



Case No: [REDACTED]

Organization Name: Pi Kappa Alpha

Hearing Date: June 3, 2019

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



Case P2019-01082

Printed on April 9, 2019

Status	Approved
Report Type	Patrol
Primary Officer	Sherwin Granger
Investigator	None
Reported At	04/07/19 12:38
Incident Date	04/06/19 11:59 - 04/07/19 04:00
Incident Code	Administrative Information
Location	55 W LANE AVE, COLUMBUS, OH 43210 (Tay or Tower (0268))
Zone	Columbus
Beat	North District
Disposition	Closed
Disposition Date/Time	04/07/19 14:07
Review for Gang Activity	None
Crime Log Location	Tay or Tower
Crime Log Disposition	Closed

Offense Information

Offense	Non-Criminal Offense
Statute	
NIBRS Code	
Counts	1
Include In NIBRS	Yes
Completed	Yes
Bias Motivation	Not Reported by Agency
Location	Other Location
Entry Forced	No

Dispatch Information

CFS #	CFS19-11333						
Location	55 W LANE AVE, COLUMBUS, OH 43210						
Incident Code	16A : Information or Assistance						
Occurred Between	04/07/19 12:38:01 and						
Assigned	12:40:45	Enroute	12:47:28	On Scene	12:47:28	Completed	13:27:08

Other

(C) Student: Non-Criminal Offense

Primary Narrative By Sherwin Granger, 04/07/19 14:11

Female student reports Administrative Information.

Supplemental Narrative By Sherwin Granger, 04/07/19 14:12

On 04/07/2019 I (Granger #336) was dispatched to Taylor Tower in response to a female student () who suspects she may have had a drink spiked at a fraternity party (PIKE, Phi Kappa Alpha) last night off campus. () stated she had one shot of vodka prior to attending the party with a female friend (not named). At the party she informed me she had two beers called White Claw, which she opened up herself. () claimed she had one mixed drink from the bar, she remembers there were three guys back there at the time, but she cannot recall seeing any of them place anything in her drink while she was waiting for it. One of the bartenders told her his name was () and that he was the bartender who gave her the drink.

() said that () the bartender placed his number () in her phone and did text her later that night at 0300am to ask "what are you doing? o". I called the number associated with () it was determined that his given name is () a male student () stated he was behind the bar and did pass () a drink but it was closed container, and he does not recall anyone putting anything in any drink. () emphatically professed he did not and have not ever done anything to this effect. () did not suggest nor accuse () of any wrongdoing, but her memory of the night is clouded and can only clearly remember events leading up to that drink.

() said she felt (), she started shaking, had blurry vision after consuming the drink from the bar. She explained that this was very unusual for her to feel so sick after a few drinks. She did admit she felt a bit tipsy just prior, but one more drink should not have made her feel so terrible. () said she left the party with a female friend and two other males (unknown) but was unsure how she got to the house of the male companions.

() vaguely remembered sitting on the couch, where her friend and the two males went upstairs. She believes it was only a few moments later when she stood up, and fell through a table and puked again. She reported that one of the men came downstairs and began yelling at her "look at what you did, you broke this". She began crying and walked outside, where she lay in an area just north of Chittenden Avenue. She is unaware of the exact location or physical address of the house. () does not suspect anything sexual in nature took place with her at the house, due to the short time span she was there, before she left.

She advised me that she was cold shaking and vomiting, and it was very difficult for her to see, as if there was a white film or cloud over her eyes. () said she was approached by a stranger who asked if she was ok and needed any help, she replied she was fine, so they left.

() was able to somehow contact a friend using the locator function on her phone, as she did not know the area or address where she was laying outside. According to () a few of her friends came and picked her up, and brought her back to her dorm room. () stated she experienced symptoms such as blurry vision, tingling sensation in her limbs and her body shaking, even this morning when she woke up.

() did speak with Columbus Police Division prior to my arrival and agreed to meet with them to

d scuss the incident.

I encourage [REDACTED] to be more vigilant about her surroundings and make better life choices when out with strangers.



April 9, 2019

Pi Kappa Alpha

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] members of Pi Kappa Alpha,

Student Conduct has received information that describes conduct by Pi Kappa Alpha on April 6, 2019. The report details concerns including, but not limited to, providing alcohol to guests under the age of 21 resulting in adverse reactions. I am investigating whether this conduct may have occurred and violated the following sections of the university's Code of Student Conduct:

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (I): Drugs: Use, production, distribution, sale, or possession of drugs in a manner prohibited under law or applicable university policy or facility policy. This includes, but is not limited to, the misuse of prescription drugs.
- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

Based on the nature of the allegation, I am directing your chapter not to have any events where alcohol is present pending the outcome of this investigation.

