



Case No: [REDACTED]

Organization Name: Kappa Sigma

Hearing Date: September 13, 2019

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

Reeb, Krystal

From: Butler, Kate
Sent: Monday, February 25, 2019 9:30 AM
To: Title IX; Reeb, Krystal
Cc: De Freitas, Kim Monteaux
Subject: RE: Incident-Kappa Sigma and Sigma Alpha Epsilon

Sorry, my brain is already in March. The event was February 22. 176 is not a chapter house. It is an annex that is just East of the Alpha Gamma Delta chapter facility. The backyard backs up to the Kappa Sigma front lawn.

From: Title IX
Sent: Monday, February 25, 2019 9:27 AM
To: Butler, Kate <butler.669@osu.edu>; Reeb, Krystal <reeb.47@osu.edu>
Cc: De Freitas, Kim Monteaux <defreitas.12@osu.edu>
Subject: RE: Incident-Kappa Sigma and Sigma Alpha Epsilon

Thank you, Kate!

I wanted to clarify the date. Did this happen this year on February 22? Or did you mean last spring in March? Also, if 176 E 15th a chapter house? Thank you for clarifying.

I will have someone reach out to [REDACTED]

Molly

From: Butler, Kate <butler.669@osu.edu>
Sent: Monday, February 25, 2019 8:52 AM
To: Title IX <titleix@osu.edu>; Reeb, Krystal <reeb.47@osu.edu>
Cc: De Freitas, Kim Monteaux <defreitas.12@osu.edu>
Subject: Incident-Kappa Sigma and Sigma Alpha Epsilon

Hi Molly and Krystal,

I received a call from Delta Zeta's Chapter Advisor informing me that [REDACTED] reported that she was drugged at a joint Kappa Sigma and Sigma Alpha Epsilon event on Friday, March 22. The event took place at 176 E 15th.

I do not know a ton of details, but [REDACTED] did indicate that she had one drink prior to attending the party. At the party, she was served a mixed drink that was made behind a bar. After drinking that drink, she very quickly stopped remembering anything and her friends took her back to her residence hall.

I do not see an event registered for that evening by either chapter. I can tell you that I was out on 15th on Friday afternoon around 4:30 and did see men setting up an event in a white tent in the backyard of that house.

The chapter advisor did indicate that [REDACTED] is interested in reporting the incident.

Please let me know if you need additional information from me.
Kate



Kate Butler

Associate Director Sorority and Fraternity Life

The Ohio State University

Office of Student Life Sorority and Fraternity Life

2008 Ohio Union, 1739 N High, Columbus, OH 43210

614-247-8609 Office / 614-292-1816 Fax

butler.669@osu.edu

February 26, 2019

Kappa Sigma
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Kappa Sigma,

Student Conduct has received information that describes conduct by Kappa Sigma between February 22, 2019 and February 24, 2019. The report details concerns related to Distributing alcohol to individuals under the age of 21 and distributing alcoholic beverages containing drugs. I am investigating whether this conduct may have occurred and violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.

I am directing your chapter not to have any events where alcohol is present until further notice.

As a leader of the organization, you must contact Student Conduct **as soon as possible**, and no later than March 1, 2019, to schedule a preliminary conference with me. When you call please schedule your meeting with me for March 6, 7, or 8. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to explain what happened, to provide materials, and to identify other individuals with information about the alleged incident. Please submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by email to me at reistad.1@osu.edu prior to our meeting.

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

Guest list for the registered event/s;

Copy of registered event form/s;

Name(s) of anyone who served alcohol at the event/s (i.e., bartender);

Name(s) of those who live at the property where the event/s occurred;

Any other documents you'd like to provide that demonstrates risk management practices were followed

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

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

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

If you do not contact our office by March 1, 2019 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

To schedule your preliminary conference, please call Student Conduct at (614) 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,

A handwritten signature in black ink that reads "Aaron Reistad". The script is cursive and fluid, with the first name "Aaron" and last name "Reistad" clearly distinguishable.

Aaron Reistad
Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell

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.



April 18, 2019

Kappa Sigma

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Kappa Sigma fraternity:

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.

