

Case No: [REDACTED]

Organization Name: Sigma Alpha Epsilon

Hearing Date: November 27, 2019

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

The Ohio State University
Incident Reporting Form

Submitted on September 22, 2019 at 4:15:45 am EDT

Nature: Housing-initiated report (UH)
Urgency: None of the below options
Incident Date and Time: 2019-09-22 2:15 AM
Incident Location: Lincoln House Lincoln House - Suite 1920

Reported by

Name: [Redacted]
Title: [Redacted]
Email: [Redacted]
Phone: [Redacted]
Address: 1810 Cannon Drive
[Authenticated as Gina Agosta]

Involved Parties

[Redacted] Concern Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Male

Questions

Please provide a detailed description of the incident/concern using specific concise, objective language.
At 2:15am on Sunday, September 22, 2019 in Lincoln House, [Redacted] called [Redacted] who was on-call that night, saying there's a resident on floor [Redacted] that we have "safety concerns about, regarding alcohol." [Redacted] texted [Redacted] to also come to floor [Redacted]. [Redacted] and [Redacted] in Suite [Redacted] to check on the resident of concern [Redacted] in room [Redacted] was on his side on his bed, conscious but non-responsive. [Redacted] s roommates mentioned he was slightly responding before to some of their questions, and that they did not know of [Redacted] whereabouts that night. [Redacted] decided to call Senior Staff on-Call. At 2:25am, [Redacted] repoted to [Redacted] that there was a resident who was awake but non-responsive to questions; what was concerning is that the suitemates were unaware of what he consumed that night [Redacted]

advised to call OSUPD to check on the resident. [REDACTED] then called OSUPD at 2:30am, and reported that there was a resident who was awake but non-responsive to questions in Lincoln House Room [REDACTED]. OSUPD said an officer would arrive soon. [REDACTED] questioned the present roommates for some information regarding [REDACTED]. [REDACTED] reported that the roommate of [REDACTED], received a call "about a half hour ago" to "come get" [REDACTED] at the Sigma Alpha Epsilon (SAE) fraternity house [REDACTED]. [REDACTED] states he did not know the guys who called. [REDACTED] and [REDACTED] got an uber to pick up [REDACTED], then ubered back to Lincoln House with [REDACTED]. [REDACTED] helped [REDACTED] to their dorm, setting [REDACTED] on his bed. [REDACTED] contacted their RA on floor [REDACTED] to come assess the situation. During these questions, police officer Seth COOPER.1744 arrived to the scene. COOPER.1744 attempted to get [REDACTED] to respond to some questions. [REDACTED] did not respond, so COOPER.1744 called for EMS to arrive. Two EMS workers then arrived. They also failed to get [REDACTED] to respond to questions, and decided the best course of action was to escort [REDACTED] on a stretcher to the Wexner Medical Center to stay overnight and be monitored by medical staff. The first responders left the scene with [REDACTED] at 2:59am.

Which of the following responded?

Police, EMS

Select the Primary overall category reflected in this incident report: (Required/Select Only One)

Alcohol Related

Select the Secondary category of this incident report: (Optional/Select Only One/Must Differ from Above)

Is there any additional relevant information to report?

Officer Seth M. Cooper #322 Incident Number: P19-2739

If you selected a location other than a residence hall OR if you are documenting an issue that is not conduct related (facilities, mental health), please provide YOUR residence hall so this report is properly forwarded to the correct responding staff member.

Lincoln House

What resource(s) was provided? (Select all that apply)

OSUPD

If other, please explain:

Pending IR #00029676

Submitted from 128.146.189.123 and routed to Jonathan Onnen (Hall Director). Processed by routing rule #307.

Copies to: nelson.636@osu.edu,kefalas.1@osu.edu,smith.11556@osu.edu,ryan.1603@osu.edu

The Ohio State University
Incident Reporting Form

Submitted on September 22, 2019 at 4:15:45 am EDT. Last modified September 23, 2019 at 5:07:10 pm EDT.

