

Case No: [REDACTED]

Organization Name: Phi Gamma Delta

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

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

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*Submitted on March 22, 2021 at 6:12:30 pm EDT*

Nature: **Sorority and Fraternity Life**  
Urgency: **Together as Buckeyes Pledge**  
Incident Date and Time: **2021-03-20**  
Incident Location: **Off campus Fiji Annex House on 15th**

Reported by

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

Involved Parties

**Phi Gamma Delta (Org00065)**  
Alleged

Questions

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

**On Saturday March 20, 2020 I received the following email from the Delta Gamma** [REDACTED]

**Hi Teri -**

**This large gathering is taking place this afternoon, March 20, 2021, in the front yard of the FIJI Annex house across the street from our house on East 15th Avenue.**

**Attached photo was taken at approximately 2:20pm March 20, 2020.**

[REDACTED]  
[REDACTED]  
**Delta Gamma Fraternity Epsilon Chapter**  
**131 East 15th Avenue**  
**Columbus, Ohio 43201**  
[REDACTED] cell  
[REDACTED]

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

**None**

Is the student and/or student organization aware of your concern(s) or that you have filed this incident report?

**No**

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

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

**Yes**

Attachments

fijiannex.jpg

*Pending IR #00039292*

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

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

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

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*Submitted on March 22, 2021 at 6:12:30 pm EDT. Last modified March 23, 2021 at 4:20:34 pm EDT.*

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Urgency: **Together as Buckeyes Pledge**  
Incident Date and Time: **2021-03-20**  
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Title:  
Email: **cugliari.6@osu.edu**  
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Address:

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131 East 15th Avenue  
Columbus, Ohio 43201

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[REDACTED]

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

None

\*\* Is the student and/or student organization aware of your concern(s) or that you have filed this incident report?

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

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*Pending IR #00039292*

*Submitted from 184.57.54.63 and routed to Krystal Reeb (Associate Director)*

*Modified by Michael Volkman on March 23, 2021 at 4:20:34 pm EDT from 107.139.222.235*

March 24, 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 March 20, 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 located at 120 E 15th Avenue. 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.

I am directing the Omicron Deuteron chapter of Phi Gamma Delta not to host any in-person events/gatherings of any size until further notice.

As a leader of the organization, you must contact Student Conduct at 614-292-0748 **as soon as possible**, and no later than March 29, 2021, to schedule a preliminary conference with me. The purpose of this conference is twofold. At this meeting I will explain our process for determining whether charges for violations are warranted, and will answer any questions you may have about

the conduct process. We will talk about what happened, and you will be able to identify any other individuals who may have information about the alleged incident. If you have any relevant materials, for example your own written statement/internal investigation, text messages, photos, emails, etc., please email them to me at [volkman.9@osu.edu](mailto:volkman.9@osu.edu) before our meeting.

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

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

**As a leader of the organization, you are required to notify the entire membership of this matter. Please send one email with this letter as an attachment to all members of your organization and copy me on the email.**

Should any individuals wish to provide information to me regarding this investigation they are encouraged to email me at [volkman.9@osu.edu](mailto:volkman.9@osu.edu).

All members of the organization are advised that should they violate the directives listed in this letter that they will be charged as an individual student with the following policy:

- 3335-23-04(G) Failure to Comply with University or Civil Authority – Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

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

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

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

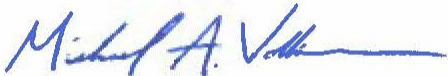
If you, or a representative from your organization, fail to contact our office by March 29, 2021 to

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,

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

Michael Volkman  
Senior Conduct Case Manager

CC: Conduct Case Manager - Kirby Bell  
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD  
Interim Assistant Vice President for Student Life - Matt Couch  
[REDACTED]  
Advisor - Kate Butler  
Phi Gamma Delta - Jarrett Keyton  
Phi Gamma Delta - Joe Roth



## Student Rights and Responsibilities

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

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

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

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

April 16, 2021

Phi Gamma Delta  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

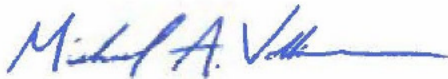
Regarding Case Number: [REDACTED]

[REDACTED]

I am writing to update you on the status of the conduct case involving the Omicron Deuteron chapter of Phi Gamma Delta from the incident on March 20, 2021. Based on the information available to me at this time, I am not issuing charges in the organization's conduct case; however, I reserve the right to reopen the case if additional information is provided in the future. I appreciate you and your members' cooperation with the Student Conduct process, and wish you and your chapter well for the remainder of this semester.

If you have any questions, please do not hesitate to contact me at 614-292-0748 between 8:00am and 5:00pm Monday through Friday.

Sincerely,



Michael Volkman  
Senior Conduct Case Manager

CC: Conduct Case Manager -Kirby Bell  
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas, EdD  
Associate Dean of Students - Matt Couch  
[REDACTED]  
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