I encourage you to consult with an advisor of your choice or with the Student Advocacy Center (<http://advocacy.osu.edu>) as you consider your options. Additionally, students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at (614) 292-6207 (voice), (614) 688-8605 (TTY), ada-osu@osu.edu, or visit <https://ada.osu.edu/>.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on April 25, 2019. 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,

Aaron Reistad
Conduct Case Manager

CC: Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Tyler Young

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Kappa Sigma

Email: [REDACTED]

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

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

Specifically, it is alleged that on February 22, 2019, and February 23, 2019, Kappa Sigma violated Ohio State's Code of Student Conduct in the following manner:

Failed to implement proper risk management practices as described by the *Joint Council Alcohol Risk Policy*--including but are not limited to registering your event; keeping a guest list; checking identifications to monitor who is under/over the age of 21; following approved BYOB practices; and purchasing alcohol to be distributed to anyone in attendance--which resulted in individuals under the legal drinking age being provided and/or obtaining alcohol at your events.

As a result of the alcohol which was provided and/or obtained, and the lack of risk management practices, more than one guest at your events experienced adverse reactions, requiring assistance.

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

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

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

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

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

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

sanctions in the Code of Student Conduct.

This form is due by 4:30 pm on **April 25, 2019**.

Signature:_____ Date:_____



October 4, 2019

Kappa Sigma

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and the members of Kappa Sigma:

I am writing to provide your chapter with the University Conduct Board's decision. Your chapter requested a hearing before the UCB to resolve the following alleged violations of the Code of Student Conduct:

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

It was alleged that on February 22, 2019 and on February 23, 2019, Kappa Sigma failed to implement proper risk management practices as described by the Joint Council Alcohol Risk Policy, including but not limited to:

- failing to register your event;
- keeping a guest list;
- checking identification to monitor who was under/over 21;
- following approved BYOB practices; and
- purchasing alcohol to be distributed to anyone in attendance.

As a result, individuals under the legal drinking age were provided or obtained alcohol at your event. Because of the alcohol provided or obtained and the lack of risk management practices, more than one guest experienced adverse reactions and required assistance.

Findings

At the hearing, your chapter accepted responsibility for the alcohol violation, but contested the endangering behavior charge.

Using the preponderance of evidence standard to weigh the information provided at the hearing, including that found in the hearing packet and the testimony offered by you, Alec Singer and

Adam Lindberg, the UCB found your chapter in violation for the endangering behavior charge.

Sanctions

The UCB considered the following factors in determining appropriate sanctions:

- Kappa Sigma's recent conduct history
- prior sanctions
- the severity of the violations when considered on a continuum

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

(1) Deferred Revocation & Probation

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

Your chapter is on probation effective immediately through May 7, 2023. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning.

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

(2) Alcohol-free

Your chapter may not hold any events of any nature – social, brotherhood, alumni – at which alcohol is present, provided to members or guest, or otherwise available for consumption by members or guests. **Your chapter's status as an alcohol-free organization will remain in effect until January 15, 2022.**

The UCB determined that this length of time was necessary to provide your chapter's members and future new members time to demonstrate their commitment to the sentiment Jack and Adam expressed during the hearing. Both stated that the chapter's current members value brotherhood above all else. Both referenced upcoming events, such as an alcohol-free "Casino Night," that the chapter eagerly anticipated. The UCB encourages the chapter to use this time to establish its ability to lead; to provide an example of an alternative path; to inspire other chapters – which might be neglecting brotherhood, service and leadership in the pursuit of so-called "social capital" ostensibly earned by throwing safety aside to host alcohol-infused events – to follow its example.

Between January 15, 2022 and April 25, 2022, your chapter may host four events where alcohol is provided, available, consumed by members and guests 21, or older. Those events must align with all applicable risk management rules and requirements placed on your chapter by IFC, Kappa Sigma International in addition to complying with all federal, state and local laws, university policies, and the Code of Student Conduct.

(3) Support and Accountability Team

Your chapter has important work ahead of it. It must assemble a team to provide both support and accountability. Your chapter must email me a list of at least six individuals who are committed to supporting your chapter through this alcohol-free period. Your list must include each individual's role and/or title, phone number and email address. Examples of appropriate team members include representatives from Kappa Sigma headquarters, local advisors, members of your housing corporation, local or regional alumni, and Sorority and Fraternity Life staff members. You must send this list to me no later than 4:30 p.m. on Friday October 25, 2019.