Nature: **Housing-initiated report (UH)**
Urgency: **None of the below options**
Incident Date and Time: **2019-09-22 2:15 AM**
Incident Location: **Lincoln House Lincoln House - Suite 1920**

Reported by

Name: [Redacted]
Title: [Redacted]
Email: [Redacted]
Phone: [Redacted]
Address: **1810 Cannon Drive**

Involved Parties

[Redacted] Concern Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male
[Redacted] Witness Male

Questions

** Please provide a detailed description of the incident/concern using specific concise, objective language.
At 2:15am on Sunday, September 22, 2019 in Lincoln House, [Redacted] called [Redacted] who was on-call that night, saying there's a resident on floor [Redacted] that we have "safety concerns about, regarding alcohol." [Redacted] texted [Redacted] to also come to floor [Redacted] to check on the resident of concern, [Redacted] in room [Redacted] was on his side on his bed, conscious but non-responsive. [Redacted] roommates mentioned he was slightly responding before to some of their questions, and that they did not know of [Redacted] whereabouts that night [Redacted] decided to call Senior Staff on-Call. At 2:25am, [Redacted] reported to [Redacted] that there was a resident who was awake but non-responsive to questions; what was concerning is that the suitemates were unaware of what he consumed that night [Redacted] advised to call OSUPD to check on the resident. [Redacted] then called OSUPD at 2:30am, and reported that there was a resident who was awake but

non-responsive to questions in Lincoln House Room [REDACTED] OSUPD said an officer would arrive soon. [REDACTED] questioned the present roommates for some information regarding [REDACTED] [REDACTED] reported that the roommate of [REDACTED] received a call "about a half hour ago" to "come get" [REDACTED] at the Sigma Alpha Epsilon (SAE) fraternity house. [REDACTED] states he did not know the guys who called. [REDACTED] got an uber to pick up [REDACTED] then ubered back to Lincoln House with [REDACTED], helped [REDACTED] back to their dorm, setting [REDACTED] on his bed. [REDACTED] then contacted [REDACTED] to come assess the situation. During these questions, police officer Seth COOPER.1744 arrived to the scene. COOPER.1744 attempted to get [REDACTED] to respond to some questions. [REDACTED] did not respond, so COOPER.1744 called for EMS to arrive. Two EMS workers then arrived. They also failed to get [REDACTED] to respond to questions, and decided the best course of action was to escort [REDACTED] on a stretcher to the Wexner Medical Center to stay overnight and be monitored by medical staff. The first responders left the scene with [REDACTED] at 2:59am.

** Which of the following responded?

Police, EMS

** Select the Primary overall category reflected in this incident report: (Required/Select Only One)

Alcohol Related

** Select the Secondary category of this incident report: (Optional/Select Only One/Must Differ from Above)

** Is there any additional relevant information to report?

Officer Seth M. Cooper #322 Incident Number: P19-2739

** If you selected a location other than a residence hall OR if you are documenting an issue that is not conduct related (facilities, mental health), please provide YOUR residence hall so this report is properly forwarded to the correct responding staff member.

Lincoln House

** What resource(s) was provided? (Select all that apply)

OSUPD

** If other, please explain:

Pending IR #00029676

Submitted from 128.146.189.123 and routed to Jonathan Onnen (Hall Director)

Modified by Krystal Reeb on September 23, 2019 at 5:07:10 pm EDT from 128.146.231.138

Case Number	Incident Start Date/Time	Incident End Date/Time	Reported Date/Time	Address	Description
P2019-02739	09/22/19 02:28		09/22/19 02:28	1800 CANNON DR,	Lincoln Tower (0271)
[REDACTED]: (C) Student - Disorderly Conduct _ intoxicated create risk of harm - MM; Suspect - Disorderly Conduct _ intoxicated create risk of harm - MM; Offender - Disorderly Conduct _ intoxicated create risk of harm - MM					

Male staff reports Disorderly Conduct by a known suspect.

I, Officer S. Cooper (#322), was dispatched to Lincoln Tower Suite [REDACTED] on a report of an intoxicated male. Upon arrival, I found the male asleep in his bed. The male, identified as [REDACTED] had an odor of an alcoholic beverage on his person. [REDACTED] roommates explained they took an Uber home with [REDACTED] and had to physically help him to the room due to his intoxication level. The roommate explained they became worried about his well-being after he would not answer any questions they asked. I attempted to wake [REDACTED] up by administering a sternum rub. After several failed attempts to wake [REDACTED], I waited for CFD to arrive on scene to evaluate [REDACTED].

