

Case No: [REDACTED]

Organization Name: Tau Kappa Epsilon

Charge Date:

Hearing Date: March 30, 2018

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



█ asks what all have the residents been doing that evening. █ states that they had just come from the "Theta Ki house" and that "they had done some stuff but not much". As Hall Director HOVEST.29 steps in to further assist in the incident, █ began to raise his voice, became non-complaint, stated "don't worry about him" and did not tell the truth about the identity of █. █ were compliant throughout the incident. Once all forms of identification were noted, it was proven that █ was not honest about the involved parties actually being OSU students. After Hall Director HOVEST.29 stated that this incident would be documented and that he was trying to ensure the safety of █ the incident was resolved by approximately 1:05 am.

I am referring █ for an alleged alcohol policy violation.

Which of the following responded?

**None**

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?

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.

**Siebert Hall**

*Pending IR #00020715*

*Submitted from 164.107.203.201 and routed to Kyle Hovest (Hall Director). Processed by routing rule #33.*

*Copies to: bellini.5@osu.edu,kefalas.1@osu.edu,smith.11556@osu.edu,hovest.29@osu.edu*



Incident Reporting Form

Submitted on October 29, 2017 at 3:31:48 am EDT

Last modified October 29, 2017 at 6:28:00 pm EDT

Type: Housing-initiated report (UH)
Urgency: Normal

Incident Date: 2017-10-29

Incident Time: 1:00 AM

Incident Location: Hall floor, room

Reported by

Name:
Title:
Email:
Phone:
Address:

Involved Parties

- List of involved parties including names, roles (Alleged, Witness), and genders (Male, Female).

Questions

\*\* Please provide a detailed description of the incident/concern using specific concise, objective language.
At approximately 1:00 am on Sunday, October 29, 2017, on the floor of Hall, and Hall Director Kyle HOVEST.29 were on the floor finishing an incident when was seen being guided and supported into room and went to room to check on.
knocked on room and answered the door. Inside the room, there was visibly seen in the center of the room as was standing out of sight next to the right of the closet area in the room. and Hall Director HOVEST.29 moved towards the scene as proceeded with asking questions.
The Hall staff notified the residents that the staff had seen a tall male resident in a red jersey being supported into room. After makes himself visible to staff, he complies with answering questions asked to state the date, state the current President's name, and walk in a straight line. had slurred speech, red-colored slightly opened eyes, and appeared to be slightly imbalanced, but he answered the questions that were asked of him.
As proceeds with taking the identification of all of the residents present in room, asks what all have the residents been doing that evening. states that

they had just come from the "Theta Chi house" and that "they had done some stuff but not much". As Hall Director HOVEST.29 steps in to further assist in the incident, [REDACTED] [REDACTED] began to raise his voice, became non-complaint, stated "don't worry about him" and did not tell the truth about the identity of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] were compliant throughout the incident. Once all forms of identification were noted, it was proven that [REDACTED] [REDACTED] was not honest about the involved parties actually being OSU students. After Hall Director HOVEST.29 stated that this incident would be documented and that he was trying to ensure the safety of [REDACTED] [REDACTED] the incident was resolved by approximately 1:05 am.

I am referring [REDACTED] [REDACTED] for an alleged alcohol policy violation.

\*\* Which of the following responded?

None

\*\* 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?

\*\* 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.

Siebert Hall

*Pending IR #00020715*

*Submitted from 164.107.203.201 and routed to Kyle Hovest (Hall Director)*

*Modified by Kyle Hovest on October 29, 2017 at 6:28:00 pm EDT from 164.107.43.82*

November 3, 2017

Tau Kappa Epsilon  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear [REDACTED]

I am writing to give you notice, via the attached letter, that our office received a report that students under the age of 21 returned to their residence hall intoxicated after consuming alcohol at the TKE house on October 28, 2017. This is troubling given that we are proceeding to an administrative hearing to resolve charges from an ongoing investigation concerning similar allegations.

As a reminder, when we spoke yesterday, we asked you to contact us next week with the names of witnesses whose class schedules we should consider when setting a hearing date and time. Obviously, it may be impossible to find a hearing date that produces no class conflicts, but we will do our best to select the least disruptive date and time. Please call or email with those witness names as soon as possible, preferably before 4:00 P.M. on Tuesday, November 7, 2017.

