

Case No: [REDACTED]

Organization Name: Phi Gamma Delta

Charge Date:

Hearing Date: March 31, 2021

- Incident report/complaint
- Interim suspension notice (if applicable)
- Notice of investigation/meeting request
- Notice of charges
- Response to charges
- Outcome letter
- Appeal (if applicable)
- Appeal decision (if applicable)

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

Submitted on February 9, 2021 at 6:02:21 pm EST

Nature: **Event or gathering >10**
Urgency: **.**
Incident Date and Time: **2021-01-11 7:00 PM**
Incident Location: **Columbus Off Campus - Please list specific street address under**

Reported by

Name:
Title:
Email:
Phone:
Address:

[UNAUTHENTICATED]

Involved persons, organizations or addresses -- REQUIRED

Phi Gamma Delta (Fiji) ()
Organization

120 E 15th Ave, Columbus, OH 43201 ()
Location Address

 
Alleged

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)

Saw via Snapchat that a large gathering with no face masks or social distancing was taking place at Phi Gamma Delta's primary annex house to celebrate the National Championship game.

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.

10-15

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.

Attachments

img5771.jpg

img5772.jpg

Pending IR #00038449

Submitted from 75.22.121.14 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

Attachments

img5771.jpg

img5772.jpg

Pending IR #00038449

Submitted from 75.22.121.14 and routed to Krystal Reeb (Associate Director)

Modified by Rachel DeMooy on February 10, 2021 at 11:32:24 am EST from 184.57.0.243

February 12, 2021

Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] the members of the Omicron Deuteron chapter of Phi Gamma Delta:

Student Conduct has received information that describes conduct by Phi Gamma Delta on or around January 11, 2021. The report details concerns related to hosting and/or participating in an event or gathering with greater than 10 participants at the Phi Gamma Delta annex house with the presence of alcohol. 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 (B1) Endangering behavior. Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (G) Failure to Comply with University or Civil Authority. Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than February 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, text messages, photos, emails, etc., please email them to me at volkman.9@osu.edu before our meeting.

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

- Current member list
- Name(s) of those who live at the property where the event occurred

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.

You may bring one advisor and a registered co-leader (if applicable) to your preliminary conference. Your advisor can be any person who is not involved as a witness or other participant in the case. Student Life's Advocacy Center (<http://advocacy.osu.edu>) is unable to serve as an advisor, but upon request, they are able to provide information and assistance about the conduct process.

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

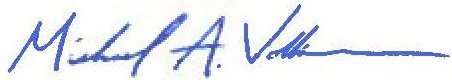
Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at 614-292-6207 (voice), 614-688-8605 (TTY), ada-osu@osu.edu,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

If you, or a representative from your organization, fail to contact our office by February 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, Ed.D
Interim Assistant Vice President for Student Life - Matt Couch
Advisor - Kate Butler
Jarrett Keyton - Phi Gamma Delta
Joe Roth - Phi Gamma Delta
[REDACTED]

Student Rights and Responsibilities

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

- Students shall receive written notice of university charges, through one of multiple methods of communication, including: in person; in a residence hall mailbox; by email to official university email address, which may then direct the student to view the notice in a secure website; by text message or other electronic communication; or by mail to a local or permanent address. **(3335-23-08-A)**

- Students are afforded the opportunity to meet with a university official following the notification of charges. **(3335-23-08-C)**
 - o University staff members authorized to investigate complaints usually request a meeting with students prior to issuing charges.
 - o Once charges are issued, students can request another meeting.
 - o Students are strongly encouraged to meet with a university official.

- Students may choose to bring an advisor (i.e., support person) for support throughout the disciplinary process. **(3335-23-12-C)**
 - o The advisor may be any person other than a witness.
 - o The advisor may only counsel the student and may not actively participate in the process.