CFD Medic 25 arrived on scene and determined [REDACTED] needed transported to OSU Wexner Medical Center for treatment.

September 27, 2019

Sigma Alpha Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Ohio Theta Chapter of Sigma Alpha Epsilon,

Student Conduct has received information that describes conduct by the Ohio Theta Chapter of Sigma Alpha Epsilon on September 21-22, 2019. 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 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

I am directing your chapter not to host any events where alcohol is present until further notice due to the nature of the allegations.

Thomas, as a leader of the chapter, you must contact Student Conduct **as soon as possible**, and no later than October 2, 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 reeb.47@osu.edu prior to our meeting.

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

- registration for any events held on September 20-22, 2019
- guestlist for any registered event
- 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

You must bring your risk manager and advisor to this meeting. 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.

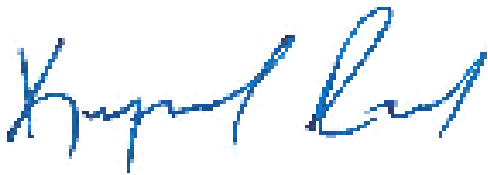
You will find the Code of Student Conduct and information about our process at <http://studentconduct.osu.edu>. Additionally, I have attached a Statement of Student Rights and a description of the university's Hearing Procedures to this letter.

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 October 2, 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,



Krystal Reeb
Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell
Associate Director, Sorority and Fraternity Life - Teri Cugliari
Chapter Advisor - Rochelle Toth
Sigma Alpha Epsilon Coordinator of Chapter Development - Dustin Stewart

Student Rights and Responsibilities

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

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

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

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

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

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

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

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

October 29, 2019

Sigma Alpha Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Ohio Theta chapter of Sigma Alpha Epsilon:

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

I have attached your Charge and Process form to this email. Please review it carefully and select your resolution option. We can usually schedule administrative hearings on any business day. The University Conduct Board hears cases on Mondays and Fridays. If you select a hearing before the University Conduct Board, please indicate which of the available hearing days/start times you prefer. Upon request, we can provide an excuse letter for employers and instructors.

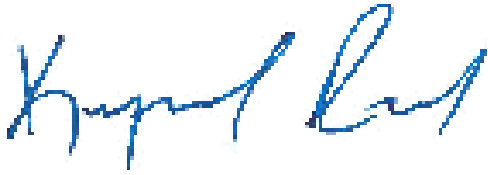
Students are responsible for requesting accommodations when they feel they are needed. Should you need an accommodation based on the impact of a disability during the Student Conduct process, please contact the university's ADA Coordinator's office at (614) 292-6207 (voice), (614) 688-8605 (TTY), ada-osu@osu.edu,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

Upon request, Student Life's Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process

Once you have completed the form, you may scan and email it to reeb.47@osu.edu. This form is due by 4:30 p.m. on October 31, 2019. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

Please call or email me if you have any questions.

Sincerely,



Krystal Reeb
Associate Director

CC: Sigma Alpha Epsilon Coordinator of Chapter Development - Dustin Stewart
Chapter Advisor - Rochelle Toth
Associate Director, Sorority and Fraternity Life - Teri Cugliari

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Sigma Alpha Epsilon

Email: [REDACTED]

I. Charge(s): It is alleged that on September 21-22, 2019, you violated the following sections of the Code of Student Conduct:

- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

The Code states, "Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest's or member's misconduct." (3335-23-02 *Jurisdiction*) Your organization was aware of the event held on September 21-22, 2019, as three of four members of the Ohio Theta chapter of Sigma Alpha Epsilon (SAE) who live at the residence where the event was hosted, are on SAE's executive board.

Therefore, the Ohio Theta chapter violated the Code of Student Conduct by failing to comply with the sanction requirements found in cases [REDACTED] and [REDACTED] (e.g., trained and insured security services, third-party bartender, event registration, etc.) and providing, making available, and/or creating an atmosphere where one or more students under the age of 21 obtained alcohol and needed support due to intoxication.

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

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

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

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

- _____Mondays starting at 9:00 a.m.
- _____Mondays starting at 1:00 p.m.
- _____Fridays starting at 9:00 a.m.
- _____Fridays starting at 1:00 p.m.