(4) VVMS

Working with your Support and Accountability Team, your chapter must draft a Values-Vision-Mission (VVM) statement. The purpose of this statement is to be certain your chapter's current members align with the sentiment shared by Jack and Adam at the hearing. It need not be long, but it must include:

- what your chapter values above all else
- what your vision is of a successful Kappa Sigma chapter at this university, and
- its commitment to abiding by the terms of this outcome letter.

Your chapter must email its VVMS to me no later than November 22, 2019. Your chapter must share its VVMS at the chapter presidents meeting in January of 2020. At that meeting, your chapter must also provide a list of three members of your Support and Accountability Team willing to receive reports from the Sorority and Fraternity community that your chapter is not living up to its VVMS ("concern reports"). Concern reports could include photos of suspected Kappa Sigma events with alcohol. After the presidents meeting, you must provide the VVMS and the names and email addresses of the applicable Support and Accountability Team members to the presidents by email so that the presidents can share that information with their chapter's members. You must copy studentconduct@osu.edu on this letter.

Summary of Dates

Here is a summary of important dates:

- Disciplinary probation – through May 7, 2023
- Alcohol-free – through January 15, 2022
- Four (4) events with alcohol only -- January 15, 2022 and April 25, 2022
- Support and Accountability Team list due - October 25, 2019
- VVMS due – November 22, 2019
- VVMS shared with chapter presidents – January 2020 meeting

- Concern Report team names and email addresses shared with chapter presidents – January 2020 meeting
- Appeal deadline – October 11, 2019

Requests for Extensions and Modifications

Your chapter's president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Your request must contain a detailed rationale for the request and must include the case number listed above.

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

Appeal

You have the right to appeal this decision to the Senior Vice President of Student Life. You must submit your appeal no later than 4:00 pm on October 11, 2019. To submit an appeal, use the online appeal form found at <https://go.osu.edu/appeals>. You may also submit a written appeal, using the form attached to this letter along with any relevant documentation, to the Office of Student Conduct, 550 Lincoln Tower, 1800 Cannon Dr., Columbus, OH 43210, by the deadline. If you do not submit an appeal, this decision will be effective at the end of your appeal period. 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 B. Smith, J.D.
Director

CC: [REDACTED]
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas

Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Tyler Young, Alumni Advisor
Matt Charnas, District Grand Master
Leo Brown, Assistant Executive Director

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

APPEAL REQUEST FORM

Name:

Student ID#:

Phone:

Email:

I am the: X 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.

X 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.

10/11/19
Date

For Student Conduct Staff:

Received by:

Time

Date Stamp:

Delivered to Appeal Officer

Date

To: Molly Ranz Calhoun
From: The Alpha Sigma Chapter of Kappa Sigma
Date: 11 October 2019
Subject: Appeal

Reasoning for Appeal: **"Disciplinary sanction imposed is grossly disproportionate to the violation(s) committed"**

The Alpha Sigma Chapter of Kappa Sigma at The Ohio State University takes pride in being a recognized chapter by the University. We strive to build our membership and actions upon our National Headquarters' foundation of The Four Pillars: Fellowship, Leadership, Scholarship, and Service. This upcoming November, we will be holding our Military Heroes Ball for the Disabled Military Veterans. We have a goal this year of \$30k (doubled from last year) and have already raised \$6k. We are also in the process of planning a Casino Night for both active brothers and alumni to create a strong bond between us. And lastly, we are a strong academic social fraternity as we had one of the best chapter GPAs but we also stay involved in other organizations on campus (Alpha Kappa Psi, Delta Sigma Pi, BUCC, Fisher Futures, Accounting Teaching Assistant, College Mentors for Kids, volunteering at the Wexner Medical Center, and many more).

After reviewing the terms of the sanctions put upon the Alpha Sigma chapter of Kappa Sigma, it appears the terms went outside a precedent that has been established by Ohio State Code of Conduct. This appeal accounts for our time served during this process (on alcohol probation since February of 2019) but also allows us to implement our risk management policy. In addition, this appeal mirrors the recent sanctions against other chapters that had the same charges. Kappa Sigma strives to never endanger the safety of fellow students in its pledge to use 3rd party licensed vendors for events while continuing to be actively involved in the Greek community through philanthropy and community service. Below I have listed some recent sanctions on their date of judicial outcome with equivalent or greater charges in order to show precedent that has occurred for other chapters.