Finally, I ask you to remind your members that (1) the Cease & Desist directive remains in effect and (2) your chapter has been placed on interim suspension. Thus, continuing to host social events – regardless of location, formality, or size – is prohibited. Your chapter and individual members may be subjected to further disciplinary action should they fail to comply with this directive.

Sincerely,



Katie Bailey  
Hearing Officer

CC: Donnie Aldrich -- Tau Kappa Epsilon  
Ryan Lovell  
Nathaniel E. Sheppard

November 3, 2017

Tau Kappa Epsilon

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear Tau Kappa Epsilon,

Residence Life provided information to our office that describes conduct by Tau Kappa Epsilon on October 29, 2017. I am investigating whether this conduct may have 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 (B): Endangering Health or Safety: Taking or threatening action that threatens or endangers the safety, physical or mental health, or life of any person, whether intentionally or as a result of recklessness or gross negligence

As a leader of the organization, you must contact Student Conduct by November 10, 2017 to schedule a preliminary conference with me and you are encouraged to bring at least one other organization executive board member (i.e., social chair or risk manager). 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.

I encourage you to share any information or material you have related to this incident. You may bring one advisor and a registered co-leader (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](mailto: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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you do not contact our office by November 10, 2017 to set your preliminary conference appointment, I may place a disciplinary hold on your university account. This hold could prevent you from scheduling classes; viewing grades; or receiving transcripts, diplomas or refunds. Please note that if you do not participate in our process, I may continue this investigation without your input. This could result in charges, a hearing, and sanctions if a violation is found.

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

Sincerely,

Katie Bailey  
Hearing Officer



### Statement of Student Rights

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

5. **Postponement** (3335-23-09 B.)
  - a. The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. A request for a postponement for reasonable cause must be made in writing, include supporting rationale, and be received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.
  
6. **Advisor** (3335-23-10 B.)
  - a. The accused student may have an advisor throughout the disciplinary process
  - b. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless clarification is needed as determined by the hearing officer or board.
  
7. **Written statements and witnesses** (3335-23-10 C.)
  - a. The accused student:
    - i. May submit a written statement;
    - ii. May invite relevant factual witnesses to attend;
    - iii. May invite character witnesses to submit written statements;
    - iv. May ask questions of witnesses called by others;
    - v. Will be notified of potential witnesses to be called;
    - vi. Must submit a list of potential witnesses to the hearing officer at least two (2) business days prior to the hearing.
  
8. **Standard of Evidence** (3335-23-10 F.)
  - a. A student will only be found in violation if a preponderance of the evidence supports the charges.
  
9. **Attendance** (3335-23-11)
  - a. No inference will be drawn against a student for failing to attend a hearing or remaining silent.
    - i. The hearing will proceed and the conclusion will be based on the evidence presented.
  - b. No decision shall be based solely on the failure of the accused student to attend the hearing or answer the charges.

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

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

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

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

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

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

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

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

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

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

### Hearing Procedures

#### **3335-23-10 Hearing procedures**

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

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

November 30, 2017

Tau Kappa Epsilon  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

Dear Tau Kappa 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, 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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu/>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

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 December 7, 2017. 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.

Sincerely,



Katie Bailey  
Hearing Officer

CC: Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life  
Donald Aldrich - Chief Executive Officer of Tau Kappa Epsilon

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CHARGE & PROCESS FORM

Name: Tau Kappa Epsilon

**I. Charge:** Tau Kappa Epsilon (“TKE”) is alleged to be in violation of the following section 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 or facility policy.

3335-23-04 (B) Endangering Health or Safety: 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 (N1) Failure to obey the summons or directives: Failure to obey the summons or directives of a student conduct body or university official.

Specifically, it is alleged that on the weekend of October 28, 2017, the Omicron Chapter of Tau Kappa Epsilon failed to obey directives of a university official outlined in the interim suspension letter while endangering the health and safety of its members and guests by hosting a social event (i.e., party) at an annex. At the event, it is alleged that alcohol was consumed by and/or distributed or made available to underage members or guests that caused at least one individual to experience an adverse physical reaction (e.g., slurring of speech, unable to support themselves, etc.).