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

III. Possible Sanctions: If you are found in violation, please understand that you may be subject to 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 **October 31, 2019.**

Signature: _____ Date: _____

October 29, 2019

Sigma Alpha Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Ohio Theta chapter of Sigma Alpha Epsilon:

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

I have attached your Charge and Process form to this email. Please review it carefully and select your resolution option. We can usually schedule administrative hearings on any business day. The University Conduct Board hears cases on Mondays and Fridays. If you select a hearing before the University Conduct Board, please indicate which of the available hearing days/start times you prefer. Upon request, we can provide an excuse letter for employers and instructors.

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/>.

Upon request, Student Life's Student Advocacy Center (<http://advocacy.osu.edu>) is able to provide information and assistance about this process

Once you have completed the form, you may scan and email it to reeb.47@osu.edu. This form is due by 4:30 p.m. on October 31, 2019. Failure to return this form may result in Student Conduct issuing an administrative decision pursuant to section 3335-23-09 of the Code of Student Conduct or scheduling an administrative hearing to resolve the charges.

Please call or email me if you have any questions.

Sincerely,



Krystal Reeb
Associate Director

CC: Sigma Alpha Epsilon Coordinator of Chapter Development - Dustin Stewart
Chapter Advisor - Rochelle Toth
Associate Director, Sorority and Fraternity Life - Teri Cugliari

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Sigma Alpha Epsilon

Email: [REDACTED]

I. Charge(s): It is alleged that on September 21-22, 2019, you violated the following sections of the Code of Student Conduct:

- 3335-23-04 (M8) Student conduct system abuse - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- 3335-23-04 (I) Alcohol. Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

The Code states, "Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest's or member's misconduct." (3335-23-02 *Jurisdiction*) Your organization was aware of the event held on September 21-22, 2019, as three of four members of the Ohio Theta chapter of Sigma Alpha Epsilon (SAE) who live at the residence where the event was hosted, are on SAE's executive board.

Therefore, the Ohio Theta chapter violated the Code of Student Conduct by failing to comply with the sanction requirements found in cases [REDACTED] and [REDACTED] (e.g., trained and insured security services, third-party bartender, event registration, etc.) and providing, making available, and/or creating an atmosphere where one or more students under the age of 21 obtained alcohol and needed support due to intoxication.

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

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

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

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

- _____Mondays starting at 9:00 a.m.
- _____Mondays starting at 1:00 p.m.
- _____Fridays starting at 9:00 a.m.
- _____Fridays starting at 1:00 p.m.

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

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

This form is valid until _____ 2019.

Signature: _____ Date: _____

November 27, 2019

Sigma Alpha Epsilon
Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear [REDACTED] and members of the Ohio Theta chapter of Sigma Alpha Epsilon:

I am writing to provide the Ohio Theta chapter of Sigma Alpha Epsilon with my decision. The chapter took responsibility and requested an administrative decision for the following alleged violations of the Code of Student Conduct:

- **3335-23-04 (M8) Student conduct system abuse** - Failure to comply with sanctions. Failure to comply with one or more sanctions imposed under the code of student conduct.
- **3335-23-04 (I) Alcohol.** Use, underage intoxication, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy.

The Code states, "Students or a registered student organization may also be held accountable for their guest's or member's behavior when the student or members of the registered student organization has knowledge of, facilitates or contributes to the guest's or member's misconduct." (3335-23-02 Jurisdiction) Your organization was aware of the event held on September 21-22, 2019, as three of four members of the Ohio Theta chapter of Sigma Alpha Epsilon (SAE) who live at the residence where the event was hosted, are on SAE's executive board.

Therefore, the Ohio Theta chapter violated the Code of Student Conduct by failing to comply with the sanction requirements found in cases [REDACTED] and [REDACTED] (e.g., trained and insured security services, third-party bartender, event registration, etc.) and providing, making available, and/or creating an atmosphere where one or more students under the age of 21 obtained alcohol and needed support due to intoxication.

Sanction Consideration

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

In determining appropriate and proportionate outcomes for this case, I considered the severity of

the violations when considered on a continuum. I also considered the chapter's previous conduct history, including previous sanctions, and the cooperation and engagement of the chapter, its members, and the local and national representatives from SAE.

