



OHIO
UNIVERSITY

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April 12, 2019

Office of the Dean of Students

Sigma Pi Fraternity, Epsilon Chapter
c/o [REDACTED], President

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Dear Sigma Pi,

A University Hearing Board convened on Wednesday, April 10, 2019 and Thursday, April 11, 2019 to resolve allegations stemming from incidents that occurred through the 2018 fall semester, stemming from a reported incident on Monday, November 12, 2018. Based upon the information presented at this hearing, the Board found the following:

1. D08a - Hazing - Endangerment -- In Violation
2. D08b - Hazing - Brutality -- In Violation
3. D08c - Hazing - Coerced Consumption -- In Violation
4. D08d - Hazing - Mental Stress -- Not In Violation
5. D08e - Hazing - Coerced Activities -- In Violation
6. D10a - Damage to Property - Destruction or Damage -- In Violation
7. D03b - Alcoholic Beverages Violation: Selling and/or distribution of alcoholic beverages except as expressly permitted by law and University Policy 24.001. -- In Violation
8. D03e - Alcoholic Beverages Violation: Failure of a student organization to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents. -- In Violation
9. D04b - Controlled Substance and/or Drug Violation: Unlawful use and/or possession of other controlled substances except as expressly permitted by law. -- In Violation
10. D06a - Harmful Behavior: Physical harm or threat of physical harm to any person. -- In Violation
11. D06d - Harmful Behavior: Reckless but not accidental action that poses a reasonable risk of physical harm to others. -- In Violation

As a result, in accordance with the *Student Code of Conduct*, the Board recommended the following sanction, with which I concur:

- The Epsilon Chapter of the Sigma Pi Fraternity is expelled from Ohio University, effective Thursday, April 11, 2019. Expulsion is the permanent loss of privileges of recognition at Ohio University. In accordance with the sanction of expulsion, your organization is prohibited from ever being recognized on the main campus and any regional campus of Ohio University. This expulsion will be noted on the organizations permanent disciplinary record.

The rationale for the decision and subsequent sanctions is as follows:

In regards to the charges:

D8a -

The hearing board had to determine if any actions or situations recklessly endangered the mental, emotional, or physical health or safety of a student related to Organization 1. Many witnesses expressed that the pledge process made them feel uncomfortable and continually referenced the need for their "protectors" [Redacted student name - accessible in the community standards office] and "[REDACTED]" to step in when active fraternity members would become too aggressive. Witnesses [REDACTED], [REDACTED], and [REDACTED] explicitly mentioned being yelled at, often with active members standing within a foot of them while doing so. Witnesses [REDACTED], [REDACTED], and [REDACTED], claimed that while Witness [REDACTED] was participating in the pledge process he was not getting much sleep and was not taking care of his physical health. Witness [REDACTED] mentioned that though he was not present for the

incident involving eggs he was scolded by his peers for missing it. Witness [REDACTED] provided statements regarding a friend, [Redacted student name - available in the community standards office], had scarring on knuckles from his time as an Organization 1 pledge.

The board determined this to be an appropriate reflection of how events occurred due to the fact that conflicting versions of stories lacked detail to some degree as the statements that were given to UHB investigators, making it more likely than not that the events occurred as the statements explained them, as opposed to how they were explained to the board in person.

D8b:

The hearing board had to determine if there was physical brutality, including forced calisthenics, whipping, and beating. Especially in the statements of Witnesses [REDACTED], [REDACTED], and [REDACTED] there are many references to calisthenics, with occasional references to being belted and otherwise being hit. While the calisthenics were not described as "forced" by the witnesses, they seemed compelled to do them. Based on the preponderance of the evidence, we find this to be a violation.

D8c:

The hearing board had to determine if there was coerced consumption of food or alcoholic beverage. There were multiple accounts of coerced consumption of foods (onions and hot sauce). Coerced consumption of alcohol was recounted many times, most specifically when the [REDACTED] group shared a large bottle of vodka on "Black Out Monday", and most explicitly in Witness [REDACTED]'s account. These meet the threshold of preponderance of the evidence.

D8d:

The hearing board had to determine if there were actions intended to cause mental stress. Statements from Witness [REDACTED] (and echoed elsewhere) described active members' screaming at pledges, but evidence that this caused mental stress was inconclusive. For this reason the board did not find Organization 1 in violation.

D8e:

The hearing board had to determine if coerced activities, including personal servitude occurred. Personal servitude, most often doing laundry, is documented in the statements of Witnesses [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Based on the preponderance of the evidence, we find this to be a violation.