- Students are offered options for the resolution of charges. **(3335-23-08-D)**
 - o Generally, students may choose between an administrative hearing or a hearing before the University Conduct Board to resolve charges other than those related to:
 - Academic Misconduct **(3335-23-04-A)**
 - Discrimination and harassment, including, but not limited to sexual misconduct, based on a protected class, prohibited by university policies 1.15 and 1.10, which can be found at <http://policies.osu.edu>. **(3335-23-02-C)**
 - o NOTE: If students fail to respond to the initiation of charges and there is enough information to support finding a violation, the hearing officer may issue an administrative decision, as long as the sanctions do not include suspension or dismissal. **(3335-23-09)**

- An administrative decision allows the student to admit, in writing, to the violation(s), and serves as a request to have appropriate sanctions made by the hearing officer, rather than having charges referred to a hearing body. **(3335-23-09)**

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

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

March 11, 2021

Omicron Deuteron chapter of Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] the members of the Omicron Deuteron chapter of Phi Gamma Delta:

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

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. We will do our best to accommodate your preference. Upon request, we can provide an excuse letter for employers and instructors.

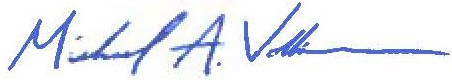
Once you have completed the form electronically or by hand, email it to volkman.9@osu.edu. This form is due by 4:30 p.m. on March 16, 2021. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

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

Student Life's Advocacy Center (<http://advocacy.osu.edu>) is unable to serve as an advisor, but upon request they are able to provide information and assistance about the conduct process.

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

Sincerely,



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


Advisor - Kate Butler

Jarrett Keyton - Phi Gamma Delta

Joe Roth - Phi Gamma Delta

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: Phi Gamma Delta

Email: [REDACTED]

I. Charge(s): It is alleged that on January 11, 2021, the Omicron Deuteron chapter of Phi Gamma Delta 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.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

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

The Omicron Deuteron chapter of Phi Gamma Delta hosted a gathering at an annex facility despite a directive by the Office of Student Life temporarily suspending all in-person student organization events or gatherings of any kind.

Additionally, 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.

_____ 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. My preferred hearing day/times 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.

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.

III. Possible Sanctions:

If you are found in violation, please understand that you may be subject to a formal reprimand, disciplinary probation, suspension, 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 email a copy to volkman.9@osu.edu by **March 16, 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.

Signature:_____ Date:_____

March 11, 2021

Omicron Deuteron chapter of Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] the members of the Omicron Deuteron chapter of Phi Gamma Delta:

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

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. We will do our best to accommodate your preference. Upon request, we can provide an excuse letter for employers and instructors.

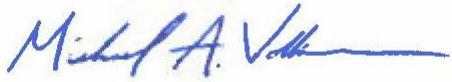
Once you have completed the form electronically or by hand, email it to volkman.9@osu.edu. This form is due by 4:30 p.m. on March 16, 2021. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct, or scheduling an administrative hearing to resolve the charges.

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

Student Life's Advocacy Center (<http://advocacy.osu.edu>) is unable to serve as an advisor, but upon request they are able to provide information and assistance about the conduct process.


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

Sincerely,



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


Advisor - Kate Butler
Jarrett Keyton - Phi Gamma Delta
Joe Roth - Phi Gamma Delta

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE AND PROCESS FORM

Name: Phi Gamma Delta

Email [REDACTED]

I. Charge(s): It is alleged that on January 11, 2021, the Omicron Deuteron chapter of Phi Gamma Delta 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.
- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.

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

The Omicron Deuteron chapter of Phi Gamma Delta hosted a gathering at an annex facility despite a directive by the Office of Student Life temporarily suspending all in-person student organization events or gatherings of any kind.

Additionally, 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.

X 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. My preferred hearing day/times 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.

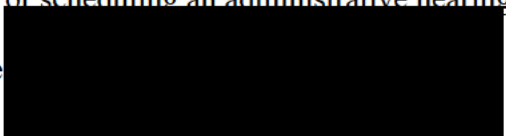
Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

III. Possible Sanctions:

If you are found in violation, please understand that you may be subject to a formal reprimand, disciplinary probation, suspension, 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 email a copy to volkman.9@osu.edu by **March 16, 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.