(1) Cooperation and Engagement

Throughout this investigation and adjudication process, I have seen much growth from not only the president of the Ohio Theta chapter, but its members. The members I met were open, transparent, and authentic. Members were not disappointed that they "got caught." Instead, they expressed genuine remorse about their failure to adhere to the values of their fraternity and brotherhood. The chapter was quick to do an internal investigation and hold its members accountable.

While my direct interactions with members gave me confidence in the Ohio Theta chapter's desire to be part of the Ohio State community, there is a clear systemic issue that exists between the general membership and its leadership. In both of the last two incidents, small sub-groups have made the active choice not to notify their leadership when holding events and instead chose hosting event's with alcohol as the priority.

The local and national representatives of SAE have been present and available to me throughout the entirety of the conduct process. They provided verbal and documented evidence of their commitment to support the Ohio Theta chapter today and moving forward. Because the chapter accepted responsibility for violations of the Code, I have engaged in direct, meaningful conversations with national representatives on how to deliver an outcome that addresses the severity of the behavior while also supporting the chapter's success. Key to that success is the commitment of local and national SAE representatives to hold the Ohio Theta chapter accountable to its own standards and the expectations of the university.

(2) Prior Conduct History

Student Conduct issued an outcome letter on February 15, 2018 to the Ohio Theta chapter for violating the following sections of the Code of Student conduct: alcohol, endangering behavior, failure to comply with university or civil authority, and disorderly or disruptive conduct. Our office worked with your chapter to encourage compliance with the issued sanctions. Your chapter did not complete a non-alcohol event prior to moving onto the next step in your progressive return to hosting events with alcohol. Your chapter accepted responsibility for the following sections of the Code: failure to comply with one or more sanctions imposed under the code of student conduct. Your chapter's probation was extended in the March 18, 2019 outcome letter.

While Student Conduct was investigating the above concern, a small group of members hosted an unregistered event in the basement of SAE's chapter house where risk management practices, as described in the Joint Council Alcohol Risk Policy, were not followed. This resulted in approximately 8-12 active and newly initiated members of the chapter, and 2-4 guests, obtaining and consuming alcohol, some of whom were under the age of 21. Through a hearing with the University Conduct Board, the Ohio Theta chapter was found in violation for the alcohol policy. Due to the proximity in time of the last two incidents, no disciplinary sanction was issued, but additional educational sanctions were mandated.

I share this previous conduct history in an effort to help you understand the extent Student Conduct has continued to support and educate the Ohio Theta chapter to become a model for hosting safe events and creating an environment consistent with the values of Ohio State and SAE. This information also details the chapter's ongoing issue to comply with university directives, in particular, its struggle with controlling sub-groups of the chapter.

Outcome

(1) Deferred Revocation of Registration

Therefore, based on the chapter's past conduct history, the chapter's cooperation throughout the process and the local and national organization's partnership and commitment to both support and hold the Ohio Theta chapter accountable, I have determined the most appropriate and proportionate response is the **deferred revocation of the chapter's registration** pending a membership review by SAE's national office. This membership review must be completed no later than **January 10, 2020**. If the chapter fails to complete this membership review and communicate the results, the chapter's status as a registered student organization will be revoked.

- SAE's national office will conduct a membership review and remove any members who are not willing or able to comply with the values of SAE and commit to abiding by the Code of Student Conduct. This review must be completed no later than January 10, 2020.
- A representative from SAE must meet with me and a member of Sorority and Fraternity Life to discuss the results of its membership review before January 17, 2020. You may schedule this meeting by emailing me at reeb.47@osu.edu with your availability.

(2) Probation

The Ohio Theta chapter's probation is extended until May 7, 2023. Probation is a heightened state of warning that does not otherwise control or direct your chapter's functioning. Even after your chapter's probation period ends, we would consider its disciplinary history when considering sanctions for future violations, meaning revocation of registered status is still a likely outcome beyond the probationary period.

Additionally, I have reviewed all of your recommended sanctions and think they will be strategic and effective to re-build a membership which meets the expectations of SAE and Ohio State. In order to support you in this endeavor, you will be required to complete the following sanctions:

(3) Spring social probation

As identified in your sanction recommendation, your chapter may not hold any events with alcohol through May 3, 2020.