As a leader of the organization, you must contact Student Conduct **as soon as possible**, and no later than April 12, 2019, to schedule a preliminary conference with me. The purpose of this conference is twofold. First, I will explain and answer your questions about the Student Conduct process. Second, you will have the opportunity to explain what happened, to provide materials, and to identify other individuals with information about the alleged incident. Please submit any relevant materials (including your own written statement, text messages, photos, emails, etc.) by

email to me at volkman.9@osu.edu prior to our meeting.

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

- Current member list
- Guest list for the registered event
- Copy of registered event form
- Name(s) of anyone who served alcohol at the event (i.e., bartender)
- Name(s) of those who live at the property where the event occurred
- Any other documents you'd like to provide that demonstrates risk management practices were followed
 - Specifically, any documentation and/or receipts for Security and Bartenders that were present at the registered event

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

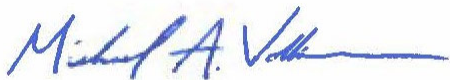
You will find the Code of Student Conduct and information about our process at <http://studentconduct.osu.edu>. Additionally, I have attached a Statement of Student Rights and a description of the university's Hearing Procedures to this letter.

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

If you do not contact our office by April 12, 2019 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

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

Sincerely,

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

Michael Volkman

Senior Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Chapter Advisor - Steven Jackson
Director of Services: East - Jeff Farris

Statement of Student Rights

1. **Written notice of university charges** (3335-23-07 A.)
 - a. Students shall be notified of university charges in writing, unless a more effective form of notification is deemed appropriate. Charges may be presented in person, by placement in a student's residence hall mailbox, by email to the accused student's official university email address (which may direct the student to view the notice on a secure website), or by mail to the accused student's local or permanent address.
2. **Meeting with a University Official** (3335-23-07 C.)
 - a. Students are strongly encouraged to and shall be afforded the opportunity to meet with a university official for the purpose of explaining the university student conduct process and discussion of the charges.
3. **Hearing** (3335-23-08)
 - a. In all cases, a student charged with one or more violations of the code of student conduct has the right to a hearing.
 - b. [A] student may request in writing to have a decision as to appropriate action made administratively by a hearing officer rather than have the charges referred to a hearing officer or board for a hearing.
 - c. Following an administrative decision, the student retains the right to request an appeal of the original decision, but may do so only upon the ground that the sanction is grossly disproportionate to the violation committed.
4. **Notice of Hearing** (3335-23-09 A.)
 - a. If a hearing is to be held, written notification will be provided
 - b. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official university email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than ten (10) calendar days prior to the hearing
 - c. Unless already provided to the student, the notification will include the charge(s), date, time, and location of hearing, the designated hearing officer or board, a statement of the student's rights, and information on the hearing procedures.



5. **Postponement** (3335-23-09 B.)

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

6. **Advisor** (3335-23-10 B.)

- a. The accused student may have an advisor throughout the disciplinary process
- b. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.

7. **Written statements and witnesses** (3335-23-10 C.)

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

8. **Standard of Evidence** (3335-23-10 F.)

- a. A student will only be found in violation if a preponderance of the evidence supports the charges.

9. **Attendance** (3335-23-11)

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

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

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

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

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

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

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

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

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

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

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

Hearing Procedures

3335-23-10 Hearing procedures

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

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



April 29, 2019

Pi Kappa Alpha

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] members of Pi Kappa Alpha:

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

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

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

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on May 2, 2019. Failure to return this form by the stated deadline will result in an Administrative Hearing.

If you have any questions, please feel free to let me know. I am also willing to meet in-person if you would like to schedule time to discuss this letter and form with me.