Signature



Date: 3/14/21

Phi Gamma Delta
94 East 15th Avenue
Columbus, OH 43210

March 14, 2021

Michael Volkman, Senior Conduct Case Manager
Office of Student Life – Student Conduct
500 Lincoln Tower
1800 Cannon Drive
Columbus, OH 43210

Dear Mr. Volkman:

I am writing to you in regards to case number [REDACTED]. We are accepting responsibility for the charges against the chapter and respectfully request an administrative decision. Certainly, this has been a difficult process for our chapter; however we have learned from this experience and desire to move forward with the university to retain our good standing.

As I stated previously, the Omicron Deuteron chapter of Phi Gamma Delta is committed to adhering to state, city, and university guidelines regarding COVID-19, as well as other laws and regulations. As a chapter, we have taken steps internally to educate our members on the dangers of COVID-19 and reaffirm adherence to the university protocols. This education process has included, but isn't limited to, the following:

- Reading academic articles on the COVID-19 virus focused on how it is spread and the importance of wearing masks
- Listening/watching informative materials about COVID-19 in order to produce comprehensive summaries of what we learned
- Writing short essays describing our experiences with COVID-19 and demonstrating our acknowledgment of its severity along with the importance of following university guidelines

While we believe the occurrence on January 11, 2021, is an isolated incident for our chapter, which has a long history of university compliance, please know we are taking steps to prevent any sort of infractions or misunderstandings in the future. It has been made clear to all the brothers that those found in violation of the Student Code of Conduct, university guidelines, and/or the Buckeye Pledge will receive severe punishment from the chapter, which could include expulsion from the chapter. Further, we have had in-depth discussions about behavioral expectations with our Board of Colony Advisors (BCA) and our university advisors.

Thank you for your assistance and guidance with this process. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

[REDACTED]

March 31, 2021

Omicron Deuteron chapter of Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] the members of the Omicron Deuteron chapter of Phi Gamma Delta:

I am writing to provide the Omicron Deuteron chapter of Phi Gamma Delta with my decision. On March 14, 2021, you accepted responsibility for the charges and requested an administrative decision on behalf of the chapter for the following alleged violation(s) of the Code of Student Conduct:

- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 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.

The Omicron Deuteron chapter of Phi Gamma Delta hosted a gathering at an annex facility despite a directive by the Office of Student Life temporarily suspending all in-person student organization events or gatherings of any kind.

Additionally, 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.
- the chapter's proposed actions.

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

Chapter's Proposed Actions

In an email from March 14, 2021, your chapter presented a letter in response to the charges, which included internal actions the chapter has taken. These actions are a part of an internal education process for all members, and includes, but is not limited to, "reading academic articles on the COVID-19 virus focused on how it is spread and the importance of wearing masks; listening/watching informative materials about COVID-19 in order to produce comprehensive summaries of what we learned; and writing short essays describing our experiences with COVID-19 and demonstrating our acknowledgment of its severity along with the importance of following university guidelines." Student Conduct supports the efforts your chapter has made thus far, and I encourage your chapter to continue in these processes for providing on-going education to your members.

Health and Safety Presentations

Your chapter is required to host a virtual presentation regarding the health and safety expectations of the members of the Omicron Deuteron chapter during the spring 2021 and fall 2021 semesters. The presentations are to be co-led by a chapter advisor, alumni advisor, and/or staff from your national headquarters. 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.

At the conclusion of the presentation, Omicron Deuteron 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 Omicron Deuteron chapter have completed their quiz, you must provide a confirmation of completion by emailing volkman.9@osu.edu. This presentation, completion of the quiz, and confirmation of completion for spring 2021 must be completed by May 7, 2021.

