to its members and community?

In consultation with your advisors and SFL liaison, 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 in this incident that have put community members at risk and damaged the reputation of the sorority and fraternity life community. You must review this letter with your SFL liaison prior to June 11, 2021 and deliver it to chapter presidents before June 18, 2021.
- 2. *Three additional actions:*** Your chapter must email me at [volkman.9@osu.edu](mailto:volkman.9@osu.edu) no later than June 18, 2021 a brief memo describing at least three additional measurable actions your chapter will take to enhance its reputation as a positive participant in 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 negative image to the community while enhancing its reputation in other areas, such as:
  1. brotherhood (increasing the number of registered brotherhood events that do not involve alcohol);

2. engagement (while adhering to university guidelines on gatherings) in unique and different methods that vary from traditional forms of events/gatherings;
3. commitment to social change, diversity, belonging and inclusion (attending/participating in Diversity, Equity and Inclusion activities and training offered by the university);
4. recruitment and new member experience (e.g., making connections and forming relationships with recruits and new members while adhering to university guidelines on gatherings).

### Follow Up Meetings

Daniel, your chapter's success in meeting the requirements found in this outcome and avoiding any further reports will require significant coordination by you and other leaders in the chapter. I am invested in your chapter successfully completing all of the requirements found in this letter. I encourage you to communicate with me frequently regarding your chapter's progress. I can provide clarity regarding expectations and offer modifications and extensions if necessary. At a minimum, you must meet with me as follows:

- Twice during the fall 2021 semester:
  - prior to August 24, 2021
  - prior to November 11, 2021

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 Headquarters staff 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 to 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
- 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 ([volkman.9@osu.edu](mailto:volkman.9@osu.edu)) 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 19, 2021
- Follow-Up Meetings:
  - Twice during the fall 2021 semester:
    - prior to August 24, 2021
    - prior to November 11, 2021
- Additional Dates:
  - June 11, 2021 - draft acknowledgement letter due to SFL liaison Teri Cugliari
  - June 18, 2021 - acknowledgement letter to chapter presidents
  - June 18, 2021 - email with additional actions to repair harm and reputation
  - September 3, 2021 - roster due
  - October 1, 2021 - Fall 2021 health and safety presentation and confirmation of quiz due
  - February 18, 2022 - Spring 2022 health and safety presentation and confirmation of quiz due
  - Appeal deadline or after an appeal decision - communication to chapter members, including new members and inactive members; local and alumni advisors; and all landlord/property owners for any "annex house"

## Requests for Extensions and Modifications

Any request for an extension or a modification of any outcome must come from the chapter president to [volkman.9@osu.edu](mailto:volkman.9@osu.edu). The request must contain a detailed explanation of the reason 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 the general Student Conduct email on all sanction items. That address is [studentconduct@osu.edu](mailto:studentconduct@osu.edu).

## Appeal

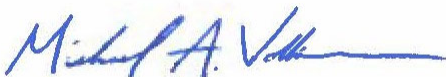
You may appeal this decision pursuant to sections 3335-23-09 and 3335-23-18 of the Code of Student Conduct. To do so, you must submit your appeal in writing no later than 4:00 p.m. on May 25, 2021. You should use the online appeal form found at <https://go.osu.edu/appeals>, or the form attached to this letter to submit your appeal. If you elect to use the attached document, please scan and email it by the deadline to [volkman.9@osu.edu](mailto:volkman.9@osu.edu).

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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you 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,



Michael Volkman  
Senior Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD  
Associate Dean of Students - Matt Couch  
Associate Director of Sorority and Fraternity Life - Teri Cugliari  
Delta Theta Sigma Advisor - Brad Bergesford  
[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.

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Signature \_\_\_\_\_ Date \_\_\_\_\_

For Student Conduct Staff:

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Received by: \_\_\_\_\_ Time \_\_\_\_\_

Date Stamp:

Delivered to Appeal Officer

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Date \_\_\_\_\_

