

Case No: [REDACTED]

Organization Name: Kappa Alpha Psi

Hearing Date: August 4, 2017

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

January 25, 2017

PERSONAL AND CONFIDENTIAL

Kappa Alpha Psi

c/o [REDACTED]

Regarding Case Number: [REDACTED]

To the members of Kappa Alpha Psi,

Our office has received information that describes conduct by Kappa Alpha Psi during the Spring Semester, 2017. I am investigating whether this conduct may have violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (M): Hazing: Doing, requiring, or encouraging any act, as defined in the Code of Student Conduct, that causes or creates a substantial risk of causing mental or physical harm or humiliation

As a leader of the organization, you must contact Student Conduct by February 1, 2017 to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to explain what happened, to provide materials, and to identify other individuals with information about the alleged incident.

I encourage you to share any information or material you have related to this incident. You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. Your advisor can be any person who is not involved as a witness or other participant in the case. Employees of the university's Student Advocacy Center (<http://advocacy.osu.edu>) are available to provide advisor services or other support throughout this process upon request. To find out more information about these services or to request advisor services, please e-mail the Student Advocacy Center at advocacy@osu.edu.

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

If you do not contact our office by February 1, 2017 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

To schedule your preliminary conference, please call Student Conduct at (614) 292-0748 between 8:00 a.m. and 5:00 p.m. Monday through Friday. Thank you in advance for your prompt attention to this matter.

Sincerely,

Jeffrey A. Majarian
Assistant Director

Statement of Student Rights

1. **Written notice of university charges** (3335-23-07 A.)
 - a. Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website), or by mail to the accused student's local or permanent address.

2. **Meeting with a University Official** (3335-23-07 C.)
 - a. Students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.

3. **Hearing** (3335-23-08)
 - a. In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing.
 - b. [A] student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing.
 - c. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.

4. **Notice of Hearing** (3335-23-09 A.)
 - a. If a hearing is to be held, written notification will be provided
 - b. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing
 - c. Unless already provided to the student, the notification will include the charge(s), date, time, and location of hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hearing Procedures

3335-23-10 Hearing procedures

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

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



January 25, 2017

VIA HAND DELIVERY

[REDACTED]
c/o [REDACTED]
Kappa Alpha Phi, Zeta Chapter
81 E. Norwich Ave.
Columbus, OH 43201

Dear [REDACTED]

Pursuant to Section 3335-23-20 of the Code of Student Conduct, I have determined that there is reasonable cause to believe that the Zeta Chapter of Kappa Alpha Psi may have violated the rules, regulations, policies and procedures of The Ohio State University, including, but not limited to, the following sections of the Code of Student Conduct:

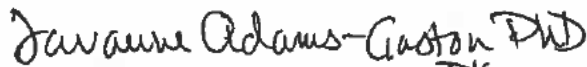
1. 3335-23-04 (B1) – **Endangering Behavior:** Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action;
2. 3335-23-04 (M) – **Hazing:** Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking of any form;

Accordingly, I hereby immediately place the Zeta Chapter of Kappa Alpha Psi on Interim Suspension and temporarily discontinue the Zeta Chapter's registration as a recognized student organization by the University, pending a full investigation by Student Conduct.

During the period of this Interim Suspension, the Zeta Chapter shall not be eligible to participate in any recognized student organization activities including, but not limited to, organizational meetings or programs, Welcome Week/Homecoming/BuckeyeThon activities, intramural sporting events, recruitment of new members, organizational social events, or social events with any other student organizations. **In addition, all new member activities must cease during the period of Interim Suspension.** Failure to adhere to the terms of this Interim Suspension may subject the organization and participating individual members to further disciplinary action under the Code of Student Conduct. This Interim Suspension will remain in effect until the completion of the disciplinary process as administered by Student Conduct.

You have the right to appeal this Interim Suspension by submitting to me, within three (3) working days of the date of receipt of this letter, a written petition detailing the reasons why you believe that the Interim Suspension should be modified, together with any supporting evidence that you deem relevant. Please consult the Code of Student Conduct, Section 3335-23-20, for a complete description of this process. Should you submit such a petition, I will review your submission, and then advise you of my determination without undue delay.

Sincerely,

A handwritten signature in black ink that reads "Javaune Adams-Gaston Ph.D." with a small "DK" written below the name.

Javaune Adams-Gaston, Ph.D.
Vice President for Student Life

cc: Craig Stone – OSU Chief of Police
Ryan Lovell – Sorority and Fraternity Life
Kate Butler – Sorority and Fraternity Life
Doug Koyle – Student Life
Matt Page – Student Life – Student Conduct

February 17, 2017

Kappa Alpha Psi

c/o [REDACTED]

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Kappa Alpha Psi:

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

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

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on February 21, 2017. Failure to return this form by the stated deadline will result in an Administrative Hearing.