D4b

The hearing board had to determine if there was unlawful use and or possession of controlled substances. Multiple witnesses made mention of "whippets" being purchased by Witness [REDACTED] and consumed by Witnesses [REDACTED], [REDACTED], and [REDACTED] at [REDACTED]. Multiple witnesses, including Witness [REDACTED], mentioned marijuana being smoked at parties at [REDACTED]. Based on the preponderance of the evidence, we find this to be a violation.

D3b:

The hearing board had to determine if alcohol was distributed except as expressly permitted. Witness statements confirm that alcohol was distributed in a manor not expressly permitted by law or the University. The element of alcohol use is consistent throughout interviews...When Witness [REDACTED] was asked about how Organization 1 regulates alcohol during parties he said that "everyone was supposed to be twenty-one, and other than tell the younger kids not to drink what else are you going to do?" When asked to speak about [REDACTED], [REDACTED] during the hearing [REDACTED] r ([REDACTED]) with the exception of Witness [REDACTED] confirmed that alcohol was consumed by [REDACTED]. Although never mentioning [REDACTED] in particular, Witness [REDACTED] did recognize [REDACTED] drinking. Based on the preponderance of the evidence, we find this to be a violation.

D3e:

The hearing board had to determine if Organization 1 failed to take all necessary steps to ensure that no person under legal drinking age possessed alcoholic beverages at its functions. Specifically, in regards to "Black Out Monday", a party took place at [REDACTED]. [REDACTED]. Witness [REDACTED] described both pledge and active members drinking together. In regards to who purchased the alcohol that [REDACTED] members consumed (Titos Vodka), Witness [REDACTED] claimed that the alcohol that the [REDACTED] consumed at this party was bought by the [REDACTED] themselves. Along with this, Witness [REDACTED] changed the answer he gave at his initial interview to the same claim as Witness [REDACTED]. Witness [REDACTED] does not remember who provided the alcohol. However, it is important to remember that no matter who may or may not have provided that alcohol consumed by pledge members on the night of "Black Out Monday", these witnesses all acknowledged that drinking had taken place on [REDACTED] by pledge members. Witness [REDACTED] simply described parties at [REDACTED] as a "free for all". Witness [REDACTED] said that as a [REDACTED] they did drink, but "nothing was forced" by active members. As an organization, Organization 1 failed to take all of the necessary steps to ensure that no person under the legal drinking age possessed alcoholic beverages at functions that it sponsored or within any property it owns, operates, and/or rents. Based on the preponderance of the evidence, we find this to be a violation.

D6a:

The hearing board had to determine whether Organization 1 physically harmed or threatened to physically harm any person. Witness [REDACTED] and Witness [REDACTED] each gave two conflicting stories about physical harm being inflicted to pledges. In their written statements provided by investigators, there were detailed accounts of pledges being hit and other physical harm. However, in their interview with the Hearing Board, they either didn't remember details or denied that the events had happened. The Hearing Board found their written statements to be more credible, both because they were more detailed and also better matched other witnesses' stories. In addition to this, Witness [REDACTED] provided an account of belting that was corroborated by Witness [REDACTED]. Based on the preponderance of the evidence, we find this to be a violation.

D6d:

The hearing board had to determine if Organization 1 took reckless but not accidental action that poses reasonable risk of physical harm to others. Witness [REDACTED]'s statement mentioned that active fraternity members would punch walls while the pledges were against those walls. Multiple witnesses mentioned the Handel of Tito's vodka that the pledges split in about an hour's time. The incident involving eggs being thrown happened while inebriated, as stated by Witness [REDACTED], it was "just drunk boys being boys". Witness [REDACTED]'s statement about how alcohol was monitored also highlighted how reckless alcohol consumption was at parties at [REDACTED]. Based on the preponderance of the evidence, we find this to be a violation.

D10a:

The hearing board had to determine if there was destruction or damage to private or public property. Multiple witness statements made mention of active pledge members punching holes in the walls of [REDACTED]. Based on the preponderance of the evidence, we find this to be a violation.

In regards to the sanction:

Given that Organization 1 was found in violation of 10 of 11 very serious charges, has risked the health and safety of its members in troubling ways, and appears to have a toxic culture of drug and alcohol use, the Hearing Board recommends the sanction of Disciplinary Expulsion.

Disciplinary expulsion prohibits your organization from ever being recognized at Ohio University. Expulsion will be noted on your organizations permanent disciplinary record.