I expect your chapter to host events without alcohol. Your chapter must learn how to build brotherhood and socialize without relying on the presence of alcohol. Accordingly, in consultation with your Sorority and Fraternity Life liaison, you must develop, plan and register a minimum of three (3) events during spring 2020, without the presence of alcohol. I strongly encourage your chapter to host more than three such events.

(4) Hosting Privileges

Your chapter must focus on compliance with its risk management practices updated in response to a previous case. Your chapter is limited to having five (5) events where alcohol is present during the autumn 2020 semester.

Documentation for each event with alcohol must include the following to be considered compliant with this sanction:

- event registration for Sorority and Fraternity Life
- receipts for trained and insured security services and third-party bartender
- signed and dated guest list for the event
- documented evidence that BYOB policies were followed

Documentation of the above should include time-stamped photos of the sign-in table, wristbands, and guests with their individual servings of alcohol.

You will schedule two (2) meetings with me and a representative from Sorority and Fraternity Life to review compliance with these sanctions. You must come prepared with documentation proving your chapter's compliance. Meetings will be scheduled as follows:

- 1st meeting - No later than August 28, 2020 to discuss your event schedule for the semester.
- 2nd meeting - No later than December 11, 2020, to discuss any events where alcohol was present and to review your documentation.

If all policies and procedures are followed during the autumn 2020 semester, your chapter will be permitted to return to having the number of social events with alcohol as identified by IFC and/or Sorority and Fraternity Life. Additionally, if your chapter does not attend these meetings and/or comply with this sanction, further limitations may be placed on your chapter's ability to hold events where alcohol is present.

(5) Alumni advisory board established

While every chapter's needs are different, I see continued effectiveness when chapters have a strong local presence. You will work with your national organization to develop an alumni advisory board, which will – as described in your proposed document—“create an environment of change and provide a culture shock to our fraternity and use this help from the alumni board to steer this fraternity in a new direction. This alumni board will reach their arms into many aspects of the fraternity including; funding, philanthropy, social, ritual, scholarship, and brotherhood.”

You will send me monthly updates beginning January 31, 2020 regarding your progress establishing an alumni advisory board throughout the spring 2020 semester. By May 3, 2020, you must send me a list and contact information (phone and email) for those who sit on your alumni advisory board and three strategic goals you plan to accomplish in the 2020-2021 academic year developed in consultation with the board. These can include campus engagement, funding, philanthropy, social, ritual, scholarship, and/or brotherhood.

Requests for Extensions and Modifications

Any request for an extension or a modification of any outcome must come from the chapter president to reeb.47@osu.edu. The request must contain a detailed explanation of the reason for the request.

Staffing Change

Should Student Conduct no longer employ me or if my role were to change, another staff member will monitor sanction completion. To account for such a change, please include the general Student Conduct email address on all sanction items. That address is studentconduct@osu.edu.

Appeal

A student or organization found to have violated the Code of Student Conduct has the right to appeal. To do so, you must submit your appeal in writing, directed to the Senior Vice President for Student Life, no later than 4 p.m. on December 9, 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 the 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.

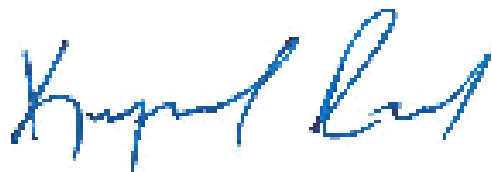
Because your chapter accepted responsibility for the charges and requested an administrative decision, your appeal may only be based on the single ground that the sanctions given were grossly disproportionate to the violations.

If you do not submit an appeal, this decision will be effective at the end of your appeal period.

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

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

Sincerely,



Krystal Reeb
Associate Director

CC: Sigma Alpha Epsilon Coordinator of Chapter Development - Dustin Stewart

Sigma Alpha Epsilon Ohio Theta Chapter Advisor - Rochelle Toth
Director of Sorority and Fraternity Life - Kim Monteaux De Freitas
Senior Director of Parent and Family Relations and Greek Life - Ryan Lovell



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 _____