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

Sincerely,



Jeffrey A. Majarian
Assistant Director

PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

CHARGE & PROCESS FORM

Name: Kappa Alpha Psi

Email: [REDACTED]

I. Charge(s): You are alleged to be in violation of the following section(s) as listed in the OSU Code of Student Conduct:

3335-23-04 (B1) Endangering Behavior
3335-23-04 (M) Hazing

Specifically, it is alleged that during the Spring Semester, 2017, you violated Ohio State's Code of Student Conduct in the following manner:

As a condition of joining the Zeta Chapter of Kappa Alpha Psi, required one or more individuals to engage in any or all of the following activities, which resulted in mental or physical harm:

1. Acts of personal servitude, including running errands or making purchases for active and/or alumni members of the organization
2. Calisthenics/workouts, often for prolonged periods of time without breaks
3. Physical punishments, including but not limited to, slapping, punching, and/or striking
4. Psychological abuse, including but not limited to, insulting or belittling comments, and/or sleep deprivation

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

_____ I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Hearing before a University Hearing Officer.**

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board.**

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

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

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options.

This form is due by 4:30pm on **February 21, 2017.**

Signature: _____ Date: _____



PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Kappa Alpha Psi

Email: [REDACTED]

RECEIVED

FEB 21 2017

STUDENT CONDUCT

I. Charge(s): You are alleged to be in violation of the following section(s) as listed in the OSU Code of Student Conduct:

- 3335-23-04 (B1) Endangering Behavior
- 3335-23-04 (M) Hazing

Specifically, it is alleged that during the Spring Semester, 2017, you violated Ohio State's Code of Student Conduct in the following manner:

As a condition of joining the Zeta Chapter of Kappa Alpha Psi, required one or more individuals to engage in any or all of the following activities, which resulted in mental or physical harm:

1. Acts of personal servitude, including running errands or making purchases for active and/or alumni members of the organization
2. Calisthenics/workouts, often for prolonged periods of time without breaks
3. Physical punishments, including but not limited to, slapping, punching, and/or striking
4. Psychological abuse, including but not limited to, insulting or belittling comments, and/or sleep deprivation

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

 I accept responsibility for the violation(s) of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Decision.**



 I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request an Administrative Hearing before a University Hearing**

 I do not accept responsibility for one or more of the violations of the Code of Student Conduct as listed in Section I of this form. **I request a hearing before the University Conduct Board.**

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

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

You are strongly encouraged to contact the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor to discuss your options.

This form is due by 2017.

Signature: _____



Date: 02/21/2017

August 4, 2017

Kappa Alpha Psi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Kappa Alpha Psi:

I am writing to notify you of the outcome of your Administrative Hearing. The hearing was held on March 10, 2017. After a thorough review of the testimony and evidence, the university has reached the following findings:

- 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. –**Not in violation**
- 3335-23-04 (M): Hazing: Doing, requiring, or encouraging any act, as defined in the Code of Student Conduct, that causes or creates a substantial risk of causing mental or physical harm or humiliation. –**Not in violation**

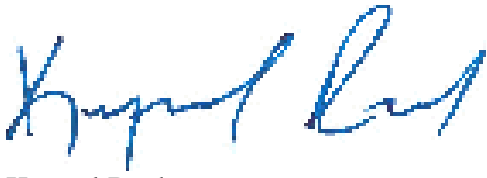
As a result, Kappa Alpha Psi's interim suspension has been lifted. You may continue activities as permitted by the Office of Sorority and Fraternity Life.

While you have been found not responsible based on the facts of this case—be aware that this case can be taken into consideration if future complaints are received by the Office of Student Conduct. Any future complaints, including those of a similar nature, could be reviewed and adjudicated based on the Code of Student Conduct. We strongly encourage you to utilize the resources available through your national organization and the Office of Sorority and Fraternity Life to evaluate your current recruitment and communication practices.

Finally, there were a number of concerning facts presented in the hearing regarding the recruitment practices of your fraternity. These facts will be communicated with the Office of Sorority and Fraternity Life, which may reach out to you in the near future. We encourage you to work closely with their office in any future recruitment processes to ensure compliance with all university and organizational policies.

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,



Krystal Reeb
Hearing Officer

CC: Ryan Lovell, Senior Director of Parent and Family and Greek Life
Associate Director of Sorority and Fraternity Life - Kate Butler
Reverend Donald Bean, Kappa Alpha Psi Chapter Advisor