Current Sanctions:

- Disciplinary probation – through May 7, 2023
- Alcohol-free – through January 15, 2022
- Four (4) events with alcohol only -- January 15, 2022 and April 25, 2022
- Support and Accountability Team list due - October 25, 2019
- VVMS due – November 22, 2019
- VVMS shared with chapter presidents – January 2020 meeting
- Concern Report team names and email addresses shared with chapter presidents – January 2020 meeting

Proposed Sanctions:

- Disciplinary probation – through May 7, 2021
- Alcohol-free – through March 31, 2020
- Return to social plan after March 31, 2020
- Events must be at a third-party vendor who are licensed and insured

- While on disciplinary probation, must hire a trained and insured security service and third-party bartender for all events with alcohol
- Support and Accountability Team list due - October 25, 2019 (NO CHANGE)
- VVMS due – November 22, 2019 (NO CHANGE)
- VVMS shared with chapter presidents – January 2020 meeting (NO CHANGE)
- Concern Report team names and email addresses shared with chapter presidents – January 2020 meeting (NO CHANGE)

Charges and Sanctions of Chapters with similar or greater charges:

Chi Phi: 9/5/19

Charges:

- 3335-23-04 (J): Alcohol
- 3335-23-04 (B1) Endangering behavior

Sanctions:

- Disciplinary Probation through May 3, 2020
- Limit of ten (10) events where alcohol is present during the autumn 2019 semester (through 12/15/19)
- Required meeting follow-up before full return of social privileges • Risk Management policy review
- Policy Education Workshop with Chi Phi Staff Member
- Additional Alcohol Education

Pi Kappa Alpha: 6/19/19

Charges:

- 3335-23-04 (J): Alcohol
- 3335-23-04 (B1) Endangering behavior
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

Sanctions:

- Disciplinary Probation through May 9, 2021
- Moratorium on Alcohol (no events with alcohol) through December 15, 2019
- Risk Management Practices Review
- AlcoholEDU completion
- Educational programming sanctions

Alpha Tau Omega: 2/15/19

Charges:

- 3335-23-04 (M): Hazing
- 3335-23-04 (J): Alcohol
- 3335-23-04 (B1) Endangering behavior

Sanctions:

- Social probation (no social events with alcohol) through 3/31/19
- Return of social host privileges (4/1/19-5/5/19)
- Maximum of four (4) events with alcohol

- Events must be at a third-party vendor with licensed and insured security
- Disciplinary probation through 5/3/20
- While on disciplinary probation, must hire a trained and insured security service and third-party bartender for all events with alcohol
- Risk management policy review
- Educational programming sanctions

Pi Kappa Alpha: 8/21/18

Charges:

- 3335-23-04 (B1) Endangering Behavior
- 3335-23-04 (J): Alcohol

Sanctions:

- Disciplinary probation through 5/5/19
- Social probation (no social events) through 9/4/18
- Reduced Social Probation (10 events with alcohol) – Ends December 16, 2018 (pending evaluation)
- Educational programming sanctions

Delta Chi: 2/15/18

Charges:

- 3335-23-04 (B1): Endangering Behavior
- 3335-23-04 (J): Alcohol

Sanctions:

- Disciplinary probation through 12/16/18
- Educational programming sanctions
- Progressive Return of Social Privileges
- Presentation to Stakeholders



October 24, 2019

Kappa Sigma

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]

I have received your appeal of the sanctions that resulted from Kappa Sigma's disciplinary case. The Code of Student Conduct requires that an appeal state the basis on which you are appealing the outcome. Your appeal is based on your claim that the sanction imposed is grossly disproportionate to the violation committed.

I have given your appeal careful consideration. Based on my independent review of the record and supporting documents, I do not find that the sanction imposed is grossly disproportionate to the violations committed. I have, therefore, decided to support the decision that resulted from this process.

If you have questions regarding your case, please contact the Student Conduct office at (614) 292-0748.

Sincerely,

Matt Couch, PhD
Associate Dean of Students

CC: [REDACTED]

Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Director of Student Conduct - Kelly Smith, J.D.