Complete and Updated Rosters

Your chapter must provide a complete roster of all members to student conduct each semester of disciplinary probation in this case. 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 National Fraternity. The president is certifying the accuracy of the roster. Ben, I encourage you to ask your members not living in the chapter house or in university housing to submit copies of their lease to verify their local, Columbus address.

The purpose of this requirement is to identify address locations that might be used as “annexes” or strongly associated with the chapter due to multiple members residing there. This will allow chapter leadership, advisors and the 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 April 16, 2021 at volkman.9@osu.edu. Additional rosters should be provided to Student Conduct within the first two weeks of each semester the chapter is on disciplinary probation.

Repairing Harm

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

Over half a million Americans lost their lives.

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

How will your chapter transition from one that prioritizes “social capital” to one known for providing a positive 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 April 16, 2021 and deliver it to chapter presidents before April 23, 2021.

- 2. *Three additional actions:*** Your chapter must email me at volkman.9@osu.edu no later than April 23, 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:
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Follow Up Meetings

Ben, your chapter's success meeting the requirements found in this outcome and avoiding any further reports will require significant coordination by you and other leaders in the chapter. 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:

- Once during the spring 2021 semester
 - prior to May 7, 2021.
- 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.

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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.

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- 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) 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.

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 - April 16, 2021 - Roster due
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 - April 23, 2021 - acknowledgement letter to chapter presidents
 - April 23, 2021 - email with additional actions to repair harm and reputation
 - 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"

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Any request for an extension or a modification of any outcome must come from the chapter president to 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.

Subsequent/Ongoing Conduct Case

Ben, your chapter must cooperate fully with the new conduct case opened last week. Should your chapter be found in violation for that (or any other new cases), the outcome could extend the probation period found in this letter, place the chapter in the status of deferred revocation, or revoke the chapter's status as a registered student organization. Thank you for your participation and cooperation with the process thus far. The chapter must proceed to meet all of the expectations and deadlines found in this outcome.

Appeal

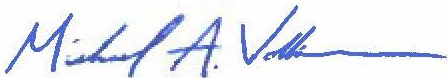
Because you accepted responsibility, you may only appeal on the basis that the disciplinary sanction is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing no later than 4:00 p.m. on April 7, 2021. You should use the online appeal form found at <https://go.osu.edu/appeals>, 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.

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 a.m. and 5 p.m. Monday through Friday.

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
[REDACTED]
Advisor - Kate Butler
Jarrett Keyton - Phi Gamma Delta
Joe Roth - Phi Gamma Delta

Mike Cox - Phi Gamma Delta

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 _____

Other (provide further explanation in response to the next question).

9.) Provide additional information regarding your selection to the previous question.

These new requests come to our organization without sufficient explanation or warning. I have met with [REDACTED] to confirm that this was a community-wide area of concern. We would like to ask for a meeting to discuss the recent requests made by your office. Our community would like to hear your rationale and to share our concerns regarding the private information you have requested.

10.) Provide an alternative sanction (or sanctions) that would be proportionate (i.e., shorter probation/suspension periods; different effective start or end dates for a suspension period). A response to this question is REQUIRED to submit an appeal on the ground of "disproportionate sanction." The decision on whether to grant an appeal and alter a sanction, however, remains with the Senior Vice President of Student Life (or designee). If you are not submitting an appeal on this ground, enter "N/A."

All other sanctions outlined are reasonable

11.) Is there additional information you wish to share?

NA

12.) If you are submitting other material with this appeal, please describe that material below.

Attachments

admindecision1.pdf

Pending IR #00039597

Submitted from 74.135.16.174 and routed to Michael Volkman (Senior Conduct Case Manager). Processed by routing rule #96.

