

Smith, Kelly

From: Walker, Devin
Sent: Monday, November 13, 2017 3:00 PM
To: Smith, Kelly
Cc: Mull, D'Andra; Koyle, Douglas; Lovell, Ryan; Brian Kochheiser
Subject: Parent Concerns re: Phi Kappa Psi
Attachments: Phi Kappa Psi NM Calendar.xlsx

Good afternoon Kelly,

I wanted to pass some information along to you. Ryan spoke with [REDACTED] going through Phi Psi's new member education process this morning. [REDACTED] unexpectedly stopped by the office not long ago to share what was going on. He stated that [REDACTED] due to the stress of this process, one that he feels has gone on far too long. He has cited that [REDACTED] has had to be at the house at 4am, [REDACTED], attend optional events that are actually mandatory, and generally do things that fall outside of the process. Also, the new members are required to be at the house over the next couple of weeks from 8a-11p unless they are in class.

I have included Brian Kochheiser, Director of Chapter Services for Phi Psi, on this email as well. He is abreast of the situation. This [REDACTED] about the anonymity of this conversation as he doesn't want this to [REDACTED]. Attached is the new member calendar that was submitted by the chapter. Please let me know what else you need from me to move forward.

--Devin



Devin Walker
Coordinator for Sorority & Fraternity Life
Office of Student Life Sorority & Fraternity Life

2008 Ohio Union, 1739 N. High St., Columbus, OH 43210
614-688-2350 Office / 614-292-1816 Fax
walker.856@osu.edu [SFL Website](#)

February 12, 2018

Phi Kappa Psi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED]:

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

I have attached the 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 your chapter's advisor 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/>. 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.

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on February 22, 2018. Failure to return this form by the stated deadline will result in an Administrative Hearing.

To help your chapter consider resolution options, we can make the investigation packet available for your review via a secure Box link on February 15, 2018.

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

Sincerely,



Katie Bailey
Hearing Officer

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: **Phi Kappa Psi**

I. Charge: Phi Kappa Psi is alleged to be in violation of the following section of the 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 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-25-04 (M) Hazing: Doing, requiring, or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.

Specifically, it is alleged that during Fall 2017, Phi Kappa Psi required, encouraged or permitted new members do the following activities, which the new members may have voluntarily agreed to do:

- serve as sober monitors, monitor guests, and bartenders at social events
- clean the chapter house, specifically after social events
- run errands for actives (i.e., pick up and/or purchase food)
- pay a social due for the chapter to purchase items (i.e., alcohol)
- attend events, where alcohol is provided and consumed by those under twenty-one (i.e., Big and Little reveal)
- recite quizzes and receive outcome in a public manner
- stay at the chapter house for extended periods (i.e., Unity Week)

It is also alleged that during the same period, Phi Kappa Psi provided alcohol to guests that was not brought by the guests pursuant to expected risk management practices.

The organization's actions endangered guests and new member's safety, physical or mental health, or life, or created a reasonable fear of such action. In addition, the organization's actions caused or created a substantial risk of causing mental or physical harm or humiliation to new members.

II. Acceptance/Non-Acceptance of Responsibility:

To resolve these charges, place your initials next to your selection.

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

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

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

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

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

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

This form is due by 4:30 p.m. on February 22, 2018.

Signature: _____ Date: _____

November 14, 2017

Phi Kappa Psi
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

To the members of Phi Kappa Psi,

An Ohio State University staff member provided information to our office that describes conduct by Phi Kappa Psi this semester. I am investigating whether this conduct may have violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.
- 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.

As a leader of the organization, you must contact Student Conduct by November 21, 2017 to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to provide materials, share information or identify other individuals with relevant information.

I encourage you to share any information or material you have related to this incident. You may bring one advisor and a registered co-leader (your recruitment or new member education would be helpful) 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 November 21, 2017 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

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

Sincerely,

A handwritten signature in blue ink that reads "Kelly B. Smith". The signature is written in a cursive style with a large, looped "S" at the end.

Kelly B. Smith, J.D.
Assistant Director

CC: Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life
Devin Walker - Coordinator of Sorority and Fraternity Life

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.

November 13, 2017

Phi Kappa Psi

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

November 13, 2017

Dear [REDACTED]:

Please read the attached letter from Doug Koyle, Assistant Vice President in the Office of Student Life.

Sincerely,



Kelly B. Smith, J.D.
Assistant Director

CC: Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life



November 13, 2017

Dear [REDACTED]

In accordance with the University's Student Organization Registration Guidelines, I have determined that there is reasonable cause to believe the Ohio Delta Chapter of Phi Kappa Psi violated the rules, regulations, policies and procedures of The Ohio State University, as well as the terms of the Code of Student Conduct. As a result:

I hereby order the Ohio Delta Chapter of Phi Kappa Psi to immediately cease and desist all organization activity, pending a full investigation of this matter by Student Conduct.

During the period of this Cease and Desist Order, the Ohio Delta Chapter may request to participate in essential activities only. Essential activities may include, but are not limited to, standing chapter/executive board meetings, and/or long standing philanthropic events. Social activities of any kind are NOT essential activities. **Please be aware that your peer organizations may be informed of this order.**

List of Essential Activities. I am instructing you to provide me a list of your organization's essential activities for the remaining portion of this semester including dates, times, locations, and the rationale behind why your organization believes the activity is essential to the operation of the Ohio Delta Chapter. I will review your information and take your recommendations under advisement. Until then, you are not to engage in any activities.