Sincerely,

Michael Volkman
Senior Conduct Case Manager

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

Director of Services: East - Jeff Farris



PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: [REDACTED] the members of Pi Kappa Alpha

Email: [REDACTED]

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

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

Specifically, it is alleged that on April 6, 2019, Pi Kappa Alpha violated Ohio State's Code of Student Conduct in the following manner:

- Endangered the safety, physical, and/or mental health of individuals who attended the chapter's social event by failing to successfully implement risk management practices (e.g., BYOB, providing alcohol in a manner which could have resulted in tampering with a guest's drink, monitoring a guest list, etc.) and provided alcohol to guests under the age of 21. As a result, an individual experienced adverse reactions to alcohol and required assistance.
- Failed to comply with the sanctions issued in case 2017432803, specifically not having a paid bartender service and paid security service. These sanctions were issued on August 21, 2018, due to an incident in which a violation occurred for alcohol and endangering behavior.

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

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

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

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as

listed in Section I of this form. **I request a hearing before the University Conduct Board.**

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

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

This form is due by 4:30 pm on **May 2, 2019.**

Signature: _____ Date: _____



April 29, 2019

Pi Kappa Alpha
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] members of Pi Kappa Alpha:

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

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

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

Once you have completed the form, you may scan and email it directly to me, fax it to my office at 614-292-2098, or drop it off in person. This form is due by 4:30 p.m. on May 2, 2019. Failure to return this form by the stated deadline will result in an Administrative Hearing.

If you have any questions, please feel free to let me know. I am also willing to meet in-person if you would like to schedule time to discuss this letter and form with me.

Sincerely,

Michael Volkman
Senior Conduct Case Manager

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

Director of Services: East - Jeff Farris



PERSONAL AND CONFIDENTIAL

Regarding Case Number [REDACTED]

CHARGE & PROCESS FORM

Name: [REDACTED] the members of Pi Kappa Alpha

Email: [REDACTED]

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

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

Specifically, it is alleged that on April 6, 2019, Pi Kappa Alpha violated Ohio State's Code of Student Conduct in the following manner:

- Endangered the safety, physical, and/or mental health of individuals who attended the chapter's social event by failing to successfully implement risk management practices (e.g., BYOB, providing alcohol in a manner which could have resulted in tampering with a guest's drink, monitoring a guest list, etc.) and provided alcohol to guests under the age of 21. As a result, an individual experienced adverse reactions to alcohol and required assistance.
- Failed to comply with the sanctions issued in case 2017432803, specifically not having a paid bartender service and paid security service. These sanctions were issued on August 21, 2018, due to an incident in which a violation occurred for alcohol and endangering behavior.

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

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

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

_____ I do not accept responsibility for one or more of the violations of the Code of Student Conduct as

listed in Section I of this form. **I request a hearing before the University Conduct Board.**

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

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

This form is due by 4:30 pm on **May 2, 2019.**

Signature

A solid black rectangular box used to redact the signature of the student.

Date: 5/6/19



June 19, 2019

Pi Kappa Alpha

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] members of Pi Kappa Alpha:

I am writing with my decision in your conduct case. You accepted responsibility for the following violations of the Code of Student Conduct:

- 3335-23-04 (J): Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable University policy
- 3335-23-04 (B1) Endangering behavior: Taking or threatening action that endangers the safety, physical or mental health, or life of any person, or creates a reasonable fear of such action.
- 3335-23-04 (N8): Failure to comply with one or more sanctions imposed under the code of student conduct

Specifically, it was alleged that on April 6, 2019, Pi Kappa Alpha violated Ohio State's Code of Student Conduct in the following manner:

- Endangered the safety, physical, and/or mental health of individuals who attended the chapter's social event by failing to successfully implement risk management practices (e.g., BYOB, providing alcohol in a manner which could have resulted in tampering with a guest's drink, monitoring a guest list, etc.) and provided alcohol to guests under the age of 21. As a result, an individual experienced adverse reactions to alcohol and required assistance.
- Failed to comply with the sanctions issued in case 2017432803, specifically not having a paid bartender service and paid security service. These sanctions were issued on August 21, 2018, due to an incident in which a violation occurred for alcohol and endangering behavior.

I considered the following factors in determining appropriate sanctions:

- Pi Kappa Alpha's recent conduct history
- Pi Kappa Alpha's cooperative spirit throughout the conduct process

- The severity of the violations when considered on a continuum
- Pi Kappa Alpha's proposed self-imposed sanctions

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 was on disciplinary probation for a similar violation of the Code of Student Conduct when this incident occurred. I am extending your chapter's probation period to May 9, 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, suspension, or dismissal.