**II. Acceptance/Non-Acceptance of Responsibility:**

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

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

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

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

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

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

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

This form is due by 4:30pm on December 7, 2017.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



April 10, 2018

Omicron Chapter of Tau Kappa Epsilon  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

[REDACTED]

The following is the outcome of Omicron Chapter of Tau Kappa Epsilon's Administrative Hearing which took place on March 30, 2018. 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,



Krystal Reeb  
Associate Director

CC: Director of Sorority and Fraternity Life - Kim Monteaux De Freitas  
Ryan Lovell - Senior Director of Parent and Family Relations and Greek Life  
Donald Aldrich Tau Kappa Epsilon Headquarters Representative



April 10, 2018

Omicron Chapter of Tau Kappa Epsilon  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: [REDACTED]

[REDACTED]

I am writing to notify you of the outcome of Omicron Chapter of Tau Kappa Epsilon's Administrative Hearing which took place on March 30, 2018. While you were invited to attend this hearing as a representative of the chapter, you chose not to attend. Therefore, I moved forward with the hearing consistent with the Code of Student Conduct. Based on the information available to me at the time of the hearing I have made the following decision:

- 3335-23-04 (J) Alcohol: Use, production, distribution, sale, or possession of alcohol in a manner prohibited under law or applicable university policy or facility policy. – In Violation
- 3335-23-04 (B) Endangering Health or Safety: 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. – In Violation
- 3335-23-04 (N1) Failure to obey the summons or directives: Failure to obey the summons or directives of a student conduct body or university official. – In Violation

I considered the following factors in determining appropriate sanctions:

- Tau Kappa Epsilon's recent conduct history
- The partnership and response of the Tau Kappa Epsilon president
- The severity of the violations when considered on a continuum

This outcome letter does not replace or nullify any sanctions or stipulations set forth by your organization's inter/national headquarters, advisors, Sorority and Fraternity Life, the IFC, or The Ohio State University.



## **Disciplinary Sanction**

Based on the information provided during the hearing and the timing of this incident and the outcome previously issued in case number [REDACTED] a disciplinary sanction is not necessary.

## **Educational Sanctions**

You will develop and execute an annual communication plan to educate members on their individual expectations as an Ohio State student and member of Tau Kappa Epsilon. This will also include communication to members who choose to demit or are removed from your chapter. The communication will include, but is not limited to, the following:

- An individual's responsibility to abide by all risk management guidelines, state and local laws and statutes, and university policies;
- Directives and expectations for individuals who choose to demit or are removed from the organization (e.g., wearing the organization's letters, planning events with the organization's letters or likeness, etc.);
- Instructions for chapter leadership on how to notify the proper authorities (i.e., Sorority and Fraternity Life) including how to document the removal; and
- Potential outcomes if an individual chooses to violate risk management guidelines, state and local laws and statutes, and university policies (i.e., internal review by your organization's self-governance body, inter/national response to behavior, notice to law enforcement and student conduct).

Similar to the sanctions in the outcome letter for case number [REDACTED] the following must be included in your chapter's petition to re-colonize:

- An outlined communication plan (i.e., when and how will your members be educated);
- A summary of the information that will be provided to members and to individuals who chose to demit or are removed from your chapter, and the medium in which this will occur;
- A takeaway or tool (e.g., info sheet, follow-up email, etc.) that will be provided to all members annually; and
- A takeaway or tool (e.g., info sheet, follow-up email, etc.) that will be provided to a member who chooses to demit.

During the period of disciplinary probation, as noted in case number [REDACTED] your chapter is required to implement all approved plans outlined above, ensuring to adhere to all accountability measures. After one full recruitment cycle you must provide documentation to Student Conduct of the completion of your communication plan with dates, attendance records, and the takeaways/tools used. Once this is received and approved your sanction will be complete for this case.

If the chapter fails to complete this sanction a charge of "3335-23-04 (N8) Failure to obey the summons or directives: Failure to comply with one or more sanctions imposed under the code of student conduct" may be issued.



### **Requests for Extensions and Modifications**

Any request for an extension or a modification of any required sanction must come from the chapter president to [reeb.47@osu.edu](mailto:reeb.47@osu.edu). That 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 describe above. That address is [studentconduct@osu.edu](mailto: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 4:00 p.m. on April 17, 2018. 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](mailto:ada-osu@osu.edu), or visit <https://ada.osu.edu>. One week's notice will allow for seamless access. Should you need additional time in order to seek any appropriate accommodation, please contact me immediately.

If you 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,

Krystal Reeb  
Associate Director

cc: Kim Monteaux De Freitas – Director of Sorority and Fraternity Life  
Ryan Lovell – Sr. Director of Parent and Family Relations and Greek Life  
Donald Aldrich – Tau Kappa Epsilon Headquarters Representative