Complete Roster. In addition to your list of essential activities, I am instructing you to provide a complete roster of your members, including any new members who have yet to be initiated and any members who have deactivated since August 25, 2017. This roster must include relevant contact information for each individual. Relevant contact information includes (if known to your organization): school rank, cell phone numbers, local mailing addresses, and email addresses.

Appeal. You may appeal this Cease and Desist Order by submitting to Student Conduct, directed to me, a written statement of the reasons why you believe the Cease and Desist Order should be lifted, together with any supporting evidence that you deem relevant. Should you do so, I will review the appeal and advise you of my determination.

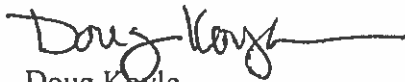
Organization Notice. I am instructing you to provide notice that your chapter has been placed on Cease and Desist to all members of your chapter, including new members. You must send this notice via email, with a copy to me at koyle.l@osu.edu, within twenty-four hours of receiving of

this order. Your email must explicitly state that no further activities may occur unless they are essential activities approved in advance by me. Including a copy of this letter is advisable.

Failure to adhere to the terms of this Cease and Desist Order will subject the organization and participating individual members to further disciplinary action, including interim suspension, under the Code of Student Conduct for Failure to Comply with University Authority.

The **List of Essential Activities**, **Complete Roster** and **Appeal** (if there is one) are due by 4:30 P.M. on Wednesday, November 15, 2017. Direct all of these materials to me via email at koyl.1@osu.edu, with a copy to Student Conduct at smith.4941@osu.edu.

Sincerely,



Doug Koyle
Assistant Vice President
Office of Student Life

Cc: Ryan Lovell – Senior Director of Parent and Family Relations and Greek Life
Kelly Smith – Student Life – Student Conduct

March 27, 2018

██████████ Phi Kappa Psi

Sent electronically to ██████████

PERSONAL AND CONFIDENTIAL

Regarding Case Number: ██████████

Dear ██████████:

I am writing with my decision in Phi Kappa Psi's conduct case. You accepted responsibility for the following violations of the Code of Student Conduct:

- 3335-23-04 (M): Hazing: Doing, requiring or encouraging any act, whether or not the act is voluntarily agreed upon, in conjunction with initiation or continued membership or participation in any group, that causes or creates a substantial risk of causing mental or physical harm or humiliation. Such acts may include, but are not limited to, use of alcohol, creation of excessive fatigue, and paddling, punching or kicking in any form.
- 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 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy

In determining the following outcomes, including the length of the probation period and the timing of the return of social privileges, we considered several factors:

- Phi Kappa Psi's recent conduct history
- Phi Kappa Psi's responsive participation during the conduct process

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

Your chapter's disciplinary probation is effective immediately through May 6, 2018. 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, suspension, or dismissal.

Educational Sanction

Because your chapter has a subsequent allegation under investigation, this outcome does not contain an educational sanction. If the subsequent investigation results in a violation, our office will combine the educational sanctions from both cases. Combining educational sanctions allows for a more focused sanction to address the chapter's areas for growth without adding unnecessary conflicting deadlines or administrative hurdles.

We will give your chapter the right to an additional appeal period when we issue educational sanctions.

Appeal

Because you accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 pm on April 3, 2018. Use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form 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.

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options, including the possible impact that any assessed sanctions may have on you and your status as a student at the university. 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/>. 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,

A handwritten signature in black ink, appearing to read 'Katie Bailey', written over a light blue horizontal line.

Katie Bailey
Hearing Officer

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 _____

May 1, 2018

██████████ Phi Kappa Psi

Sent electronically to ██████████

PERSONAL AND CONFIDENTIAL

Regarding Case Number: ██████████

May 1, 2018

Dear ██████████

I am writing about your chapter's earlier conduct case. I regret reporting that while reviewing information for a year-end-report, I found an error in the attached outcome letter. The probation end date for this case is **May 3, 2020**. Obviously, we will re-open the appeal period. Indeed, because we left open the educational sanction, I will extend the appeal period for both the disciplinary and educational sanctions in this case until 5 days after we inform yo of the educational sanction.

Again, I am truly sorry for our mistake.

Sincerely,



Kelly B. Smith, J.D.
Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life
Kyle Andrews
Seth Porter, Phi Kappa Psi

March 27, 2018

██████████ Phi Kappa Psi

Sent electronically to ██████████

PERSONAL AND CONFIDENTIAL

Regarding Case Number: ██████████

Dear ██████████

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- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy

In determining the following outcomes, including the length of the probation period and the timing of the return of social privileges, we considered several factors:

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- Phi Kappa Psi's responsive participation during the conduct process

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Educational Sanction

Because your chapter has a subsequent allegation under investigation, this outcome does not contain an educational sanction. If the subsequent investigation results in a violation, our office will combine the educational sanctions from both cases. Combining educational sanctions allows for a more focused sanction to address the chapter's areas for growth without adding unnecessary conflicting deadlines or administrative hurdles.

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Appeal

Because you accepted responsibility, you may only appeal on the basis that the disciplinary sanction imposed is grossly disproportionate to the violation committed. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4:00 pm on April 3, 2018. Use the online appeal form found at <http://studentconduct.osu.edu/for-students/understanding-the-student-conduct-process/appeals/> to submit your appeal. You may also submit a written appeal using the form attached to this letter. Please turn in that signed form 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.

You are strongly encouraged to consult with the Student Advocacy Center (<http://advocacy.osu.edu>) and/or your advisor of choice as you consider your options, including the possible impact that any assessed sanctions may have on you and your status as a student at the university. 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/>. 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,

A handwritten signature in black ink, appearing to read 'Katie Bailey', written in a cursive style.

Katie Bailey
Hearing Officer

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 _____