Copies to: studentconduct@osu.edu,smith.4941@osu.edu,reeb.47@osu.edu

March 31, 2021

Omicron Deuteron chapter of Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To [REDACTED] the members of the Omicron Deuteron chapter of Phi Gamma Delta:

I am writing to provide the Omicron Deuteron chapter of Phi Gamma Delta with my decision. On March 14, 2021, you accepted responsibility for the charges and requested an administrative decision on behalf of the chapter for the following alleged violation(s) of the Code of Student Conduct:

- 3335-23-04 (N) Violation of university rules or federal, state, and local laws. Violation of other published university rules, policies, standards, and/or guidelines, or violations of behavior that could violate federal, state, or local law. These university rules, policies, standards, or guidelines include, but are not limited to, those which prohibit the misuse of computing resources, rules for student groups or organizations, and residence hall rules and regulations.
- 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.

The Omicron Deuteron chapter of Phi Gamma Delta hosted a gathering at an annex facility despite a directive by the Office of Student Life temporarily suspending all in-person student organization events or gatherings of any kind.

Additionally, 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.
- the chapter's proposed actions.

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

Chapter's Proposed Actions

In an email from March 14, 2021, your chapter presented a letter in response to the charges, which included internal actions the chapter has taken. These actions are a part of an internal education process for all members, and includes, but is not limited to, "reading academic articles on the COVID-19 virus focused on how it is spread and the importance of wearing masks; listening/watching informative materials about COVID-19 in order to produce comprehensive summaries of what we learned; and writing short essays describing our experiences with COVID-19 and demonstrating our acknowledgment of its severity along with the importance of following university guidelines." Student Conduct supports the efforts your chapter has made thus far, and I encourage your chapter to continue in these processes for providing on-going education to your members.

Health and Safety Presentations

Your chapter is required to host a virtual presentation regarding the health and safety expectations of the members of the Omicron Deuteron chapter during the spring 2021 and fall 2021 semesters. The presentations are to be co-led by a chapter advisor, alumni advisor, and/or staff from your national headquarters. 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.

At the conclusion of the presentation, Omicron Deuteron 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 Omicron Deuteron chapter have completed their quiz, you must provide a confirmation of completion by emailing volkman.9@osu.edu. This presentation, completion of the quiz, and confirmation of completion for spring 2021 must be completed by May 7, 2021.

Complete and Updated Rosters

Your chapter must provide a complete roster of all members to student conduct each semester of disciplinary probation in this case. 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 National Fraternity. The president is certifying the accuracy of the roster. Ben, I encourage you to ask your members not living in the chapter house or in university housing to submit copies of their lease to verify their local, Columbus address.

The purpose of this requirement is to identify address locations that might be used as “annexes” or strongly associated with the chapter due to multiple members residing there. This will allow chapter leadership, advisors and the 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 April 16, 2021 at volkman.9@osu.edu. Additional rosters should be provided to Student Conduct within the first two weeks of each semester the chapter is on disciplinary probation.

Repairing Harm

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

Over half a million Americans lost their lives.

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

How will your chapter transition from one that prioritizes “social capital” to one known for providing a positive 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 April 16, 2021 and deliver it to chapter presidents before April 23, 2021.

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Ben, your chapter's success meeting the requirements found in this outcome and avoiding any further reports will require significant coordination by you and other leaders in the chapter. 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:

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Appeal

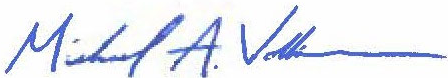
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If you have any questions concerning this matter, please do not hesitate to contact me at 614-292-0748 between 8 a.m. and 5 p.m. Monday through Friday.

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
[REDACTED]
Advisor - Kate Butler
Jarrett Keyton - Phi Gamma Delta
Joe Roth - Phi Gamma Delta

Mike Cox - Phi Gamma Delta

STUDENT CONDUCT APPEALS

Student Appeals

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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.
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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].

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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 _____

April 14, 2021

Ben Phi Gamma Delta
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

[REDACTED]

I have received your appeal of the sanctions that resulted from Phi Gamma Delta's disciplinary case. The Code of Student Conduct ("Code") 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. Pursuant to the Code, an appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined in the Code. A decision by a hearing body will not be altered unless it is determined that the appeal standards provided by the Code have been met.

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: Conduct Case Manager - Michael Volkman