Educational Sanctions

Moratorium on Alcohol

Your chapter may not hold chapter activities or host/co-host events where alcohol is provided, permitted, or otherwise made available – regardless of the location or event type -- effective immediately through December 15, 2019. Your chapter may still hold chapter activities and host/co-host events where alcohol is **not** provided, permitted, or otherwise made available.

If your chapter has no further incidents during the fall 2019 semester and is compliant with the stipulations and sanctions in this outcome letter, your chapter may host ten events with alcohol during the spring 2020 semester.

Risk Management Practices Review

Sanctions in case [REDACTED] required your chapter to complete a risk management policy review in consultation with your Alumni Board, Chapter Advisor, and/or a National/ Regional Representative(s). Prior to hosting your first event where alcohol is present (pending compliance with this outcome letter) you will schedule a meeting with me and a designee from Sorority and Fraternity Life to review your risk management policy and discuss how you will implement these practices to mitigate concerns of providing alcohol to guests under the age of 21 and promote an atmosphere for safe and responsible drinking.

One week prior to the meeting please submit the following:

- Your current risk management policies and procedures.
- A draft pre- and post-checklist of responsibilities when hosting an event where alcohol is present.
 - This should include tasks to document risk management practices to prove compliance (e.g., taking pictures of the check-in table throughout the night, saving guest lists, receipts for paid security).
- This meetings may not occur before November 1, 2019, but must occur prior to February 1, 2020, or prior to your first event where alcohol is present in the spring 2020 semester.

Please email me at Volkman.9@osu.edu to schedule this meeting.

If your chapter has no further incidents through the spring 2020 semester and is compliant with the stipulations and sanctions in this outcome letter, your chapter may return to hosting the number of events permitted by Sorority and Fraternity Life, the IFC, and your Inter/National headquarters in the fall 2020 semester.

Please note, as required in your sanction letter [REDACTED], while on disciplinary probation (thru May 9, 2021), you must hire a trained and insured security services and third-party bartender for events put on by your chapter when alcohol will be available.

Chapter Programming and Education

I have reviewed your sanction recommendations, and I encourage you to implement the education and programs provided in your recommendation, in addition to your mandatory Standards of Excellence and GreekLifeEDU requirements.

Your chapter is specifically required to complete the AlcoholEDU program, which must be completed no later than October 4, 2019, with all members of your chapter completing the training. You will submit your roster and confirmation of completion no later than October 4, 2019.

Your chapter will host a minimum of two (2) educational programs to conduct training on risk management practices and hosting and drinking responsibly, to be led by a chapter advisor, alumni advisor, staff from your national headquarters, and or Sorority and Fraternity Life. You must inform me of the proposed date, time and location of each of these programs no later than one week in advance. At these programs, no less than 80% of your chapter will attend. I must be notified by December 15, 2019, of completion of these educational programs.

After each program, you will use a chapter meeting to discuss the program and how it pertains to your chapter and what you've taken away as a group. You will then create a summary about the program and the discussion which occurred during the chapter meeting. Your chapter advisor must be present at this chapter meeting and sign off on your summary. This summary will be included in your notice to me regarding attendance at the event.

I encourage your chapter to complete the recommendations for community service as outlined in your sanction recommendations.

Summary of Dates:

Here is a summary of important dates found in this outcome:

- Disciplinary Probation – Effective immediately through May 9, 2021
- Moratorium on Alcohol – Effective immediately through December 15, 2019
- Meeting Reviewing Risk Management Practices – No later than February 1, 2020
- AlcoholEDU – October 4, 2019
- Two (2) Educational Programs Summaries – December 15, 2019

Request for Extensions and Modifications

Your chapter president must submit requests for extensions or minor modifications to studentconduct@osu.edu. Requests must contain a detailed rationale 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 studentconduct@osu.edu on all of the sanction items described in this letter.

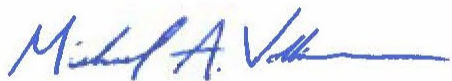
Appeals

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 June 25, 2019. Use the online appeal form found at <https://go.osu.edu/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,



Michael Volkman
Senior Conduct Case Manager

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Chapter Advisor - Steven Jackson
Director of Services: East - Jeff Farris


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

**The Ohio State University
Student Conduct Appeal**

Submitted on June 25, 2019 at 2:23:52 pm EDT

Nature: **Administrative Decision issued by Student Conduct (you accepted responsibility and received sanction(s) from your investigative hearing officer)**
Urgency:
Incident Date and Time:
Incident Location: **one**
Reported by **2019-04-15**
Michael Volkman

Name:
Title:
Email:
Phone:
Address:

[Authenticated as Zac Stava]

Student Information


Respondent





Appeal

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.