You may appeal this decision to a University Appeal Board within three (3) business days from the date of notification of the decision in this matter. Notification is considered to be given on the date this letter is e-mailed to your Ohio University e-mail address. An appeal may be filed for the following reasons:

- (a) The sanctions and/or conditions of sanction are extraordinarily disproportionate to the violation(s); and/or
- (b) A procedural defect occurred that significantly impacted that outcome of the hearing; and/or
- (c) Discovery of new and significant information that could have affected the outcome of the hearing and that was not known, or could not reasonably have been discovered and/or presented at the time of the hearing.

Appeals are in writing only, and limited to a review of the written record and materials from the original hearing. An appeal board, meeting in closed session within a reasonable period of time, will either grant or deny the appeal by a majority vote. If the appeal is granted, the sanction or conditions of sanction may be changed or a new hearing ordered. The appeal form is available online [here](#). The appeal form, and any supporting written documents, should be submitted online by no later than 11:59 PM on Wednesday, April 17, 2019.

If you have any questions concerning this matter, please feel free to contact Taylor Tackett, Assistant Dean and Director of Community Standards and Student Responsibility at ttackett@ohio.edu, or by phone at 740-593-2629.

Sincerely,



Jenny Hall-Jones
Dean of Students

CC: Taylor Tackett, Assistant Dean of Students and Director of Community Standards and Student Responsibility
Margaret Cabrera, Administrative Services Associate, Community Standards and Student Responsibility
Kristen Kardas, Assistant Director, Sorority and Fraternity Life
Andrew Powers, Chief, Ohio University Police Department
Jason B. Pina, Vice President for Student Affairs
Jonathan Frost, CEO and Executive Director of Sigma Pi Fraternity



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April 18, 2019

Sigma Pi Fraternity, Epsilon Chapter

c/o [REDACTED]

via email: [REDACTED]

PERSONAL AND CONFIDENTIAL

Dear [REDACTED],

A duly constituted Ohio University Appeal Board convened on Thursday, April 18, 2019 to consider your organization's petition for appeal.

The petition identified the following grounds for appeal:

- The sanctions and/or conditions of sanction are extraordinarily disproportionate to the violation.

After reviewing the appeal and the record on the matter, the University Appeal Board found the sanctions imposed by the hearing body to be appropriate.

The rationale for this decision is summarized below:

The Board is denying the appeal on the basis that the sanctions given are not extraordinarily disproportionate to the violation(s). Considering the depth and breadth of these charges, expulsion of this organization is reasonable given the evidence, witness statements, and the UHB's rationale that were provided.

Based on this decision, the sanction and conditions of sanction listed in your letter dated Friday, April 12, 2019 stand. For your convenience, I've attached a copy of that letter. If you have questions or concerns about the stated sanction deadlines, please contact the staff member who decided your case. If your case was decided through a University Hearing Board, please contact the advisor of the board.

Normally, the decision of the appeal board is final. However, under extremely unusual circumstances, you may request the Vice President for Student Affairs to review a decision. An appeal to the Vice President must be presented in writing with all supporting documents within three (3) business days of the formal notification of the decision of the appeal board. The appeal is limited to the grounds of the original appeal to the University Appeal Board, except in cases where the respondent is appealing on the basis of new evidence. Any appeal to the Vice President would be due by **Tuesday, April 23, 2019** and should be submitted via the appeal form, available online [here](#).

If you do not elect to appeal to the Vice President for Student Affairs, the sanctions go into effect three (3) business days from the date of this letter.

Should you have any questions concerning this matter, you may contact me at wh521918@ohio.edu or by phone at 740-593-2629.

Sincerely,

Will Hamilton
Graduate Assistant

**CC: Margaret Cabrera, Administrative Services Associate
Taylor Tackett, Assistant Dean of Students and Director of Community Standards and Student Responsibility
Kristen Kardas, Assistant Director, Sorority and Fraternity Life
Jonathan Frost, CEO/Executive Director Sigma Pi Fraternity**



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PERSONAL AND CONFIDENTIAL

Dear Sigma Pi,

I have reviewed your written Petition for Vice Presidential Appeal received on Tuesday, April 23, 2019. Your petition identified the following grounds for appeal:

- Inappropriate sanction: case of clear abuse by the hearing authority of their discretion in determining sanctioning.

After reviewing your appeal and the record on the matter, I have found the sanctions imposed by the hearing body to be appropriate.

Therefore, I am upholding the sanction as outlined in the attached letter dated Friday, April 12, 2019. Should you have any questions concerning this matter, please contact Community Standards and Student Responsibility at 740-593-2629.

Sincerely,

Jason Pina
Vice President for Student Affairs

Distributed to: Taylor Tackett, Assistant Dean of Students and Director of Community Standards and Student Responsibility
Margaret Cabrera, Administrative Services Associate