I am NOT appealing on the ground of procedural error(s).

2.) If you are appealing on the ground of procedural error, please identify the error(s) and explain how the error(s) prevented a fair, impartial or proper hearing. If you are not appealing on this ground, enter "N/A."

N/A

3.) 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

I am NOT appealing on the ground of substantial new evidence.

4.) Please describe the substantial new evidence and explain how it would have affected the outcome. If you are not appealing on this ground, enter "N/A."

N/A

5.) Please explain why this evidence was not available before or at your hearing. If you are not appealing on this ground, enter "N/A."

N/A

6.) Disciplinary Sanction imposed is grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating actors.

I am appealing on the ground of grossly disproportionate sanctions.

7.) Refer to your outcome letter, which lists the sanctions given in your case. List the sanction (or sanctions) you believe are grossly disproportionate. If you are NOT appealing on this ground, enter "N/A."

"Moratorium on Alcohol

Your chapter may not hold chapter activities or host/co-host events where alcohol is provided, permitted, or otherwise made available – regardless of the location or event type – effective immediately through December 15, 2019. Your chapter may still hold chapter activities and host/co-host events where alcohol is not provided, permitted, or otherwise made available. If your chapter has no further incidents during the fall

2019 semester and is compliant with the stipulations and sanctions in this outcome letter, your chapter may host ten events with alcohol during the spring 2020 semester.”

“Your chapter was on disciplinary probation for a similar violation of the Code of Student Conduct when this incident occurred. I am extending your chapter’s probation period to May 9, 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, suspension, or dismissal.”

8.) Explain why this sanction is grossly disproportionate.

The probation period is too long., Other (provide further explanation in response to the next question).

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

I would like to begin by stating that Pi Kappa Alpha prides ourselves on being leaders in the Greek community when it comes to creating a safe environment at our social events. Over the past two years, since I have been both a general member and an executive member of The Pi Kappa Alpha Fraternity, our chapter has completed numerous alcohol education programs given by our national headquarters and The Ohio State University. As our chapter continues to adapt and change for the better, we are appealing these sanctions because we feel they would hurt our risk management practices rather than help.

Regarding the incident that occurred on April 6th, 2019, our case manager cited the following reason for the sanctions given to our chapter: “Failed to comply with the sanctions issued in case [REDACTED] specifically not having a paid bartender service and paid security service. These sanctions were issued on August 21, 2018, due to an incident in which a violation occurred for alcohol and endangering behavior”. While it became routine for our executive board to hire these professionals for events, this week differed due to it being in the midst of midterm exams and the time-consuming preparation that is required of our executive board to perform our ritualistic initiation ceremony. It did not come to our attention that our bartenders and security would not be arriving on time until the bartenders did not arrive 15 minutes prior to the event as they had in the past. Thinking they may have just been running late, we reverted to our chapter’s risk management policy that allowed members of the chapter who are of 21 years of age to serve alcohol to the first few guests who were starting to arrive. About an hour into the event, it became apparent that the bartenders and security would not be arriving. Ultimately, this was the only event during our probational period in which we failed to have third party bartenders and security, and it had to do with our new executive board transitioning and getting used to managing all of their responsibilities. Our chapter was not deliberately disobeying the sanctions imposed by Student Conduct as we had fulfilled the requirement of third-party bartenders and security at every other social event during our probation. We believe that both the moratorium on alcohol through December 15, 2019 and our probation extended into 2021, are disproportionate to an unintentional error.

After the aforementioned error by our executive board occurred, we decided that elections for the next executive board would be held in October of 2019 before they take office in January of 2020. Previously, elections were held in December before taking office in January. The reason this change was made, was so the outgoing executive board could mentor the incoming executive board and have a more thorough transition into their office that would focus primarily on how to safely execute a social event. Since our current executive board was used to having third-party bartenders and security, this was the first time the executive board was on our own to manage an event and our transitions were not as thorough as they should have been in teaching us how to do so. With the moratorium on alcohol, our incoming executive board will have an inadequate understanding of how to run a safe social event. While our educational programs and Health and Safety Program will give them an idea of how to put on a safe social event, it would be much more effective for the incoming executive board to learn firsthand by walking through the process with the current executive board during an actual social event where alcohol is present. I fear the lack of hands on training available due to the moratorium on alcohol will only cause future problems for our chapter and guests at our social events as shown by the event took place on April 6th, 2019.

Our case manager also cited the following reason for the sanctions given to our chapter: “Endangered the safety, physical, and/or mental health of individuals who attended the chapter’s social event by failing to successfully implement risk management practices (e.g., BYOB, providing alcohol in a manner which could have resulted in tampering with a guest’s drink, monitoring a guest list, etc.) and provided alcohol to guests under the age of 21. As a result, an individual experienced adverse reactions to alcohol and required assistance.” This is something Pi Kappa Alpha takes very seriously and does not condone at our events.

Despite not having third-party bartenders or security at the event on April 6, 2019, we had sober monitors checking ID's at the door and giving green wristbands to guests who were over 21 years old and red wristbands to guests who were under 21 years old. The sober monitors behind the bar were told not to serve anyone with a red wristband which was strictly enforced by our sober executive member who watches the bar at all times. I spoke with the sober executive and each of the bartenders, all of whom attested that they did not serve anyone with a red wristband and the other sober monitors at the event had no recollection of seeing anybody with a red wristband carrying alcohol. I believe their accounts to be true based on the integrity of the men of Pi Kappa Alpha and the serious manner in which we deal with underage drinking at our events. This means for an underage person to have received an alcoholic drink at the event, he or she would have had to either provide false identification when entering the event, or wrongfully obtain a green wristband to indicate he or she was 21 years old. Our chapter does not feel the moratorium on alcohol through December 15, 2019 nor the probation being extended to 2021 are indicative of the measures we took to make sure underage guests did not receive alcohol at the event.

As a student organization, the members of our organization are continually cycled through as we bring in freshman and our seniors graduate. The extension of our probation to May of 2021 means that most of the chapter will be composed of students who were not even attending college at the time this incident occurred.

While Alpha Rho is dedicated to ensuring that all present and future members will be educated on proper health and safety protocol, extending the probationary period until 2021 seems unjust to place future new members on this status when they were not present during the event that happened in April 2019.

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."

For the reasons stated in question 9, I would recommend the chapter being limited to a total of five (5) social events each semester for a total of ten (10) for the 2019-20 academic year. By allowing a total of 5 (which is 12.5% of allotted events allowed for a chapter in good standing), this will allow for the incoming and outgoing executive boards to work together throughout the transitioning process to establish safer events moving forwards. Our disciplinary probation should only be extended to May of 2020. We would also like to seek additional training from the university and other resources on how we can more effectively manage our events and put this advice into practice as we pave the way to having safer events with the incoming executive boards.

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

After accepting responsibility for our charges our case manager said "Moving forward, I am going to ask you to go back with your executive board, advisors, headquarters, and/or anyone else who provides you and your chapter with support to develop sanction recommendations. These will be due on Monday, May 13th. Once received and reviewed, I will work with you to schedule a time for us to review the recommendations together in an in-person meeting or by phone. After that conversation, I will determine the final sanctions and send you and your chapter your outcome letter. Please know that the final decision on sanctions is mine."

I submitted our chapter's sanction recommendations before the May 13th deadline. While I understand the end of the semester is a busy time for all of us, I was never given the opportunity to discuss the chapter's proposed sanctions or receive feedback from Michael as originally stated.

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

Attached you will find contracts and receipts from our previous events with third-party bartenders and security. I have also included our chapter's action plan with our national headquarters to show our dedication to resolving this issue within our chapter. Our Health and Safety Management Plan details all of our risk management practices and received recognition from the national fraternity as one of three finalists for Health and Safety Management Program of the Year. I have also included files that detail the duties of sober monitors at our events and how we continually educate our chapter on our crisis management plan.

Attachments

321bartenders.pdf

37bartenders.pdf

alphanhochapteractionplan.docx
healthandsafetymanagementplanalphanho.docx
preposteventchecklist.docx
sobermonitordutiesandguestlist.docx

Pending IR #00028126

Submitted from 107.77.193.173 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



June 28, 2019

██████████ Pi Kappa Alpha

Sent electronically to ██████████

PERSONAL AND CONFIDENTIAL

Regarding Case Number: ██████████

██████████

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

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

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

Sincerely,

Matt Couch, PhD
Associate Dean of Students

CC: Conduct Case Manager - Michael Volkman
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas