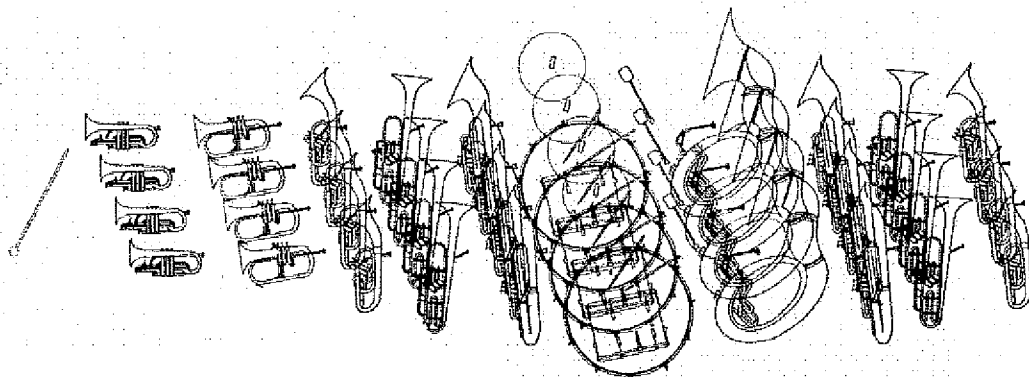


EXHIBIT B



INVESTIGATIVE COMMITTEE REPORT
OF TBDBITL ALUMNI CLUB, INC.
THE OHIO STATE UNIVERSITY MARCHING BAND ALUMNI

September 12, 2014

Note: This version is formatted for ease of reading. It contains the same text as the "official" version.

INDEX

- I. DESCRIPTION OF INVESTIGATION AND EXECUTIVE SUMMARY
- II. LIMITATIONS OF THIS INVESTIGATION
- III. OVERVIEW OF RELEVANT HISTORY OF THE MARCHING BAND
- IV. FACTUAL ANALYSIS OF THE "INVESTIGATION REPORT", AKA *GLAROS* REPORT
- V. TITLE IX AND THE OHIO STATE UNIVERSITY MARCHING BAND
- VI. PROCESS OF *GLAROS* REPORT, INCLUDING DESCRIPTION OF EVENTS AND INVESTIGATORS, METHODOLOGY
- VII. TITLE IX PERCEIVED PRESSURE
- VIII. SCHOOL OF MUSIC ISSUES
- IX. DESCRIPTION OF *CULTURE* OF OSUMB, i.e. "FAMILY", VOLUNTEER EVENTS, CHARITABLE ACTIVITIES, ETC.
- X. IMPACT ON REPUTATION AND PERCEPTION OF THE OHIO STATE UNIVERSITY, JONATHAN WATERS AND CURRENT AND PAST MEMBERS OF THE OSUMB
- XI. ADDITIONAL UNIVERSITY RESPONSIVE ACTIONS
- XII. COMMENTS FROM THE ALUMNI AND PUBLIC
- XIII. CONCLUSIONS AND RECOMMENDATIONS

I. DESCRIPTION OF INVESTIGATION AND EXECUTIVE SUMMARY

CREATION OF INVESTIGATIVE COMMITTEE

On July 24, 2014 Jonathan Waters was publicly fired as director of the Ohio State University Marching Band ("OSUMB"). On the same date an "investigation report" ("IR"), dated July 22, 2014 was released. It was apparently overseen by The Ohio State University (the "University") Office of University Compliance and Integrity and advanced to the University President by University Provost Joseph Steinmetz.

On Saturday, July 26, 2014, over 75 members of the active Ohio State University Alumni Band were assembled in Lakeside, Ohio, for a concert for over 2,000 attendees, to raise funds for student scholarships. The Alumni Band concert was under the primary direction of Dr. Paul Droste with co-director Dr. Christopher Hoch. Hoch, who was also a member of the OSUMB staff, had been told he was not permitted to participate in band activities with the OSUMB at public "Picnic With the Pops" concerts that weekend in the aftermath of the release of the IR. Although this enabled him to attend the alumni concert, he declined to attend under the circumstances. New assistant directors of the Alumni Band, Diana Herak and Dr. David A. Leppla, were also in attendance as conductors.

Dr. Droste requested a meeting prior to the concert with TBDBITL Alumni Club, Inc. President Brian J. Golden and Board of Governors (BoG) member and Legal Review Chair Gary J. Leppla to discuss the next steps for the OSUMB alumni in the wake of the news that Jonathan Waters had been fired as band director. A report had been released by the new administration of The Ohio State University ("University") containing an attack on the "culture" of the OSUMB. At Dr. Droste's suggestion, and with the concurrence and

authorization of the Club president, a committee was appointed consisting of Brian J. Golden as TBDBITL Alumni Club, Inc. president; Michelle (Shelley) Graf as principal Alumni Band drum major and the first female drum major of the OSUMB in 1981; Dr. Paul Droste, Director Emeritus of the OSUMB; and Gary J. Leppla, past-president of the Ohio State Bar Association and BoG Legal Review Committee chair.

The charge to the Committee was to investigate all circumstances giving rise to the University's IR, to investigate all elements of the then existing and historic marching band *culture*, and to review all evidence which could be gathered as to the content of, issues raised in, and the University's handling of the IR, aka the *Glaros* Report. This process involved witness interviews, document examination, as well as consideration of all information available concerning the subject matter. Items considered included conversations, interviews, written documents, public statements, and all other sources, concerning the cause of the IR, the source of the IR, and the process for completing the IR, based upon all resources available including attempted access to University representatives. The investigation committee poured through public statements, anecdotal evidence, letters, and press releases related to the issues, interviewed Jonathan Waters and other witnesses on multiple occasions. This Committee also considered circumstances involving the existence of the University-appointed subsequent investigation by a group appointed by the president and chair of the Board of Trustees of the University, headed by former Ohio Attorney General Betty Montgomery ("Montgomery" Marching Band Task Force).

EXECUTIVE SUMMARY OF REPORT

What follows is a description of obstacles which the investigators encountered, with a summary of the background, context, and procedural posture of the *Glaros* Report, including historic, "cultural" and related items.

Repeated requests by this Committee to dialogue and interact with the University and its representatives as part of this investigation have been refused. The University President, the OSU Legal Staff, the Ohio State University Alumni Association (OSUAA) and the University Board of Trustees and their representatives have all been contacted unsuccessfully by this Committee for interview and a dialogue. A scheduled meeting between the University President with this Committee on July 30, 2014 was pre-empted unilaterally by the Office of the President, in favor of a two-on-one listening session with the TBDBITL Alumni Club president. Subsequent efforts to meet with the authors and investigators involved in the IR were passed off and ignored. The brief five minute input allowed at a one hour meeting of the University Board of Trustees was followed by immediate adjournment by the Chair of the Board with no discussion. The promised follow-up open communication never occurred. (See Section II)

The history of the OSUMB, including its military roots, leadership embrace of Title IX beginning in 1973, and with its traditional operational characteristics, is discussed in Section III. We consider that context to be critical to any analysis.

A review, item by item, of the University's Investigation Report follows in Section IV, which reveals, with specific citation to facts and sources, the inaccurate statements, false assumptions, and erroneous generalizations contained in the IR. The IR has been overwhelmingly refuted in public in the days and weeks since its release on July 24, 2014. Evidence of cited historic events does not demonstrate the existence of a "band culture" as

we *move forward*. They are not evidence of general misconduct, cultural problems or any failure of leadership or control by Jonathan Waters.

The stated purpose of the University's Title IX policy is embraced in the activities and training efforts of the OSUMB (notwithstanding limited University assistance) under Jonathan Waters as described in Section V. A discussion of the public report of 2012-13 OSUMB Squad Leaders is reviewed and attached, demonstrating the "culture" and the significant documented efforts undertaken. Written policies, in-service training agendas and anecdotal evidence of these specific efforts were all neglected in the IR. They are documented here. In contrast, various subsequent public interpretations of Title IX have been suggested by University representatives and others. These comments were used to support resultant excuses for University imposed sanctions. They are simply misstatements of the law. There is no application of absolutely mandatory time limits for investigations. There is no procedural or legal justification for the denial of notice of the topics of investigation, for allowance of any opportunity for Jonathan Waters to know the extent of allegations and present his own evidence, or for the alleged legal mandate to terminate Waters.

We attempted to review the activities of the personnel involved and the events preceding the creation and release of the *Glaros* Report. As discussed in Section VI, the IR is methodologically defective. It is inadequate and false in its general representations. The claim by the authors of the IR that the OSUMB functions in a unique "sexualized" culture within the University is unsupported, false and illogical. Only a handful of witnesses were interviewed. Conclusions rest upon hearsay and gross generalizations of events often remote in time. Many interviewed have publicly refuted their alleged comments in the IR and stated that

important portions of their comments were ignored. Observers and neutral commentators who were willing to speak found the IR to be unacceptable in every respect based upon any reasonable investigatory standard.

The *Montgomery* Marching Band Task Force has been given the assignment of reviewing the University's Title IX process and oversight and to provide counsel on Title IX compliance issues, in conducting an assessment of *band culture* to make recommendations for best practices. Any belief of supporters of the OSUMB and Waters that the resulting *Montgomery* Report will be the turning point in the controversy are misplaced. The Administration's charge to the *Montgomery* Task Force is limited, and perhaps even now somewhat obsolete in the wake of the "resolution" announced between the University and the US Department of Education on September 11, 2014.

Similarly, any hope of the University administration that the *Montgomery* Report will help salvage the widely criticized and defective *Glaros* Report is contrary to the assigned mission of the *Montgomery* Task Force. The Chair of the Board of Trustees and President of the University set forth that mission in hand picking the task force. It appears to be largely an effort to demonstrate that the University administration takes Title IX seriously. When the President of the University and Chair of Board of Trustees have responded to questions by indicating they are waiting on the *Montgomery* Report to further respond to criticism, they appear to be seeking and suggesting a shift in its stated mission. No one but the University administration has control over the *Montgomery* Task Force.

Clearly, it is now apparent that the University had problems in its own Title IX compliance office, as discussed in Section VII. The repeated public comments from former Title IX coordinator Andrea Goldblum illustrate that fact. Given the existence of a US Department of

Education investigation of Ohio State for Title IX compliance, an atmosphere existed in which the University truly sought to demonstrate its Title IX resolve in dramatic fashion, even at the expense of due process and fundamental fairness to its family member Jonathan Waters and the OSUMB family. Now apparent, with the release of the September 11, 2014 news that there has been "resolution" of the 2010 "compliance review" of the University by the US Department of Education, the rush to judgment of Waters and the marching band upon a grossly defective "investigation" is placed in context. As discussed candidly in Section VIII, we believe a perfect storm of events emerged in conjunction with inherent issues between the School of Music and the marching band.

An item by item description of the impressive (but unrecognized in the IR) Waters-initiated social and cultural efforts with the OSUMB, during his time as director, is outlined in Section IX. What naturally follows in Section X of this report is a further discussion of the fallout from the administration's ill-advised action based upon a rushed, inaccurate "investigation" and judgment by Tobias, Glaros, Steinmetz, et.al. The consequences to Jonathan Waters are quite evident. The losses to the University through financial and reputation impact are discussed. The damage to the proud history and reputation of the OSUMB and its 136 years of tradition is evident, even if hard to quantify. But what is most disturbing, as revealed in detail in Section X, is the tragic and terrible collateral damage to the very individuals who comprise the current OSUMB. In a summary prepared and delivered to President Drake by current band members, the details, nearly 200 in number, of those consequences are sadly demonstrated. Confrontations with the public, as recently as on the occasion of the first home OSU football game of the 2014 season, are reported. These comments represent the true shame resulting from the administration's approach to these issues. These comments are

revealing of the true damage inflicted on a personal level through release of the University's Investigative Report.

A continuing component of these matters is the public stance contained in the University administration's public relations releases, first claiming a change in the reasons for the Waters termination, and consistently alleging a supportive termination decision by the Trustees which could never have legally occurred given the impact of Ohio's open meeting law. (See Section XI)

Comments from Band alumni and the general public demonstrate the true culture of the marching band as reviewed in Section XII, and accumulated in Attachment # 7. Personal testimonials and comments demonstrate more about the *band culture* than any analysis found in the University's IR. They include comments from members deeply affected by their experience in the band in a positive way, university employees and the general public.

After full review of all circumstances and of the content and supporting documents identified in this report, including the items attached for ease of access as Attachments in an Appendix, only then were conclusions and recommendations discussed and endorsed by the investigators.

Given the urgency of the circumstances, and the perceived threat to the integrity of The Ohio State University, and its marching band family,

all speed was undertaken in an effort to address issues. This report involved hundreds of hours of examination and research cumulatively by multiple people, including the investigators and those who made information available to them. **Although this report is now issued, our investigation continues and we expect to subsequently supplement this report as more information becomes available and as circumstances evolve.**

Our recommendations and conclusions are set forth in detail in Section XIII. Those include:

- * a recommendation of immediate reinstatement of Jonathan Waters;
- * a recommendation that a full fair and impartial independent investigation occur (unlimited by constraints imposed upon the *Montgomery* Task Force);
- * the recommendation of independent oversight of the OSUMB,
- * a demand that the administration immediately and publicly disavow and repudiate the *Glaros* Report in an effort to contain the continuing damage which has and will occur;
- * a call for a public apology to the OSUMB family to allow healing to begin; and,
- * a renewed call for an open and honest dialogue on all issues within the University family in an effort to appropriately *move forward* in accordance with the greatest traditions of The Ohio State University.

II. LIMITATIONS OF THIS INVESTIGATION

Frequently, requested access to information and individuals was denied to the Committee by the University. On separate occasions, the undersigned investigative committee of TBDBITL has, as a group, asked for an opportunity to meet with OSU President Drake. On one early occasion, this committee appeared at his office, on July 30, 2014 at 10 AM for a previously scheduled meeting, but only TBDBITL President Brian J. Golden was

permitted admission to a meeting with Dr. Drake and Ohio State University Alumni Association ("OSUAA") representative Archie Griffin. (President Golden had been warned by email that the meeting, despite earlier communication with the President's office to the contrary, appeared on the President's calendar as a meeting only involving the three identified participants.) Dr. Drake emerged from the meeting with Mr. Golden and briefly spoke to

Dr. Droste, Ms. Graf and Mr. Leppla, who had been left out of the meeting in the outside hall. After praising the band for its "great history", Dr. Drake specifically indicated that he would like to "find a time" to meet with all four of the TBDBITL representatives. Requests by President Golden for a meeting with President Drake by this Committee did not result in such a meeting. What did occur was simply a later phone call, scheduled by Dr. Drake's staff, in which President Drake stated he was "looking forward to the future" and to continuing to work with President Golden. The continuing requests for a meeting were neither acknowledged nor fulfilled. (See Attachment # 1)

Subsequently, in press releases, the administration of the University issued statements considered by Marching Band Alumni to be warnings or intimidation including the following:

1. The University indicated it would take all steps to "protect" individuals involved in the investigation or cooperating with the University concerning its "investigation report" as a matter of policy, to wit: "The university will not tolerate retaliation in any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an allegor, or participates in an investigation of discrimination or harassment." (See: Title IX, Compliance and Integrity Policy Re: Retaliation, Attachment #2)
2. On August 23, 2014, a message was sent, apparently to all alumni clubs, by The Ohio State University Alumni Association, adopting, reinforcing and endorsing the position of the administration, and criticizing the acts of "any alumni clubs" who have contacted other clubs with information, messages, or calls for assistance concerning the marching band situation. The OSUAA¹

¹ The OSUAA is a University controlled organization which functionally represents the University, not the Alumni of the University.

message indicated no support for the position of the Band Alumni and other members, implicitly criticizing the TBDBITL Alumni Club, which had sent no such general message. (Attachment # 3)

3. On September 8, 2014 it was reported to this Committee that a Central Ohio alumni club, which had notified its membership by e-mail of certain public events in support of Jonathan Waters and his family, had been admonished by the OSU Alumni Association and told it was forbidden from using its e-mail contacts to promote support of Jonathan Waters.
4. The regular OSUMB, first led by trumpet cheers, then as a group "spontaneously" played the "Superman Theme" at their September 6, 2014 Skull Session, a salute to their former director Jonathan Waters, who was known by that "nickname" (Clark Kent). The following week they were cautioned by Directors Dr. Russel Mikkelson and Dr. Scott Jones that such actions would not be tolerated.

There are gross discrepancies between the content of the *Glaros* Report and the information known publicly and discovered by this Committee. There are many private and public statements (including those from many of the witnesses interviewed for the *Glaros* Report) exhibiting contradictions between the content of the IR and those statements.

Accordingly, this Committee asked for the opportunity to meet with investigator Jessica Tobias and the apparent drafter of the IR recommendations, Christopher Glaros, together with any other investigators involved (apparently part of the University's Title IX compliance team), in order to explore those issues and get to the facts of the University's investigation. Email requests and responses indicating the denial of that access, or avoidance of the requests, on multiple occasions, are included herewith. (Attachment #4) After weeks of requests, no allowance of that request

has been received from the OSU legal office or from the OSUAA, to which we were referred. No such interviews with investigators occurred and we consider that to be a deficiency in preparing a complete report. This Committee concedes it is powerless to compel those individuals to openly and honestly discuss their investigation and report, or to explain the obvious inaccuracies. These requests for an open and honest dialogue with this Committee and the TBDBITL Alumni Club have gone unanswered, apparently as a part of the University administration's strategy to refuse to concede errors or discuss concerns. The approach is antithetical to the history and traditions of The Ohio State University family.

Additionally, efforts to obtain a dialogue with the University on the issue of donations and fundraising, which has continued to be a topic within the TBDBITL organization and in the media, have met with a lack of dialogue. For example, an email was sent by a member of this Committee indicating a desire to not receive any other emails concerning the University's President's Club given the issues involving the president of the University and the current events. The response simply contained the suggestion that failure to remain a member of the President's Club would "...not allow purchase of 2015 football tickets", with no other commentary. (See Attachment #5) The OSUMB raised over \$46 million in 2013-14. (Critical to that effort was the coast-to-coast persistent traveling of its director Jonathan Waters.) The accounting for those proceeds remains a concern, but no University sources are available to us to discuss placement of those funds. **Our investigation of these facts continues.**

The OSUMB's scheduled Dayton Schuster Center concert in November 2014 has been cancelled by its band alumni promoter, resulting in a loss of \$100,000 in profit. Media reports and public statements demonstrate the loss of hundreds of thousands of dollars from donors, and we are receiving continuing comments from

individuals reporting they have ended their donations to the University as the result of the actions of the University in conducting and releasing the IR and firing Jonathan Waters. For example, as quoted in a WCMH, Channel 4 Report² quoting OSU donor **Fred Portner**:

"I have been in senior level business decisions all my life. I think I know decision makers and poor decision makers, and the way this decision on Jon Waters was handled is abominable," Portner said. "I said to myself, 'Do I want them making those kinds of decisions on major donations I would make?' Absolutely not."

The administration of the University has not publicly responded to these reports. Mr. Portner essentially received a form letter response from the University.

Efforts to dialogue with the University Board of Trustees resulted in a five minute window for comment, followed by immediate adjournment with no response, at the August 29, 2014 one hour Board of Trustees public meeting. A subsequent form letter dated September 3, 2014 was received by the president of the Alumni Club from the Board of Trustees Secretary avoiding further discussions. (Attachment #6). Efforts to communicate through the OSUAA have been consistently ignored or misdirected, most recently with another similar (declined) offer to allow five minutes, with no discussion, on the OSUAA Board agenda on September 12, 2014.

This investigation by this Committee will continue as we persist in attempting to obtain the truth concerning the process and procedure followed by the administration of the University in this matter.

² www.nbc4i.com/.../osu-5-million-donor-rethinks-future-gifts

III. OVERVIEW OF RELEVANT HISTORY OF THE MARCHING BAND

INTRODUCTION

The “culture” of the OSU Marching Band, past and present, has been cited as the primary factor in the Glaros Report supporting the firing of OSUMB Director Jonathan Waters. The University’s Investigation Report dated July 22, 2014 contains a markedly narrow and inaccurate picture of this “culture,” emphasizing individual incidents supported by incomplete and suspect

anecdotal evidence. It is critical to review the history of the organization in order to assess attitudes, circumstances and “culture.” This information was not requested by the Office of University Compliance and Integrity in its investigation of Waters. We consider it essential to a complete analysis.

THE MILITARY INFLUENCE

There was only one Ohio State band in the years before 1929, and that organization played for military reviews and parades, athletic events (mostly football and baseball), gave sit-down concerts, and did some touring throughout the state. The all-male tradition resulted insofar as all band members were drawn from the corps of cadets in the Military Department. In 1929 the band was re-assigned to the Music Department, and was split into a marching band for football games, a concert band, and two regimental bands. All bands remained military in character and were not opened to women until decades later.

The military tradition continues to this day, although all formal association with the military ceased in 1952. The Marching Band has a professional (mostly faculty) staff supported by a student staff of squad leaders, equipment managers, librarians and secretaries. The band uniform is military in appearance and requires personal grooming and attention to correct usage. Military-style discipline has been enforced at all times, by the professional staff, the squad leaders, and assigned military (ROTC) advisors.

DEVELOPMENT OF STANDARDS OF ENFORCEMENT BY STUDENT LEADERS

After World War II, returning veterans were mixed in with 17 and 18 year old freshmen (per Charles Van Cleve, alumni, 1948-1952). Obviously, the atmosphere of the band changed, because of a much wider range of age and experience. If a mistake was made in rehearsal, the immediate correction came from an older member of the band, or a squad leader. The language was very direct and meant to ensure that new members “got the message.” The ultimate penalty for making a mistake in a performance was to be carried over the dike and thrown into the nearby Olentangy River. This

practice was discontinued in 1971 upon recommendation of the Campus Police and Health Center. In its place, offending members were asked to march a physically challenging penalty drill designed to improve performance on the practice field. Since the mid-1980’s, game films have been reviewed by the entire band and, as a sign of group identity, most of the band marched a penalty drill with the offenders, regardless of who made the mistake the prior week.

SQUAD LEADER SYSTEM

Each row is led by a student squad leader and assistant appointed by the professional staff. Students are considered on the basis of

seniority, a ballot election by their row members, and interviews with the professional staff. Final appointments are made by the

professional staff. Squad leader training includes discussion and implementation of band policy, and teaching and evaluation techniques that enable them to assist with band tryouts and challenges. In recent years the squad leaders and a few other student leaders have functioned as a group - along the lines of a "council." They assist the professional staff in developing and enforcing band policy, which is passed on to the band members in written form.

The division of the band into rows has led to row spirit and competition as a fundamental strength of the organization. The rows often hold off-campus student social events, sit together on band buses, and tend to set some of their own "traditions." Directors have strived to monitor such. Good student leadership leads to enforcement of band policy, where weak student leadership could open the door to behavior that is hidden from the staff.

TITLE IX

In the late 1960's and early 1970's, the mood of many students on the OSU campus became decidedly anti-war and anti-tradition. Band members, representing a true cross-section of the campus, began to question many of the band's military traditions. The integration of women students in 1973 ended an all-male tradition of almost 100 years. Dr. Paul Droste as Director, in collaboration with University officials, immediately opened tryouts to female candidates, and ensured that they were treated fairly. Some rows and band members were more enthusiastic about this change than others.

Staff and student leaders worked to modify the all-male atmosphere.

During that time, the Director of the School of Music was heavily involved, made frequent inquiries about band behavior, and counseled the Director on appropriate action. The response to bad behavior was mostly re-active. A written document of "Policies and Procedures" was developed and revised annually. During Dr. Jon Woods' twenty-eight year tenure as director, this document was greatly expanded.

LEADERSHIP OF JONATHAN WATERS

Jonathan Waters became the second former member to be named director, after serving under Dr. Woods as a student, graduate assistant, and assistant director. He inherited a "band culture" that had not been subject to modification and improvement in his view. He set out to evaluate all aspects of band culture and operations, instituting improvements and reforms.

leading this culture in new directions. By stressing education and providing opportunities for additional training, he had led the band toward zero tolerance of inappropriate conduct in a fashion consistent with Title IX. His leadership initiatives are described in Section IX below, a compilation of activities prepared by Jonathan Waters, which was submitted by him to Provost Steinmetz but not included in the IR.

In his two years as director he has been proactive in implementing several steps toward

IV. FACTUAL ANALYSIS OF THE "INVESTIGATION REPORT", AKA GLAROS REPORT

INTRODUCTION

Certain "facts", "conclusions" and "interpretations" are contained in the "Investigative Report" released by the Administration of the University. The following consists of comments, written replies and public statements offered by witnesses to the events and circumstances addressed in the Administration's Investigative Report ("IR"), largely compiled by recent OSU Marching Band Alumni who were members of the band during Jon Waters' years of service, and submitted to the TBDBITL Alumni investigative committee.

The Administration's Investigation Report has called into question the morals and values (i.e. "culture") of all current and prior OSUMB members beginning long before Jonathan Waters became director. Individual members and alumni have been personally attacked, criticized and disparaged. That disparagement occurred in a document based upon anecdotes as opposed to an empirically adequate overview of the OSUMB. This Committee has determined that the IR contains value judgments and conclusions not concerning Jonathan Waters alone, but concerning the fabric of the organization, of the University, and of past members of the OSUMB. Current and former members have been called upon to account for things labeled by the Administration in the IR as part of the OSUMB's "culture". Even a cursory review of the IR, upon which President Michael Drake has stated he based his entire judgment concerning the situation (see Drake Remarks at City Club, August 13, 2014, Attachment #6) demonstrates defects. Dr. Drake clearly concluded that the report he was given, three weeks into his new job, was entirely descriptive of the 22 months during which Jonathan Waters was director, when in fact these instances were rare and the anecdotal evidence outdated. Dr. Drake had, however, been communicating with Provost Joseph Steinmetz for several months by

email prior to the commencement of his term. (See Section VI)

Of concern to this Committee is the misuse of the term "culture" and the suggestion of certain conclusions regarding the "band culture". In addition to the lack of appropriate legal analysis, there is a lack of any form of scholarly analysis contained in the IR. Is the so-called "band culture" different from "college culture", i.e., alternative song lyrics, drinking, college word games, etc.? There is no empirical evidence of any distinct culture, no study of other student groups with extracurricular components or traveling groups, no comparative examples, and no apparent methodology of any sort.

Additionally, the report rests upon an apparent assumption that women in general in the OSUMB are victims. As members of a strong, disciplined leadership organization it is far more likely that women band members are strong, aggressive and thriving in a minority environment. Such has been the experience of those we have heard from and communicated with, and based upon our knowledge of the marching band experience collectively. *This Committee indeed may have a point of view, but it is based upon the facts and familiarity with the subject.*

That investigation was undertaken by recently hired University employee Jessica Tobias. The IR was apparently overseen and prepared by attorney Christopher Glaros. The decision to terminate Mr. Waters while attacking the OSUMB's "culture" was undertaken by President Drake in his first three weeks as OSU president without any discussion with any witnesses, and no meeting whatsoever with Jonathan Waters, apparently upon the recommendation of University Provost Joseph Steinmetz. All occurred with a complete lack of transparency, upon an apparent willful disregard

of complete evidence, and in a fashion apparently designed to reinforce what appear to be predetermined conclusions. The defamatory content injures character, reputations and an institution in unacceptable, flagrant and malicious fashion. The pejorative language utilized and salacious attachments and details contained in the report suggest a conscious desire to wage a public campaign against Waters and the OSUMB, contrary to the finest traditions of The Ohio State University, where “family” members are historically treated with respect, dignity and support.

We have encountered OSU Alumni, many beyond the OSUMB family, who have expressed their unwillingness to prospectively support OSU as a consequence of the malicious treatment of the OSUMB and its Director. Sadly a common comment has been, “What happened to the meaning of the words of our Alma Mater, ‘...How firm thy friendship, Ohio...’ ”?

The IR is incomplete. There is blatant disregard for the activities initiated by Jonathan Waters to increase the positive culture of the OSUMB and to explicitly support the policy of Title IX prohibiting sex-based discrimination with concrete steps to respond to even rare and isolated incidents and behaviors. Specific items of concern include the following, as compiled by recent Band Alumni. **Quoted phrases from the IR are restated here to reference specific claims made in the IR**, and the alumni who reviewed the report and interviewed witnesses prepared the comments following each IR claim:

“Cultural” Criticism:

- *“to swear secrecy oaths”* – There was only one “oath”, and it was written to be purposefully lighthearted so that members would feel as if they were joining an elite club, not being forced to keep secrets. To convey its innocuous nature, the oath contained statements such as “I will look both ways before crossing the street” and “I will only go to Applebee’s during Happy Hour.”³
- *“...The Marching Band’s culture facilitated acts...”* – This is not supported by data or methodology. We have been unable to identify any studies linking juvenile humor to sexual assault. The conclusion is itself academically embarrassing particularly when subscribed to by a major University in a public document.
- *“failed to eliminate the sexual harassment...”* – In direct contradiction, our investigation revealed a plethora of specific policies to prevent harassment of any kind.
- Section IX below includes specific examples of policy initiatives specifically implemented by Jonathan Waters related to incidents cited in the IR.

³ Jennifer Mitchell & Jeannette Town (spanning 2002-11)

MEMBER RATIO BY SEX

“Today, approximately 21% of its members are women” – The 2013 percentage of women in the OSUMB was 22.67%. The percentage is included ostensibly to imply, with no foundation, that the OSUMB environment is hostile to women. Indeed, some in the media have understandably concluded that this statistic is also evidence of sexism in the selection process. It is evident that a higher than average male/female ratio is not due to sexism, but is instead due to more males historically playing brass and percussion instruments than women. For over 100 years the OSUMB has reflected the legitimate conclusion that an all-brass and percussion band is far and away best suited for outdoor, all-weather performance. Likewise, an all woodwind band would likely have more women than men. In fact, an analysis of several other Big Ten marching bands indicates that the percentage of women in their brass and percussion sections also hovers around the same 22%.⁴

No known policy provides that all groups should have a gender division equal to the general population. Many other University courses have even more pronounced gender ratios. (Veterinary Medicine, for example). A recent *New York Times* article, as another example, portrays the gender inequality in teacher education programs. Rich, Motoko. “Why Don’t More Men Go Into Teaching?” *New York Times* 6 Sept. 2014. Regardless of gender, the promise of Title IX is the right to freely choose educational programs and activities. The OSUMB is an elite organization with an objective tryout process which has treated women as equals since women were integrated into the band. Again no logic or methodology appears to support the implication of this IR comment.

⁴ See public report (Attachment 7, Item 41) prepared by OSUMB Alumna Jenna McCoy.

TECHNICAL DEFICIENCIES IN ADMINISTRATION'S INVESTIGATION:

- Extremely small witness sample size (5 of 225 band members, 4 of over 4000 Alumni, 1 of thousands of parents, no prior directors). According to Mr. Waters, and the IR itself (p. 3, fn. 3), the witnesses interviewed were those identified by the original Title IX complainant. Intentional bias is reflected in relying upon this evidence base.
- "*FERPA requires redaction or protection of any information...*" – The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Many students in this report are publicly known by these names, both within and outside the band community. Some of these individuals include these names on their social media profiles.⁵

⁵ Jeanette Town & Tyler Provo (spanning 2008-13).

THE ADMINISTRATION'S "FACTUAL" FINDINGS:

- **Midnight Ramp** – Our review demonstrates that this was a positive event, in celebration of making the band and with the hopes of diminishing nerves before the first performance. All members were clearly told by fellow students they did not have to participate if they did not wish, and several students opted out with no consequence. For the rookies, the event was meant to make marching in front of 100K people (with OSUMB cultural expectations of perfection) a little easier to face. If one can march in the dead of night in your underwear, so the reasoning went, it becomes that much easier at game time.⁶ Currently there are two other University events that are noteworthy: the University sanctioned Mirror Lake Jump and the philanthropic Axe “Undie Run”. As a further demonstration of the positive, non-sexual nature of the event, university staff outside the OSUMB were specifically aware of the event, including interim OSUMB director, Dr. Russel Mikkelson, Director of University Bands, who attended the event in 2010⁷, and university police department members, who regularly “secured” the perimeter of Ohio Stadium (used with athletic department permission) for the event to facilitate the positive tradition (See 10tv.com; Kevin Landers report, August 14, 2014).
 - *“get completely naked”* – not witnessed on more than one cited occasion when one student got out of hand; was immediately dealt with through stern discipline and subsequent event monitoring. The occurrence isolated and singular, akin to a “streaker” – not tolerated and not typical. During Jonathan Waters’s tenure as director, all alcohol consumption was banned from this event and there were no instances of nakedness.⁸
 - *“warn new members...”* – The purpose of the comment was in fact to avoid any suggestion of mandatory participation and avoid discomfort, again mischaracterized in the IR.
 - *“female members have gone shopping...”* This clearly was not sanctioned by staff. How was shopping inappropriate? Band members interviewed assert that complainant’s daughter could have been among this small group of female members, by choice.⁹ Moreover, Victoria’s Secret is the source of full-covering as well as athletic clothing, so the purpose of such shopping is questionable. The suggestion that a few individuals shopping at Victoria’s Secret is evidence of a “sexualized” band culture is astounding to this Committee.
 - *“whether this tradition was still necessary”* – This has been interpreted as an example of Jonathan Waters simply asking for the opinion of the Band, rather than taking action. Actually, Mr. Waters was asking the Band to consider the fact that organizations often have outdated practices that continue just because they always have been done that way. This was an invitation to question all band traditions and to eliminate those that are no longer necessary or good. Furthermore, Mr. Waters was known to end such traditions even when band members disagreed with him, so this should not be taken as an implication that he bowed to the input of the band.
 - *“whether it occurred in May”* – Multiple accounts indicate that Mr. Waters addressed canceling Midnight Ramp

⁶ Drew Thompson (2004-08), quoted in interview on ABC 6, July 25, 2014.

⁷ Ben Thornton (2006-10).

⁸ Clay Finken (2008-11).

⁹ Tyler Studebaker (2008-12).

before he learned of the investigation. In fact Jonathan Waters allowed the leadership to come to an agreement themselves to cancel the MR. It is untrue that he only considered canceling the MR after he knew of the investigation. Several years prior it was determined, after speaking with the student leadership, that the event would be simply driven “underground”. Instead, Mr. Waters modified the tradition in order to allow it to continue in a more safe and acceptable manner. The timing of the event was changed, the drinking was banned, and it was made clear to all band members that this was not a sanctioned or mandatory event. Staff members attended for student safety.¹⁰ We are at a loss to understand continuing criticism in the IR.

- Nicknames – Few of the students named were contacted by the IR proponents. The fact that the investigators and authors of the IR referred to the *Urban Dictionary* rather than to investigate what actually occurred and was meant by nicknames is equally astounding. Many of these names were the preferred names of these individuals, both in and out of band. Some of these individuals had their nicknames included in their social media profiles.¹¹ Recent Alumni state that offensive nicknames were banned after 2011.¹²

○ “...in 2013, all three new members of one row...” – One row is not representative of the whole band. Alumni who hosted a row dinner in 2013 were told by band members that they had not given offensive names, because Mr. Waters had made it clear that would not be allowed.¹³

- “*Boob Job*” – This name was given in 2008, before Mr. Waters was director.¹⁴
- “*Donk*” – This name was given in 2009, before Mr. Waters was director. Moreover, this individual was interviewed but was not asked about how she feels about her name or the circumstances surrounding the giving of names in her row. Her parents posed with her in “Donk” t shirts when she dotted the i. Her public statement is attached.¹⁵
- “*ERV*” – This name was given in 2007, before Jon Waters was director, and is therefore irrelevant to this report.¹⁶
- “*Gina*” – This name was given in 2007, before Jon Waters was director, and is therefore irrelevant to this report.¹⁷
- “*Jewoobs*” (sic) – insufficient investigation. The name is not even spelled correctly, nor was this student interviewed. Moreover, this name was given in 2009, before Waters was Director. Her public statement is attached¹⁸, which indicates that she embraced her name and did not feel offended until it was published (incorrectly) in this report without her consent.
- “*Mushroom Stamp*” – given in 2009, also predating Mr. Waters.¹⁹
- “*Squirt*” – This name was given in 2004, long before Mr. Waters was director, and is therefore irrelevant to the IR. She has indicated²⁰ that she is very upset to have been included in the IR, especially regarding her trick. (See “Tricks” section.)

¹⁰ Clay Finken (2008-11).

¹¹ Jeanette Town (2009-2011)

¹² Robert Drese (2010-13).

¹³ Lindsey Danhoff (2006-10).

¹⁴ Holly Lewis (2005-08).

¹⁵ Jocelyn Smallwood (2008-12). Attachment 7, Item 68

¹⁶ Holly Lewis (2005-08).

¹⁷ Chris Shaffner (2005-08).

¹⁸ Attachment 7, Item 13

¹⁹ Joe Plattenburg (2009-13).

²⁰ Jennifer Mitchell (2002-06).

- “*Sugar Bush*” – This is the name of a dog kennel known to a row member and was not intended to be sexual, but simply fun to say. The rookie with this name, a male, was often called “Shugga” or “Shug”. Moreover, this name was given in 2011, also before Mr. Waters was director.²¹
- “*Tits McGee*” – This nickname was given in 2007, before Waters was the director. In fact it is a name from the movie *Anchorman*, and is used to mock old-school sexism through satire. Its use was not sexual. A full and complete IR would have revealed this fact.
- “*Tulsa*” – This name was given in 2010, before Jon Waters was director.²²
- “*Tiggles*” – This name was given in 2007, again predating Mr. Waters’ directorship. Like “Jewoobs” (sic), this student wrote an eloquent statement indicating that she did not feel offended by this name, that it was her preferred name, and that she is upset that it was included in the report without her consent. Her public statement is attached.²³
- “...*nicknames were used by Waters*” – Some members preferred to be called by their nicknames. Again, some band members and alumni have these names on their social media profiles and are known by them to friends outside the band community. Sometimes, Mr. Waters might call these certain people their preferred name, and it was a sign of respect for their wishes. However, many alumni recall him using given names almost exclusively.²⁴ The fact that Waters used appropriate nicknames preferred by students is of no probative value on the

question of whether he tolerated sexual nicknames, which he did not.

- “...*sometimes when he was upset*” – Unsubstantiated: Did he use the name because he was upset, or because he always called that person by their nickname (which may have been personally preferred per the previous point)? Moreover, “Tiggles” states that she does NOT remember her nickname EVER being used by Mr. Waters, especially in anger.²⁵
- “...*Waters sought to discover assigned nicknames*” – This demonstrates that he was taking steps to combat this practice. Mr. Waters would seek these nicknames in order to police the nicknames. For instance, the recent offensive nicknames were met with disciplinary action by Mr. Waters in 2012 and 2013.²⁶
- “...*the practice did not change*” – Completely unsubstantiated. While the practice perhaps could never be wholly eliminated, offensive nicknames were rare and the ones that could be considered “questionable” were far less offensive than in years past. It was reported to alumni in 2013 that band members had stopped giving offensive nicknames because Mr. Waters had told them that they were no longer allowed to do so.²⁷
- “...*Waters responded that 50 percent...*” Jonathan Waters was ambushed in his second interview, with no counsel and no knowledge of the allegations against him. To argue that his off the cuff guess about the context of nicknames was accurate, as a finding in the IR, is not defensible. Nicknames extend over decades and each one was welcomed by the bearer who allowed those to be included in a

²¹ Jocelyn Smallwood (2008-12).

²² Chris Shaffner (2005-08).

²³ Attachment 7, Item 73

²⁴ Jeanette Town (2009-11).

²⁵ Jeanette Town (2009-11).

²⁶ Robert Brese & Tyler Studebaker (spanning 2008-13).

²⁷ Lindsey Danhoff (2006-10).

directory. The actual percentage is far lower.

- Tricks

- “*A female student sitting on laps...*” – First of all, this “trick” occurred in 2004, long before Waters was Director. This “make the Band night” incident occurred in 2006. **It is typical of the salacious details included in the IR without appropriate context or time reference.** At that time, the candidates sat together in the band room for an extended time, often over an hour, while the band staff was finalizing the band roster. During this time the band candidates were unsupervised by any staff or squad leaders. After this incident, band staff including Waters made specific changes to this night to ensure that such incidents would not happen in the future. For example, the schedule of the night was altered so that students report to the stadium at a later time in the evening. As a result there would no longer be such a long unsupervised wait time where these incidents could occur.²⁸ Moreover, this student has indicated in private conversations²⁹ that she is extremely upset that this was included in the report, as many family members, friends, and colleagues outside the band know her nickname, but did not know her trick. Now, a trick that seemed silly and funny (which she voluntarily did, and which came from her high school softball team cheer) with friends when she was much younger has been publicized for a much larger audience. She is now a professional and is incensed that people who know her nickname now know about this trick, but she is not speaking out so as not to draw more attention to it.

²⁸ Rebecca Thompson & Holly Lewis (spanning 2005-10).

²⁹ Jennifer Mitchell (2002-06).

- “*A female student thumping the ground...*” – This occurred in 2008, before Mr. Waters was director.³⁰

- “*Two females rubbing their chests together.*” – False. This was not their trick.³¹

- “*A male student scooting...*” – This was a reference to a South Park TV show episode where this occurred, a show enjoyed by many college students and adults.

- “*A female student pretending to be a vibrating sex toy.*” – False. This was not her trick. Her actual trick was to sing an inoffensive song.³²

- “*Some witnesses stated that non-offensive tricks were occasionally performed in front of staff.*” – Staff, according to the IR, only saw non-offensive tricks. How were they to be responsible for offensive ones?

- First Year Member Introductions – These typically did not include any offensive material. The goal was for the bus members to get to know the new members. Squad leaders stood with the new members to make sure they were not harassed or made uncomfortable. Jonathan Waters banned these introductions in 2012 and 2013.³³

- “*...remove articles of clothing*” – Full uniforms were worn during these introductions. Members might unhook decorative cross belts or remove berets, but the new member would still be fully dressed in his/her (now slightly disheveled) uniform.³⁴

- “*...asking the squad leaders if they still needed to do them.*” – Squad Leaders from

³⁰ Chris Shaffner (2005-08).

³¹ Jeanette Town (2009-11).

³² Chris Wiet (2008-12).

³³ Robert Brese, Chris Wiet, & Jackie Schilling (spanning 2008-13).

³⁴ Jennifer Mitchell & Chris Wiet (spanning 2002-12).

this time assert that nearly all were in opposition to eliminating introductions, indicating how difficult such changes are. Even with this sentiment, buses were forced by bus chaperones to stop introductions in 2012, under orders from Waters.³⁵

- First Year Member Midterms and Physical Challenges – These are NOT widespread practices, and were not nearly as extreme as those described in the report. Not all rows even had midterms, and many midterms were mild documents focused on band/OSU history and silly entertainment, such as writing a story or telling a joke.³⁶ As such, it would have been extremely difficult for even the most vigilant of bus chaperones to tell the difference between band members filling out a midterm and band members working on their homework. Furthermore, several alumni recall being allowed to skip midterm questions with which they were uncomfortable, with no negative repercussions.³⁷ A number of alumni recall, as first year members, being specifically told by older band members and band staff that they were not to do anything that made them uncomfortable.³⁸ In fact, alumni recall specific efforts to ensure that first-year members understood the light-hearted, voluntary nature of these midterms. **These midterms were specifically banned in 2012 when Mr. Waters became director**³⁹.

- “used in 2011” (Exhibit A) – This was before Mr. Waters was director. Moreover, this particular midterm did not occur on his bus, so it would have been the responsibility of the staff member on the ERS bus in 2011 to deal with it. Again,

³⁵ Chris Wiet, & Jackie Schilling (spanning 2008-13).

³⁶ Jason Stroud, Jennifer Mitchell, & Jon Picking (spanning 2001-08).

³⁷ Jennifer Mitchell, Holly Lewis, & Jackie Schilling (spanning 2002-13).

³⁸ Jason Stroud, Jennifer Mitchell, & Allen Sun (spanning 2001-12).

³⁹ Tyler Studebaker (2008-12).

this midterm is an extreme case and is not a reflection of widespread band actions.

- “The witness also stated that one physical challenge...” – Again, this is an extreme example that is not representative of the conduct of the entire band. Moreover, on what bus did this occur? If not on the director’s bus, another staff member would have been responsible for noticing and dealing with this.
- Trip Tic – A completely unsanctioned document produced by a few students and specifically hidden from staff because it was prohibited. Once Mr. Waters became Director, he put a total stop to the practice.⁴⁰
 - “...a ‘Marry, F*ck, Kill’ list” - Common game played among college students, not exclusive to the Marching Band. Also known to occur on radio shows hosted by many “shock jock” personalities.
 - “... members would typically give a copy to Waters.” – Unsubstantiated. Several recent alumni of this row assert that Mr. Waters was not given a copy, and alumni of various rows recall students attempting to make sure he did not get a copy⁴¹ because they knew he had been trying to prohibit it, even before he was director. At least one article in a “trip tic” bashed Waters for trying to restrict student behavior, demonstrating how vocal he was about putting an end to this and other behaviors.⁴²
- “...Waters explained that he found the October 2012 issue... Trip Tic has apparently stopped.” – A clear example of how this document was prohibited and how students were punished for disobeying. If it was stopped, why is it in the IR?

⁴⁰ Robert Brese & Chris Wiet (spanning 2008-13).

⁴¹ Robert Brese, Joe Plattenburg, Chris Wiet, & Squad Leader statement from Mike Johnson (spanning 2008-13).

⁴² Chris Wiet (2008-12).

- Songbook – All offensive songs were completely banned by 2013, but many students were reprimanded for singing them much earlier. Very few band members owned or even saw a copy of this book throughout their years in band. During a few seasons, some band members attempted to secretly distribute the book because they knew it was prohibited by band staff, even long before Waters was Director.⁴³ Most of the songs in the book were written decades ago and were rarely or never sung. Singing was usually limited to the Big Ten fight songs and a few select other songs. Many buses also sang regular, non-offensive show tunes and other songs. Alumni recall Waters being extremely vocal about prohibiting all offensive songs throughout his many years and varied positions as a staff member.⁴⁴

- Exhibit B, “*written in 2006*” – Published, not written. As noted above, the vast majority of these songs were written decades ago, and many are not exclusive to the OSU Marching Band. A quick search for some songs will turn up results completely unrelated to the band. For some students, the songbook was nothing more than an object of curiosity; a link with the band’s past. Moreover, some band members from 2006 did not even know a book had been published that year, demonstrating the secrecy surrounding these books.⁴⁵

- “*Recalling that women... were subjected...*” – This implies the women were not supportive of the practice. Women were often the ones most vocal in support of continuing the singing of these songs.⁴⁶

- “*...he addressed students singing inappropriate songs*” – Alumni recall

innumerable incidences of Waters and other band staff asking students to stop singing songs and even punishing them for it, long before Waters was Director as well as during his era. Before the 2006 season, squad leader candidates were asked in squad leader interviews about their attitude toward the songs and pressed to discourage their rows from singing them.⁴⁷ In the years before Mr. Waters became director, singing them on buses was strictly forbidden but some students still tried to continue the practice. When he became director, the practice was almost entirely stopped during official band time (trips, buses, rehearsals, etc.) and songs were sung at unofficial gatherings such as parties.⁴⁸ Thus, it is clear that this problem was difficult to eradicate, yet Waters and the band staff were continuing to crack down on it.

- Other Alleged Misconduct on Buses – As far back as at least 2006, the OSUMB Policies and Procedures manual explicitly states that students can be disciplined for “offensive language, hazing, or any activity creating an unsafe or socially uncomfortable environment” while traveling.⁴⁹ As early as 2004, band staff asked squad leader candidates in interviews specifically about ‘bus behavior’ and how they would work to improve it. This was a point of emphasis by the band leadership, including Mr. Waters, for several years.⁵⁰

- “*students brought a box of pornography*” – Unsubstantiated. Moreover, pornography is legal among adults. If staff did not know, how could they act?

- “*flying 69 formation*” – This behavior was very rare within the recent band. Old stories of it floated around, but several

⁴³ Jeanette Town (2009-11).

⁴⁴ All recent alumni who contributed (spanning 2001-13).

⁴⁵ Jennifer Mitchell & Holly Lewis (spanning 2002-08).

⁴⁶ Chris Wiet (2008-12).

⁴⁷ Jennifer Mitchell (2002-06).

⁴⁸ Robert Brese & Chris Wiet (spanning 2008-13).

⁴⁹ Attachment #8

⁵⁰ Jason Stroud & Jennifer Mitchell (spanning 2001-06).

recent alumni rarely, if ever, recall seeing such an act in their years.⁵¹ Thus, this 2013 incident (on only 1 out of 7 buses) was extremely atypical, not indicative of usual bus behavior in the recent band. It was a practice falling out of favor as early as 1971. Furthermore, alumni assert that this “formation” was nothing more than a physical test of strength rather than an imitation of a sexual act.

- “...*drunk*...” band members, etc. – the credibility of this witness, who served with the band for over 15 years without a complaint, has been called into question including with respect to the challenged claim that sick, exhausted, and dehydrated band members were “drunk” on the California trip in 2013.⁵² Ironically the individual remained on band staff as a volunteer for 18 years. She chose to voice her objections recently.
- “*roller bus*” -- This practice was explicitly outlawed on buses as soon as Mr. Waters became director. Some students attempted when non-band staff were chaperones. In 2013, band members were threatened with removal from the band if they participated.⁵³ Moreover, this game is not at all sexual and has nothing to do with the accusations in the IR.

- Changing Clothes on Buses: “*Changing on the bus*” usually involved going from full uniform to blazer uniform or grays. Typically, one would be wearing an undershirt under your uniform shirt as well as dark shorts under your uniform pants as to cover seam splits. Therefore, there was no nudity present by either male or female members at any time during this process. In most cases, changing was completely optional, as band members were welcome to come fully dressed in their

uniforms or wear them home, but many chose to change for comfort. This is a common practice in many bands and sports organizations, including in high school.

- “*One witness stated that she complained...*” – Unsubstantiated. ONE witness said that she didn't want to change in front of people. The logical conclusion could be that she could have changed in the restroom if she wanted to change at all, not that the environment was one of sexual harassment.
- General “Culture” Statements –
 - “...*during his first year in the Marching Band (circa 2007), an upperclassman shared a story...*” – Complete hearsay and completely aside. There is no context. Band staff would have had no control over the activity. 2007 was long before Mr. Waters became director. One hearsay story allegedly told to one band member is not indicative of a culture, even though footnote 6 of the Investigation Report claims such to be the case. The logical conclusion is that the alleged upperclassman was simply a very rude person.
 - “... *cited alcohol consumption at away football games...*” – Another instance of something that was fairly prevalent before Waters became the director. As assistant director, he tried very hard to tone down this practice. When he became director, it was clearly stated that alcohol consumption of ANY KIND on the bus, in the hotel, or anywhere while on any band trip would result in severe penalty, including outright expulsion from the band.⁵⁴ Countless examples of such suspensions and other punishments can be provided by many recent alumni. Moreover, as noted previously, the accusations from a former volunteer that

⁵¹ Jennifer Mitchell, Ben Thorton, & Jackie Schilling (spanning 2002-13).

⁵² Jackie Schilling (2009-13).

⁵³ Robert Brese (2010-13).

⁵⁴ Chris Wiet (2008-12).

band members were drunk on the 2013 California trip were actually inaccurate comments about students who were genuinely sick and/or dehydrated.⁵⁵

- "... *Hoch said that no one has worked harder to address the culture than Waters.*" – Although this is the truth, it appears to have no bearing on the outcome of the investigation.
- "... *the term 'rookie' is a pejorative*" – While this may have been true at one time and with certain members, this term is also widely used as a term of affection between older members who mentored younger members.⁵⁶ Nonetheless Waters banned the term.
- "... *He noted that former Title IX Coordinator...*" – This was just one of a variety of speakers who were brought in by Mr. Waters to talk to the band in 2013 about alcohol, harassment, and other issues.⁵⁷ Moreover, Mr. Waters started Squad Leader retreats and training sessions specifically designed to help student leaders improve the culture of the band.⁵⁸
- "... *as a result of a sexual assault*" / footnote 7 – Both of these reports were handled officially by Mr. Waters by going to his superior. Waters should have had help from University officials to deal with these situations correctly. Staff, such as Mr. Waters, had the responsibility to report such incidents in order for there to be further handling by the University officials. The second incident involved the Athletic Band, and had no relationship to any "culture" in the marching band. (See

Attachment #10, Lantern Goldblum articles)

• "Analysis" in the IR

- "... *affected many students' music education...*" – The few students (9?) of thousands that were involved over the at least 8 years of incidents mentioned in the report is negligible. Moreover, there are no reports of complaints whatsoever, and no "victims" identified.
- "... *The misconduct described is highly sexual, frequent...*" – It was not frequent. The lack of years in the IR make it sound much more frequent than it actually was. Also, some events (such as Midnight Ramp and the flying 69) have been described or implied to be more sexual than in truth.
- "... *Some of this misconduct was directly witnessed and permitted...*" – Multiple accounts indicate that whenever questionable behavior occurred, the behavior was immediately stopped. Throughout the years referenced in the report, students often faced game suspensions and other consequences (such as being made an alternate) as a result of misconduct. For example, a student who used a homophobic slur in 2012 or 2013 was suspended for an entire week.⁵⁹ (A multitude of recent alumni verify.) Mr. Waters was also known to hold discussion sessions with involved individuals whenever a concern was brought to his attention.⁶⁰ Moreover, each year early in the band season (before the first football game) an entire rehearsal period was dedicated to a line-by-line review of the band's policies and procedures.⁶¹ These policies were given, in writing, to each

⁵⁵ Jackie Schilling (2009-13).

⁵⁶ Jennifer Mitchell (2002-06).

⁵⁷ Robert Brese (2010-13).

⁵⁸ Robert Brese (2010-13) and Attachment # 9, Squad Leaders Public Report

⁵⁹ Tyler Studebaker (2008-12).

⁶⁰ Tyler Studebaker (2008-12).

⁶¹ Jason Stroud (2001-05), can be confirmed by all recent alumni who contributed.

band member. The leadership of the band (including Mr. Waters throughout his varied staff roles over the years) reviewed these policies in detail. Included in this document were policies regarding hazing, harassment, and alcohol consumption, among other things.⁶²

- “... *impressionable and developing...*” – While college students are still learning and growing the vast majority are legal adults who can vote and serve in the military, and many are also allowed to drink alcohol. In the rare case of a 17-year-old making the band in 2009, Waters (even though he was merely Assistant Director) specifically pulled that student aside immediately after the band was announced, stating that a permission form signed by that student’s parents was required. Moreover, he told the student to speak with him at any time if he ever felt uncomfortable or pressured in any way.⁶³
- “... *Much of the misconduct occurred during official Marching Band activities...*” – Not true. Most alleged activities took place at parties or other student-initiated social gatherings at unsupervised locations. The only activities identified as having occurred during band time were **bus activities**, and, as noted earlier, many recent alumni confirm that Mr. Waters and the band staff had changed bus behavior.

⁶² Attachment # 8, Policy and Procedure excerpts

⁶³ Allen Sun (2009-12).

FINDINGS REGARDING RESPONSE TO CULTURE

- “... *did not take adequate measures to address it...*” – We have noted a multitude of measures, and this is far from an exhaustive list. “Adequacy” was clear, albeit subjective. A full sample and complete interviews would have demonstrated that adequacy.
- Relevant Requirements -- Susan Lipkins Ph.D. said on WOSU with Ann Fisher that cultural change takes “**decades**”.⁶⁴ As described in this document and in numerous public statements from recent alumni, Mr. Waters enforced consequences for misbehavior and took specific actions to ban behaviors that had been prevalent before he was Director, while also working to achieve buy-in from band members so they would want to truly change their behavior instead of taking it underground. Mr. Waters removed offenders from the band when it was serious, and took the actions necessary to address the culture at its root. These actions are both immediate and as effective as possible given the circumstances. More extreme action would only have superficially addressed the problem without addressing its cause. Furthermore, there have been multiple accounts that state this investigation and subsequent public statement have resulted in more feelings of sexualization or harassment than are even documented in the report. In other words, this has done more harm than good. (See Section X below, “Impact...”)
- Analysis – Please refer to our evidence of responses and inaccuracies, in addition to the following:
 - “*Waters knew about Midnight Ramp...*” – A hostile environment is one that is malicious. The midnight ramp tradition was a “welcoming” celebration event. As noted in our discussion of that section, members were not forced to attend or to wear their underwear. The existence of this tradition alone is not grounds for a claim of Waters being aware of “extensive sexual harassment”. Moreover, his presence was instituted for safety after an alcohol poisoning incident in 2009.⁶⁵
 - “... *Waters provided a copy of the TBDBITL Alumni Directory...*” – This would contain up to four thousand people... what percentage of these are actually from Mr. Waters’ era as director? What percentage of those with nicknames from Mr. Waters’ era are actually offensive? All nicknames in the directory were approved and supplied by the individual involved, and were subject to self-editing.
 - “... *Waters stated that he... could not see how the students could have had time to drink given the busy schedule.*” – Mr. Waters specifically prepared trip itineraries to minimize student misbehaviors. A 2006 squad leader recalls discussing with Mr. Waters such a trip schedule during a squad leader meeting. Some band members wanted to go back to the hotel earlier, or at least have an early bus for people who wanted to be well-rested for game day, as the band had done on past trips. Mr. Waters refused, stating that he was worried people would get into trouble at the hotel if given the chance to go back earlier.⁶⁶
 - “... *Waters stated that the best initiation of change comes from student leaders.*” – A full investigation should have included interviews with several Squad Leaders. Their recently released document demonstrates his various efforts to enact

⁶⁴ wosu.org, podcast/Ann Fisher (July 25, 2014).

⁶⁵ See earlier footnotes about this topic in the “Midnight Ramp” section.

⁶⁶ Jennifer Mitchell (2002-06).

such change in a manner that would cause them to buy in.⁶⁷

- “... *On July 14, Waters provided a document...*” – That document, quoted in Section IX below, was not released by the university or summarized in the IR.
- “... *wants to be a cool guy in the band*” – Mr. Waters attempted to build relationships with students, but countless alumni recall him also enforcing rules, to the point that he was often ridiculed and derided. Band members often called him the “fun police” for his strong stance to combat poor behavior and enforce rules⁶⁸, including the many incidences identified herein.
- “... *report sexual harassment within five working days*” – There is no evidence of sexual harassment complaints going unreported by staff. In fact, Mr. Waters increased office hours to nearly every day before band, and emphasized an open door policy for any issues somebody might have.⁶⁹
- “... *Intending to eliminate sexual harassment over a period of years...*” – Mr. Waters undertook numerous specific actions as he also gained the trust and acceptance of the band. Draconian enforcement of an immediate zero-tolerance policy would have been met with resentment, rebellion, and secretive activities. Problems would have been driven underground. In fact, the many reforms Mr. Waters instituted were already met with such responses by some band members.⁷⁰

⁶⁷ Attachment # 9

⁶⁸ Attachment # 9

⁶⁹ Robert Brese (2010-13).

⁷⁰ All recent alumni who contributed confirm.

ADDITIONAL FACTORS – Relevance to the Title IX investigation or the allegations of a “*sexualized culture*” is lacking:

- “... *The witness had been previously suspended... he had a history of attitude problems.*” – An isolated “set up” incident was covertly recorded by a repeatedly-disciplined student leader. Mr. Waters’ frustration was understandable. At the time of the recording, the student had repeatedly defied Mr. Waters’ instructions after already being disciplined repeatedly for violating the band’s Policies and Procedures.⁷¹
- “*cursed at her...*” – This witness has come forward with a public statement detailing how Mr. Waters was under stress at the time and did not curse at her. Moreover, she states that **all positive information she shared about Mr. Waters was omitted from the IR**, and that the incident described was of such little importance that she **still felt comfortable** approaching Mr. Waters with concerns after it had occurred.⁷² Why was this ignored in IR?
- The IR rests upon the implication that female band members felt victimized, that they had a consistent point of view, and that band *culture* was uniquely offensive to them, all with no evidence, corroboration, or consistency. Female band members have advised us that they feel insulted by being treated by a broad brush as a group.
- The two instances described are two isolated brief moments which are not indicative of Mr. Waters’ overwhelmingly positive character, according to band members and recent alumni. Recent alumni recall Waters as caring, compassionate, and encouraging. He supported students through family illnesses and deaths, responded compassionately to tragedies in other college bands, and took the time to get to know students individually. He also created community service programs to teach band members to give back to the community.⁷³

⁷¹ Tyler Provo (2008-11).

⁷² Publicly released letter from alumna Rebecca Demattia (2006-10).

⁷³ Countless examples can be furnished by many recent alumni and community members. See Section XII.

V. TITLE IX AND THE OHIO STATE UNIVERSITY MARCHING BAND

The purpose of Title IX is to prohibit discrimination within the University on the basis of sex in all educational programs and activities, including pre-empting any intimidating, hostile, or offensive environment on campus.

The Ohio State University Title IX policy indicates that "each situation must be considered in context to determine if sexual harassment has occurred," ... furthermore, "conduct may be inappropriate, unprofessional, offensive, or hurtful, yet not be harassment under this policy." Very subjective, fact sensitive determinations are involved.

Title IX is particularly relevant to the history of The Ohio State University Marching Band. In 1973, after adoption of the Act, the marching band under the leadership of Dr. Paul Droste, charged forward without hesitation or apology to its past members, in admitting women to try-outs for the Band. Title IX was embraced, unlike in many other organizations. Women who joined the band since 1973 have spoken out. As an organization it has a 40-year history of developing unique relationships within the Ohio State University Marching Band, as it involves men and women, which are valued and supported. (See Attachment #11, *Script Ohio* Summary of 1973 events).

In 2010, the ground-breaking Diversity Program of the Band Alumni was awarded funding and recognition by the OSUAA. (Attachment # 12, Application containing full program description) Funding was used to create and distribute a recruiting brochure. TBDBITL Alumni Club, Inc. President, Jeff Jordan, and Diversity Outreach Committee Chair, Gary J. Leppla, were invited to make a presentation on "Diversity Best Practices" to all University alumni groups on October 8, 2010. All elements of the OSUMB family take diversity very seriously.

Notwithstanding anecdotal evidence of acts of inappropriate conduct, the overwhelming majority of members and all leaders of the organization have taken steps to create a safe, non-hostile, non-discriminatory environment. Selective, incomplete stories from a minimum of band members, with no adequate corroboration, in a report written offensively, do not change that commitment or tradition. That commitment is reflected in training and leadership and particularly in programs implemented in advance by Mr. Waters. Those included the very detailed discussion of in-house and external training and monitoring of squad leaders and band in general on issues of sexual harassment, alcohol abuse, leadership, duties to report, etc.

In the absence of specific guidelines, benchmarks, or mandates from the University or his superiors (including claimed interference by the University's chief compliance officer, see Attachment #10), Jonathan Waters took it upon himself to be the initiator and leader for a quality band culture. He sought out the programs and speakers and retreats for the band. Alumni, including John Gray, for example, have pitched in to provide financial support. Squad leaders of the marching band attended conferences at Aileron near Huber Heights which includes examination of relationships, sexual harassment, leadership and non-discrimination. The details are contained in the 2012-2013 Squad Leaders Report, August 26, 2014. (See Attachment #9)

The student squad leaders who served in the 2012-13 OSUMB under Mr. Waters expressed their view that Waters caused social and interpersonal development in the band through specific programs. They commented that his initiatives were "well-received and effective". The student leaders, some of whom are still members of the OSUMB, asserted that hazing of

any kind was not tolerated. Sexual harassment of any kind was not tolerated. Given the 50 to 1 staff to student ratio in this activity, squad leaders occupied a key role in advancing the agenda of Waters and the staff. Their report contains painstaking and intimate details gathered by the group in their effort to reveal the truth, i.e., "No one knows the truth better than we do as a group." (Squad Leader Report, Attachment # 9.)

Their report includes specific examples of how issues were dealt with by the director and his staff. Their production of their report, accomplished on their own initiative and provided to this Committee, was a product of a difficult, emotional and time-consuming process. As noted, Waters informed the band that he intended to immediately and directly "impact the existing culture" of the band. Band members agreed that it was a change "for the better". As one squad leader reported:

"It was an exciting movement to be a part of, especially with the increased publicity of the video-game show and others, but also to see the organization that I love start to shed the parts that needed to be retired. None of this would have been possible without Jon Waters. Jon was the principal agent of change within the organization, and his methods were efficient and effective. My experiences echo what I have heard countless fellow students say."

Another noted that Waters' "decorum behind closed doors was professional and even keeled. Even under highly stressful situations (and I was

a firsthand witness to several) Jon did not resort to foul language or raising his voice. It was rare, and noteworthy, for a 'damn' to slip out during rehearsal".

Alcohol was totally banned: "Members caught drinking were automatically removed from their field position". The 2012 Midnight Ramp, supervised by many including police and school of music faculty, was "a positive event". Subsequently it was totally banned as unnecessary, being replaced by other activities. Anyone with an old "songbook" was to be suspended from the band by Waters. In five years there were practically no efforts to try "roller bus" or suspension from the luggage rack, which both had effectively become simply a vestige of the past and a joke.

Attachments provided by the Squad Leaders included a detailed Policies and Procedures manual, which apparently the *Glaros* Report investigators did not realize existed. It included several pages concerning "trip policies", a total ban on "hazing" and "initiations", detailed guidelines for "social behavior", etc. Also attached was the 2012 manual of Squad Leader Responsibilities, including mandates to enforce all Policies and Procedures specifically including anti-hazing and to **report** all misconduct. Two years of Squad Leader retreat itineraries were included, as well as detailed references to Aileron training sessions, specifically including Title IX-related issues.

VI. PROCESS OF GLAROS REPORT, INCLUDING DESCRIPTION OF EVENTS AND INVESTIGATORS, METHODOLOGY

Based upon public records, and the few items that have been released by the University concerning their IR, some matters and participants can be identified. It appears that investigator Jessica Tobias, who has been employed by The Ohio State University for approximately eight months as a recently admitted attorney at law, undertook two interviews with Jonathan Waters beginning in June, 2014. The Ohio State University Office of Compliance and Integrity website identifies her as a "Compliance Investigator."

The subject Title IX complaint which led to these events was made approximately May 23, 2014. Christopher Glaros contacted Jonathan Waters during the last week of May, 2014 by call to the Steinbrenner Band Center stating that a Title IX complaint had been filed against Waters "and other members of the Band" which would require an interview with him. Jessica Tobias called to set up the interview.

That complaint purportedly was made to criticize the handling by Waters of the report of an incident between two students which had occurred in October, 2013. The claim was that Waters retaliated against the female student who had been involved in the October, 2013 incident. In fact the student had also reported the issue to her own squad leaders in a demonstration of effective trust and reporting mechanisms within the Band. **Most significantly, twice Jonathan Waters was commended by the University's Vice-president of Student Affairs for his handling of the October report and his follow-through.**

The first interview, according to Jonathan Waters, concerned allegations involving a prior harassment complaint and the handling of that complaint by Jonathan Waters. At the conclusion of that first interview, Ms. Tobias informed Jonathan Waters that she would not need to talk to him anymore "and this will be wrapped up." (Ultimately, indeed, he was

advised that there was no basis for complaints against him based upon the original Title IX complaint which had been submitted allegedly by the mother of a former marching band and athletic band student). Jonathan Waters reports that near the end of the first interview by Ms. Tobias, there was a very brief discussion of issues which Mr. Waters would describe as "band culture", in a passing fashion with no attention to specific detail and no suggestion, indication or acknowledgment that the matter was a source of concern or a topic of actual investigation. Why not dismiss the Title IX complaint effective and do a thorough investigation of "band culture" if that was an honest goal?

Subsequently, Jessica Tobias re-contacted the OSUMB Director for a second interview. Jonathan Waters proceeded to that second interview with Jessica Tobias on July 1st, 2014. Upon arrival, Mr. Waters specifically asked Jessica Tobias, an attorney herself, if it would be wise for him to have an attorney, to which she replied, that although she could not advise him, an attorney would not be helpful to him because his attorney would not be permitted to speak and that Mr. Waters would nonetheless be required to answer all questions.

On the occasion of the second interview, the tone was decidedly different as Jessica Tobias, accompanied by an individual taking notes, cross-examined Jonathan Waters for over three hours on issues concerning band activities, traditions, activities in a co-ed groups, alcohol use, bus trips, off campus activities, and a wide array and variety of other matters, some of which was contained in the final *Glaros* Report.

Subsequent to the second interview Jonathan Waters contacted the Ohio State University Legal Office (which had provided all necessary assistance to him on any issue associated with his employment and service to The Ohio State University in the past) to inquire as to whether

he was entitled to University legal assistance in this matter. Alexandra Schimmer of the OSU Legal Office tersely advised him that he would have to get an outside attorney on his own according to Mr. Waters. For the first time, in the Schimmer conversation, Waters was told that there was a second investigation into the broad band culture, which had grown out of the first inconsequential Title IX complaint. Schimmer told Waters that the second investigation, for which Waters had already been interviewed without notice of any allegations, was "much broader".

Jonathan Waters is the source of the cited information concerning his interviews. His repeated comments have been entirely consistent in interviews and in public statements.

Other investigators apparently assisted in interviewing witnesses and preparing a report but their identities have not been connected to individual witnesses. That process is unknown to us insofar as the University has declined to share information with us or allow their investigators to meet with us.

The apparent author of the IR, Christopher Glaros, is an attorney employee of the Ohio State Office of University Compliance and Integrity ("Compliance and Integrity"). His university biography indicates he has held various positions in government after a period of time in private practice for several months. His official title is *Assistant Vice President of Compliance Operations and Investigations for the Office of University Compliance and Integrity*. He clerked for an OSU trustee. The report issued by Christopher Glaros consisted of his apparent analysis of facts obtained by investigators, although his actual process is unknown to us insofar as he was not made available to our investigators. It appears that he had no contact with Jonathan Waters, that he authored the investigative report, and that the document is his work product. That work product was apparently submitted to various

individuals including University Provost Joseph Steinmetz (former Dean of the University's College of Arts & Sciences) who engaged in discussions with Jonathan Waters concerning the results of that investigation.

What we now know, particularly given the release of the US Department of Education (USDE) "resolution" agreement, is that the Office of University Compliance and Integrity, Title IX office which was at the center of the investigation by the USDE for its inadequate process actually conducted the "investigation" of the marching band and Waters. The resulting grossly critical report which it issued, based upon grossly incomplete evidence, appears to have resulted in some form of prospective exoneration for itself and the University. The USDE "applauded" the University for its efforts involving the marching band, accepting the one sided report as accurate, and confirming compliance problems (which the University in public statements had persisted in claiming did not exist):

Through this compliance review, OCR determined that **the university is in violation of Title IX** because its **written policies and procedures** for responding to complaints, reports and other incidents of sexual violence and harassment **do not comply with the law's requirements**. During the course of OCR's compliance review, the university conducted a comprehensive investigation of alleged sexual harassment within its marching band and found that there was a sexually hostile environment for students in the marching band and that the band director failed to adequately eliminate that harassment, prevent its recurrence, and address its effects. Under established OCR policy, a sexually hostile environment violates Title IX. OCR incorporates in the resolution agreement the university's own corrective action steps for the marching band as

requirements. *USDE, Press Release*, September 11, 2014.

More ironically, Jonathan Waters was investigated ostensibly for not following proper Title IX procedures with respect to *Band Culture* where the University itself had inadequate enforcement guidelines.

On July 14, 2014, Dr. Joseph Steinmetz (accompanied by A.J. Douglas, the University's Human Resources representative) met with Jonathan Waters who was again unaccompanied by counsel (having had advice that he need not have counsel). Steinmetz discussed the report while refusing to show Waters a copy, indicating "you'll see this soon enough." Steinmetz indicated the IR was entirely complete. He discussed the seriousness of the situation and suggested that the marching band would go forward under Jonathan Waters' leadership with a zero tolerance policy, and with outside consultants to assist in reviewing issues and assessing band "culture" to ensure Title IX compliance within the organization. Jonathan Waters stated that he embraced that approach and that in fact he had suggested including consultants in the process the prior Fall by statements made directly to supervisors in the School of Music and the College of Arts and Sciences. Waters had provided Tobias and Steinmetz with his own listing of his efforts to shape the social and organizational focus of the marching band, as had been requested by Tobias with no deadline for submission, prior to the July 14 meeting. Steinmetz placed his hand on the report stating that it was complete and nothing more would be included.

In a subsequent meeting, at which Jonathan Waters for the first time appeared with an attorney (David F. Axelrod of Columbus), Provost Steinmetz refused any further discussion, refused the request of Mr. Axelrod to present evidence and witnesses for consideration, and gave Jonathan Waters the ultimatum that by 5:00 p.m., that very day, he had to either resign or be fired. **His attorney**

was told by Steinmetz that he would not be permitted to speak. At that time Jonathan Waters was first given the previously concealed *Glarios Report* immediately prior to the adjournment of the meeting. His building access materials and keys were also taken from him at that time.

Ironically Provost Steinmetz, as reported in an April, 2014 *Columbus Dispatch* article, communicated by email with incoming President Drake for several months before Dr. Drake arrived with the goal of "smoothing his transition without issues." *Columbus Dispatch*, "Ohio State Provost Eases Way for New President", April 25, 2014.

In the belief that the University would carefully consider its decision and engage in further discussions and share more specifics with respect to the charges and basis of those charges, Jonathan Waters reviewed the "investigation report" and through counsel engaged in further contact with the administration to clarify their position. Axelrod asked for time to review the *Glarios Report* and to prepare a response within one week. Water's attorney was again advised by OSU attorneys that Waters either had to resign or be fired that very day. Jonathan Waters refused to resign at any time and has continued to insist that the report is false and misleading and that it wrongfully smears the reputation of The Ohio State University Marching Band and its traditions and history, along with its students, alumni and fans.

Included in the analysis by this Committee is consideration of the fact that a "songbook" full of salacious and outrageous lyrics for songs allegedly sung on buses, on road trips by the Band in the past (which apparently was prepared in the 1980's and had not been seen generally by band members long before Jonathan Waters became director) was attached and publicly released creating egregious suggestions of what was described as a "sexualized" band culture. Also attached to the

IR was a *quiz* which, in past years, had been given to some band members by other band members, again dated before Waters became director. **There is no adequate explanation for the attachment and release of the "songbook" as a part of the IR other than to inflame public opinion against Waters and the OSUMB.**

The appearance and the manner in which the investigation was conducted after the first interview by Jessica Tobias, proceeding through subsequent events, suggested that the University administration had made up its mind that the Band director was going to be fired and they simply continued to build a political and public case against Jonathan Waters and The Ohio State University Marching Band and its history, culminating in the *Glaros* Report and the termination of Jonathan Waters.

The methodology of the University's Investigative Report is subject to analysis and criticism. Consultation with legal professionals, government attorneys, investigative specialists, and other commentators support the conclusion that the investigative approach impacts the accuracy of the reported "facts" and "conclusions". Those concerns include the following:

1. Sample size
2. Hearsay
3. Timing
4. Responsibility for actions of adults

There are 225 members in the Marching Band block, at least 5 members of D row (drum majors) and several student staff members. In addition there are thousands of alumni both locally and scattered throughout the world. An "investigation" and "decision" purportedly was based upon findings about the "band culture" based on interviews with a complainant's adult daughter, four other then-current members of the band and five alumni, plus various staff. In addition, we have been advised that the

"independent" witnesses were all suggested by the original complainant or her daughter. All professionals with whom we consulted held the opinion that the use of such a sample undercuts the validity of any "facts" reported and "conclusions" reached. Notwithstanding the approach, the authors of the IR reached certain conclusions regarding "band culture". No conclusions can be properly drawn from such an incomplete sample.

The *Glaros* Report contains numerous statements claiming that a witness was told something by someone else, i.e., there is repeated reliance on hearsay, most from unidentified witnesses. The hearsay relied upon in the *Glaros* Report could not be admitted as evidence in a legal proceeding, where the actual witness would have to be produced. Its value is limited and does not constitute evidence of wrongdoing.

Additionally, many of the conclusions in the *Glaros* Report rest upon undated testimony. Mr. Waters had only been the director since October 2012 yet he was held responsible for actions that have been unequivocally demonstrated to have occurred many years, if not decades, prior to October, 2012.

Many of the events cited in the report took place off campus, not at official band functions and not at times when the director, or any faculty member, could reasonably be expected to be aware of or responsible for the actions of young men and women who are over the age of 18.

The IR approach itself is flawed to such an extent that only a new investigation of the identical matters could reflect credible conclusions.

We have observed and reviewed the current version of the OSUMB. We have heard from recent graduates, current members, and past members, through interviews, and through personal knowledge of the activities of members and staff over several decades. The OSUMB is

and has always been a group of dedicated young men and women who have a reputation for acting appropriately and representing The Ohio State University in the most professional manner. Our investigation reveals repeated comments that most band members feel the safest and most comfortable with other band members. Although it would be inaccurate to conclude that none of the actions described in the *Glaros* Report ever occurred, the conclusion that the "band culture" was or is "sexualized" as portrayed in the *Glaros* Report is grossly inaccurate.

The continuing review of Title IX issues by former Ohio Attorney General Betty Montgomery, involving investigators and components chosen and appointed solely by the University administration itself, has been limited by the president of the University entirely to prospective circumstances and recommendations concerning the future "compliance" in the marching band. (Attachment #13, Letter of Appointment). Allegedly no consideration will be given in the Montgomery effort to revisiting any issues raised in the *Glaros* Report or any decisions made as a consequence of that report. Per Betty Montgomery:

"There's a misconception I think that we will retread that ground to see if the conclusion was correct. That's not our mission," said Montgomery, a former Ohio attorney general, state senator and Wood County prosecutor.

Columbus Dispatch, August 1, 2014.

Accordingly, this Committee anticipates no additional information, sharing of information, or independent analysis of any of the issues resulting in the effective indictment of the Marching Band and the firing of its director, as specifically stated by President Drake:

"[President Drake] requested that Montgomery's task force conduct an assessment of the band's culture, review

university processes and oversight, and provide counsel on Title IX compliance issues. He said he expects Montgomery to have investigation findings ready within 45 to 60 days.

... Drake said Montgomery's task force will not be asked to reopen any aspect of the initial investigation that ousted Waters." The Ohio State Lantern, August 6, 2014

Given, in particular, the issues now publicly debated regarding operation of the University's Title IX compliance program, the *Montgomery* Report results will be of particular interest, given the charge to review university process and oversight and to make recommendations regarding Title IX procedures. However, notwithstanding comments suggesting that the Montgomery investigators have repeatedly inquired of current and former band members regarding their knowledge of events in the *Glaros* Report, we have been consistently advised that the Montgomery report is not an effort to support or discredit the *Glaros* Report or the actions which resulted. Nonetheless, insofar as the investigators and authors of the Montgomery Report were entirely selected and charged by the University, its activities cannot be considered an independent examination. Indeed, there have been inquiries into the apparent bias in methodology used in a survey of members conducted by the Montgomery investigators, the interrogation techniques utilized and credibility of participants, source of funding, etc. (See NBC4i.com, Ch. 4, August 28, 2014, Content of Questionnaire, Attachment # 14) For example, the survey includes such questions seeking comments as to whether the band member had "ever" heard offensive remarks.

Reports voluntarily shared with this Committee, generally orally, from individuals who have been interviewed by the Montgomery investigators, note that at times a fair opportunity for the airing of information has

been allowed, specifically during conversations between Betty Montgomery and the interviewees. There have been occasions where a harder line of questioning involving the circumstances of the *Glaros* Report and issues raised in that report (as well as an effort to identify specific facts supporting those conclusions) have been the subject of questioning by David Vaughn⁷⁴ who apparently accompanied Betty Montgomery to many of the interviews. Witnesses have been confronted with documents, have been told they may not bring anyone along to the interviews for support, and have felt pushed or unfairly cross-examined on occasion. In short, there is no consistency in the reported investigatory techniques utilized by the varied investigators. The result is an unmistakable impression by many that some investigators are seeking damning evidence of “band culture” or “hazing” only.

Rumors, theories and outright personal attacks on individuals involved in the administration effort and the investigation, abound on the Internet. Hurt and damaged targets of the IR, together with alumni or friends, sometimes are quick to embrace theories and identify suspect relationships. As a committee, we chose to focus on what is clearly relevant, factual and established, to the best of our ability.

⁷⁴ Mr. Vaughn became involved in the Montgomery effort despite the fact that was not announced by the University as a participant. He apparently replaced the consultant originally announced by President Drake for unknown reasons.

VII. TITLE IX PERCEIVED PRESSURE

There have been concerns about policies and resources concerning Title IX enforcement at the University. We have had a difficult time identifying specific applicable policies for student organizations insofar as there were no directives given to Jonathan Waters and to the Marching Band by the University or by the superiors within the College of the Arts and Sciences. In fact, the highly regarded Title IX coordinator for the University resigned her job at the end of 2013 because of internal issues, stating in a *Lantern* article that she was “not supported, resourced, or respected in a way that enabled [her] to accomplish the goals of Title IX” about which she stated she was “passionate.” *The Ohio State Lantern*, August 27, 2014. We know that Ohio State University was on the list of investigated programs by the U.S. Department of Education, one of 55 institutions, but the University indicated in May, 2014 that the investigation was coming to an end with no complaints, notwithstanding the comments from departing Title IX coordinator Andrea Goldblum. Chief Compliance Officer Gates Garrity-Rokous so assured the Compliance and Audit Committee of the University Trustees at their 8 minute August 28, 2014 public meeting, followed by a 90-minute executive session. The Department of Education will not release any case specific facts or details concerning their investigations. Subsequent interviews with Andrea Goldblum in fact reflected her conclusions that she had been prevented from doing her job properly by Gates Garrity-Rokous, and that he had specifically interfered with her efforts to discuss issues with Jonathan Waters concerning the Marching Band. (Attachment #15, Transcript of WTVN Goldblum interview, August 27, 2014)

Was firing Jonathan Waters a way to deflect concerns regarding any Title IX problems that have existed at the University, with no opportunity or effort to allow or pursue a balanced result? **Both accuser and accused**

have equal rights, to present evidence and witnesses during the process. The US Department of Education reports in its policy guidelines, with respect to Title IX issues, that it always attempts to “obtain voluntarily compliance and negotiate remedies.” In this case, even without US Department of Education involvement with the matter still within the “family”, the full extent of the “cultural” allegations were not made known to Jonathan Waters prior to his two interviews. There were no efforts undertaken to ensure voluntary compliance, and obviously no negotiation whatsoever occurred before he was terminated. A new University president was given a now discredited report, and reacted swiftly with no investigation.

The 2001 (republished 2006) US Dept. of Education, Office of Civil Rights, guidelines mandate “adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence”.⁷⁵ The 2014 US Dept. of Education, Office of Civil Rights guidelines, issued April 29, 2014, require “in all cases” that Title IX investigations be “adequate, reliable, impartial, and prompt and include the opportunity for both parties to present witnesses and other evidence.”⁷⁶

There is no requirement of employee dismissal. *Davis v Monroe Co Bd of Educ.* 526 US 629 (1999). The obligation is upon the

⁷⁵ p. 27 of 44 at <http://www2.ed.gov/about/offices/list/ocr/docs/hguide.html>; See also the 2011 update at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

⁷⁶ p. 25 of 46 at

<http://www2.ed.gov/about/offices/list/ocr/docs/q-a-201404-title-ix.pdf>

University to take some form of corrective action. The claim that dismissal was the only alternative available to Ohio State is simply a misstatement of the law.

In the cited 2014 document, the OCR emphasizes evidentiary and procedural guidelines. (*Questions and Answers*, p. 25.) According to another guidance document, the “parties must have an **equal opportunity** to present relevant witnesses and other evidence.” Dear Colleague Letter: Sexual Violence (“*DCL Sexual Violence*”) (OCR, April 2011)⁷⁷

The 2014 *Questions and Answers* guidance document also contains recommendations of an **appeal process** that gives both the complainant and the accused party the opportunity to appeal the findings of the investigation. *Questions and Answers*, p. 37. Although the *Questions and Answers* document **recommends** a 60-calendar-day time frame for “prompt and equitable” resolution of investigations, it also clearly states that **“the OCR does not require a school to complete investigations within 60 days.”** *Id.*, pp. 31-32. The need for a longer period of time depends of course on the complexity of the investigation and the alleged severity and extent of the conduct under investigation. *Id.* This suggested 60-day timeframe obviously also does not include any appeal time for the accused.

It is simply incorrect, as a matter of law, that the University had no time to allow even elementary due process to Jonathan Waters and marching band supporters before issuing its unchallenged, inaccurate, scathing investigation report. The University, in dealing with its family, had all enforcement and resolution options available.

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(<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>), p. 11.

VIII. SCHOOL OF MUSIC ISSUES

The College of Arts and Sciences and its School of Music may have a role in the chain of command and certainly in the chain of events. Specific independent financing in the amount of one million dollars a year was made available for the Marching Band, beginning in 2014. Jonathan Waters was elevated first to interim director and then to director by an act authorized by the president of the University. The most successful and highest profile program in the University's history went international, viral and to "world class" status in 2013.

The Washington Post, for example, recognized the OSUMB and Jonathan Waters in an article devoted not to music, but to innovations in technology and education, in which other band directors were quoted as admirers eager to learn.⁷⁸

The response within the School of Music of the College of the Arts and Sciences involved some support and encouragement, but also there is a natural conflict with resulting apparent jealousy and competition for dollars. Nonetheless, Jonathan Waters repeated extended courtesies and friendship to the School of Music leadership, allowing them to direct, rides buses with the Band on road trips, and to be a visible functional component of the OSUMB. The hierarchy of the College of Arts and Sciences and School of Music long predated Mr. Waters and in fact has been involved in nominating his interim successors. Jonathan Waters alone was targeted, not others who have been retained or appointed as "interim" directors with full knowledge of the alleged "culture" of the Band. None of our comments are designed to disparage the individuals serving in interim capacities or leadership capacities in the wake

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<http://www.washingtonpost.com/blogs/innovations/wp/2013/11/05/ohio-states-marching-band-revolutionized-halftime-shows-heres-how/>

of the Jonathan Waters' termination. However, the inconsistency evident in the firing of Waters while retention of other staff and addition of staff, who had the same knowledge or "opportunity to have" knowledge of the marching band "culture" as Mr. Waters, betrays the inconsistencies in the investigation and the University's response. The need to put a functional marching band on the field was of course an issue.

In fact, the School of Music was empowered through selection of the interim directors and in the search for a new permanent director. The Columbus *Dispatch* has reported that the appointment of the interim directors involves a shift in control: "... the move puts the band under closer control of the College of Arts and Sciences." Columbus *Dispatch*, August 5, 2014 (See Attachment #16) Provost Steinmetz was the former Dean of the College of Arts and Sciences.

In an interview on Columbus WCMH television (NBC4), Dr. Paul Droste shared information concerning that conflict:

NBC4 asked Droste about sources who had suggested that some staffers in the music department had not been happy about how Waters got his job.

"The position is normally filled by the school of music," Droste said. "My understanding is that Gordon Gee acted and announced Jon Woods' retirement maybe before Jon was ready to retire, and appointed Jon Waters as interim."

After a high-profile and innovative halftime show became a YouTube sensation, Droste said, Gee removed the "interim" from the title.

NBC4: "So the school of music was not involved and that may have rubbed some the wrong way?"

Droste: "Right. Waters is not faculty. He does not have a faculty position."

<http://www.nbc4i.com>, August 25, 2014.

Noteworthy are the recent comments reported in the Columbus *Dispatch*, by one of the interim directors, Dr. Scott Jones (emphasis supplied):

But if performances don't generate frenzied applause or viral videos, band leaders don't mind, said Scott Jones, one of two **interim co-directors** in charge of the band this year.

"Our goal is not to be really popular, so to speak. We're not working, and we don't exist, to have billions of people love us. What we do is, we first and foremost serve the students **in this university course**," Jones said in an interview this week. "Everything else kind of works out on its own."

...

But some of the ideas that launched the band to fame last year also had caused trouble for Waters in the past. In an annual review when he was assistant director, the head of the Ohio State music school wrote that **Waters was too interested in pleasing audiences rather than delivering "what the band needs."** Jones declined to comment on that review or say whether the **band had strayed from its mission.**

Columbus *Dispatch*, August 30, 2014
(Emphasis added).

The true "culture" clash effecting The Ohio State University Marching Band was perhaps between a School of Music interested in regaining control over the historic all-brass national leader in marching bands and a director whose hiring was directly authorized by the university president, with specific independent financing of one million dollars. The suggestions in the interview have been

interpreted as signaling and confirming a potential departure from the traditions and structure of the current marching band, which consists of an all-brass, high-step tradition, and is military in style and execution.

Others interviewed with knowledge of Big Ten band relationships indicated that the prevailing climate throughout the conference was one of the various schools of music interested in maintaining control over university marching bands. Exhibited in conversations at Big Ten Band meetings were serious concerns in every school trying to limit the independence of marching band operations, including limiting funds and traditions. OSU School of Music leadership, in particular, participated in such discussions concerning the marching band and its operation. A school of music perspective was exhibited that marching bands, like OSUMB, should become like any other band even though traditions are the real strengths upon which any marching band is built. Future directors will apparently be members of the School of Music performance faculty and their evaluations will be based on what they accomplish within the School of Music. Time spent with marching band will be otherwise not rewarded by anything other than a financial stipend, so there will be less reason to spend large amounts of time cultivating the band.

Ironically, in a subsequent *Sports Illustrated* article, the same associate director (who called the OSUMB a "course," as opposed to an "entertainment" vehicle), expressed excitement concerning the OSUMB "picture shows" and performing before "a crowd of 100,000" at Ohio Stadium.⁷⁹

Future intentions within the School of Music are not clear, but the independence of the OSUMB is critical to its past and its future in our view. Adherence to and respect for

⁷⁹ <http://www.si.com/college-football/2014/09/02/ohio-state-best-damn-band-land> Schwartz, Evan Scott. *Sports Illustrated* 2 Sept. 2014. Web.

foundation and traditions is a matter of the greatest concern. No conflict should exist between a music education program and an internationally famous marching band, but the existence of that conflict is perhaps inherent.

Coupled with alleged Title IX concerns, the climate in the School of Music may have been another factor in the sequence of events leading to the attack upon the OSUMB and firing of its innovative leader, thus creating what has been described as a "perfect storm".

IX. DESCRIPTION OF *CULTURE* OF OSUMB, i.e. "FAMILY", VOLUNTEER EVENTS, CHARITABLE ACTIVITIES, ETC.

Most important to the full analysis is a close look at the social culture, teamwork and "pay it forward" approach to band operations instituted in recent years primarily as the result of Jonathan Waters and the student leadership pursuing altruistic goals. The following is a listing of progressive changes undertaken by Jonathan Waters:

1. Midnight Ramp was ended for this year...through discussions with squad leaders, the band came up with a better event to welcome students to the band. Older band members would form a tunnel on the field and the new band members would run through it.
2. TripTic... Waters intercepted a TripTic in 2012 and ended it immediately.
3. Waters has preached about his "open door policy" to students, giving them the option to come speak to him at any time about anything.
4. Leadership Training for squad leaders. Waters wrote the leadership manual in spring/summer 2012 for squad leaders full of practical leadership information for the band and staff to use together in the course of the season
5. Waters eliminated the use of the word "rookie" in spring of 2013 and replaced it with "first year member" so the lines of new members and older members and seniority systems would be blurred.
6. Waters started the "March to Pay Forward" community outreach program in

spring/summer 2013 so that students would see there is a greater responsibility they have to the community. This is also culture shaping. Here are the things that Waters started within this program:

- a. Over 5,000 hours of cumulative community service by the band last year
- b. Work with the Ohio State School for the Blind Marching Band, rehearsals, performances...double Script Ohio in Braille performance in Ohio Stadium last year
- c. Had Band form, in script, the name of a boy who had cancer whose dying wish was to see the band. He was not able to travel, so the band formed his name on the field and played for him. The Band uploaded the video to YouTube and he, as well as all of his family and friends got to see it before he passed away. This occurred for two different kids.
- d. Giving terminal cancer patients the opportunity to dot the "T" at band rehearsals
- e. Volunteering at the Gladden Community House after school program
- f. Volunteering at the Gladden food pantry
- g. Performing for the Gladden community house fundraiser...raised over \$125,000 last year for Gladden

h. Honor Flights...Band went to Port Columbus airport and played for WWII and Korean War vets as they returned from seeing the memorial in D.C. These events were always on Saturday nights after games, making the day over 16 hours long for those who volunteered.

i. Nationwide Children's hospital performances

j. Wexner Medical Center performances

k. Community service events on Bowl trips

l. Instrument demonstrations and concerts at many elementary, middle, and high schools around the state and locally

m. American Red Cross Blood Drives

n. Hospice fund raisers

o. Recreation Unlimited fund raisers (for kids with disabilities)

p. Volunteering for Salvation Army during the holidays

q. Volunteering with Girl Scouts and Boy Scouts

7. Hosted National Symposium on hazing and other issues for college band directors in the wake of the Florida A&M student death

8. Sent the marching band and athletic band to sexual harassment and sexual violence training in January 2014

9. Had many seminars on alcohol abuse for the marching band

10. Addressed inappropriate nicknames in Fall of 2012; changing culture to not use any sort of nicknames, even the benign ones starting this season and prior to investigation

11. Have had hazing education at Ohio Union in 2011, 2012. Leadership training with hazing education in 2013 at Aileron and squad leader retreats in May 2013 and May 2014.

12. Setup management seminar, hazing seminar, alcohol seminar, and sexual harassment and abuse seminar to be done by Student Life for mid-august right after band is selected

13. The song book has been outlawed for years...last cited edition in 2006 [only circulated underground thereafter]

14. Each and every issue that has been brought to Jonathan Waters' attention, or that he has discovered on his own, he dealt with swiftly with zero tolerance.

15. For years the band has made a rude gesture directed at the Michigan sign going down the tunnel into Michigan Stadium. Last year, Waters put a stop to that as well. It was not becoming of our band to do that in uniform. Students complied.

**X. IMPACT ON REPUTATION AND PERCEPTION OF THE OHIO STATE UNIVERSITY,
JONATHAN WATERS AND CURRENT AND PAST MEMBERS OF THE OSUMB**

This Committee has benefitted from comments and input from interested parties involved with bands throughout the country. The national perception of The Ohio State University has suffered, as has the employment opportunity for Jonathan Waters according to interviewed college band directors who chose to remain anonymous. Their comments included the following:

"Although most band directors fully support Mr. Waters, they cannot publicly support him because their superiors may erroneously conclude that they are endorsing sexual harassment in college bands."

and

"Jonathan Waters will likely never teach again"

Others comment concerning the reputation of the OSUMB otherwise as built by Waters and staff:

*"TBDBITL should change to TBDBITW...
The Best Damn Band In The World"*

and

"Jon Waters is responsible for revolutionizing the college band academic curriculum. Many universities are researching what Jonathan Waters has done with iPads ... Their desire is twofold... 1). Develop programs for their marching bands... 2). Develop college courses for bands using this new technology."

The uniform conclusion is that Jonathan Water's approach to music education and coursework is revolutionary and cutting edge, and makes The Ohio State University a world

leader in such matters. Jonathan Waters was praised nationally for raising academic standards through this work.

Another report involved comments made at a meeting of sports conference representatives within a few days of the release after the *Glaros* Report by the University. The leading topic of conversation at the meeting was the Ohio State band situation. The Band was roundly criticized, with complete acceptance of the *Glaros* Report, then in the lack of any effective rebuttal whatsoever by any organization or individual. Our source advised that there was nothing the reporter could say to convince the participants that there was more to the story than the University had portrayed in July, 2014.

One member of the band alumni reports that one of his best friends confessed that she thought negatively of him, with no inclination to overlook the allegations, when she read the University's IR. She conceded that it took a long conversation with the alumni member to overcome her repulsion at the alleged "culture" and to overcome the acquired change of opinion of her friend which resulted. Another member of the band alumni relays the story of a conversation in downtown Columbus in which a stranger engaged him in a discussion of her disgust with the OSUMB and the *trashy* nature of its "culture". He reports that the speaker did not know his connection to the band but that his efforts to explain the circumstances were ineffective. This Committee worries and warns that the impact of this negative report will be long reaching and long lasting. It will be very difficult to un-ring the bell following the IR effort which appears to be a willful misrepresentation of facts.

CURRENT MEMBERS

The current members of the OSUMB become part of the membership of the TBDBITL

Alumni Club, Inc. immediately upon their admission to the marching band, as a

consequence of being carried upon the "official roster" of the OSUMB. *Constitution of TBDBITL Alumni Club, Inc.*, Article III, Section 1.

Most disturbingly, the following accounts from the individuals most affected, the current members of the Ohio State University Marching Band, have been volunteered to this Committee by those members, who have gathered heart-breaking and troubling individual testimony and authorized its inclusion and release in this Report. The following are the comments shared by the current OSUMB squad leaders with President Drake at a meeting on August 21, 2014.

On Thursday August 21, 2014 President Drake met with the 35 squad leaders of the Marching Band. The squad leaders presented nearly 200 accounts of how the false report and poor investigation has damaged and tarnished the whole and personal reputations of the band. He was advised that several members were deeply hurt by these false accusations and that it was important for the university to help clear the names of the band.

President Drake indicated to the Squad Leaders that he did not believe that the report was representative of the 2013-14 band. He pointed out that he believed the report was "overwhelmingly historical" and "vast majority of material" was from **before** Jonathan Waters became director. President Drake said he felt that the cultural investigation and subsequent report were "of people we've never met" and that "the overwhelming volume of information was not relevant to the current band". He indicated that if there was a way to convey that to the public clearly, possibly through a video message, that he "would be more than happy to do that because that had always been [his] impression." He said that "if the report had been true at all today we would have had a different action."

The follow up questions from the squad leaders included, "why was Waters fired?" Dr.

Drake declined to reply, saying he would not talk about it "specifically". The squad leaders asked why the report was so misrepresentative and negatively biased if it was supposed to be a cultural assessment of the current band. Again, they report that there was no direct answer given.

The squad leaders asked for a fair third party cultural assessment of the current band. President Drake responded that the guidelines for the *Montgomery* Task Force were "to find things that will support the band moving forward".

Nonetheless, the next messages from the University involved claims that former squad leaders were "corroborating dishonesty" stating that the University would not reconsider its actions in a statement from President of the Board of Trustees Jeffrey Wadsworth. We are advised that President Drake assured the Squad Leaders that the current investigation of the band also involved investigating the process by which the first investigation took place. The squad leaders requested to be a part of that portion of the investigation as well, which has not been the case. President Drake was asked why the university would stand by a report that was so poorly conducted. He responded by saying that he would stand by what he felt were the facts and that "we'd have to evaluate the validity of those facts and when those facts occurred."

We include their comments and stories shared with President Drake without commentary. As was noted to us, "*...these stories are truth. It is sad to say that none of this would've happened had a false report not been released. Included are stories of harassment, embarrassment, suicidal thoughts, rape, abuse, sadness and anger. ...Some of these stories ironically come from the university's attempt to educate us on sexual harassment and Title IX.*

We feel that the investigation was not properly conducted and the subsequent actions

of the university show that they are not concerned with the real truth of the matter. We feel embarrassed to be representing the university that has so seriously wronged us by the removal of our leader and by the misrepresentation they have given to our family, fans and public. The uniform is not worn just for the university but rather for the fans, alumni and Buckeye nation. These accounts are extremely disgusting but despite this we have continued to work harder than we ever have to make sure this season is the best season to date. ..."

Their comments are as follows:

Full Band Effects:

-The release of the report has led the university administration to forbid the band from traveling to Penn State for the football game on October 25th. This was a travel opportunity that many OSU and PSU members were looking forward to as the band has not travel to Penn State in a long time due to some incidents that occurred during the last visit. It was meant to be a trip that would help forge a stronger relationship between the two bands. Many members are disappointed in this action taken by the university after they told the band that the report would not affect the season at all. Specifically two individuals miss out on the opportunity to "Dot the I" at the Penn State game. It was an occasion that the individuals have been working towards for several years and because of the university administration's actions they not get the opportunity.

-Due to the report and its effect on the public, the company originally allowing the band the right to perform a certain set of music from a movie series has backed out on the offer. The band can no longer perform this halftime show which was thought by many to be a highlight show of the season. After already arranging the music and drill, the show must now be replaced.

-Several documentary opportunities about the band and positive media connections have been put on hold due to the report and its finding.

-Dublin Coffman high school used The Ohio State Marching Band as an example of a hazing culture in a training session for their students.

-The false report and poorly conducted investigation has negatively affected morale.

-The band fraternity and sorority have been suspended and cannot provide the normal service activities and events for band members and families.

Personal Effects:

-The family of a first year member highly encouraged him not to try out for the band this year due to the findings of the report. Despite this, he continued to try out for the band anyway. He made the band to the dismay of his family who is still unsupportive of his desire to be in this organization and still is asking that he quit.

-I have dealt with feelings of suicide for many years. When I made this band several years ago, those feelings went away. It wasn't until this false report and the following actions by the university that those feelings resurfaced. I've been harassed by friends and family for being a member of this band since the report has been released and ironically the only thing that helped me overcome those resurfaced feelings was the "culture" of this band over the last several weeks. These members are my family and ultimately my heroes.

-I was raped and abused growing up. Music has always been my safe place. Making this band has been the greatest thing I have ever accomplished. As a member of this band for the last several years, I can attest to the falsity of the report and investigation. This band does not create the environment that I grew up in. This band does not create an environment of rape or abuse. This band is a family that protects its members and looks out for each other. Because

of the university's actions I have been called by the name of the animal that I have always feared. The band is and will always be a great source of pride for me and nothing can take that away. I feel safer than I ever have been because of the members and leaders of this band. It's an environment that I hope my kids will one day be able to experience. I greatly fear for those who do live in environments of rape and abuse because I now have no faith in the university being able to help them.

-The university used my name in the report without my consent or approval. It's a name that many people inside and outside of the band know me as and not one that I have ever felt harassed by. I'm disgusted by the fact that my name was used to describe the band as "depraved and sexually perverted". I have never felt that to be the case. I no longer trust the university and am a proud member of TBDBITL.

-A person who had not yet made the band for the first time was wearing a shirt from "OSU's bands night" a couple days after the report was released. OSU bands night is a night for interested high school students to learn more about the several OSU bands. A man who was obviously offended by the shirt due to the report began to question the person about "OSU bands night" asking if it is "the night wear everyone gets naked and does a halftime show for the directors".

-A member was asked by their Resident Advisor why they would want to be a part of such a "dirty" organization. This being the first season that the member has been in the band, they didn't know how to respond other than that they trust the leadership.

-A person that was at a first meeting for their job was announced as being a member of the band. Several questions were then directed to the member about their involvement in various sexual allegations of the report. They were then instructed to not behave in the same manner as they would "if [they] were at band practice".

-I recently started two new jobs two weeks before the report was released. The day it was released I was in the middle of an 8 hour shift and immediately people around me started asking me questions such as, "were you really forced to go down the ramp naked?" and "what is your offensive name in the band?" I had been at work with these people for two weeks and they were already making assumptions about my life in band. After the band was announced I was scheduled to go into work the following Saturday. I went in and broke down in front of my boss because I was being judged and felt uncomfortable in my surroundings because of a report that didn't at all describe my previous FOUR YEARS with this organization. With the constant media attention at the beginning of August I didn't know how to feel about the situation. People kept calling me a pervert because I would wear my grays t shirt in public. Anyone who knows me knows this is the furthest thing from the truth. I was being made out to be the attacker and then all of a sudden we were the victims once band was named when counselors were brought in. As someone who has been an actual victim for something as real as being held up at gunpoint I was absolutely insulted. I was ashamed in my university for calling me a victim for something THAT NEVER HAPPENED. I have had multiple breakdowns at work, at band, in public, and in private. I like to think of myself as a strong woman who can make it through anything life throws her way but as of late, I'm not so sure anymore. My confidence, self-esteem, and self-worth have been completely shattered by a single report and the university's lack of regard for what the inaccurate findings, dodging and dancing around answers to questions, and not even acknowledging the current band would do to its students.

-Upon reading the report, a mother of a member whose name is listed in the report called the member saying how disgusted she was that her child would perform their "rookie trick" in such a manner. The member had to explain to their

mother that the "rookie trick" associated with their name was not accurate and or performed in the context in which the report negatively implies. This person was never interviewed in the report and was never asked to confirm their rookie trick.

-A person who had not yet made the band for the first time was asked to comment on the firing of Jon Waters. Despite his refusal to comment, the media still chose to film him and include him in their footage. He is a current first year member now and has been drug into a situation that he has played no part in.

-A male and current member who's name appears in the report has been presented in the media as a "sexually harassed female" based on the nature and wording of the report. This male was never interviewed or asked his feeling towards his name. He loves his name and does not feel harassed by it.

-On the day that the news of Jon's termination was made public, I received an email from a coworker with the title "I guess this is how you 'make' band, huh?" In the body of the email he linked the Dispatch article, and said that he hoped "you kids were behaving down in Columbus."

-My name was listed in the report without my consent or approval. I was never interviewed or consulted about this investigation into a culture that I help make up. It sickens me that I am listed as "harassed" and therefore a piece of evidence in what became the firing of my leader. Jon Waters did nothing to deserve this termination and the university using my name as evidence of this without my consent is illegal. I am ashamed of my university and its administration.

-A member whose name was presented in the report has had to explain numerous times to family and friends aware of their name that the trick described is inaccurate and out of context. This person was never interviewed or asked to confirm the contents of their alleged rookie trick

or name. Many people knew them by this name and are blaming them for the firing of Jon Waters.

-I am embarrassed. Not to be a member of this band but for this university. For the first time in my five years of band I feel defenseless and unprotected. Due to the handling of the investigation and its subsequent media frenzy I am being labeled as a victim as well as an attacker when convenient for the university's agenda. I have always considered myself a member of this band who earned my spot like everyone else. Now I am referred to as a female member with insinuated connotations of non-equality. Instead of the first few days of band being filled with excitement for the upcoming season, they were filled with lectures and meetings placing a damper on the mood and morale of the group. I feel as though I am being used as a pawn by the university swearing to protect me. I fear retaliatory punishment for having an opinion different from the university. All of this has made me almost regret deciding to return to the organization I love.

-My brother was completely and wrongfully labeled as the face of the 'homophobic' culture of the band in an online article. While he is no longer a part of the band, he is still a student at this University. Our other brother, who was also in the band, is gay so this is a gross misrepresentation of the band and the people who are a part of it.

Ohio State Band Sang About "Fags With Aids" Says Shocking Investigation

July 25, 2014 · By Adrian Garcia



The Ohio State University marching band is ...

-An individual in the band has expressed concern for a multitude of reasons. When the Title IX representatives came in to speak, we were basically berated and told that we don't respect the feelings and wellbeing of anyone who has been sexually assaulted in their lives, and that we condone these types of actions. However, this person was in an assault situation years ago that greatly changed their life. After joining the band and becoming a part of this family, much of the pain and discourse from this occurrence was able to be pushed away and replaced by feelings of happiness and belonging. Once this report was filed, this all changed. Now they are basically being blamed and told that they allowed an assault to occur and could not care less. Now those same feelings are emerging for them again. Thoughts that they had not had in years are now happening on a constant level and are limiting their ability to function on a day to day basis. They are feeling scared, threatened, and their wellbeing is now in question. This is all because the university released a document that incriminated this organization. The Title IX representatives also gave a statistic about how

"1 in 4 women will be sexually assaulted while at Ohio State". Do these numbers not include the band members? Statistically, there could very well be many members that have experienced sexual assault or abuse. These are situations that these men and women would never want to relive, let alone be blamed for letting occur to their closest friends and family members.

-My parents and grandparents attended the Columbus Symphony Orchestra event with the marching band shortly after Jon Waters' termination and the release of the Glaros report. A couple sat in front of my family and began saying loud comments against the band such as "The current members should be ashamed of themselves," "Can't believe they had the nerve to show up tonight," and "They should have cancelled." My family avoided any confrontation until the woman said "They sure are taking a long time. They don't appear to be very organized. Maybe if they were in their underwear they would know what to do." At this point my mother confronted the woman and said "please don't talk about my son that way". The woman replied "Well, maybe if he didn't go parading around in his underwear..." My mother said "He has never participated in that." The woman went on to call me and my mother liars. I have never participated in the event the woman was referring to, Midnight Ramp, and many of my friends can attest to that. I have not felt any negativity towards my choice. The report has painted me and my family as liars and I don't appreciate that they've had to deal with this pain.

-Several current members have expressed that they regret coming back for another year of band as they feel like every move they make is being watched and judged by the university. They are afraid of accidentally doing something that will jeopardize the band's future and that they can't be themselves. People blame them for Jon Waters' termination and they feel like disassociating with the organization as a whole.

- I feel that because my rookie name was included in the report, without anyone contacting me to determine how I felt, the university misrepresented me. This has negatively impacted me, because I am not in any way comfortable with my personal nickname being used as evidence in a report towards a conclusion that I do not support. I am a music education major, and a majority of my current income comes from teaching lessons, and babysitting young children. Due to the university's extreme blanket classification of the entire OSU marching band within the report, I have lost the trust of several parents of the children I nanny and teach. I feel that the university has slandered me through this extremely angled, and misguided report. It has resulted in many people stereotyping me and judging me for being something I absolutely am not.

- I used to have everybody think that it was so cool that I was trying out for the band. After the report came out, people really changed their opinions on things. A lot of people were still supportive but those that didn't know me were very judgmental of me. I went to the doctor shortly after the report was released and after he found out that I was trying out for the band, his tone changed for the rest of the appointment and he was almost condescending. I don't think that I should have to feel ashamed for wanting to be a part of something so great. Yet this stigma of "dirtiness" exists around the band and it solely exists because of an inaccurate report that was released by the university.

-A lot of people also started seeing my parents in a different way too. My mom is super conservative in a lot of ways and didn't have a problem telling her squad leaders if something made her uncomfortable. It makes me upset that someone like her now has this label of being part of a "highly sexualized culture". Her response when people asked about it was that she would never let me (her daughter) try out for the band if she thought that there was any sort of a problem.

-I've been in the band for about a week now and I can say that I have felt victimized a several times. However, none of those times were by band members. I felt victimized by the people coming in and telling us how bad of a culture we have and the people who are telling me how I should feel about this. The people that talked to us spoke in a very demeaning way that made me feel like somehow I was the source of the entire problem even though I had been in band for less than 24 hours. I have gotten nothing but support from everybody in the band. I absolutely love it and wouldn't trade it for anything.

-Because of the report released by The Ohio State University regarding the OSUMB, I have gone 4 weeks with the uninterrupted feeling that everything I've built here at Ohio State has been taken away from me by the administration that once supported me. I've had the foundation of my college career slandered with false accusations and investigations I never even had a chance to be a part of. And mostly, my trust in this institution is completely shattered, as I have no faith that anyone in our administration cares about the wellbeing of their students anymore. I have gone to two therapy sessions already with the Younkin success center and am already scheduled for a third, and my therapist has helped me through the brunt of this frustration, classifying this as "emotionally traumatic". This has affected my sleeping, eating, confidence, relationships inside and outside of band, as well as how the entire world now views me as a person being associated with this AMAZING organization that has been made out to be a community that is unsafe and sexualized. I'm tired of feeling bullied by our administration, I'm tired of having to defend my actions when I know that I've done nothing to deserve this, and I'm tired of my band family being broken because of a faulty investigation.

- The Monday after the report was released I started a new job. At my first staff meeting it was brought up that I'm in the OSUMB. Instead of being able to highlight my membership by

talking about qualities such as leadership, discipline, responsibility, and respect, I had to defend my personal character to all of my colleagues, simply because of my association with this community. It is not right.

-My parents were questioning me about it and I could sense that they were disappointed in what they band "is" and it hurt me because they were the ones who influenced me to love and cherish tbdbitl, and even as I was explaining to them that it wasn't as bad as portrayed, they almost seemed disappointed in me for not doing anything to change the band. I felt like my own parents weren't on my side because I was in the band. Also, we were having an ice cream party at work to celebrate the last day at work for a coworker, and in the middle of the conversation which was meant to give the coworker a chance to explain what he was planning to go going forward, one of my supervisors questioned me harshly about the incident because he had only seen the report, and it felt as if I was on trial in front of my coworkers and bosses.

-A mother of a member has had to continuously defend their child at work to her coworkers who insist that she "doesn't know [her] own son" and that "the band probably turned [her] son into a sex crazed pervert".

-A member feels discriminated against by being the butt of jokes made by coworkers. The marching band creates an environment of respect, integrity and character. The university continues to stand by an false environment of sexually charged and depraved kids. Look around OSU. That is not us, that is the college culture that we have risen above.

-A member is afraid that dental school interviews will suffer because of the first impression they will get from seeing OSUMB on their resume.

- A member has seen a loss of students for private trombone lessons since report's release. People are less trusting of us.

-A member feels discriminated against by questions from superiors at their accounting firm (Ernst and Young) that concern them about my employer's opinion of my character.

-My family members and friends were bombarding me with negative questions. It's been really tough on my family.

-I lost a chance at a teaching opportunity because they learned of my involvement in the marching band.

-Defamation of character in the view of employers.

-Being subjected to insults from strangers, even fellow students, based on media and university report. I'm embarrassed to be a member of this university, not the band.

-I am worried about listing the band as an item on my resume and graduate school applications even though I tried out 4 times before I made it and it is the accomplishment about which I am most proud.

-As the only woman in a section, I can't help but feel like an inconvenience as a result of the treatment from the university and the policies that have been put in place.

- The day the news broke we had CSO rehearsal so I took my trumpet to work. When I was leaving rehearsal, one of my coworkers asked what I was carrying, and I had to explain that I was in the band, and I told her, "I usually carry this trumpet with pride, but today I feel like I carry it with shame." From that day instead of proudly telling people that I'm in the marching band, I've felt hesitation and a sense that I would be interrogated or wrongly judged about the band.

-As a future music educator, being a member of The Ohio State University Marching Band was going to be a major "gold star" on my resume. However, the recent investigation into the supposed culture of the band and subsequent report has singlehandedly made me question whether to even mention the band at all when

planning for my future. Never before did I feel this way. The scope and scale of which I was misrepresented in the report has often left me at a loss for words. I've had multiple family members, including my own parents, question my morals, feelings about equality, and what I stand for in general. These questions didn't stop until after I reassured them that I am still the mature and well-mannered individual they have always known, and that marching band has been huge in helping me build confidence, become more responsible, and grow into who I am today. That being said, if the report hadn't been so horribly inaccurate I likely would've never had such conversations with my family and could've been spared some dignity. That is just a small example of how this investigation and report has negatively affected my life.

-The effects of the report have caused damage to my well-being that is irreparable. I had to explain myself to my parents who are very conservative. My mom thought something terrible had happened to me. How am I supposed to explain this to my younger brother? To my family? I am pursuing a career as a music educator. How will the parents of my students be able to trust me after reading that report? Will I be able to get a job? Whenever I wear my marching band apparel in public, I am greeted with dirty looks from people I do not even know. What was once a sense of pride is now a sense of fear and shame not caused by the band or my peers but by the university. When will my name be cleared?

-Being a future educator, I am worried that the report will have a negative impact on my career. I am not the only one worried about what the administration of schools will think about me, but also the parents of my students. All based on a misrepresentation of our culture.

-The report has caused me to be, for the first time in four years, embarrassed to be in the band. I have refrained from wearing band apparel in public in fear of what people will say. Three days before the report was published, I

went through four rounds of interviews for a full time job, and I'm worried that it will negatively affect me. Normally, I talk-up the band so much and after this came out, I feel that I will be taken out of consideration because of my association with the band. Even though the band has been in existence for a short 7 days, we have already been thrown from our normal schedule, and have had to sit through talks from various people around the university who do not know us, but seem to have a bad opinion of us.

-Band has always been a huge part of who I am as an individual and something that I can always count on as a stress reliever for me. With all the talk around the band I leave more stressed then when I walked in and the stress doesn't end when I get home; it continues when I talk with family members, coworkers, alumni, classmates, and even just logging on to social media. Additionally, the first week all of this began directly impacted a grade in a class forcing me to take a failing grade and thus having to argue with a professor so that it did not affect my overall grade. The joy I used to have for going to band has been partially dimmed for the fear of being myself around people I view as family and doing something wrong.

-I had to explain to my parents that I have never sexually harassed anyone by any means and I have had encounters with the public where I've had to defend myself against a flawed report. I shouldn't have to do this because the report is a lie.

-Notwithstanding the obvious slander of reputation caused by the report, and the negative associations created in the minds of family members and friends, I feel the largest negative repercussion of the report has been the imposition of a socio-political barrier between the members of the organization due to new, over compensating rules which have caused the formation of new-member relations to become a tedious and precipitously juridical process. As a 5 year member of the organization, what hurts me the most is seeing how this adversely affects

the newest members, and that I am unable to give back to a group that has given me so much.

-People are the most important thing in life. By working together as a team to create something much bigger than any one individual we have made history. We as a family have accomplished the unthinkable and have raised the bar for college marching bands. We have done so much great on and off the field with respect for one another and everyone we interact with. After this report, I have had to face my blood family and younger children who look up to me because my University supported a misrepresentation of myself without my consent. I was so proud of our work and our accomplishments to now put my head down when I see someone I know because of embarrassment. It's difficult to battle the media and to spread the truth. When will our names be cleared for the sake of our dignity? My love for Ohio State administration has absolutely tarnished and will never be the same until they can prove that they are truly good people. I understand life isn't fair, but this is ridiculous.

-The mother of a member was asked "you let your daughter run around naked with all those kids"?

-Shortly after hearing the news myself (second hand, from a friend who was not even trying out for the band), I received a call from my parents. They heard from my grandparents who were very concerned that I was going to join the band after these scandalous revelations were made public. They are still not happy with my choice to continue through auditions.

-A female member of the band is regularly asked if she is "objectified" or "harassed" in the band.

-A mother of a member has been harassed about her son participating in "naked practice". He has never participated in Midnight Ramp, the referring to which these people are most likely referring to. People have also called her son a liar for this as the report has painted the activity

as "mandatory", "a practice" and "required" by the media.

-People assume I'm part of a scandal when I'm only a first year, both in school and band. I'm thrilled to have made it into such an amazing organization but nervous to tell people about it.

- On the day the report was released, I was unfortunate to find out the news at my internship by my boss. I had to convince him that the report, while some events are true, that I was never involved in at my time with the band and that Jon was in the process of changing its culture. I was very irate to see that there was no email or notification sent to me about the public release of the report and even more frustrated about its bias and quite libelous statements. Through the past year, I have never once felt embarrassed to be part of Tdbitl until that moment. I am deeply frustrated that a man and board who knows nothing about our organization decided to tell me what they thought the band was but all the students deeply rooted into in the organization knows what it truly is.

- The band has been a huge part of my college career has been the Ohio State Marching Band. I often feel I have learned more from this organization about leadership, hard work, and efficiency than any other class or organization. This is reflected on my resume and, more recently, my application to Medical School. Shortly after the release of report, I decided to gap a year between graduation and applying to med school. The primary reason being my personal statement application focused very heavily on my experiences in The Ohio State Marching Band. I genuinely feared, and still do, that when I apply this will be held against me. I was to have a letter of recommendation from Chris Hoch and Jon Waters, one of whom is no longer here, the other is so insanely swamped he does not have time to do this. The band is no longer my college highlight and has become more of a blemish on my resume and app. As a result of this report, I have basically put my life

on for a year in hopes that I will have greater chance of getting into medical school.

Also, the stress resulting from this report is the primary reason for my decision to defer my application as well as losing weight and sleep over the last several weeks. It has put a strain on my relationship with my girlfriend and her family, since I feel that I have to tell everyone that this report is not a reflection of my character and that the actions of a few people long ago have resulted in my reputation and character

-I feel nervous wearing any of my band apparel in public and private. My girlfriend's mother no longer trusts me and questions my character.

-I have spent my summer in Atlanta, GA working at the National Weather Service as a part of NOAA's Ernest F. Hollings Scholarship Program. Throughout the summer I met people from numerous backgrounds and well known schools such as Florida State, Penn State, and the University of Oklahoma. I recall very vividly discussing with them the increasing reputability of The Ohio State University Atmospheric Science program over the past few years. I also spent many conversations discussing my time in the OSUMB, the leadership I'd learned and the pride I took in it. So much so that I'll be extending my undergraduate career by a semester to return for a fifth year as a member of TBDBITL which may bring an opportunity for continued leadership as a squad leader.

The NWS in Atlanta, GA just hired a recent graduate with her Masters from the University of Oklahoma. Through the interview process she was a clear standout and was given an interview by 37 offices. What stood out beyond her classroom achievements, work experience, and professional accolades was her qualification for and completion of the Boston Marathon. That served as a great testament to her work ethic, dedication, and perseverance without having to elaborate too much in her resume. I spent extensive time working on my resume

over the summer and sought to communicate my "Boston Marathon", being a member of TBDBITL, in an effective way. The dedication, work ethic, time commitment, perseverance, and lessons learned are similar to those learned by training for a marathon. I'd even argue being a member of The Best Damn Band In The Land has gained as much respect as completion of a marathon over the past two years. This "Boston Marathon" I believe will set me apart from my peers when I enter the job market. I left Atlanta July 18th with confidence this was the case.

Less than one week later as I was with my family on the way home from a trip to Michigan to visit my grandparents, I got a text from a friend of mine with a picture of the front page of the dispatch which read "Ohio State Fires Band Director Jonathan Waters Over 'Sexualized' Culture". My Boston Marathon had been undermined. As I read I recalled some of the experiences I had been through such as MR and F night. I had never thought of them in the light they were described. Forced? Never. I bonded with my row members through those experiences. As more details came out I was broad brushed by this report which made me seem like a sexualized pervert. And the band itself was made out to be a dysfunctional organization with far reaching issues...from only a handful of testimonies represented.

In the days that followed questions flooded my phone and every interaction became about band. I didn't know what to say, I hadn't had the experiences outlined in the report. And it was unclear what was next. We've been caught in a bind without clear leadership. I worry about this report cheapening what this band truly means, and ruining the reputations of students like myself with little involvement in the events laid out in the report. I ask for assistance moving forward, questions being answered, and transparency from the administration. We want to move forward, and I know the University does too. Let's work together and come face to face with the issues that are present. We know

there are changes that need to and can be made. Please help us accomplish that and help us understand the events that have transpired. Open communication, transparency, and collaboration are the best way to move forward. We can maintain the national respect externally while continuing to hold ourselves to the highest standards internally. Please come along side us and provide your leadership.

- This summer has been one of the most hectic for me. I had to take the MCAT, as well as start gathering recommendation letters for medical school. In addition to that I have training to teach chemistry at OSU and volunteer at Nationwide Children's Hospital, while balancing marching band and moving in. The marching band used to be a place where I could be myself. But after the report was issued, it delayed my ability to carry on with many aspects of my life despite the University's will to "look forward" (which still has NOT been defined to us, and I feel is just a political term for ignore us). I could not finish writing my personal statement for medical school because half of it was the many lessons I had learned and loved about marching band. Now that is almost a harmful black spot on my record because of the slanderous libel that has been dealt to us as members. I used to look to marching band as a way to enjoy my life and be who I am. Now I find myself being scrutinized, and commanded to act in specific ways, at risk of removal from the band, ways which formerly did no harm to me nor my colleagues. I feel the University is not supportive of the hundreds and thousands of people who have clearly spoken out, and identified the glaring mistakes of the Glaros Report. As a member of the organization that cares the absolute most about Ohio State and its history and future (more than any athletic team, and more than any fraternity or club) I am greatly emotionally hurt by the voices against me, questioning my character, as well as the University's apparent complete disregard for my feelings regarding the ordeal.

- I have had family members refer to me as a sexual deviant to my face. I am ashamed that my university could represent me in such a terrible light to my family.

- I have had at least 5 strangers give dirty or disgusted looks when they overheard that I am a member of the band.

- The stress put on me from the report being released was more than I have experienced ever due to embarrassment of being a known band member in public. The stress literally caused me to lose 15 pounds within 10 days of the report being dropped to the media.

- I walked into the Panera on high street to see the UWeekly on a newsstand declaring us as the "horniest" damn band in the land. I face slander by the media daily and the university has done absolutely nothing to defend its students (us).

- I receive weird looks anytime I have worn anything that says TBDBITL on it and have even had to explain myself and defend the honor of the band to several people in my hometown who questioned me about the situation.

-That my first two days as a rookie will be remembered not as practicing great music and marching but by having mandatory meetings about title nine and sexual harassment.

-It feels like all of the hard work and time put in for marching band is being totally discredited by the accusations in the report.

-I have been in defense mode since the report dropped. I have had countless unanticipated meetings, information sessions, and one on one and large group dialogues, all in the name of defending this organization that was pushed into the dirt on the basis of a biased and inaccurate report. That report doesn't represent me. That report is not who I am. However, I am now being held responsible for something I didn't do. Where is the due process? Guilty until proven innocent is not how this country works, yet here I have to prove my innocence. Additionally,

these events have hindered me and my school work. I currently am working on a research paper that has nearly come to a halt because there aren't enough hours in the day to deal with the situation and write my research thesis. I have also had to greatly reduce my preparation time for auditions in the school of music. As a music student and a student of the Ohio State University, I shouldn't have to sacrifice practice time (essentially my study time) because of a report that is in contradiction with who I am. Finally, I have had to reschedule my Ohio Teacher Licensure Tests not once, not twice, but three times because I have not had the time to properly study for them. If I don't pass these tests, I will not be teaching in the state of Ohio. Not only is my life as a student being affected, but also my professional life. The unintended consequences of this report are far reaching and negative.

-For me personally, I've had to endure embarrassing questions about my character from close friends and family and have received dirty looks wearing apparel I used to be proud to wear due to the allegations set against me. Many band members who are striving for degrees in music education will have their reputations forever tarnished with false claims of sexual harassment as a result of the botched report. As far as the public perception goes, I've seen tweets that combine #OSUMB with #rapeculture. In today's band, this could not be further from the truth.

-People at my tables at work ask me what I'm studying in school... Upon hearing that I'm a music major and play trombone at OSU, they assume I'm in band. When I tell them that I am, indeed, in band, they treat me differently. I can tell that in a few cases people looked at me in a more negative light, though most of these cases my customers voiced support of us and Jon

-Coworker comes to my office and brings up the band stuff and asks what I thought of it. I say basically that Jon is a fall guy for an ancient culture that he was improving and wasn't even

bad for me at all. He asks if I was hazed and I said no, and explained my personal experience with MR. He assumes I was just peer pressured into doing things and then compares us to Florida A&M. I couldn't really argue because he's my senior group member and I'm an intern. Powerless yet again.

-The word is suicide. That word has occasionally permeated my thoughts for a few days at a time for the past several years, well before I made the band. It was always brought on by self-inflicted negative images of myself. Never had I received negative comments from any external sources that brought on such thoughts. The week following July 24th had changed that when President Drake and the University remained completely silent about the current band members. At that time, no one was fighting to preserve our individual characters. The message I interpreted from President Drake and the University was "We don't care about you." It was then I had thought that if I were to commit suicide, President Drake, the Board of Trustees, and the Office of Compliance would be happy because it would mean having to deal with one less person who existed in the alleged "sexualized" culture.

Those were my thoughts for the first two weeks after July 24th. I no longer have the thoughts of suicide, but I still believe that the University as a whole does not care about me at all. My character has been publicly tarnished with no one from the University to defend me.

-The events of the past month have had a serious impact on the individuals in the band, as well as the band as a whole. We started our 2014 season without Jonathan Waters, a man who I would consider one of the best leaders and strongest advocates for cultural change I have ever encountered. We wanted answers and reasons as to why he was taken away from us, but the university dodges every question we ask turns only to the "facts" in the incredibly flawed report that they compiled in 60 days with 9 witnesses to gauge the band's

culture. The university offices that have come to talk to us during our first several rehearsals were supposed to help the band reform its culture; all they have done is bring our frustration with the situation from a simmer to a boil. It is nearly impossible for the band to remain focused on following up our most impressive season with one that is even more impressive when we are talked at by the university offices that generated the report about the band's culture and then dodge our questions when we want to know why Jon was fired. It makes this band not an enjoyable place to be. Please, President Drake, give us answers. Give us reasons. And give us Jon back.

-Since the release of the Glaros Report made by the Office of Compliance and Integrity on July 24th, 2014, my life has been negatively impacted in many ways.

First, the manner in which the report was released to the public was done in such a manner as to maximize impact and done with virtually no respect towards the current members of the OSUMB. I found out about the report and Jon's termination via a coworker, putting me in an uncomfortable situation. Unsure as to the validity of the report at the time, I was forced into making statement on the band's culture. Had I been given a proper warning, I could have been prepared to handle these questions and avoid damaging my professional reputation. The same day, I also had to participate in my final performance review as an intern. The traumatic impact of the report left me stressed and distraught and put my manager and I in an awkward position.

On a personal level, the impact of the Glaros Report made me feel, for the first time, uncomfortable with calling myself a member of the OSU Marching Band. I suddenly had family members questioning and judging the great organization I have called my second family. This report is flawed, biased and misrepresentative of the band.

I am also a squad leader of the OSU Marching Band. Immediately following the release of the Glaros Report, I was confronted with addressing young candidates questioning whether joining the OSUMB is something worthy of their efforts. This was incredibly difficult for me because I know the truth, and the incredible life experiences that await as a member of the OSUMB.

I have also heard, once again for the first time, the word "Uncomfortable" to describe the manner and tone of the various Title IX and Sexual Harassment speakers for the band. These university employees made offensive comments and generalizations about the band's culture and did little to educate on the positives of Title IX.

-When I first heard about the report, it made me worry about the people in band. And I am ashamed of it, but glad they were doing something about it by getting a new director. I shouldn't have believed it though. Everyone is really nice, and I wish we had Jon back. But anyone who has talked to me about it didn't believe the report to be accurate.

-I found out about Jon's termination in the middle of my work day from a text from my boyfriend and future I-dotter this fall. Not only did it upset me enough to impact my day of work, but it was my second to last day there. Everyone was really supportive and found the report to be flawed. I however still suffered emotionally crying to the point of almost vomiting, and not being able to eat properly, if at all, still to this day. This band is not a sexualized culture. It is a college culture. In fact it is even better. We have a culture of tradition, excellence, hard work, loyalty, and that of a family. It is insulting to me and upsetting to hear how ignorant cruel people have accused my dearest friends of being terrible individuals from a flawed report. To get the words "we support you" to our faces but to see no evidence of that from the university is hard.

When the title IX ladies came to talk to they spoke in a derogatory tone to all of us. The men

in this band in majority are gentlemen, hardworking, and caring. The women are the same. I would trust my life with any and all. When I am being told I am a weak defenseless woman, and that my best friends are perverted harassers, it is very upsetting. I know the truth about the culture and individuals of the band, and that report is not it. I have been hired with my biggest advantage on my resume being the band. I worry for that not holding true now when I most need it to. I hope you try to see who we really are, and right some of the injustice this report, and how it was presented and handled, has affected the very students you claim as your priority.

-Drum majors have been harassed by people on campus for carrying their batons.

-I feel my personal reputation is now tarnished because of inaccurate evidence in a report that I was never a part of.

-Several students feel betrayed by the university because they can attest to how inaccurate the report is.

-I'm a rookie member of this band, and all the rest of us "first-year members" gave much sweat and tears to be in the position that we now enjoy. That's why it was so underwhelming to have in my first days to be greeted with ambiguity from the veteran members that somewhat prevented the usual bonding that makes this community the one I admired so much and worked so hard to become a part of. I love this band, I love the university that it represents, and I'm excited to be a part of it, but if I cannot be trusted or trust those that are supposed to teach me what it is to be in The Best Damn Band in the Land, I'm seriously concerned for the results of my rookie year and, by extension, the quality and integrity of subsequent rookie classes. The title "Rookie" is earned, not given.

-As a hopeful composer and arranger, I have been questioning how this report will affect future employment opportunities, especially

with regards to Ohio State and other college marching bands. Being spun in a negative light makes it seem like there will be repercussions in the next year or two that will make it difficult to enter the field without having a tarnished name for having been in this band...

Also going along with that, the fact that many people have made this band a huge part of their current life and it has been a representation of who we are is why it's easy to visualize the future being a problem. Now I feel like my personal life and character is constantly being questioned and judged by everyone else.

-I feel like my rookie experience is different and almost unfulfilling and less fun because of all of the allegations and clean up from the report.

-I feel tension between vets and rookies where each is afraid to be themselves.

-One member feels he can no longer use OSUMB on his resume or Jon Waters as a reference for grad school.

-My family now views me differently and I sometimes feel embarrassed and victimized.

-People at work poke fun at the situation which is extremely offensive to me because it's not true.

-Directing staff is less cohesive and doesn't understand the band as well as Jon did.

-I feel like I'm being treated like a child by the administration and staff.

-Being a member of this band feels more like an embarrassment than the point of accomplishment that it actually is.

-Fourth and Fifth year members feel like they are treated like children.

-The report has created a hostile and depressed environment in the band. Hostile towards the university.

-Harassment by peers and introduced embarrassment in a professional environment. Band and Work.

-Several accusations from report and administrative people (title IX) that band is not mature enough to handle themselves appropriately.

-Report has become a large distraction from academics and has consumed daily life.

-Constant feeling of pressure and that someone is watching. I'm afraid to make a mistake that will hurt the whole organization.

-The report has become such a distraction that I failed a summer class.

-Feelings of censorship by university. Ex. F Night, WB, Rookies.

-Report makes me feel like I have to be politically correct all the time and cannot stand up for what I believe if not everyone agrees.

-Half of the marching band enjoyment comes from off the field activities that we no longer have.

-Because of the report, I am not going to get the same first year experience as those before me.

-As a returning 4th year member of The Ohio State University Marching Band, it saddens me to say that due to the effects of the report released by my university, I have found myself wondering why I decided to come back this year to march in the band. The truth of the matter is that I came back because I love this band, I have never worked harder for anything in my life. I was so proud to be a part of this organization just as my father had been. I still am, but it is very disheartening how the report has tarnished the name of the current OSUMB and all of its members. Now instead of sporting my TBDBITL attire with pride and honor, I find myself feeling judged by the general public. Frankly, I am embarrassed by the way the report has labeled every single person that has ever been a part of this band. That is not the way we should feel to be associated with an organization that each and every one of us love so much.

-One member was wearing their bowl jersey with their last name on it at a doctor's office. A

person came up to the member and asked if their last name on their jersey was actually their "dirty rookie name". The last name can be construed as a sexual innuendo and they were asked if that was their name because they "gave guys erections." The member left the office in tears.

-One member who has a bruise on her arm from carrying their horn was asked if the bruise came from being hazed in the band.

-Harassment from media for my name listed in the report that I felt wasn't offensive to me.

-Negatively affected my ability to study for finals.

-Harassed by peers and coworkers for my name that was listed in the report. The name was taken out of context and I was never asked to comment or confirm anything in the report.

-The report listed people as names not as the people they are. I was never asked to confirm or comment on my name or trick. The report lead to media listed below.



The Fake Lantern
@TheFakeLantern



Band Member "Captain Dildo" Extremely Shocked And Disappointed By TBDBITL Sexual Harassment Report

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-I joined this band because it was known as TBDBITL. Now wherever I go, people ask me about the things they have read in the article. Whenever I am with the band at practice, or wearing band stuff, I am always wondering if people that see me are judging me. I want to have all of the fun that the veterans talk about, but I can't because of the news and cameras watching every move we make. Band seems to me just another class that takes up most of my life and it's always serious.

-Before this investigation, I could put TBDBITL on my resume as a point of pride. Now that this inaccurate report is out, I feel like it is a red

mark that I should try to hide. I've had countless people ask me about the band when the report came out, and I had to clarify and explain all the inaccuracies of the report. I never felt harassed in the band this past year (my first year), but now I feel harassed. Not by the band, but by The Ohio State University itself.

-A woman asked me while I was working "Are you one of those naughty boys?"

-A woman with her kids asked me "do you just use your band iPads to look at sexual images all day?"

-I have had to defend my reputation and the reputation of my friends and mentors to my coworkers.

-My sister was asked by coworkers what her brother's sexual name and trick were, when neither included anything sexual in nature.

"Led by 5th-year Ohio State Marching Band student, John Joyce, the School of Music will create part one of a two part series featuring the band's halftime show performances. The book however is much more than 2014-2015 halftime shows. They will serve as the centerpiece to educational lessons incorporating history, math, music theory and more. Aimed at high school students, John and his team have partnered with faculty at Ohio State and with a K-12 school district in Ohio to develop this innovative curriculum." - I have cancelled this program in fear that we will get negative attention from K-12 schools who don't want to be associated with our program, which could lead to further negative press about our organization.

-Another student, one that I have done research with and really respected, made it public that he believed that any supporter of Jon Waters was scum, and even more, a piece of s***. He believes that because we had a songbook in the past, which was made public and brought into this era, with ugly songs degrading to women, that supporting Jon was equivalent with supporting such songs and ideas. Jason Stuckert, a previous drum major, tried to set him straight,

but he wouldn't listen. It was just a horrible decision, in my opinion, to release an outdated songbook to the public as representative of this band.

-Perhaps most heartbreaking is the perceptible change in way that my family sees me and interacts with me. Even though the report was absurdly biased and not applicable to my behavior, I have noticed my own closest family members shy away from me and my "filthy" experiences in the band

-When wearing a marching band hoodie or hat out in public, I have received unwanted rude and sometimes sexual jokes, calls, and stares. Ironically, this is not anything I experienced while in the band; rather, thanks to a flawed report made available to the entire public, it is now a part of my daily life.

-As a woman in the band, I have been personally offended by the assumptions made by university officials that I have indeed been victimized by a "sexualized culture." This includes Title IX experts and Compliance officials who have come to address the band with their own agenda, without so much as asking for our opinions. I am a strong person who knows what harassment is. I do not need to be rescued.

-Since the announcement of Jon's firing and the subsequent media coverage on the "sexualized" culture of the band program I have received many inappropriate comments, ranging from snide or rude remarks at my cousin's wedding and escalating to sexually explicit comments at parties, asking for sexual demonstrations of my trick, extremely suggestive inquiries or suggestions, and general comments such as "band members are good under the sheets". The report and the support it has received from the university has given my personal image and my name sexual innuendo which did not previously exist.

-I just learned today that my high school, Dublin Coffman High School held a seminar for all

student athletes and band members on the topic of hazing. As an example of hazing, The Ohio State University Marching Band was used as a discussion point. This is extremely embarrassing and disappointing as a result of the public's perception of the Glaros Report. I should not be embarrassed by my membership in this organization in front of my alma mater.

-At candidate days at jimmy johns the man ringing us out heard we were trying out for band and he said to the most innocent candidate "oh you're still going to try out for band? They make you run around in your underwear!" and she wasn't aware of the report and later asked us if everything he said was true.

-People at work were making jokes about me being a sexual monster

-people were facebook messaging me to stop harassing my fellow band mates

-I am applying to dental school and it has been questionable to put band in my application and other schools outside of Ohio will frown upon it.

-I am ashamed of my last name because the report has made it sound like my last name and being a member of the band is dirty and wrong.

-My grandparents don't think I should continue to be a member of this organization because they believe all the males are out to get me.

-The new leadership has been an adjustment that made it difficult to jump into band again with full enthusiasm.

-The constant media interfered with our pre-tryout preparation time.

-The investigation misrepresented me as a female band student, therefore creating frustration and concern for me and my family.

-Jon's absence in tryouts was tough to work through. He was beloved and not having him there affected overall productivity.

-The investigation has caused my employers past and present to approach me with negative

associations to me and the band that were not valid.

-This past month has been the most stressful of my life. I can't sleep, I don't have an appetite, and I dread coming into rehearsal every day for fear of being harassed during Title IX meetings. We are constantly told that we are perverts and part of the sexual assault and harassment problem that has been plaguing this university for years, when the worst we've done is run around in our underwear a single time each year. The OSUMB, formerly the pride of this institution as said by university officials time and time again, has been dragged through the mud. You have tainted the reputations of every current and former band member, fired our leader and our friend, then told us to "move forward" like it was nothing. By firing Jon and releasing that report you have cause the members of this band more mental anguish than any supposed "hazing" ever has. We loved Ohio State, and you betrayed us. That is a fact that I and every other past, present, and future member of the OSUMB will never forget.

-A candidate who ended up not making the band was afraid to try out for the band after the report was released. She was very enthusiastic about trying out before the report was release. Several people had to talk to her in order to convince her to continue her efforts.

-The manner in which the band has been negatively portrayed by the university is an inaccurate judgment, that was forced upon us without consultation. I along with many others feel that the band has been abandoned by university officials.

-One band member tried to change their work schedule for the season prior to the release of the report. On The day the report was released, this person was pulled into a meeting and questioned about why they were coming back for band, their schedule, and specific things in the report (this person was clearly mentioned). Initially their request for a schedule change was

denied, then approved when a two week notice was submitted.

-Anxiety--father figure suddenly gone, brought up past stress

-Sense of justice and right and wrong gone

-Family and friends questioning my character and experiences

-Constant fear about saying the wrong thing

-Loss of purpose

-Feeling unsafe

-Attended funeral for friend who died in a car crash--first thing someone said to her was "how 'bout that best damn band in the land director?"

-Got an informal job offer that was rescinded

-Emotionally shocking and unfocused introduction to the band and university

-Undermining the sense of community

-New directors unsure of routine

-Productivity undermined by all the stoppages for meetings

-Being called a pervert while wearing OSUMB gear

-Workplace and school uncomfortable place--afraid to go to class

-Publicly shamed by university--never by band

-Brother hired as a teacher--then questioned whether fit to teach

-Feel as though university is calling me a terrible person

-Feeling censored

-Terrified for the job security of current directors

-Trying to move forward, university pulling us back

- being asked awkward and uncomfortable questions by high school kids while staffing at band camp

-Dealing with more questions and judgment from various family members, as well as from members of my girlfriend's family

-Negative and hostile reactions from strangers, including one man who asked me "how I had the nerve to wear that" when referring to an OSUMB shirt I was wearing

- being objectified, victimized, and incriminated all at once; basically feeling as though I am not an individual with personal emotions

-Asked by strangers "why would you want to join this band? You have to march around naked. Haven't you seen the report?"--I expected people to be proud of me for being in this band

-the university feels like an unsafe place to live because of frequent mistreatment

-My scholarship committee (that is paying for my education) asking me questions about the report (basically threatening to take it away if I was a part of the "terrible" things)

-friends and family treating me differently in a public setting

-afraid to have the OSUMB title on my resume

-having to hear people state false statements about the band

-Because of the firing, I have told people I have made it into the Band and instead of congratulations, I get demeaning and hurtful questions asking about some of the incorrect accusations made against the band such as "oh you want to march naked?" Which is both embarrassing and hurtful

-Instead of having a normal first year, I get to spend my ROOKIE year (I'd rather be called rookie any day) watching all of the people I respect hurting and mourning a director that I've never gotten to know, and living by unreasonable "professional" standards - we're not even allowed to be people anymore, we can't joke around and make each other laugh or enjoy our company. I was excited for college and now

X. IMPACT ON REPUTATION AND PERCEPTION OF THE OHIO STATE UNIVERSITY, JONATHAN WATERS AND CURRENT AND PAST MEMBERS OF THE OSUMB

that I'm here I have to be caught in the middle of all of this.

-I cannot be involved with the fun traditions that have been in place for years, even though I've been waiting 18 years to do them

-I can't be proud of a simple rookie name, technically I shouldn't even have one, and I do in fact, want one very much.

-I feel like I'm being robbed of a normal college (marching band) experience, we're not even allowed to make mistakes anymore to learn from them, I feel like life after college is for being professional all of the time, and college is the time to learn from mistakes and become a better person, and also fun and enjoy life and I can't do that anymore.

In recent days (September 6, 2014) a band member reported specific harassment, growing

out of the accusations in the IR, occurring at the home opener OSU football game. Specifically, during the 3rd quarter, a male band member went to the restroom in the stadium. While there a group of younger men asked him sarcastically if it was "tough to pledge for the band". (These were apparently inebriated Ohio State students.) He replied, that the tryout process was "pretty tough". They then began asking him if he "had to bone [his] sister for the band directors to get in", "how many girls [did you] ha[ve] to rape to get in". He reports this hurt, and his only reply was, "It's not like that." They proceeded to ask him his "sex name" and if the band had "practiced halftime naked for the directors".

We are advised that this is not an isolated incident.

XI. ADDITIONAL UNIVERSITY RESPONSIVE ACTIONS

The University President and Board Chair assured the public that Board of Trustees was fully behind the decision to fire Jonathan Waters. There was no opportunity for Board action without violating open meeting laws. Was the firing confirmed in June? It cannot be ratified without open meeting action. How can the Chair preordain no public discussion at the August Trustees meeting?

Ohio Revised Code 121.22 (H) contains the following provision:

A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

For perhaps the purpose of discouraging opposition and securing the decision of the president of the University to fire Jonathan Waters and attack the Marching Band *culture*, the Chair of the Board of Trustees appears to have sent out a series of press releases all suggesting that the Board of Trustees has confirmed the firing of Mr. Waters. Either the claims are entirely inaccurate or the Board of Trustees has violated Ohio's open meeting law. (See Attachment #17, Press Releases)

One half hour before the outset of the Board of Trustees meeting on August 29, 2014, a representative of TBDBITL Alumni Club, Inc was advised by the communications director for the Board of Trustees that the organization

would be given five minutes to comment on the Marching Band/Waters situation at the end of a brief one hour public trustees meeting. In fact, the Trustees had met all day August 27, 2014 in executive session and twice on the following days, with each of the Board's committees also going into as long as 90 minute executive sessions, in one case after a mere eight minute committee meeting. At the end of the five minute remarks, the Trustees meeting was adjourned by its Chair with no response and no action. Nonetheless, before the TBDBITL representatives had left the meeting location, the Chair had authorized a press release stating that the Trustees would not reconsider the decision to fire Mr. Waters.

As an example, to complete the chain of events and demonstrate that the focus of the University administration has been possibly upon its own defense, the University administration publicity team attacked the August 24, 2014 Squad Leaders' report, just hours later, perhaps without reading the submission. In this response the University effectively patted the students on the head, dismissing the efforts and concerns of the STUDENTS who served or recently had departed the OSUMB with the following:

We are grateful to learn about the positive experiences of some former band members during their years at Ohio State... No one has disputed the report's overall conclusions about the nine specific cultural practices that together represented an environment conducive to sexual harassment.

Claiming that the Squad Leader report simply confirmed certain (isolated) events in the past, the University pursued the course of claiming that a defective culture exists on the basis of certain events that occurred sometime in the past and rarely in the present. The unwillingness to confront and honestly discuss

the issues was devastating to the Squad Leaders' group, which reports that they expected courtesy and honest dialogue, none of which has occurred since the July 24, 2014 release of the IR.

Similarly, the attorney for Jonathan Waters subsequently asked for a legally authorized "name clearing" hearing, recognized in Title IX case law, in a letter addressed to the University's lawyers. In response to the request the OSU PR machine was again cranked up with the *media spokesperson immediately replying in place of the lawyers to whom it was addressed*. The press release still contained reliance upon the alleged *cultural* problems as a basis for dismissal, now adding that alleged "dishonestly" by Waters, a completely bogus issue, was also the basis for dismissal. (It should also be noted that the University declined to even identify the basis for Waters' dismissal in the letter terminating his position.) The administration's PR and political-type comments, avoiding an honest and open dialogue, were as follows:

We will not be revisiting this decision. It is closed, and it is time to move on... The culture created by these and other issues detailed in the university investigative report necessitated a change in leadership of the Marching Band. ... We are encouraged by and appreciate hearing about positive experiences; however, the report's basic conclusions about the specific complaints and the culture are not refuted by anyone...

An administration effort to rehabilitate the IR with a list of practices "not refuted" followed, still including "singing" and "changing clothes". Clearly no one had read or honestly and directly responded to the prior comments from the TBDBITL Alumni Club or the Squad Leaders. The "political" attack upon Waters and band culture persisted in a knowingly false and misleading fashion. The honest and open dialogue concerning important Title IX issues that has been requested has oddly been avoided by the University Administration.

XII. COMMENTS FROM THE ALUMNI AND PUBLIC

Indexed and included as Attachment #7 are a few of the collected public comments and letters provided by alumni, University friends, professors, University employees, a band arranger and others. They include letters unacknowledged by Dr. Drake and the Trustees, requests for meetings never allowed and factual details from actual witnesses to events. Supporters of Jonathan Waters continue to collect such communications at their independent website: www.westandwithjonwaters.com.

These comments are upsetting, sad and infuriating. They are gathered here in an effort to define the public climate in which this unnecessary University administration public relations scandal has emerged. These 80 letters and comments are indexed and listed alphabetically in Attachment #7.

Even a casual review of this evidence, personal testimonials and comments demonstrates more about the band culture than any level of analysis conducted in support of the *Glaros* Report. Mr. Glaros was advised, through these and other messages from band alumni, that they have had to answer for his outrageous product.

Emily Balzer speaks to her proud experience of trying out for the Marching Band. Greg Belle's comments address President Drake concerning the accomplishments of Jon Waters but received a form letter back in response directing him to a website. Darryll Bauchert wrote the Board of Trustees recounting his experience in the Band, his negative interaction with the OSU Alumni Association and his comment, as a Certified Mediator in the State of Florida, supporting the reinstatement of Jonathan Waters. He provided the same letter to President Drake.

Richard Berry told President Drake of the personal development of his son as a member of the Marching Band, how his classmates were

like "brothers" and how Jonathan Waters was an outstanding friend and teacher. In his account is included the long history of Marching Band directors and their progeny who directed bands all across the United States. He copied his letter to Chris Glaros and to Governor Kasich. Bradley Betts wrote directly to former Attorney General Betty Montgomery stating his personal story of how he matured as a human being through the Marching Band and eloquently expressed the disrespect and pain suffered by 7,000 former members and their families who had been "denigrated" by the IR, including judges, attorneys, doctors, congressmen, business owners and "most of all successful and respected citizens of our communities." He reported that, "This is the true culture." Janine Bock, the first woman to dot a single Script Ohio at Ohio Stadium, recounted her experience, expressing the fact that she was not a victim but a beneficiary of the positive culture of the Band, including goals of "being the best you can be" and "going for excellence.... to support your friends." Pete Boriin, vice President of the TBDBITL Alumni Club, set forth his concerns including a detailed list of positive programs instituted by Jonathan Waters as Director of the Marching Band including involvement with the School for the Blind Marching Band, the Gladden Community House, and the "March to Pay Forward" project **all instituted by Waters**. He addressed the Board of Trustees in similar fashion, also noting that thousands of OSUMB members, band alumni and their families had been slandered through the report in a "malicious attack", indicating that he was suspending all participation and donations in his long-term extensive fundraising activities until the truth was embraced.

Rachel Brennan, who met her husband while they were both members of the Marching Band, recounted how but for the Marching Band, the 9/11 tragedy would have been worse for her

family. Comments to the Board of Trustees by David Brumback challenge the President and the Board of Trustees to embrace the truth and lead the University through the self-induced crisis. There is no proof that letters were received by the Trustees or read by them. Rumors run rampant that the letters had not been directed to the individual Trustees by University staff. To date, such writers have generally received similar four sentence form letters in response from the office of the Trustees.

Continuing letters throughout the group include the noteworthy letter from "Joobs" (Item 13) in which she disclaims any offense and any statuses of victim, as to all five (5) of the women identified by nickname in the *Glaros* Report, in Item 14. Two attorneys, Lawrence Cohen and Jeffrey Cox add their analysis to the specific defects in the Report in Items 18 and 19. Karen Crockett, a long-term member of the band staff, outlines the work to improve band culture undertaken by Jonathan Waters, in Items 20 and 21. Thomas Fine, a university professor, writes in a scholarly fashion of his experience and the status of the IR in Items 23 and 24.

A current self-described "53 year old" member of the band, Kristine Frey Tikson comments to the President and the Board of Trustees concerning the culture of the band, her observations as a female member, and her personal pain over the investigation. Dan Kiracofe, a university professor, points out the admission in the *Glaros* Report that Jonathan Waters had undertaken aggressive action to address any difficulties in band conduct "head-on" and complains of a lack of due process afforded Jon Waters. **Of particular interest is the report of Jenna McCoy (Item 41), who surveyed Big 10 Bands to determine that their brass and percussion sections experience nearly the identical percentage of female members as does the all-brass-and-percussion Ohio State University Marching Band.** Jennifer Mitchell, another multi-generation graduate of Ohio State who took a

lead role in assisting the Committee in preparing this report, identifies specific issues suggesting that the current culture of the Marching Band, one of honor, praise and giving coupled with outstanding performance, is the product of the efforts of Jonathan Waters.

Dr. Brice Musser, who was present at the Lakeside, Ohio concert in front of 2,000 people on July 26, 2014, expressed the common view that the "sudden firing has shaken my confidence in the judgment of the Administration of The Ohio State University." Victoria Nolte, Item 48, echoes those sentiments about disappointment in the University, as does Allison Pallard, holder of three degrees and a five year member of the Band who notes that her life would "not be what it is today had it not been for the acceptance, support, positive experiences, laughter and friendships" she gained while a member of the OSUMB. None of these individuals were "harassed, forced, or degraded" in the band at any time. None were victims. No victim of the Band "culture" has been identified. **Overwhelming evidence of the positive culture of the Marching Band has been identified.**

Some current faculty members and teaching associates have spoken out, including Jonathan Picking who states unequivocally that as an educator himself, "Dr. Wadsworth does not speak for me." Ian Polster, a legendary Ohio music educator, commented that there was no relationship between activities occurring at other schools which may have provoked the harsh response and those matters of tradition in the OSUMB. Tyler Provo, who led the group of Squad Leaders releasing their report, which was apparently ignored by the Administration, addressed all issues head-on including nicknames, "the midnight ramp", and their similarity to events occurring throughout the University. His comments in Attachment #7, Item 54 are singular in their importance.

Item 71, a letter of Charles David Spohn to the Columbus *Dispatch*, recalls a time when his

father, Charles L. Spohn, was Director of the Marching Band, relaying the history and association with the organization since childhood even though he was not a member of the Band. He portrays Jonathan Waters' commitment to improving the organization publicly and behind the scenes and seeks reconsideration of the dismissal.

Most significantly, **James Swearingen, a current member of the OSUMB arranging staff** (among other arrangers with whom we have spoken) expresses particular outrage, having worked first-hand with the Marching Band since 1974 and having seen the leadership of Droste, Woods, and Waters. He considers all three to be outstanding educators and great leaders who built the band in to "one of the premier programs in the Country." (Item 72)

The list includes a multitude of female former members of the Band including Kimberly Putman-Nocera, Robyn Ramseyer, Sherri Rapp, Christina Regule, Brianne Reiss, Michelle Reuss-Jackson, Allison Schaffer, Jeanette Town, and Leigh VanHandel. None were a victim. None were "pressured to do anything." All embrace the opportunity and character development which occurred in the Marching Band. Jocelyn Smallwood, disparaged by her nickname of "Donk" in the *Glaros* Report, sets the record straight as she has consistently through press conferences and media appearances and in her eloquent writing. A group of female alumni speak out in the Ohio State Marching Band blog as indicated in Item 78.

Others identify Jonathan Waters' specific acts of kindness and support, for example, Donn Young, in Item 79. He writes to the Columbus *Dispatch* concerning Jonathan Waters and the OSUMB saluting his dying wife, an Ohio State graduate suffering from terminal cancer, by letting her "Dot the I" at band practice, and encircling her to sing *Carmen Ohio* to her. A dying wish fulfilled as she was awarded honorary membership in the OSUMB. The band

and the family were in tears. It was an unparalleled act of kindness. Mr. Waters later led a group of musicians, unannounced, to play at her funeral. The family will never forget this "caring and compassionate, wonderful representative" of the University, as a demonstration of "Band Culture".

The final comments, Item 80, come from 2009 graduate Brian Gill. He is particularly proud of the support he received during his five years in the OSUMB with respect to his personal life, as he puts it:

"I feel so strongly about the marching band and Jon Waters that I feel the need to step out of my comfort zone...I am a son, a brother, a friend, a musician, a colleague, a Buckeye, and I'm gay. It is nothing I am ashamed of. It is part of me, not who I am."

He says it all, concerning the true culture and acceptance he experienced in the OSUMB:

"...The band is a melting pot of religion, political views, cultural beliefs and personal experiences. The band represents one of the most diverse student groups on campus in this aspect...It would be a lie to say that I didn't hear things that might have made me uncomfortable at times. I never once, however, felt like an outcast, harassed, disrespected, unsafe or unwelcome during my tenure in TBDBITL..."

Mr. Gill puts the "songbook" issue in perspective, again causing us to express disappointment that this rare document was made the centerpiece of the IR:

"...I want to focus on is the "Unofficial 'Song Book'" of the band. Did this booklet exist? Yes. Was it issued to all band members? Absolutely not. I saw this booklet maybe once or twice in my five years in the organization, rarely even getting a chance to look through its contents..... If the staff did find one, they

confiscated it immediately..... I'm stating that this is a thing of the past. We did not sing these songs on the bus, mainly because most members have never even seen these lyrics or songs. In fact, the bus I was usually on would sing much different songs, usually more consistent to Broadway show tunes or Disney songs."

Finally:

"I want to state that the acceptance and inclusion of the LGBT community is not something that the OSU Marching Band struggles with; it is an issue that society in general struggles with. While we as a society have been moving forward, the OSU Marching Band has always been strides ahead in this matter.... I have

never missed an opportunity to march with the TBDBITL Alumni because I loved every moment I had with my band family."

Brian Gill demonstrates not only his own character, but the character and culture of the OSUMB.

The administration, as has occurred in the past, may dismiss such comments as largely coming from band alumni, but there is much more here. Moreover, if a true assessment of band culture is to be achieved, the focus should be upon members who were in that band as they relay their positive lifetime benefits and the true "culture" of The Ohio State University Marching Band.

XIII. CONCLUSIONS AND RECOMMENDATIONS

1. Jonathan Waters should be immediately reinstated as the Director of The Ohio State University Marching Band in the face of a fully discredited "investigation report" upon which his dismissal was originally said to be based. He was given no opportunity to respond, contrary to elementary due process rights and Title IX guidelines. Since the time of his dismissal the University has fallen back on alternate justifications for his termination, next claiming that the basis for dismissal was "lying" to investigators (not compelling given the investigation technique, confusion and obscure details utilized and examined) and for berating a student (not compelling for a host of obvious reasons, including the repeated disciplinary problems involving the student leader who staged and induced the tirade in order to obtain a recording). We conclude that Jonathan Waters was sacrificed in order to demonstrate compliance with Title IX policy, notwithstanding the inaccuracies and false conclusions in the "Investigation Report".
2. The control of the OSU Marching Band has been with the School of Music since 1929. Since that time, the Athletic Department has funded the band, but the academic control (appointing of directors and staff, listing in the OSU catalogue as a School of Music course, and issuing of student grades) has been under the School of Music. Even with Jonathan Waters' appointment as Director approved by University President E. Gordon Gee, he and the band have continued to be "housed" in the School of Music. Given the apparent and inherent bias, jealousy and conflicts in the School of Music and Marching Band relationship, the academic control of the band should be reassigned. Return to School of Music control threatens the success, "world class" reputation, history and traditions of the Marching Band.
3. The University's Investigation Report, the *Glaros* Report, with its outrageous, false and defamatory assessment of Marching Band *culture*, should be immediately repudiated and disclaimed by The Ohio State University,

as defective, wrongful and inaccurate. The Report has done more harm, falsely, to the reputation of The Ohio State University and to the honor, reputation and personal well-being of its students and alumni, than perhaps any event in University history. Reliance upon such a report, in order to demonstrate Title IX compliance, abuses the purpose of Title IX and allows potential for unfair criticism of a more than 40 year old effective tool to prevent sexual discrimination.

4. The process of healing from these devastating events and public humiliation can only begin upon an acknowledgement and reckoning with the Marching Band members, and the alumni and families, including issuance of an apology and widely publicized retraction.
5. Damage has been done to personal, Alumni Association and University relationships. What is reparable is subject to debate. However, what is beyond debate is the fact that the refusal of the administration of the University, and its various components, to honestly and openly confront and discuss the controversy has created its own fallout. It is apparent that the administration has been advised to ignore and reaffirm its ill-advised decision and Report in the belief that the protests will eventually lose momentum and fade away. It is our view that with the current approach, the presidency of Michael Drake will be damaged indefinitely, the ability of the University family to confront other issues will be impaired, fundraising of course will be badly damaged, and, most importantly, the human emotional cost to alumni, staff and students will persist. If this University administration is willing to accept those costs, in exchange for never having to admit its errors on any level, there are those who will indeed accept that result and move on, leaving their love of the University as an institution behind. That result is unacceptable.
6. We recommend and insist on an open and honest dialogue with the administration and Trustees to resolve these issues. Now, the obvious implication, resulting from the September 11, 2014 "resolution" press release from the US Department of Education, is that Jonathan Waters and the OSUMB reputation were sacrificed to prove its goal of Title IX compliance by a University under investigation, resulting from a preordained result achieved through a defective "investigation report". The administration has simply counter-attacked when criticized. No resolution occurs without a fair reckoning on all issues. No repair of The Ohio State University occurs in the current climate without the willingness to embrace the truth.

**APPENDIX TO
INVESTIGATIVE
COMMITTEE REPORT**

APPENDIX INDEX TO ATTACHMENTS

1. Meeting requests/replies to and from Office of President
2. OSU Compliance, Retaliation Policy
3. OSUAA email to clubs and societies, August 23, 2014
4. Emails requesting meeting with University Investigators
5. Email and reply regarding President's Club
6. Form letter from BoT to TBDBITL, September 3, 2014
7. Appendix of letters and newspaper comments
8. OSUMB Policies and Procedures
9. 2012-2013 Squad Leaders' Report and supporting documents
10. Lantern articles regarding Andrea Goldblum
11. Script OHIO summary of 1973 events
12. TBDBITL Diversity Initiative Application/Description
13. Montgomery Task Force, University Letter of Appointment
14. Montgomery Questionnaire
15. Transcript of Goldblum interview – WTVN, August 27, 2014
16. Columbus *Dispatch* regarding College of Arts and Sciences control, August 5, 2014

ATTACHMENT 1

Subject: FW: Confirmation for meeting with President Drake
Importance: High

----- Forwarded message -----

From: Compston, Michelle <compston.2@osu.edu>
Date: Tue, Jul 29, 2014 at 8:46 PM
Subject: RE: Confirmation for meeting with President Drake
To: "Brian J. Golden" <goldenbrianj@gmail.com>

Hi Brian,

The president has set aside time to meet with you and Archie so that the three of you, as leaders, can discuss concerns. He appreciates you coming in tomorrow for this meeting.

Thank you!

Michelle

From: Brian J. Golden [<mailto:goldenbrianj@gmail.com>]
Sent: Tuesday, July 29, 2014 7:19 PM

To: Compston, Michelle
Subject: Re: Confirmation for meeting with President Drake

Hi Michelle,

Thank you for the note. Per our conversation yesterday, I thought I was able to bring up to 3 individuals with me. These individuals would include:

Shelley Graf - alumni Drum Major, Dr. Paul Droste - Director Emeritus, and Gary Leppla - alumni, band parent.

Per my voicemail this afternoon, I did not know their vehicle make/model, etc. but they were still coming.

If I understand correctly, now they are not invited?

On Tue, Jul 29, 2014 at 7:02 PM, Compston, Michelle <compston.2@osu.edu> wrote:

Hi Brian,

This is to confirm the meeting scheduled for tomorrow (7/30) with President Drake. Participants in the meeting will include: You, President Drake, and Archie Griffin. The meeting will be held in Dr. Drake's office, 205 Bricker Hall. We have arranged for parking for you in the front of Bricker Hall.

Thank you,

Michelle

Michelle Compston

Director, Scheduling and Special Projects

Office of the President

The Ohio State University

190 N. Oval Mall

Columbus, OH 43210

Phone: [614-292-2424](tel:614-292-2424)

Compston.2@osu.edu

From: goldenbrianj@gmail.com [<mailto:goldenbrianj@gmail.com>] **On Behalf Of** Brian J. Golden

Sent: Monday, July 28, 2014 3:49 PM

To: Compston, Michelle

Subject: Re: Confirmation for meeting with President Drake

Thank you Michelle. I will let you know the names of the others as soon as I can arrange.

Just so that I am prepared, do you know who will be joining Dr. Drake?

Thanks again,

Brian

On Mon, Jul 28, 2014 at 3:16 PM, Compston, Michelle <compston.2@osu.edu> wrote:

Dear Brian,

This will confirm your meeting scheduled with President Drake for Wednesday, July 30, 10:00 – 10:30 am, in Dr. Drake's office, 205 Bricker Hall. Please do let me know the names of the others who will accompany you, along with their car information and we will arrange for parking in the front of Bricker Hall.

Thank you!

Michelle

ATTACHMENT 2

Subject:

Attachment 2

<http://titleix.osu.edu/sidebar-resources/osu-policies/retaliation.html>

Retaliation

The university will not tolerate retaliation in any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an alleged, or participates in an investigation of discrimination or harassment. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination, sexual violence or harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of or questions about retaliation should be directed to the Office of Human Resources, Student Conduct, or the Title IX Coordinator.

Good Afternoon,

I have been contacted by club leaders regarding an e-mail recently circulated by an alumnus opposing last month's change in Ohio State Band leadership.

Obviously, there are differing opinions regarding the university's decision, and all of us at the Alumni Association respect individual opinions as a matter of personal perspective. However, some in the Buckeye community are concerned when club leaders' personal views influence their actions as volunteer leaders. Based on the calls we are receiving, some club leaders have objected to this unsolicited information; others have forwarded it to their full club membership. Both are concerning to us at the Alumni Association. Club leaders have agreed to use alumni contact information only for approved club activities. Using mail lists for broader, more personal reasons compromises the privacy of club members.

The Alumni Association fully supports the decision made by President Drake and university leaders as a result of the Office of University Compliance and Integrity's investigative report on the marching band culture. The surest path forward in resetting the culture of the band while continuing its tradition of excellence is through pursuing clear, values-based decisions that support our students. The university's focus and actions have been and will continue to be about students and the imperative to ensure that every single person on campus is able to learn in a safe and positive environment.

While all are entitled to their personal opinions and we value diversity of views, it is inappropriate for club leaders to use member lists for non-club related activities and information. If you have questions about this matter or any other activity, please contact us.

As always, please know we are grateful for your service on behalf of the Alumni Association.

Kimberly Lowe

The Ohio State University

Kimberly Lowe Director, Alumni Clubs

The Ohio State University Alumni Association, Inc. Outreach and Engagement

Longaberger Alumni House | 2200 Olentangy River Road Columbus, OH 43210

614-292-2371 Office | 800-862-5827 Office | 614-688-4220 Fax

lowe.133@osu.edu osu.edu

ATTACHMENT 4

Subject: Investigation Report

From: Gary Leppla
Sent: Wednesday, August 20, 2014 11:43 AM
To: Schimmer, Alexandra
Subject: Re: Investigation Report

Thank you for your reply.

I am a lawyer who needs to work through the lawyers for the Administration as opposed to their Alumni Association. We are asking to talk to an investigator and a lawyer who wrote the Investigation Report. That sort of request ought not go through the OSUAA.

Gary J Leppla

On Aug 20, 2014, at 11:37 AM, "Schimmer, Alexandra" <schimmer.1@osu.edu> wrote:

Mr. Leppla,

You can direct public records requests to our Public Records Office. The contact is Lauren Lubow (247-2260 or lubow.7@osu.edu).

The Office of Legal Affairs can of course be the contact on legal matters, such as the contract/licensing issues you've worked on with Mike Mitchell. All other communications about the Band or requests for information, such as those you state below, should go through Andy Gurd, the Chief Operating Officer of the Alumni Association, consistent with the communication channel set up by Brian Goldin, Dr. Drake, and Archie Griffin in their meeting earlier this month.

Best regards,
Alexandra

From: Gary Leppla [<mailto:gjleppia@leplaw.com>]
Sent: Monday, August 18, 2014 12:57 PM
To: Schimmer, Alexandra
Subject: Investigation Report

Ms. Schimmer, as you know I am one of a committee of four appointed by the TBDBITL Alumni Club, Inc. to investigate all matters involving the issues, investigation and release of a document by the OSU Administration concerning the Ohio State University Marching Band and its director in July 2014. We have questions regarding the "Investigation" Report (IR) regarding the marching band "culture" and Professor Waters.

With whom should we coordinate public document requests, if utilized?

Should we communicate with you any possible requests for interviews with the investigator and authors of the IR as we continue to address all issues concerning the IR?

With whom should we discuss, if necessary, the OSU approach to Title IX issues?

Thanks for your courtesies.

ATTACHMENT 5

Subject: FW: You are invited to the President's Club Pre-Game Event, September 27

From:
Sent: Wednesday, August 20, 2014 8:57 AM
To: President's Club

Of course. You mention football tickets.
There is a little more going on here. Thank you.

On Aug 20, 2014, at 8:24 AM, "President's Club" <presidentsclub@osu.edu> wrote:

Dear Mr. _____,

Thank you for your comments regarding the Marching Band issue.

As you requested, you will no longer receive information from the President's Club. Please be aware that this will affect your opportunity to purchase football tickets beginning in 2015.

Should you have additional comments or concerns, please do let us know.

Cordially,

Kendra McElroy
Manager, Donor Recognition

From:

Sent: Tuesday, August 19, 2014 3:54 PM
To: President's Club

Given the refusal of the President to acknowledge that his decision making regarding Jon Waters was the result of a false and misleading investigation despite all evidence pointing now to that unequivocal conclusion, please remove me from any further notices from the President's Club.

Further, the release of information to the public concerning alleged "culture" and practices which even he must acknowledge were at least 80% in the past, has humiliated over 4000 living alumni of the Band, their families and friends and supporters. President Drake has done irreparable harm to Ohio State University yet he still hides behind a defective false document, refuses to discuss, and seems unable to do the right thing.

As an act of honor and truthfulness, he needs to face the truth, repudiate the report, and attempt to undo the harm done, first by restoring Jon Waters to his Director position as the No. 1 ambassador of good will for OSU. We are not going away.

On Aug 19, 2014, at 3:42 PM, "The Ohio State University President's Club"
<presidentsclub@osu.edu> wrote:

OSU.EDU

Search O

PRESIDENT'S CLUB



You are invited to the President's Club Pre-Game Event

Saturday, September 27, 2014
3:00 - 5:30 p.m.
Drake Performance and Event Center
Main Lounge, second level
1849 Cannon Drive

We hope you can join us prior to the University of Cincinnati vs. Ohio State game.

Our event will feature a buffet meal, cash bar (beer only; one complimentary per legal-age adult), an early appearance by the Ohio State cheerleaders and Brutus Buckeye, photo opportunities and musical entertainment.

Cost is \$30 for adults and \$12 for children ages 3-12 (no charge for ages 2 and under).

RSVP to the Customer Service Center at [614-292-2281](tel:614-292-2281) or [800-762-5646](tel:800-762-5646) by September 19. Refunds are available for cancellations received by noon on September 22.

We look forward to seeing you!



THE OHIO STATE UNIVERSITY

President's Club
1480 West Lane Avenue, Columbus, OH 43221-3938
Phone: _____ Fax: _____
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ATTACHMENT 6



THE OHIO STATE UNIVERSITY

Board of Trustees

100 University Hall

Columbus, OH 43210

614.293.1234

www.osu.edu

September 3, 2014

Board of Governors, TBOBITL Alumni Club
3899 Wedgewood Place Drive
Powell, OH 43055

Dear Board of Governors of the TBOBITL Alumni Club, Inc.

Thank you for sharing your thoughts and concerns with the board. Please know that the board's focus is squarely on the well-being of the young people entrusted to our care.

The university's leadership has set a standard for all members of the campus community and its academic units. We must ensure a safe environment for all students and this standard requires a change in leadership.

Thank you for your support of the band. As we move forward, we fully expect the band's excellence and culture to be strengthened. For more information, I encourage you to visit <http://www.osu.edu/bandculture>.

I appreciate your taking the time to write.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blake Thompson'.

Blake Thompson
Secretary, Board of Trustees

ATTACHMENT 7

INDEX TO ATTACHMENT 7

#	Last Name	First Name	Comment	Source
1	Balzer	Emily	OSUMB experience	Blog
2	Belle	Greg	Drake response/Do the right thing	Email - PB
3	Bauchert	Darryll	Drake decision disgusting	Email - Writer
4	Bauchert	Darryll	Decision based on flawed info	Email - Writer
5	Berry	Richard	Ready to speak to BoT	Email - Writer
6	Betts	Bradley	Investigation far from truth	Email - PB
7	Bock	Janine	Her history in OSUMB	Email - Writer
8	Boriin	Pete	Report contrary to positive steps	Email - Writer
9	Boriin	Pete	Jon's contributions listed	Email - Writer
10	Brennan	Rachel	Joy of making OSUMB	Blog
11	Brumback	David	OSUMB is a positive experience	Email - Writer
12	Bunkley	Darrell	Report true in 86-90/damaging to OSU	Email - Writer
13	Clark	Alexandra	Letter from "Joobs"	Blog
14	Clark	Alexandra	Nick names inoffensive to us	WeStandWithJonWaters
	Town	Jeanette	Report made us victims	
	Nolte	Victoria		
	Smallwood	Jocelyn		
	Barrie	Lindsay		
15	Coggins	Mike	Initial invest. deserves 2nd look	Email - Writer
16	Coggins	Mike	Invest. poor eg. of professionalism	Email - Writer
17	Coggins	Mike	Despite intentions leaders make mistakes	Email - Writer
18	Cohen	Lawrence	Report Analysis	Email - Writer
19	Cox	Jeffrey	Atty/Glaring faults in report	WeStandWithJonWaters
20	Crockett	Karen	Jon worked to improve band culture	Email - Writer
21	Crockett	Karen	Jon worked to improve band culture	Email - Writer
22	Essman Stevens	Julie	She, dad and son in OSUMB	Email - Writer
23	Fine	Thomas	My experience in OSUMB	Email - Writer
24	Fine	Thomas	Our Honor Defend Essay	Email/Blog - Writer
25	Flesher	John	Jon's rules ensured safety	WeStandWithJonWaters
26	Francis	Nanci	True culture of OSUMB	Email - PB
27	Frankart-Finn	Sara	OSU besmirched what was dear to me	Email - PB
28	Frey Tikson	Kristine	53 yr. old female/report flawed	WeStandWithJonWaters
29	Gold	Jennifer	Learned to support one another	WeStandWithJonWaters
	Gentile McGarry	Alli	Still do support each other after 15 yrs.	
	Will	Anne		
	Miller	Bill		
30	Greenburg	Mark	Pres. Of Tresona/Due process	Blog
31	Hall	Doug	Positive leadership reinforces values	Email - Writer
32	Haller	Chris	Gross mishandling of situation	Blog
33	Hellstrom	Karl	Admiration for band reduced	Columbus Dispatch
34	Herak	Patrick	Investigation unscientific	WeStandWithJonWaters
35	Johnson	Rick	Career affected/OSU stubborn leaders	Email - PB
36	Kiracofe	Daniel	Report exaggerated & not accurate	Email - PB
37	Lewis	Brian	Support Jon - firing unjustified	Email - Writer

38	Lewis	Brian	Concerns about Investigation report	Email - Writer
39	Metzer	Brian	Drake's destruction of OSUMB	Blog
40	Metzer	Brian	Treatment of OSUMB and Waters	Email - Writer
41	McCoy	Jenna	Analysis of % of Women in OSUMB	WeStandWithJonWaters
42	Mitchell	Jennifer	Analysis of investig. Jon's integrity	Email - Writer
43	Mitchell	Jennifer	Research Instit. defend flawed report	Email - Writer
44	Moody	Andrew	Problem that OSU let a report like this out	Columbus Dispatch
45	Musser	Brice	No confidence in OSU Administration	Email - PB
46	Musser	Carolyn	Invest. blown out of proportion	Email - PB
47	Myers	Thomas A.	Leader should admit mistake	Email - Writer
48	Nolte	Victoria	Letter from "Tulsa"	Blog
49	Pallard	Allison	OSUMB is family/defense of Jon	Email - Writer
50	Picking	Jonathan	Administration tone deaf response	Email - PB
51	Plattenburg	Joseph	Reservations with investigation	Email - Writer
52	Poast	Steven	Heartbroken for Jon & OSUMB	Blog
53	Polster	Ian	Not dangerous/tame to other groups	Columbus Dispatch
54	Provo	Tyler	Fallacies of report did harm to OSUMB	WeStandWithJonWaters
55	Putman-Nocera	Kimberly	Report not accurate	Email - Writer
56	Ramseyer	Robyn	Evidence Based Practice not followed	Email - Writer
57	Rapp	Sherri	Outrage w/univ. compliance/integrity	Email - Writer
58	Rapp	Sherri	"Oath of Secrecy"	Blog - Writer
59	Rapp	Sherri	"My experience in OSUMB"	Blog - Writer
60	Regule	Christina	I-row fem squadldr/Now Army Chaplin	Blog
61	Reiss	Brianne	Slander debacle offensive to me	WeStandWithJonWaters
62	Reuss-Jackson	Michelle	Investig. compared to medical ethics	Email - Writer
63	Schaffer	Allison	Defending self, Waters, and Univ.	Blog
64	Sekel	Joseph M.	Plea for reinstatement	Email - Writer
65	Sekel	Joseph	Plea for facts/fairness	Email - Writer
66	Sheets	Damian	Insulted, persecuted, misrepresented	Blog
67	Sheridan	Jay	Upset how we are being judged	Blog
68	Smallwood	Jocelyn	Letter from Donk	WeStandWithJonWaters
69	Smyke, Jr.	Norman	Personally witnessed Waters improve	Email - PB
70	Smyke, Jr.	Norman	Taxpayer disappointed by Drake/BoT	Email - PB
71	Spohn	Charles David	Not support firing	WeStandWithJonWaters
72	Swearingen	James	Insulted & deeply hurt by accusations	Email - PB
73	Town	Jeanette	"Tiggles" - clear up inaccuracies	Email - Writer
74	Unidentified female		ABC 6 interview	Blog
75	VanHandel	Leigh	Never pressured to do anything	Blog
76	Viebranz	Gregory	OSUMB history	Email - Writer
77	Windle	Robert	Glaros report deeply flawed	Email - Writer
78	Women Alumnae		Speak out against allegations	Blog
79	Young	Donn	Jon's Act of Kindness	Columbus Dispatch
80	Gill	Brian	Letter to the editor: OSUMB supports its LGBT members	The Lantern

Emily Balzer - Candidate for Membership in the OSUMB

As everyone knows, it's been a very difficult week for the OSU band program. I have yet to make a personal statement in the heat of events, and I believe I have finally found the words I've been searching for. Tonight I experienced what it was like to truly be involved in the Ohio State marching band's program. As we fell in for Sloopy, around 100 alumni were there cheering, singing, and clapping with all of the sweaty, worn-out participants at tonight's session. Yes, we were worn out, but if you think that had any influence on how hard we push to perform Hang On Sloopy, you are terribly mistaken. You see, when you are a part of something as strong as the Ohio State Marching band, no matter how bad you feel, how scared, sick, exhausted you may be, you drive through it. You focus on striving towards a perfect arc on Sloopy with parallel legs and crescendos in the correct places. And tonight, as we finished, and I screamed "Yeah!" with my horn out proud showing off how hard we just worked, I didn't feel my shoulders throbbing or my arm aching. I stood there, staring straight forward at all of the alumni going crazy for the song they love to hear. I stood there, a part of something more powerful than I will ever be able to fathom. I stood there, a proud candidate trying out for The Best Damn Band In The Land.

The pride and excitement continued through 3 ramps and POPSICLES (THANK YOU TBS!!) along with a good "O-H, I-O OHIO!" with the alumni assisting us, of course.

And just when I thought it was all over, when I was walking back to my section, a familiar melody rang through the air triggering a goosebumps sensation down my arms. I stopped everything and turned to see those 100 people, arm in arm, swaying to Carmen Ohio. The 5 people around me wrapped their arms around me and swayed with me. I don't know their history, I don't know where they're from, but we are all a part of music and The Ohio State University. At that very moment I realized what it means to be a member of an organization as powerful as The Ohio State University Marching Band.

I would like to thank all of the alumni, especially Stephanie Renae and those of E and R rows who brought us candy and cookies! And I want to thank all of the fantastic Vets, Rookies, and Squad Leaders for being the most amazing group of people I have ever met. You are my heroes.

So, to President Drake and all those appalled at what appeared in the report, this is who we are. This is why we do what we do. We are regular people holding regular jobs all over the country. We are parents. We are outstanding members of our community. Most of all, we are TBDBITL, and we are PROUD to be.

Welcome to Ohio State. Hope you enjoy your stay.

Sorry for the long post. WB!

President Drake,

First, let me say no director in the history of the OSUMB has had a more positive impact on the Ohio State University and it's marching band than Jon Waters. Second, any marching band, as-a-rule, is a tight-knit group with traditions and beliefs that transcend political correctness. The idea that one man can change these is absurd. What is disturbing is so-called scholars can't see this fact. The next director will have the same challenges and will not be capable of changing it over night. Will you fire him/her too? ...and the next?

I am taken aback when I read the accounts of the previous few weeks. I am also surprised at your lack of thorough investigation when it comes to an employee of this magnitude?

I realize you have placed yourself in a difficult position that makes backing down difficult for you. You are not weak for doing what is right. You are only weak for defending that which is unjust! Being wrong is not a bad thing... Many before you have made mistakes.... The good news is you can still fix this mistake! (There will come a time when you are stuck with this mistake and it will haunt you for the rest of your tenure. Too many of these kinds of mistakes and your tenure will be short-lived.) It is not easy to be a leader, and this is the time for you to fight the good fight!

Please do the right thing and reinstate the best candidate for the job as director of the Best damn band in the Land!

Thank you,

Greg Belle
864-787-3977

Mr. Belle,

Thank you for sharing your concerns. At The Ohio State University, we take the responsibility of ensuring the safety and well-being of our students, and other members of the university community, very seriously. The marching band is part of an academic unit, and its leadership and students must adhere to the standards we expect.

After receiving a series of complaints, including specifically one about the environment of the marching band, the university thoroughly reviewed and assessed the situation before taking action. We remain in full support of the band and in building a culture and environment where all members of our community can thrive. Furthermore, we are committed to maintaining what makes the band great—its passion, music and innovation.

For more information, please visit <http://www.osu.edu/bandculture>.

Thank you for taking the time to write.

Sincerely,

Michael V. Drake, MD

President

From: Greg Belle [mailto:gcbelle@charter.net]

Sent: Monday, August 18, 2014 11:28 AM

To: President Michael V. Drake

Subject: Jon Waters

Darryll R. Bauchert to the Ohio State Board of Trustees

August 2, 2014
Jeffrey Wadsworth, Chair
Board of Trustees
THE OHIO STATE UNIVERSITY
Attention: Secretary for the Board of Trustees
210 Bricker Hall
190 North Oval Mall
Columbus, Ohio 43210

RE: Firing of OSUMB Director Jon Waters.

Dear Mr. Wadsworth:

Please allow me to begin by acknowledging that you are receiving a huge amount of mail due to this most unfortunate situation. Given that, I will attempt to be as brief as possible, but still try to get my points across, hopefully promoting a compete and full re-evaluation of the situation, which should lead to a totally different end result.

I first attended The Ohio State University during the Fall Quarter of 1969, immediately following my graduation from Brookhaven High School in Columbus. All of my family were lifelong Columbus residents, most born and raised there. I entered that quarter as a music education major, following my total ambition at that point in my life. This is important because, as a music major then, I was discouraged by the School of Music, from trying-out for the Marching Band; music is your only priority and you should avoid such distractions, I was told.

For a number of reasons, money and indecision being primary, I decided I could not continue to attend Ohio State. Please remember, the Vietnam Conflict was in full force during that time. Following my completion of that quarter and to assist my financial ability to attend OSU later under the GI Bill, I decided to join the military. I considered two branches – Air Force and Marine Corps. The Marine Corps was “on my list” for two basic reasons, 1. My dad had served in the USMC and 2. They had a very respectable Marine Music program. Long story short, I enlisted for a four-year term in the United States Marine Corps. Thankfully, I did not get sent to Vietnam, but did, eventually, end-up in the Marine Corps Music Program, attaining the rank of E-5 Sergeant (granted meritoriously during my fourth year) before my Honorable Discharge from active duty on December 11, 1973. I then returned to Ohio State to continue my studies in music education.

I graduated from Ohio State with a BA In General Administration Winter Quarter 1976, in the same class as Archie Griffin. Along the way I had made a decision that I was better suited for a career in Human Resources than music. But something else had happened along the way which, somewhat like my service in the United States Marine

Corps, had a major, life-changing effect on me – I tried out and made, on the first attempt, the Best Damn Band in the Land, The Ohio State University Marching Band. As somewhat of an aside, I believe I was the first person who ever tried out and made The Band on what we call "Effer", Eb cornet. This is an instrument usually reserved for senior trumpet players who had somewhat of a "gift" playing in the upper range. I had that from my Marine Band experience. Why is this significant in this situation?

I came to TBDBITL generally older and, perhaps, more mature from my military experience than the normal "rookie" coming to the band. Did I still participate in, what some have termed, "sophomoric behavior". Yes I did. It was fun. It was participating in harmless pranks, song singing, behavior that was fun but DID NOT pose any threats or bodily or mental harm to anyone. Here I was a 23 year old, Marine Veteran, married with one child, being able to have a great time and performing music at an extremely high level, on par with what we did in the Marine Corps, perhaps even higher in some ways. Were some of those things probably unacceptable by today's standards of always being "politically correct"? Probably so. Through it all we performed together, played together and carried on traditions together, but all and always in the highest regard for our beloved The Ohio State University. It was honor. It was our pride. Much like what I learned and carry with me today as a proud veteran of the United States Marine Corps, The Best Damn Band in the Land and a graduate of THE Ohio State University.

This brings me to the disgusting situation at hand. In my opinion, a decision was made by someone who does not really understand Ohio State, had only three weeks on the job, was hired by a Board who, also in my opinion, did not fully vet the candidate based on what we have now seen. He made a decision based on a report which, at best, is flawed at its most basic levels and contains unfounded and misguided information, perhaps to serve one's own purpose. There is at least one of my marching band colleagues who has done a much better job of analyzing the report from a technical and legal standpoint than I. Based on what that person and others have said concerning the report, I totally believe their analysis and conclusions; it all makes perfect sense to me. At best, the report is not good science.

I can tell you, based on my specific area of expertise in Human Resources Management (I hold an MBA from the University of Toledo in this area and a Lifetime Accreditation as a Senior Professional In Human Resources) the method and consideration Dr. Drake gave to this decision was totally inconsistent with appropriate management practices.

I promised I would try to be brief and I know I am not doing a very good job of that, but I cannot complete this without interjecting one other opinion I have, which I believe has merit for consideration. This opinion deals with the current Athletic Director, Gene Smith. I know Archie gets mad at me every time I bring this up, especially on social media, but I must state what I truly believe. In my opinion, this situation can be shown to mirror, in many aspects, the same situation which occurred in the Coach Jim Tressel situation. Coach Tressel was, in my judgment, made a scapegoat for Mr. Smith's lack

of supervision and appropriate management behavior, like this situation, the unwarranted termination of Jon Waters. Please consider who directly supervises the Office of Compliance – AD Smith. But he “skates” (sorry for the Marine term, yet totally appropriate here), while others have their careers and family lives destroyed. Then we get a guy from outside of Ohio, making this “game changing” decision very early in his tenure. I might also point out here that I have heard on more than one occasion that Mr. Smith is not a fan of the Marching Band and that he even made the statement, “We need to get more skin on the field”. Sexism? From the Athletic Director of the prestigious The Ohio State University? I say there’s much investigation still to be done. Not with Jon Waters, who was actually trying to do something about the questionable things, but others. Please see the attached document, marked as “EXHIBIT 1”, which I believe written by Mr. Waters in an attempt to show how he WAS trying to change things, and was “mysteriously” deleted from the report. Obviously not just a convenient omission!

Before I end, I must make something perfectly clear: Jon Waters is my friend. My wife and I had the pleasure of spending significant time with Jon and his wife, Molly, while traveling with the TBDBITL Alumni Club in England several years ago. He is one of the most decent, family-oriented, innovative and professional people I have ever met. It is important that you know I say these things working closely with judges, attorneys, mental health professionals, fellow mediators, financial professionals and other professionals on a DAILY basis. I knew Jon was “all Ohio State” years before he became Director, while he served as Assistant Director under Dr. Jon Woods and basically wrote and directed the marching portions of the TBDBITL Reunions. I knew then we could not stand to ever lose Jon Waters from Ohio State. Not only was he totally committed to us, he knew what he was doing and he WAS, and still is, Ohio State. We can’t stand to lose him now either.

During his brief tenure as Director, Jon Waters has taken, not only OSUMB, but music and marching band education to new, unbelievable heights. This has, without a doubt, brought more prestige and funding to Ohio State. But you already surely know that. Accordingly, you MUST do the right thing, however difficult it may be.

I sincerely apologize for not upholding to my promise of brevity. I am most hopeful you understand. ***I totally support the reinstatement of Jonathan Waters as Director of The Ohio State University Marching Band, retroactively, with back pay and benefits, and an official apology being released by the president of Ohio State.*** The Marching Band deserves this, the TBDBITL alumni deserve this, the alumni of Ohio State deserve this, but mostly Jon Waters and his family deserves this.

I formally request confirmation that you have received this correspondence and that I receive a specific, not canned, response from you. I appreciate, in advance, your attention to this matter.

Respectfully submitted,

Darryll R. Bauchert, Sr., MBA, CFP[®], CDFA[™]
President
Certified Family, Civil Circuit, Dependency & Appellate Mediator in Florida

Encls.

xc: David Axelrod, Esq.

August 2, 2014

Dr. Michael Drake
President
THE OHIO STATE UNIVERSITY
205 Bricker Hall
190 North Oval Mall
Columbus, OH 43210

RE: Firing of OSUMB Director Jon Waters.

Dear Dr. Drake:

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Dr. Michael Drake
August 2, 2014
page 2

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page 3

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Dr. Michael Drake
August 2, 2014
page 4

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Respectfully submitted,

Darryil R. Bauchert, Sr., MBA, CFP[®], CDFA[™]
President
Certified Family, Civil Circuit, Dependency & Appellate Mediator in Florida

Encls.

xc: David Axelrod, Esq.

Richard A. Berry
5294 Eisenhower Rd.
Columbus, OH 43229

August 27, 2014

President Michael Drake
The Ohio State University
205 Bricker Hall
190 North Oval Mall
Columbus, OH 43210

Dear President Drake,

This letter is written to you and others in support of Jonathan Waters. I have known Jonathan since the early 1990s. He has always impressed me as a fine and Christian young man. In addition, I have never met a person more full of the Buckeye Spirit as Jonathan. Jon, Chris Hoch and our son have been like brothers since they met in the 890s and were graduate assistants with the Marching Band together later.

Jon's career has always appeared destined for greatness. He became a protégé of Dr. Russell Mikkelson and soon thereafter, Dr. Jon Woods. Watching Jonathan conduct is like watching Mikkelson's clone. It is truly a thing of artistic beauty. Dr. Woods developed Jonathon's heart for Ohio State and the Marching Band. At the mentorship of Dr. Woods, he became a skilled drill writer and an outstanding teacher and rehearse.

First, we have situations caused largely by the parents of two female students. One young woman is claiming sexual assault on an off campus row party. Another drunken woman followed a drunken young man into his hotel room at a tournament basketball pep band trip not associated with the Marching Band which is a violation of policy. Jonathon followed the correct course of action first by calling the VP of Athletics who advised Jon to send them home. Both guilty students were sent home. The University Title IX office chose to rescind the punishment "of the girl" and send her back to the pep band. How did this happen? What possible explanation did the Title IX office use? How does Jonathan have any culpability in either of these two off campus events? How do these two isolated incidents translate into a sexualized culture in the Marching Band? Published articles in local news sources are indicating a cover up of the Athletic Administrator's involvement.

Unlike California and other coastal parts of this country, Ohio tends to be a conservative state that believes in God, fairness, honesty, truth, integrity and the rule of law. You, sir, have discredited this once proud university beyond measure, nationally and internationally. Mr. Waters was not properly given his due process under the law. He was not provided an opportunity to defend himself. He was not even given an opportunity to see the incriminating report until after his dismissal. Your recent press conference was filled with inaccuracies, untruths, and exaggerations. It is now being

reported that it has become necessary to employ a public relations company to clean up your mess and hide the facts. Your integrity is being measured by your actions, sir. I still believe you are misinformed and unprepared. Today's press release reacting to the squad leader's letter smacks of arrogance.

I fail to understand how a person who was a large part of the band culture in the 90s, can now possibly and fairly adjudicate Title IX today without prejudice one way or another. Was there not more staff during the 2013 season? Were there not other protégés of Mikkelson, Blatti and Woods involved with the Band Culture during the 90s, the 2000s, and last year? Why is there no shared culpability?

Gustav Bruder, Manley Whitcomb, Jack O. Evans, Charles Spohn, Paul Droste, Jon Woods, Jonathan Waters, Chris Hoch, David Woike, Brad McDavid, Mark Hosler, Charles Bates, David Leppa, Frank Tracs, Barry Kopez, Lisa Galvin, Scott Jones, many fine band directors, and thousands of Marching Band Alumni across the globe have been painted with the same broad swatch of injustice. We have now all been labeled sexual deviants. I was a high school band director for 37 years and sent at least 20 students to march in the OSUMB. Am I now to assume that I was wrong and that I somehow survived and perpetuated a culture of sex and abuse?

I must tell you honestly that I remember hard work, hours spent and stern discipline more than anything during my time with the band (1966-70). Yes, I was initiated. Yes, I had a nickname. Yes, I went to row parties. Yes, I initiated my new rookies and gave them nicknames. And yes, to this day, I have numerous songs committed to memory. All of this was wonderful fun. To this end, Jonathan has been working diligently with current band members to change these generations of rowdy behavior and has been praised and applauded for his efforts in recent evaluations by Professor Blatti.

I have always had enormous respect for Betty Montgomery. She has always been tough but a straight shooter and someone Ohio could trust. However, there are already well documented reports this she has been seeking to interview only students who have something bad or negative to say about Jonathan and the Band. Since her job description is to dig up more "dirt," I am not surprised but disappointed at her actions.

Please remember Dr. Drake that your Board of Trustees has this penchant for firing great people especially after bad and inaccurate reports have been released from the Athletic Director's Compliance Office. Jim Tressel is a fine man and great coach. Bob Todd was the Dean of Baseball Coaches. Jim Foster was developing a fine women's basketball program and, Ohio State had its most beloved President in E. Gordon Gee. All of these wonderful people were sacrificed at the feet of your Board of Trustees. Jonathan Waters's scenario is quite similar but even more unfair and illegal. This arrogance and injustice has now become even more apparent by the Board of Trustees' negative response to Jonathan's recent request.

I feel badly for you in many ways. You are only a month into your presidency and already mired in the muck of a controversy that did not have to happen. I prefer to think you were ill-advised. It is no secret in the Columbus community that the School of Music and the College of the Arts and Sciences has been trying to dismantle the band for years. Out of envy and jealousy, it has become the station in life for several high ranking officials. It is the reason E. Gordon Gee took the actions that he did in order to protect the band. What amazes me is that Jonathan is a product of Dr. Mikkelson and Prof. Blatti. Where was the loyalty and mentorship? Why was it decided to publicly assassinate Jonathan's character as has been done? Why did they not come to his aide when the report was first being researched? Why did OSU send Jonathan all over the country to speak on behalf of the university months prior to spitting him out? Now we know through published reports that it was necessary to get Jonathan out of the way in order to reassign the intent of the \$30 million from Apple.

Governor Kasich, this letter is being sent to you as well. You are a man of great integrity and moral and ethical values. In my opinion, the good people of the State of Ohio should in no way pay for this folly of misjudgment. Tax payer money, tuition and fee money, privately contributed money to the University, nor money derived from ticket sales should not be permitted to pay the likes of Ernst and Young nor public relations companies, nor attorneys, nor Betty Montgomery's expenses. I am asking you to involve yourself in this process.

I have prayed a lot about this and cried too. There are so many so deeply hurt by your actions especially Jon's wife, children, and parents. I do not have a sense of how this will turn out but feel if you would all sit down all together, everything would be resolved. I am hoping you give serious consideration to Jonathan's reinstatement. More than likely, all of you will at some point appear very foolish, the University will face more humiliation and discredit, and Jonathon will become a very wealthy man at the expense of tax payers, student tuition dollars, and athletic ticket sales. It did not have to happen.

I stand ready to speak with you or the Board of Trustees at your convenience. I pray that positive thinking, integrity, humanity, care for one another, wisdom, and the rule of law will prevail. Kindly send acknowledgement of this letter at your earliest convenience.

Our honor defend,

Richard Berry
614-620-4211
BA 1966, MA 1975

Cc: Mr. Chris Glaros
Secretary for the Board of Trustees
Mr. Archie Griffin

Governor John Kasich
Mr. David Axelrod
Professor Richard Blatti

Mrs. Betty Montgomery

August 12, 2014

Hon. Betty D. Montgomery
MacMurray Petersen & Shuster, LLP
6530 W Campus Oval STE 210
New Albany OH 43054-7069

Dear Ms. Montgomery,

This is the second time that I have written to you, and I wanted to relate a personal story about a change that occurred in the percussion section (J-I Row) back in the early 80's. First however, I would like to express to you and the committee, that in over 30 years involvement with The Ohio State University Marching Band, as a student and now an alumnus, that the report by the compliance office characterizing the Band as having a "sexualized culture" is further from the truth than what IS the true culture of the Band.

The true culture of the Band to me is one of family values, caring for each other, and respect of one another; despite taking 225 college age students from all backgrounds, ethnicities, walks of life, high school experiences, income differences, that share a common interest of musicianship and wanting to be in the best marching band in the world. Then you put them all together for a common cause, to be at their very best in representing the University as a part of The Ohio State University Marching Band, and performing at a level of excellence that marching bands across the country are envious. What the University has done with their irrelevant report from the compliance office, and the actions taken by the Provost and President Drake, is tantamount to treason, dismissing more than 7,000 plus members, and alumnus of the Band, and denigrating us to a level that is not befitting of respect of what we have become; Judges, Attorney's, Doctor's, Congressmen, Business Owners, and most of all Successful and Respected Citizens in our communities. This is the true culture.

Now, my personal story.

I was in the Marching Band in 1981-1985 under the direction of Dr. Paul Droste and Dr. Jon Woods.

Each game day, J-I Row would report an hour before the rest of the band. We would play through our warm-up exercises, cadences, and show music for the day. From there we would go out into the Stadium to practice the Ramp entrance. To the percussion, the Ramp entrance is the single most important event of the day, and it had to go perfect every time. We would go on the field to check our spots, file back up in the ramp tunnel, and practice at least twice, maybe three or four times. Depending on the game and the expected crowd noise, we would also practice going out on a silent count in case we were drowned out by crowd noise.

After we practiced the Ramp, we would gather all of our gear and head up into the overhang of the tunnel right before it opened up to the field. All 29 of us would gather for a moment of prayer and reflection. We would pray for the safety of both of the football teams that there would be no injuries. We would pray that everyone in attendance would be safe. We prayed that the band would have a great performance that day. And we would say any personal prayers for family members or friends that might need help or were recovering from an illness or other. After our prayer, we would say a row cheer before we exited the stadium back to the band room.

The last line of the row cheer was "Let's get the (blank) out of here before it rains". I don't know why we said it, we just did. It was funny.

I believe it was my second or third year, when someone asked the question, "Why do we say a prayer, and immediately follow it up with a cheer that has a swear word in it?" Nobody had an answer; it was just the way that it had always been done. So, we decided as a group of 29 students, that we would change the end of the cheer to be, "We're outta here", thereby eliminating the swear word. And as far as I know, that tradition still continues today.

WHY IS THIS IMPORTANT?

Why, is because traditions, cultures, and other long shaped events do not change overnight. In life, sometimes you can take a big swing at changes, and sometimes you have to make changes in small steps. Often times, it takes one person to ask the question, "why".

This is exactly what we have seen Jon Waters do from the moment he stepped into the role of Director of The Ohio State University Marching Band. He started asking "Why" to those traditions that he thought were questionable, both during his time as a student, and his time Assistant Director under Dr. Jon Woods.

Jonathan Waters is taking the most positive steps that he can make for the better of the band. Sometimes he can take a big swing, and sometimes he probably takes several baby steps to affect the same positive change.

I urge you and the committee to recommend the reinstatement of Jonathan Waters as Director of The Ohio State University Marching Band. He needs to be there to further strengthen the band culture that has been present for 136 years which is Family Values, Caring and Respect for one another, all the while helping to shape each one of us into a valuable citizen in our community.

Respectfully,

Bradley N. Betts
J-I Row 1981-1985
OSU Alumni, Life Member

1405 Deeds Rd.
Granville, Ohio
740-814-6910 cell
Bbetts1@columbus.rr.com

Cc: David F. Axelrod
Shumaker, Loop & Kendrick, LLP
Huntington Center
41 S High St STE 2400
Columbus OH 43215-6150

Janine Schmeizer Bock

K-L Row 1981-'85

'i' dotter vs Iowa Sept '84

First woman to dot a single script at a home football game.

I am an alumni of tOSUMB from 1981-1985. During this time I was one of (up to) four (4) women in the Sousaphone section of the band.

My husband and I were fortunate to be able to serve dinner to the Sousaphone section last year and three years ago. I made big pans of lasagna and they ate it so fast that I felt like the Italian grandma, proud that they liked my food!

The first time we served dinner (Jon Waters was not the director yet) we learned that they had given Freshman nicknames and they had to do 'tricks' when Squad Leaders would prompt them. They were great nicknames and great tricks! I really don't remember what the one member's nickname was but he was a big guy and his trick was to sing a song from Broadway. His song was like "Tiptoe Through the Tulips" or something like that--it was hilarious to see that big guy singing such a 'dainty' song! Plus, he was a good singer! They did other tricks which I do not remember but I wish that I had gotten a nickname and had to do 'tricks' when I was in the band! And I told them that at that time.

I remember back to my time as a first year band member. While I was very athletic and could easily memorize my music, my roommate (who was a Freshman, in the same section, and woman as well) was the opposite. She faced many hurdles as a member of the band. One of the perks of playing the Sousaphone was that we knew that if we stuck it out for being in the band for four (4) years, we would get to dot the 'i' in the Script Ohio. As you can imagine, this really drove us to put our best forward, through thick and thin.

We went through what many students would go through emotionally during those years. We spent our time as new members and did things that we might not normally do. For instance, the Freshman in our section (8 of us) had to make up a new row song that we would sing before we would enter the stadium for our pre game ramp entrance. It felt more like an English assignment than anything. We did not put anything in those lyrics that was sexual or had foul language--none of us liked that idea and (many of us) were very religious and were offended at the idea. So we did the best that we could and came up with an acceptable product that I would say was very clever. Thank goodness that my other row mates were better at that kind of thing than I was and I depended on them for that and other things. We grew as a team.

My roommate ended up at the stadium practicing both marching and playing through the years way more often than I did. She had gained weight and she had to work at her ability to march very fast. She spent many hours at the stadium memorizing music and practicing her marching during the season. One day I went to the stadium about an hour before practice (I was probably a Junior) and was astounded at the number of people spread out through the stadium memorizing their music! I never had to do that and I would say 1/3 of the band was there.

My roommate spent many times being challenged for her 'spot' and many times was an alternate

through those times. But both of us got to dot the 'i' and I was the first woman to dot a single script at home (so everyone thought I was the first woman to do so but was actually the 5th- I had the 'i' all to myself).

People weren't always nice to my roommate so when the report about the 'sexualized culture' came out, I thought she would be the first to stand in line and say that those people were getting their due. But she did not! She had another point to say about all of it, and that was this, "I learned a lot of life lessons from those experiences... all valuable lessons, mostly about how to treat other people if I wanted to be able to live with myself." She is now (and has been) a sixth grade teacher in the Columbus City Schools. I guarantee you that she is a great teacher to those kids because of many of her experiences in tOSUMB.

If I had to sum up the 'culture' from my time in the band then I would have to describe it as 'driven,' 'be the best you can be,' 'it's not OK to not be prepared,' and 'going for excellence is how to support your friends.' Sure, some members of my row made sexual comments about my body (like I said, I marched every game and was very athletic) but I never went to practice avoiding that subject or scared and afraid that it would be the topic of the day. I would expect that many of those people had my back, as well as my roommate's, because that's the way most of them seemed to me.

And finally, I would give anything for my daughter to be in the band. She was the Homecoming Queen her Senior year of HS and the King of that year wanted to dance with her inappropriately and sexually at the dance. She stomped home, pretty mad at him. Did any principals get fired for that happening on school property with underage students? No. Plus I liked that she made the decision that she did. Had she been in tOSUMB, she would have had to make decisions like that, but she would've been an adult, making those decisions on her own, without me.

August 13, 2014

Dear President Drake,

I am writing to you to request that you reinstate Jonathan Waters as the Director of Marching and Athletic Bands at Ohio State. I was a student at OSU and in the Athletic Band from 1985-1990 and in the Marching Band in 1989. I have been a participant in the OSU Marching Band Alumni organization since I graduated in 1990, including being a member of the TBDBITL Board of Governors for 24 years, a founding member of the Script Ohio Club volunteer fundraising committee (that has raised millions for OSU), the volunteer Steinbrenner Band Center fundraising committee (that raised over \$3 million) and the performance groups of the TBDBITL Alumni Club. I am the volunteer Editor of the Skull Session program where I work with Jon Waters and the OSUMB staff on a weekly basis. In my leadership roles in the TBDBITL Alumni Club I have also organized hundreds of alumni band events which have supported Ohio State, including alumni performances at OSU non-conference away football games across the country from Syracuse to Seattle to Pasadena to Miami and several others. I have a degree from the Fisher College of Business – double major in Computer Science and Production Operations Management.

I have known Jon Waters since 1995, and I personally know hundreds of alumni from both the Marching and Athletic Bands since 1985. I do not know of anyone inside or outside the OSUMB or Athletic Bands who does not think Jon is an individual of high quality and integrity who strives for continuous improvement in all of the aspects of the Ohio State experience. (Please note that I stated OHIO STATE EXPERIENCE, not just *OSU Band experience* – Jon improves not just the band but *all* of Ohio State.)

I recognize that there are areas for improvement in the Band program, but the one-sided *Investigation Report* and the course of action Ohio State has taken is contrary to the positive steps Jon Waters was taking to improve the culture of the band. The firing of Jon Waters has disrupted improvements to the band culture and caused enormous harm to Ohio State, OSU alumni, and future OSU endeavors (donations decreasing and stopping).

Mr. Waters stated last year, "The OSUMB is not just about the marching and playing on the field but we want to make the student a better person by having been in the OSUMB."

I have witnessed Jon's progression through the ranks of leadership of the Band from Squad Leader to Director and he has continuously brought positive changes to the bands not only on the football field but also to the student's daily life. Not just the students, but the band alumni and the greater community are better from Jon's actions.

- ❖ One recent example: A band alumni from the late 1970s who has Parkinson's disease contacted Jon about bringing his class of Parkinson's patients to Spring Athletic Band practice this year and Jon said, "Yes bring them over." Jon and the students voluntarily worked with the patients and the physical actions of being on the practice field in a musical experience had positive effects on the Parkinson's patients.
- ❖ When he became Director, Jon instituted a new program in the OSUMB of giving back to the community through service projects called "**March to Pay Forward**" including performing at Honor Flight, visits to Children's Hospital, and performing at assisted-living centers over the holidays (when most students take a break). Jon explained to the alumni Board that some of these are Pep Bands with limited size and he has to turn away students for these, they really like to do community support. In following years Jon explained that the service projects had Row competitions among the students as they support the Girl Scouts, the Boy Scouts, Children's Hospital, OSU Wexner Medical Center, Gladden Community House, Honor Flight, and more. Giving back to the Community: Paying Forward!
- ❖ Jon created the **TBDBITL Parents Association** to involve the parents and allow them to be part of their student's experience in the band which includes a picnic at the beginning of the season and a banquet. Jon has big plans for this group that is in its Infancy.
- ❖ Jon partnered with the **Gladden Community House** (which serves the low-income Franklinton community and its surrounding neighbors. Franklinton is a three square-mile neighborhood on the near West side of Columbus which contains 35,000 residents in about 13,000 households). Since 2009 the *Marching for More* benefit with the OSUMB has raised over \$567,000 for Gladden House.
- ❖ Jon has worked tirelessly with the **Ohio State School for the Blind Marching Band** to improve their ensemble to the level that they have marched in the Tournament of Roses Parade in Pasadena, California and performed a Braille Script Ohio in Ohio Stadium with OSUMB. He told our alumni Board "It is a joy to work with this group and a life changing experience."
- ❖ There are OSUMB Alumni women who hold Jon Waters in such high regard as a person that they have named their children after him.
- ❖ The students continue to be high quality, polite, and courteous examples that Jon clearly has had an impact to mold them into fine young adults. They would not be able to perform on the field and in the classroom at such high levels if the atmosphere in the OSUMB were not one of respect and integrity. The cumulative GPA of the 2013 OSUMB was 3.50
- ❖ For the Drum Major Tryouts in the Spring Jon's continuous improvement included adding an interview of each Drum Major candidate before tryouts and a new leadership category added to the evaluation of the Drum Major.
- ❖ Jon reorganized the student staff and added cross training which has improved efficiency.

- ❖ Jon's continuous improvement benefited the Squad Leaders as he set up pre-season **leadership training** at Aileron in near Dayton and their facilitator was the CEO of La Rosa's pizza (Cincinnati) in 2013.
- ❖ Jon's demeanor with the alumni band at our annual rehearsal before our performance in Ohio Stadium is one of respect, polite and cheerful expression, and it exudes the true love that Jon has for the Band and the University. A more welcoming presence cannot be found on campus in the Fall and his wave of positive polite attitude permeates the alumni band and makes us better for coming back to Ohio State.

To dismiss such a high quality individual with such a one-sided inept investigation and resulting inaccurate report does not reflect well on The Ohio State University and I am shocked and disgusted by such behavior and the message that this sends out to the world about Ohio State. The act of publishing documents in *the Exhibits of the Investigation Report* that Jon had nothing to do with and have existed for decades is further action that the current OSU Administration is one that I cannot support or be even remotely associated with. **I am suspending my volunteer fundraising support of Ohio State and channeling my energy and resources away from Ohio State and I am advising others to do the same as I can no longer support such an institution.** The only exception to this may be Pelotonia in 2015 which I will evaluate in January. I have been a multi-year participant in Pelotonia but I will find another cancer research movement to participate in if Ohio State does not reinstate Jon Waters. Disconnecting myself is not an easy decision for me as I have enthusiastically promoted Ohio State since 1985 in Ohio, the USA, Japan, Germany, Ireland, across the internet and to generations of people. Not to mention sacrificing my own resources to support Ohio State by data processing hundreds of donations, organizing trips to perform at away non-conference football games, and countless other activities.

Please make the decisions necessary to rectify the action taken against Jon Waters – reinstate this fine man - and put Ohio State back on the path that we all hope it can be on for a bright future.

Respectfully

Pete Boriin
Vice President, TBDBITL Alumni Club
6491 Northland Road
Worthington, Ohio 43085

August 21, 2014

Dear OSU Board of Trustee member and President Drake,

I am writing to request that you reinstate Jonathan Waters as the Director of Marching and Athletic Bands at Ohio State. I was a student at OSU and in the Athletic Band from 1985-1990 and in the Marching Band in 1989. I have been a participant in the OSU Marching Band Alumni organization since I graduated in 1990, including being a member of the TBDBITL Board of Governors for 24 years, a founding member of the Script Ohio Club volunteer fundraising committee (that has raised millions for OSU), the volunteer Steinbrenner Band Center fundraising committee (that raised over \$3 million) and the performance groups of the TBDBITL Alumni Club. I worked with Jon Waters on a weekly basis on fundraising and other projects. In my leadership roles in the TBDBITL Alumni Club I have organized hundreds of alumni band events which have supported Ohio State; including alumni performances at OSU non-conference away football games from Seattle to Pasadena to Miami and more. I have a degree from the Fisher College of Business – double major in Computer Science and Production Operations Management.

I have known Jon Waters since 1995, and I personally know hundreds of alumni from both the Marching and Athletic Bands since 1985. I do not know of anyone inside or outside the OSUMB or Athletic Bands who does not think **Jon is an individual of high quality and integrity who strives for continuous improvement in all aspects of the Ohio State experience.** (Note that I stated OHIO STATE EXPERIENCE, not just *OSU Band experience* – Jon improves *all* of Ohio State.) **But for Jon Waters 90% of the population of the planet knows about the OSU Marching Band (OSU statistic).**

I recognize that there are areas for improvement in the Band program, but the one-sided *Investigation Report* and the course of action Ohio State has taken is contrary to the positive steps Jon Waters was taking to improve the culture of the band. The firing of Jon Waters has disrupted improvements to the band culture and caused enormous harm to Ohio State, OSU alumni, and future OSU endeavors (donations are decreasing and stopping). **The actions taken by the University have incorrectly labelled over 7,000 alumni of the band (4,000 living) as sexual perverts** and this has caused great harm to them, labelled families, and the current students in the marching band. To treat the students in the band as sexual perverts is unacceptable, where else on campus can you find a group of 240 students with a cumulative GPA of 3.5? Since July 24th the marching band and the coveted OSU brand have been severely damaged.

Jon Waters stated last year, "The OSUMB is not just about the marching and playing on the field but we want to make the student a better person by having been in the OSUMB."

I have witnessed Jon's progression through the ranks of leadership of the Band from Squad Leader to Director and he has continuously brought positive changes to the bands not only on the football field but also to the student's daily life. **According to Jon Water's employment record that was released publically, there is no documented history of anything but excellent behavior.**

But For Jon Waters the students, the band alumni and the greater community are better from Jon's actions. Here are some examples:

- The students continue to be high quality, polite, and courteous examples that Jon clearly has had an impact to mold them into fine young adults. **They would not be able to perform on the field and in the classroom at such high levels if the atmosphere in the OSUMB were not one of respect and integrity. The cumulative GPA of the 2013 OSUMB was 3.50**
- A band alumni who has Parkinson's disease contacted Jon about bringing his class of Parkinson's patients to Spring Athletic Band practice this year. Jon and the students voluntarily worked with the patients and the physical actions of being on the practice field in a musical experience had positive effects on the Parkinson's patients.
- When he became Director, Jon instituted a new program in the OSUMB of giving back to the community through service projects called "**March to Pay Forward**" including performing at Honor Flight, visits to Children's Hospital, and performing at assisted-living centers over the holidays (when most students take a break). Jon explained that some of these are Pep Bands with limited size and he has to turn away students, they really like to do community support. In following years Jon explained the service projects had competitions among the students in support of Girl Scouts, Boy Scouts, Children's Hospital, OSU Wexner Medical Center, Gladden House, Honor Flight, and more. **Paying Forward!**
- Jon created the **TBDBITL Parents Association** to involve the parents and allow them to be part of their student's experience in the band which includes a picnic at the beginning of the season and a banquet. Jon has big plans for this group that is in its infancy.

- For the Drum Major Tryouts In the Spring Jon's continuous improvement included adding an interview of each Drum Major candidate before tryouts and a new leadership category added to the evaluation of the Drum Major.
- Jon's continuous improvement benefited the Squad Leaders as he set up pre-season leadership training at Alleron in near Dayton and their facilitator was the CEO of La Rosa's pizza (Cincinnati) in 2013.
- Jon partnered with the **Gladden Community House** (which serves the low-income Franklinton community and its surrounding neighbors. Franklinton is a three square-mile neighborhood in Columbus which contains 35,000 residents in about 13,000 households). Since 2009 the *Marching for More* benefit with the OSUMB has raised over \$567,000.
- Jon has worked tirelessly with the **Ohio State School for the Blind Marching Band** to improve their ensemble to the level that they have marched in the Tournament of Roses Parade in Pasadena, California and performed a Braille Script Ohio in Ohio Stadium with OSUMB. He told our alumni Board "It is a joy to work with this group and a life changing experience."
- There are OSUMB Alumni women who hold Jon Waters in such high regard as a person that they have named their children after him.
- Jon's demeanor with the alumni band at our annual rehearsal before our performance in Ohio Stadium is one of respect, polite and cheerful expression, and it exudes the true love that Jon has for the Band and the University. A more welcoming presence cannot be found on campus in the Fall and his wave of positive polite attitude permeates the alumni band and makes us better for coming back to Ohio State.
- For more about Jon please see WeStandWithJonWaters.com and read the letters there from those named in the *Investigation Report* and you will see that the **strong high quality women are products of the band culture**. If you are not aware of all that has been going on, this website is a place to start – or NBC4i – what the rest of the world is seeing, especially Russ M's interview on August 5th where he stated culpability of others across the University in this debacle.

To dismiss such a high quality individual with such a one-sided investigation and resulting report does not reflect well on The Ohio State University and I am shocked and disgusted by such behavior and the message that this sends out to the world about Ohio State. The act of publishing documents in *the Exhibits of the Investigation Report* (which are decades old) that Jon had nothing to do with is further damage to the current OSU Administration is one that cannot support or be even remotely associated with. **These actions by OSU leadership have slandered thousands of OSUMB members, band alumni and their families. Ohio State has incorrectly labelled us all as sexual perverts and it is time to stop this malicious attack on thousands within the Ohio State community.**

I am suspending my volunteer fundraising support of Ohio State and channeling my energy and resources away from Ohio State and I am advising others to do the same as I can no longer support such an institution. The only exception to this may be Pelotonia in 2015 which I will evaluate in January. I have been a multi-year participant in Pelotonia but I will find another cancer research movement. Disconnecting myself is not an easy decision for me as I have enthusiastically promoted Ohio State since 1985 in Ohio, the USA, Japan, Germany, Ireland, across the internet and to generations of people. Not to mention sacrificing my own resources to support Ohio State by processing hundreds of donations to scholarships, organizing trips to perform at away non-conference football games, and countless other activities in support of Ohio State over 24 years.

Jon and a staff of two other directors are in charge of more than 500 students (Marching and Athletic Bands). Why are they so under-staffed? Why does the University make it so hard for the band to function properly? There are 100 football players and dozens of supporting staff.

Please urge those that can make the decisions necessary to rectify the action taken against Jon Waters – reinstate this fine man - and put Ohio State back on the path that we all hope it can be on for a bright future. **Jon Waters is the one person who can resolve this if he is reinstated.**

Respectfully

Pete Boriin
6491 Northland Road, Worthington, Ohio 43085
614-638-6411 pboriin@gmail.com

"Please provide me with confirmation that you received my letter and your feedback on my comments."

Rachel Brennan

I've refrained from making a comment on my actual [Facebook] page until this point, but I feel like a PSA is in order as a lot of my friends are not from the OSUMB and may still be forming their opinions.

As my husband and I, who met as undergrads while members of TBDBITL, were digesting the news yesterday, my mom recalled the night I first made the band. The date was September 12, 2001. The day before her just-turned-18 year old daughter was "alone" on a huge campus, away from home during the worst terrorist attack this country has ever seen. This was the age before cell phones and my dorm phone had yet to be assigned. She was worried to death as any parent would be in that situation, not knowing what was happening around the country at that time except campus was on lockdown. The night of September 12 my mom and dad drove to Columbus and sat outside the band center for two hours waiting on news of whether I had "made it" or not. I remember running outside, filled with joy that my hard work and blood, sweat, and tears had payed off and couldn't wait to tell them. I remember introducing them to my new squad leaders, Tim Cremean and Jason Mishtawy, who looked her in the eye and said "Don't worry, mom, we'll take care of her." And they did. My mom said she knew the stuff that goes on when kids go to college, but she never worried about me because over the course of the 4 years I was a member and then a squad leader myself, that group of men and women become your family. Did shenanigans and questionable things take place? Of course! We were a bunch of 18-22 year old idiots! But did I ever feel forced, coerced, or threatened to participate in anything? Absolutely not. I look back on my time spent in that hard working, exceptional organization as some of the best and most character-building of my life. And I'll never regret it.

August 29, 2014

Dr. Michael Drake, President

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Mr. Corbett A. Price	Mr. Alan VanderMolen	Ms. Stacie E. Seger	Mr. Steven M. Loborec

Dear President Drake and Board of Trustees,

My name is David Brumback, BSBA 84, TBDBITL I-Row 79-83, I-Row Asst. Squad Leader 82-83. I do not know Jon Waters personally and cannot speak first hand to all that he has done for the band and university at large. Nor can I speak for countless individuals both within the band community and outside of it that he has helped over the years. You should have an abundance of first hand testimony on these fronts, and will most certainly receive more. I can, however, speak first hand to the impact the OSUMB experience has had, and continues to have today, on its current and former members and the community at large.

The core reason this is such a challenging issue has nothing to do with Title IX and the alleged 'sexual culture' or sexual harassment. These would be *terrible* things if true as represented in The Glaros Report. Frankly, none of us in the band community would condone it nor tolerate it, regardless of when we were members. The core reason this issue is so challenging is entirely the result of the education 4,000+ present and former OSUMB members received from Ohio State and most importantly, the OSUMB itself.

In studying past membership of the band you will find a HIGHLY successful group of individuals. Many have advanced degrees from Ohio State and/or other fine institutions. They are doctors and attorneys, artists and teachers, business leaders and engineers, congressmen and senators, clergy and accountants. Why the success? The Ohio State University Marching Band produces leaders and has for decades. Professionally, I would argue that it ranks among the best leadership development programs in the world within higher education.

We all learned the importance of and experienced:

- Servant leadership and service to others
- Learning to follow to learn how to lead
- Learning how to succeed while facing our worst fears
- Team work
- Persistence in the face of adversity

- Responsibility to ourselves, to our row, and to the group as a whole
- Excellence – always being at our best
- Commitment – to ourselves, to each other, to the university, and to the community.
- The Journey – Loving the WORK
- And much, much more

The culture and sexually charged atmosphere as described in The Glaros Report, which assumedly led to the actions vis-à-vis Jon Waters, are entirely at odds with the combined success and productivity this group represents, and are thoroughly incompatible with the reality of who we are collectively and as individuals.

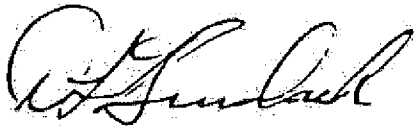
It causes me great distress that the university leadership either does not understand or does not respect the educational value and success this group represents to the university and the community. Frankly, this lack of understanding and/or respect, on several levels, led to the wholesale, unquestioned acceptance of a critically flawed report and is the core reason we find ourselves in this situation.

Looking forward, I challenge all of you to lead. Do the things I outline below, as they truly are the HARD and RIGHT things.

- First, please take the time to study and understand the collective educational value and success that we (TBDBITL Alumni) as a group of individuals represent to this great university and to the community at large.
- Second, please find a way to begin undoing the damage to the university that can be undone.
- Finally and most importantly, please find a way to begin undoing the damage to Jon Waters, that can be undone.

Do these things and you may begin to repair the damage done to your relationship with the single most valuable and successful group of Alumni that **You** have to offer.

Respectfully,



David Brumback, Partner
Columbus Consulting International
Columbus, Ohio

Please provide me with confirmation that each or you personally received my letter and I request feedback from the Board of Trustees regarding this matter

Dr. Drake,

I don't know you, but I look forward to the opportunity to meet you. Allow me to introduce myself: My name is Darrell T. Bunkley, Ph.D. I'm a Black man. I'm a 1990 graduate of The Ohio State University with a double major in Psychology and Political Science. I received my Ph.D. in Clinical Psychology from Northwestern University in 2002 after interning at Howard University Hospital. While at The Ohio State University I was a National Merit Scholar. I joined Kappa Alpha Psi Fraternity. I sang with The Ohio State University Men's Glee Club. I was involved in student government and president of my dorm. I became a member of Alpha Kappa Mu Honor Society. I was a recipient of the Presidential Academic Achievement award. Most importantly to this letter: I was a five year member of The Ohio State University Marching Band and T-Row Squad Leader. I'm also a proud Life Member of The Ohio State University Alumni Association.

Your introduction to me was to send an email to me on July 24, 2014 to tell me a "thorough investigation" (preliminary, at best, in my opinion) had been done that "revealed serious cultural issues and an environment conducive to sexual harassment". Included in your letter was the statement that "Nothing is more important than the safety of our students." and "We expect every member of our community to live up to a common standard of decency and mutual respect and to adhere to university policies." The OSUMB was described by you as a "hostile culture". I can't begin to tell you how wrong your statements are based on my own experiences in TBDBITL. OSUMB was a 100% merit based organization where men and women were treated equally on and off the playing field. So, yes, with their consent, women "rookies" were subject to the same sometimes stupid and inappropriate treatment as consenting male "rookies". And these women (who I will never see as victims) had the same ability to choose to participate in (or not participate in) sexually inappropriate "traditions" left over from the band's all male days. No, I don't imagine that away from the public eye, all marching band members lived up to what you feel is a common standard of decency at all times. I know policies were broken when I was in the band. However, the culture was competitive, not "hostile" and usually as safe (if not safer) as any other group of college students.

With it a foregone conclusion that policies were broken, I'll admit my own guilt in behaving inappropriately at times and contributing to what the investigators called "a culture that facilitated acts of sexual harassment". I couldn't personally dispute any "findings" of the report as I was not a member of the OSUMB in 2012 or 2013. I did recognize most of the behavior described in the report, to some extent (specifically Midnight Ramp, Nicknames, Rookie Introductions, one Rookie Midterm, one Trip Tic, Songbook, Misconduct on the bus and Changing Clothes on the bus). I don't necessarily agree with how things were interpreted and presented in the report. However, those things existed, in one form or another, from 1986 to 1990.

I would ALMOST be willing to accept the possibility that the recent membership of the band under the leadership of Jon Waters had devolved into what the Daily Caller calls "Filled with Depraved Perverts." who "indulge in devious sexual hazing" or current band members were "horny and depraved" as noted in Deadspin.com. But, I believe in the character of Jon Waters and in the character of the women and men in the current band too much to accept that those are

accurate descriptions of the OSUMB in 2012 and 2013. I'm hopeful a full investigation will reveal the truth.

Why do various media outlets including the Columbus Dispatch feel comfortable referring to your students (and ALL past OSUMB members) in this manner? I would point to the pejorative and sensationalized nature of the 23 page report, and in particular, the additional UNNECESSARY inclusion of 69 pages of titillating tidbits in Exhibits A and B as a major cause.

I am writing to point out that the release of the Investigative Report in the manner your office has chosen to do so, is both EXTREMELY IRRESPONSIBLE, and DAMAGING to The Ohio State University Family and, in particular, to past and present OSUMB members. I take issue with the need to present the report to the public in a salacious and sensationalized manner. I don't find it protective of students. In fact, it puts current, past and future students at risk of personal, psychological and/or professional harm, regardless of the findings of the report and any actions the University has taken or decides to take against Jon Waters and/or the students of OSUMB.

Let's talk about Exhibits A and B. Apparently, your office concluded that Exhibits A and B contained things so horrible and disgusting that they MUST be PUBLICLY released (in full) with the report. Perhaps they were included in a sensational attempt to shock the public and justify the other "findings" of the report. I'm sure others have pointed out that the "thorough investigation" needed to interview only NINE hand selected past and present members of an organization that has hundreds (in 2012 and 2013) or thousands (over the years) of members to confirm a "sexualized culture". The implication is that Exhibits A and B unequivocally prove the misogynistic, homophobic, racist, perversion that is the OSUMB "sexualized culture". As a researcher, I was trained to look a little closer.

Exhibit A:

Let me digress for a moment to when I was in the band. I was aware of one, maybe two rows that traditionally handed out a "rookie midterm". (That would involve a total of 28 band members, of those 28, impossible to tell exactly how many were rookies). I may have held one for a minute (when I asked someone from that row to see it), called it "a stupid waste of time on the bus" and handed it back to whoever gave it to me. Again things may have changed since I was in the OSUMB.

In the report, investigators extrapolated that ONE FORMER MEMBER represented the experience of ALL "rookies" in band. There was no mention in the report of the experiences of any of the other eight band members interviewed. Maybe the other eight were not even asked about a midterm. I don't know, I wasn't there and it wasn't reported in the "thorough" findings. However, by simply looking at Exhibit A, I did notice that only one row was mentioned as responsible for creating and distributing the "rookie midterm" that is Exhibit A. The evidence is CLEARLY written on the document itself and states that the rookies of one row (of 14 members) were given the midterm, CLEARLY not every rookie in OSUMB was handed a rookie midterm as the report implies. A balanced and logical conclusion is that a traditional "rookie midterm"

was one aspect of that particular row's culture, on one bus trip, not a general aspect of the band as a whole. A major cultural finding from a sample of one.

Additionally, unless Exhibit A was presented electronically or was recreated for the report, it was blank. The report did note it was from 2011. Was the witness asked about how they received the midterm, if they completed (or rejected) the midterm and any repercussions of their choice? Was there any way to determine the level of coercion (if any) involved in 2011? Were any witnesses questioned about the presence or absence of a rookie midterm in 2012, or 2013? I hope the next investigation will answer these vary basic questions. Flawed research practices often garner flawed results.

And now, Exhibit B:

The preface of the 2006 Songbook, that your administration released to the world as a legitimate representation of OSUMB culture, includes CRYSTAL CLEAR indications that attempts had been made in the past to suppress/eliminate the songs and book. Those efforts were thwarted by a student (or group of students) in 2006 attempting a "reincarnation" (the author's own words) of songbook material. Additionally in the preface, it is noted the book was purely comedic in nature. Implied in the preface is that it should remain hidden from faculty. I would imagine it is because such content was prohibited by the staff and would have led to the songbook being taken and/or potential disciplinary action due to its' inappropriateness. Investigators did not agree with the songbook Preface writer that the contents are intentionally shockingly inappropriate for comedic effect. Instead they imply the members of the OSUMB considered it some sort of manual for how to treat each other and sang songs on the bus trips to victimize and haze women in the band.

To me, stating the songbook accurately represents OSUMB "culture" would be like someone finding that the work of Don Rickles, Redd Foxx, John Valby, Andrew "Dice" Clay, Richard Pryor, Howard Stern, and Katt Williams was representative of all American culture, or saying the music of NWA, Snoop Dogg and 2 Live Crew represented Black male culture. You get my point. Again, it is a wild extrapolation from extremely limited evidence. Major findings from tiny sample sizes is the hallmark of poor research. That's my opinion. I apologize for the digression.

Further, the Investigative Report implies that the songbook was "distributed", and the existence of a 2006 version is used as "proof" of distribution. Further, the investigators include the songbook in the findings, despite testimony from MANY witnesses that NO songbook has existed for years. This incorrectly gives the implication that the songbook was regularly "distributed" to the band and fully endorsed by Jon Waters and his staff. In fact, the evidence gives credence to Jon Water's statements acknowledging a history of some objectionable behaviors and traditions being a part of the band and that efforts were being made to improve situations. If the testimony of the witness who provided the songbook was that a songbook was distributed to every member of the band with the knowledge and consent of the directors, (as implied in the report) I will stand corrected.

Additionally, I find putting a full copy of the 2006 songbook in a publically distributed report both pointless and HIGHLY irresponsible. A thorough 23 page report would have been adequate in reporting the summarized "findings" of investigations into OSUMB culture. Inclusion of Exhibits A and B in the public release of the report was DEFINITELY not protective of band students, past present and future. A more accurate and responsible wording in the report could have been something similar to: "Witnesses stated students sing sexually inappropriate songs on bus trips. Our findings were that songbooks containing misogynistic and alternate sexual lyrics to songs existed in the past and contributed to a culture of singing sexually inappropriate songs on bus trips." The mention of a 2006 songbook, would be more meaningful if the witness stated where, when and how he/she came into possession of it, and his/her knowledge regarding staff awareness of the songbook and/or any repercussions a student might have for being caught in possession of a songbook. Again, the report is lacking in crucial decisional information.

It is my opinion that the irresponsible release of the 2006 songbook has inadvertently legitimized it and your administration has put this material potentially in the hands of ANY PERSON OF ANY AGE WITH ACCESS TO THE INTERNET. I implore you to redact Exhibits A and B. My concern is that others will take that material and use it as a prototype for their own versions of future songbooks (at The Ohio State University or other locations). Please think of high school and college band students across the country who might be enticed by a "TBDBITL Songbook", and whether your office's actions in providing public access to these documents puts these young people at risk of potentially downloading and misusing Exhibits A and B. Please protect these students and remove them from the publicly accessible version of the Investigative Report.

If you won't redact Exhibits A and B in the protective interest of students, then protect the Ohio State University from potential liability issues. Otherwise, you may want to prepare to face potential future allegations from parents/teachers/music administrators who may claim their children/students were somehow damaged or damaged others as a result of gaining access to Exhibits A and B through your office's release of this Investigative Report.

That being said, I would like to move forward. I was overjoyed when they announced you would be the next president of The Ohio State University. I consider myself as having a personal interest in your success in this position. I hope you realize my comments are based in a true love for The Ohio State University, its students, faculty and fans.

Based solely on the "findings" of the report, I feel I must have contributed to the inappropriate culture of the band from 1986-1990. Therefore, I will make efforts to improve the environment of the band today. Those efforts include but are not limited to volunteering to do long-distance counseling for any students, and volunteering to be a part of any future oversight committees developed for the OSUMB. I will also make myself available to marching band alumni who feel they may have suffered personal, psychological or professional damage as a result of this situation. My resume and references will be provided upon request.

My plan is that this will be the first of many letters that you receive from me. I will have more to say as this situation continues to develop. If your office does not directly address my concerns about redacting Exhibits A and B from the publicly available report (and only the publicly

available report), I feel it is my responsibility as a Buckeye to make Betty Montgomery and the Board of Trustees aware of my concerns.

I look forward to your response to my letter and again implore you to have Exhibits A and B removed from the publicly available version of the Investigative Report.

Sincerely,

Darrell T. Bunkley, Ph.D.

p.s. As of 9/27/2014, I have had no response to my letter.

Darrell

Sunday, July 27, 2014

Alex Clark - Letter to President Drake

Dear President Drake,

" We respect women and we respect all the different diversity."

This is a line from your statement on the firing of Ohio State University Marching Band director Jon Waters. I find it to be particularly ironic given the events of the past few days thanks to a report filed by OSU's Office of Compliance and Integrity.

In their report, the investigators speak of a "sexualized led to the harassment of female members, through alcohol consumption, inappropriate nicknames, and tricks performed by young members given to them by their peers, amongst other things. What is truly shocking about the report is not the list of antics by a group of hormone filled college students, but the complete lack of respect for the privacy and dignity of the band members. Included in the list of "of foekie nicknames are things like Donk, Tulsa, Tiggles, and Jewoobs. Ohio State clearly had no interest in learning anything about these strong, intelligent women and instead decided that their delicate feminine sensibilities needed to be defended by adding their names to a list of things they feel the Buckeye community should feel disgusted and ashamed about. I would also like to point out that it is spelled Joobs, not "Jewoobs" was soyo addeitive t desctiptor "given to a Jewbreasts" so yo addeitive t desctiptor that she was be faith and her anatomy.

I'm the "Jewoobs" that the entire en'ln tuerr nielt ysæsetmsr d æy ever felt sexualized and degraded because of the name Joobs. You turned a lighthearted joke and rookie name given to me by my row mates with my full consent into something shameful, and you decided that my entire identity could be boiled down to being a Jewish woman with a large chest. Please allow me to provide my prospective of the report, my nickname and my time in the band.

I am a proud, strong, Jewish woman. My relationship with my faith is not the business of anyone else and that includes The Ohio State University. If you respect diversity, there is absolutely no necessity to turn this issue into one of religion nor is it necessary to define me in a report as Jewish.

I also have a large chest, but thanks to the investigation, the entire Internet knows that. You took a physical feature that many women feel self-conscious toward, myself included, and made sure that it was what I will always be identified by in correlation with my time in TBDBITL and broadcasted it to the entire world.

The name Joobs was given to me by the older members of my row during my rookie year. They waited several weeks and after getting to know me they gave me a funny nickname that is, quite frankly, really fun to say out loud. They understood that I was able to enjoy the name and that it suited my sense of humor. All of this was done with my full consent.

I was also a proud member of C-Row from 2009-2011. In my three years with the band, far from encountering a sexualized and hostile environment, I made some of the best friend and found a loving and supportive family in my row mates. The idea that these wonderful people harassed and hazed me by giving me a nickname or created an environment where I felt helpless could not be further from the truth. Here are some examples of how these people treated me during my years in the band:

After making the band, the first thing all members of C-Row told us was, "You don't

anything that makes you feel uncomfortable." Before the infamous Midnight Ramp that same year, my female squad leader informed me that I could be fully clothed if it would make me feel more comfortable about participating, though there was absolutely no pressure to if I did not want to. I did my first Midnight Ramp wearing a tank top and gym shorts that provided full coverage, which is what I wore to everyday band practice, and allowed me to dress modestly. I was not treated like I was doing something wrong. I was embraced as a member of C-Row during a tradition that was meant to welcome us into the band after finally learning all of its traditions. It is also worth noting that my row mates didn't so much as offer me an alcoholic beverage, rather I was a willing part of a tradition that truly helped mark my membership in the band.

At the beginning of my rookie year I chose not to consume alcohol and my row was supportive of that decision. There were several other members of C-Row that did not drink but still socialized and attended band functions and parties without any pressure from our peers. The choice to consume alcohol was absolutely ours to make. This is typical throughout the band.

My "unofficial" dance in the stands at the football games whenever they played "Shipping Off to Boston" by the Dropkick Murphys over being after I shared with C-Row that I was an Irish dancer while meeting them for the first time upon making the band. It wasn't something used to degrade me to do because they thought it was unique and exciting.

During my rookie year, the vast majority of band members outside of C-Row were unaware of the meaning behind my rookie name. People just knew it as "out loud" and I met a lot of wonderful people in other rows. The only way they found out what it meant was if I made the decision to tell them. However, The Ohio State University has decided, without ever informing me, to make this public to the entire world, even though they couldn't even spell it correctly.

Like any group that spends large amounts of time together, rows in band will get tired and impatient later in the season. When I did have issues with C-Row and some treatment that I felt was unfair, a friend from another row approached the directors on my behalf. Jon Waters and Dr. Woods facilitated an open and mature discussion between row members that allowed us to grow and move forward. It truly was transformative and gave us an opportunity to better understand one another. My squad leaders also told me that Jon Waters informed them there would be zero tolerance for any further incidences and it would be punishable by expulsion from the band. By providing a safe place for us to air our feelings and a stable environment for us to discuss our issues instead of devolving further into chaos, the directors fostered an environment that assured that we had a happy and healthy band experience.

I was in band for three years and I can't remember anyone referring to me by my rookie name. They always addressed me as Alex or Alexandra because they are professionals.

My father is an Emeritus Faculty member at Ohio State. He taught and did research for 35 years. During his tenure at Ohio State, he also had a ten-year term as a senior administrator. If my father had any issues with my rookie name or my treatment by the band, there is absolutely no way he would have tolerated it and the responsible parties would have been reprimanded appropriately according to university policy. He took a great interest in my membership in the band and we frequently discussed it.

My mother is also a proud Jewish woman and as I've mentioned, she felt that I was being sexualized or harassed with even the slightest hint of Anti-Semitism, she would not have tolerated it either and would have taken appropriate legal action.

My parents have embraced their role as band parents and supporters of TBDBITL, and C-Row in particular. Not only did they host multiple row dinners, they are affectionately known to the members of the band as Mama Joobs and Dr. Joobs. These names are not are used as terms of endearment and a sign of respect and acceptance amongst the band for my parents and my father's role as a professor, in part

I have been out of the band for three years but my closest and best friends refer to me almost exclusively as Joobs. They are not saying it to offend or sexualize me. They are saying it because they love me and care about me and it's a bond connector we'll have for the rest of our lives.

Despite spending three years in the band, it was not until this report was published that I ever felt sexualized because of the name Joobs. Now it's in every I've used to identify my membership in the band has been perverted by legions of the invisible into something dirty and degrading. If I'm certainly vulnerable to it now. There are perfect strangers commenting on articles or tweeting about the "sexual" nature of my name and what they'd like about the conflict in Gaza because they find this to be an acceptable joke to make based on the report's description of me.

If the investigators felt that my rookie name was so offensive that it was the only one warranting an explanation, why was I never consulted about my opinion? If Ohio State has to investigate claims of sexual harassment, why was I never contacted for my side of the story? Where are the claims of sexual harassment aimed towards me coming from? If the people in charge of the investigation had reached out to me for my opinion, they would have learned that I did not feel I was being objectified or harassed by my peers. They would have learned that I found it to be funny and endearing. Like any woman, I have certain things about my body that I'm conscious about is my chest. I am openly discuss Judaism private with many people. The name Joobs allowed two things that often made me feel like an outsider to become non-issues. It allowed me to accept that aspect of my identity and become comfortable in my own skin because I realized that the people around me didn't love me any things, but accepted that they were merely parts of the whole of my person. However, the publication of this report has turned these into feelings of shame and embarrassment. Because of the way my name is presented within this report, I feel as though name and that because I am not there is something wrong with me.

To say that I never had any differences of opinion with Jon Waters would be dishonest and I can't say I always agreed with everything he said or did during my time in the band or in the time since I left. I can say with great certainty that I have witnessed his attempts to change the culture within the band for the better and I greatly admire him for that. He had zero tolerance for rookies names that he felt were purely degrading to students and during my last year he made it necessary for rows to document that they were providing their rookies with money to buy game day snacks for their rows so that the first year members could further enjoy their experience in the band instead of feeling as though they were being exploited by older members. I have also witnessed his passion for the band and its members in person and it is a truly remarkable thing.

To expect a group of 225 people that live in a pressure cooker for several months at a time to never misbehave is frankly an irresponsible line of thinking. In a group that size, the vast majority of students are respectful of one another but you will have a handful that enjoy sowing the seeds of unrest and acting out in embarrassing or painful ways towards their peers. Dynamics like that exist in any group that size at every major university, whether football program. What has happened with the "sexualize" solely be blamed on Jon Waters or the other members of the marching band staff. It can also be

blamed on the institutional failure of the university to provide adequate resources to the band and its members before events of that nature even have a chance to transpire. With the increase in national visibility the band has received and the drastic increase in away games and performances, it is unreasonable to expect a staff the size of the band's to appropriate students. The Ohio State University Marching Band is approximately twice the size of the Ohio State football team, yet it has absolutely none of the medical, academic, or compliance support provided to Urban Meyer and his staff by the athletic program. It is unfair to call the marching band a part of an athletic program that does not provide adequate support for its members yet still expects perfection and zero tolerance. The majority of the events listed in the investigation are things that occurred away from marching band events or practices and often took place in private homes. If the university wants to enforce a zero tolerance policy on its band, then the least it should do is provide the same level of trained professionals to bring that about.

I respect the efforts Jon Waters made to further TBDBITL on a national and international stage, as well as his efforts to advance inclusis decision to d tolerar make him a scapegoat at this point in time for things that have been going on for decades, which he worked hard to change, is absolutely incomprehensible and unjust.

Respectfully,

Alexandra "Joobs" Clark
C-Row, 2009-2011

President Michael Drake
205 Bricker Hall
190 North Oval Mall
Columbus, OH 43210

Board of Trustees
The Ohio State University
210 Bricker Hall
190 North Oval Mall
Columbus, Ohio 43210

Dear President Drake and Chairman Wadsworth:

Please allow us to introduce ourselves. We are Alexandra Clark ("Joobs"), Jeanette Town ("Tiggles"), Victoria Nolte ("Tulsa"), Lindsay Barrie ("ERV") and Jocelyn Smallwood ("Donk"). We write concerning the university's investigation into the culture of the Ohio State University Marching Band, of which we are proud alumni.

As you undoubtedly know, the investigative report, apparently prepared by Chris Glaros, described our nicknames as salacious and offensive. You should also know that we have made public statements indicating that our nicknames are completely inoffensive to us, were given in fun, and we embraced them in that spirit. Mr. Glaros would have known that had he bothered to ask about our feelings before including our names in his unwarranted and, yes, offensive report.

We did not feel objectified, sexualized or sexually harassed until we read about ourselves in the Glaros report. For the first time, the report turns what has always been a high point in our lives into something the public sees as shameful and dirty. Furthermore, the report's description bears almost no resemblance to the band's actual culture, which is one of excellence, hard work, mutual respect and concern for one another. If the culture were as Mr. Glaros described, the band could not possibly have presented the complex halftime shows that Buckeye fans have come to expect week in and week out, and which require 225 band members to think and march as if they were one person.

The report made us victims, not of anything done by band members or the directing staff, but of Mr. Glaros's indifference to the truth, our opinions, and

President Michael Drake
Board of Trustees of The Ohio State University
August 12, 2014
Page 2 of 3

our feelings. We are now, for the first time, subjected to offensive comments about our character and physical appearance on Internet comment boards, Twitter, and other social media.

We recognize, President Drake, that you had the misfortune to be presented with the Glaros report after only two weeks at the helm of a major university, and, due to the time sensitive nature of the investigation, were asked to act on it instantly. In that sense, you, too, are one of its victims. You were entitled to expect a competent, truthful report on which you could rely without question. Unfortunately, it has been made abundantly clear that you received quite the opposite.

We have been very disappointed that despite our public statements, no one from this great university has contacted us to apologize, seek our views, address our concerns, or simply discuss the situation. Accordingly, we request a meeting with you at the earliest possible opportunity. You will find us to be constructive and willing to work directly with you to implement a just and proportionate response to the current situation. However, we are determined to do whatever is necessary to reclaim our voice and redeem not only our own reputation, but that of every current and former band member impacted by this report.

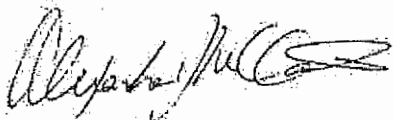
We believe such a meeting is essential because of the shadow the Glaros report has cast over us, the band and alumni, to say nothing of Jonathan Waters. You have stated that the university was on a strict timetable in issuing its report. Therefore, you should attach equal urgency to repairing the damage it has caused through its incompetence and inaccuracy, and we ask that you or your staff contact us immediately to arrange for a personal meeting to take place no later than August 22, 2014.

Due to the nature of the report, the widespread attention it has received, and our personal feelings regarding the gross inaccuracies within it, we believe that it is paramount that our story receive the equal care and attention it should have been afforded from the beginning. With that goal in mind, we have taken the liberty of forwarding copies of our letter to the media. We hope you understand this was not done as an attack, but to ensure that the true character of the band is known and appreciated.

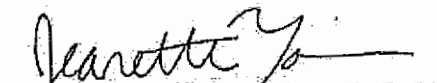
President Michael Drake
Board of Trustees of The Ohio State University
August 12, 2014
Page 3 of 3

We look forward to your response, and to a cordial and productive discussion. For all that has happened, OSU is still our university, and we want it, and you, to succeed.

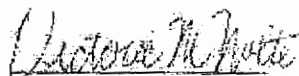
Respectfully and sincerely,



Alexandra "Joobs" Clark
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Jeanette "Tiggles" Town
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The Ohio State University
Board of Trustees
210 Bricker Hall, 190 North Oval Mall
Columbus, OH 43210

Gentlemen and Ladies:

I'm writing to you in regards to the matter involving the firing of Dr. Waters.

I do not know Dr. Waters, and so cannot comment on his character, or actions as an educator. I do believe that he is deserving of a more fair and introspective investigation than the one which resulted in his firing, given the many new facts that subsequently call into question the accuracy of the Glaros report or the competence of its creator. On the strength of these, prudence should lead you as a Board to call for an investigation into the report, and announce suspension of any decision regarding Dr. Waters' position until the results compel you to support or retract your original decision accordingly. Given the serious nature of the accusations brought forward, I agree without hesitation that an investigation was warranted. The final product, though, was at best a poor example of investigatory effort and professionalism.

I understand that it's expedient and effective for OSU to fire whomever is in charge when claims like these are found to have a whiff of legitimacy: It's decisive and shows the public that you have zero tolerance for behavior of the nature suggested in the report. I get it.

I understand further that it's politically sensitive to NOT immediately act, but to methodically gather all facts and let them lead you to the conclusion they support—even if this goes against public emotion. This process would provide you the confidence to choose an fully-informed action that is fair and just. That's not what happened here, guys.

It's not necessary to admit errors or wrongdoing at this time, because there may have been none. However, the volume of facts that has come forward which conflicts with the reports' findings must compel you to look again, look deeper, and to acknowledge this to the community. "Despite our best intentions, we realize now some facts relevant to the investigation may not have been available at the time, so we're looking into this thing more deeply" would do it.

Do the right thing for the university, guys. It's acceptable to admit that your actions stemmed from an investigation later found to be flawed. You have an 'out.' Your silence or repeated recitation of the same "We stand behind the report" mantra don't make the Board seem judicial and stoic, it makes you seem like you're hiding something, dismissive of the truth, or acting for political expediency.

I urge you to do the right thing and delay your decision on Dr. Waters' firing and initiate a new probe into the original.

Thank you for your consideration, and best of luck to you in making the right decisions.

Mike Coggins (TBDBITL Alumnus, H-Row 1981-85)

Archie Griffin
President/CEO Alumni Relations
The Ohio State University
2200 Olentangy River Road
Columbus, OH 43210-1035

Archie:

I'm writing to ask you to lend your well-respected voice to the Jon Waters matter.

I've also included a copy of a letter mailed to President Drake for your review. I hope you agree that it is respectful and compelling.

I don't know Dr. Waters--and suspect you may not either--so I can't comment first-hand on his character, but it's become clear that he's a victim of either alarmingly poor investigative effort, or purposeful assault on his integrity. Given the vehement refutation by multiple interviewees in the report of many of the facts and quotes attributed to them, the exclusion of facts and quotes not supportive of the report's ultimate conclusion, and the lack of anyone in the OSUMB organization stepping forward to support the report's findings, I feel that no person of conscience or intellect could deny that this initial investigation deserves a second look into its validity and process.

You need to be the guy behind the scenes to initiate that.

Circling the wagons and offering no thoughtful reply to legitimate questions gives the appearance that the Board of Trustees is simply waiting for the whole thing to blow over. This is an understandable strategy, we both know, since public outcries tend to quiet quickly, and people get bored and move on. The members of the BOT do not bleed Scarlet and Gray as you and I do.

Urge them to do the right thing, Archie, and open up the original investigation to an investigation of its own.

I grew up watching you play, and wore that #45 jersey to school nearly every day each fall--to the point where it could have walked to the washing machine on its own! In college, I listened to you speak, and even got to shake your hand on more than one occasion. As a member of the OSU Marching Band--and now balding alumnus--I can tell you that you have always been respected and revered as a friend of TBDBITL and its Alumni group.

We need your vocal support now. Speak up and urge the BOT to acknowledge that the original investigation fell short, given new information, and that an immediate review was being initiated into its processes. Meanwhile, acknowledge that until all facts are investigated, the University would postpone any decision regarding Dr. Waters position as Director.

Thank you for your consideration.

Respectfully,

Mike Coggins, H-Row 1981-85

Michael Drake-President
 The Ohio State University
 205 Bricker Hall, Oval Mall
 Columbus, OH 43210

President Drake,

I empathize with you in the Jon Waters situation. I believe you made what you believed to be the correct decision, based on information presented by trusted underlings. You are being asked to reverse that decision when you're not completely convinced it's wrong. That's a tough one.

Your people let you down here, Dr. Drake, for reasons you need to determine.

I, too, manage individuals who I count upon to act in the best interest of my organization, and I make decisions based on information compiled and presented by those people. When they make mistakes, they are my mistakes. I take responsibility for them, though sometimes I didn't "make" them. Not an easy pill to swallow publicly, so I empathize with you.

I've been the "new guy" in the boss's chair, as well—several times—and know the stress that comes from learning a new job in a new environment with new colleagues. The greatest stress comes from feeling compelled to act decisively while not really knowing all the right answers yet. Pressure's on you to keep the organization flowing smoothly and move it forward toward its goals; in short—to be a leader. Our daily challenge is that we can't be effective in our roles without the people working for us doing their jobs well. They must act in the long term best interest of the organization. They must be selected for ability, potential, ethics, and character. They must be well-trained and motivated to perform at a level that furthers the organization's goals.

Despite good intentions, leaders and their direct reports sometimes make mistakes. Your people made some mistakes on this one. Big time.

The most correct action at this point is to acknowledge that enough new information has come forward to merit review of all facts. This immediate action does not require that you admit wrong-doing or malfeasance on anyone's part—just that additional review is prudent.

The Glaros report is not a well-constructed piece of investigative reporting, Dr. Drake. As an educator, you cannot help but agree that it would not earn a passing grade in any journalism, research, or science course—in high school, much less OSU. In my organization, it would have been sent back for re-work. The innocuous explanation for its poor quality is that its creator was someone ill-suited to the task, forced to complete it with insufficient time, or who simply did not perform it well.

Your greater concern should be whether it was crafted with malice.

Regardless of which, your next actions must be to:

1. Admit that new-found flaws in the "Glaros Report" merit review of its methods, content, and conclusions. In other words, acknowledge publicly that the report may have been flawed, and you're investigating to what extent, why and how.
2. Emphasize that the new "Montgomery Report" will be conducted separate from the first: fairly, comprehensively, and without influence from the University.

Pride, fear of bad PR--and pressure to appear as a decisive leader in a new role--may compel you to be unwavering in defending our initial decision and the people who shaped it—all leaders understand the temptation to 'circle the wagons'. However, those same leaders would agree also that to unquestioningly support the findings of a report found publicly to be flawed—in a misguided attempt to preserve the integrity of your office and the university-- would result in both wearing the unpleasant scent of scandal that will not go away—ever. It's humbling to admit mistakes for any of us, and takes strength of character that most don't have to *publicly* admit mistakes and reverse a decision, but if sufficient new facts are brought forward in the "Montgomery Report" to reverse your decision—it's

what you must do.

You felt justified to act swiftly and decisively in “terminating with prejudice” to send a message to the university and community that The Ohio State University does not tolerate harassing behavior—or those who foster or allow it—from its students or educators at any level.

Because you acted based on flawed information, I urge you to act boldly, responsibly, and decisively in doing the right thing now.

I am an alumnus of the OSU Marching Band. I did not have a nickname, didn’t assign any as squad leader, didn’t own a copy of the songbook, never saw a copy of any oath, don’t recall taking one, and only marched midnight ramp once in five seasons. My wife and I met in the Band, and both recall with great fondness our time spent in TBDBITL, enjoy still the friendship and camaraderie of countless fellow alums, and get back every few years to march in the alumni game. The OSUMB was the center of our college experience, and gave us a badge of honor we display with pride on resumes and T-shirts still. As parents of four daughters—one of whom a junior at OSU, despite her New Jersey upbringing—we would never support ANY organization that marginalized women, and yes—we’d ecstatically support it if one of our daughters chose to audition for the band. I don’t know Dr. Waters, but I do know that he deserves a review of this situation that is far more comprehensive and impartial than he has received to this point, and—given the positive public support he’s received from recent female band members—is not deserving of the accusations leveled against him, and certainly not his firing.

Thank you for your consideration of my points, and best of luck to you in the coming weeks and months in making the right decisions. I believe you know what they are: the challenge is to make them.

Respectfully,

Mike Coggins, H-Row 1981-85

Cc: Betty Montgomery, Ohio State Board of Trustees

Dr. Drake and Member of the Board of Trustees of The Ohio State University:

For the president and the Board of Trustees of one of the most prestigious research institutions in the world to continue to state that they stand behind a flawed report is, to say the least, disappointing. If we did not continue to search for the truth despite what we know today the earth would still be flat and the center of the universe, Pluto might never have been a planet or might still be a planet and we might as well shut down the James because since what we know today is all that matters we will never have a cure for cancer since we don't today. Seem preposterous? I hope so.

I am writing to express my opinion of the investigation and report (the "Glaros Report") used to justify the firing of Jon Waters from his position as director of the Ohio State Marching Band. From what I know you had every right to terminate his employment at any time for any reason or no reason at all. Unfortunately you chose to use the Glaros report on band culture to justify your decision and your decision now to continually cite that report and rely on it to justify the firing is, in my opinion a big mistake.

I would like to briefly point out why I believe this and then, in the pages that follow, I will challenge each factual section of the report in more depth.

The glaring errors I see in the Glaros report can be divided into several high level categories.

1. Sample Size
2. Hearsay
3. Timing
4. Responsibility for actions of adults

Dr. Drake, there are 225 members in the marching band block, at least 5 members of D row and several student staff members. In addition there are thousands of alumni both locally and scattered throughout the world. Why you would choose to make such an important decision that purportedly is based on a finding about the band culture based on interviews with a complainant's child, four other current members of the band and 5 alumni plus various staff is concerning. In addition, it is my understanding that the witnesses were all suggested by the complainant or her daughter. I believe that using this sample size to come to any conclusion about a culture is but one of the fatal flaws in the Glaros report. The Glaros report states numerous times that a witness was told something by someone else. That, in legal terms, is hearsay. Rather than determine who the witness heard say these things and interview that person the report takes the hearsay as truth and bases its conclusions on the hearsay. In any court of law the hearsay relied on in the Glaros report would not be admitted as evidence and the actual witness would have to be produced (subject to certain exceptions, none of which I believe apply here). Many of the conclusions made in the report are based on undated testimony. Mr. Waters has only been the director, not including his time as interim director, since October 2012 yet he is being held responsible for actions that could have taken place and most likely in many cases did take place many years if not decades before October 2012.

Many of the events cited in the report took place off campus, not on official band functions and not at times when the director, or any faculty member, should reasonable be expected to be responsible for the actions of young men and women who are over the age of 18.

While I believe the information presented above provides sufficient doubt and new information to warrant reopening the initial investigation and report I have gone into some detail over the next several pages in an attempt to point out specific issues with the report and how the investigation was conducted. While I do not believe anything I or anyone else will ever say will get Mr. Waters his job back I would like you to consider the damage you have done to the reputations of each and every former and current band member by the erroneous way in which the culture of the band was characterized and portrayed and your continued statements that you stand behind the report.

It is not too late to right this wrong, to conduct a full and complete investigation into the band culture and publicize what I believe that will bring to light. The band is and has always been a group of

dedicated young men and women who always did their best to act professionally and represent The Ohio State University in the most professional manner possible. They are also a group of mostly 18 to 21 year old kids away from home for the first time who occasionally act like college kids and this is not a bad thing. As has been stated by numerous former members publically, most band members feel the safest and most comfortable with other band members and would want no one else by our side when challenged with a difficult situation.

I would be naive to believe that none of the actions described in the Glaros report ever happened but, to conclude that the entire band culture is and always was sexualized to the extent portrayed in the Glaros report is irresponsible and extremely hurtful to the thousands of TBDBITL Alumni and hundreds of current band members whose character you have called into question.

Sincerely,

Lawrence H. Cohen

BSBA 1990, MBA 1994, JD 1997

OSUMB Sousaphone 1986-1990

President TBDBITL Alumni Club 1999-2000

Detailed analysis of the Glaros Report

1. Paragraph 2 of Section I of the Glaros report states that approximately 21% of the bands members are women. The percentage of women in the band is irrelevant and misleading. Positions in the band are determined by a tryout procedure that is judged objectively and disregards gender. There is evidence that based on the fact that the band contains no woodwinds or auxiliary it could be reasonably expected for males to outnumber females. Women are routinely in positions of leadership in the band. The band's military history should not be discarded and scantily clad baton twirlers and flag girls added nor should the all brass tradition in place since 1934 and required tryouts be discarded simply to equalize the number of men and women in the band.
2. The scope of the investigation section discusses the witnesses interviewed during the investigation. The scope of the investigation presents a fatal flaw. Of over 200 band members and thousands of Alumni only 5 current marching band members were interviewed, including the daughter of the complainant and 6 alumni, including the current director Jonathan Waters. Further, the report states that it was completed as information continued to come in, recommended but did not undertake a survey of the band, which should have included alumni, and admits that it did not randomly interview members of the band, just the witnesses referred by the complainant. If a scientist only published the results of studies that supported his conclusion he would quickly be ridiculed in the scientific community yet that is exactly what seems to have taken place here.
3. Many of the events that led to the conclusion of a certain culture for which Mr. Waters was held liable did not take place during the 2 hour per day class time, other required rehearsals (because band was required to start before the quarter or now semester began), or on trips which were required of the students. They occurred on the students own time and, in many cases, off university property. At what time of the day and geographic boundary does a staff member's responsibility end? I believe holding a faculty or staff member responsible for the actions of all of his or her students for the entire 4 or more years of their college career is a slippery slope.
4. Midnight Ramp was never a required event. MR was not required to be performed in undergarments. MR was not required to be performed in garments which were excessively sexual in nature. Most MR attire covered as much if not more skin than current swimwear. MR was attended by university police and the scoreboard was operated during MR. Therefore, university officials and athletic department officials knew or reasonably should have known that some or the entire band was marching in the stadium, at midnight in clothing other than their uniforms. In fact, uniforms were not yet distributed. A student had an issue with alcohol consumed off campus, not under the supervision of any staff. The rescue squad was called to the stadium yet no one noticed in 2009 that band members were in their underwear?
5. Nicknames – The report lists 24. It does not state when these were given, the recipients were not interviewed to determine how they felt about the names, it states that the names were on shirts but fails to state that it was the people who voluntarily had their nicknames printed on their own shirts, Smith's statement that everyone gets a nickname is inaccurate, it was reported that Smith stated that the names are often "pretty dirty". The emphasis should have been on often. Often is not defined and would be, according to actual band members, a gross overstatement. Hoch said offensive nicknames were decreasing but this obviously did not matter. Of the 24 listed only 12 contain a term that could, without further research or inference be deemed sexual in nature. The report fails to state that the alumni directory only publishes names that are self reported and therefore desired to be published by nicknamed person. Those with nicknames deemed offensive by the report were not interviewed. If they had been they would have indicated that the nicknames were not offensive to them. Just for your

information, my nickname, given to me in 1986, was Wally.

6. Tricks – The individuals performing the tricks were not interviewed to ascertain the true nature of the trick (sexual or not). The tricks were admittedly not performed in front of staff and for the most part not on campus or during class time or other required band time (trips).
7. Rookie Introductions – the testimony by the witnesses is directly contradicted by Hoch and Smith who each stated that the introductions were harmless and not offensive. Staff on other busses did not bring anything offensive to the attention of Mr. Waters. No staff on any bus witnessed nor did any member report to any staff member groping or removing of clothing.
8. Midterms and Physical Challenges – the Rookie Midterm cited dates to 2011, prior to Mr. Waters becoming director and represents the actions on one row not the entire band (culture). Possibly even one person. The challenges alleged to have taken place on the bus would be directly contradicted by Hoch and Smith.
9. The Trip Tic was banned by Mr. Waters in 2012, his first year as director. Contained references to a Marry, Fuck, Kill game which is routinely played by shock jock Howard Stern on his satellite and terrestrial radio programs (where he calls it F, Marry, Kill due to FCC language issues).
10. The song book in an unofficial document produced by a small group of students and paid for by the students publishing the book. The last known publication date is 2006, a full six years before Mr. Waters became director. Smith and Hoch stated they had the singing of these songs stopped when they heard the songs. Many are no “dirtier” than what you would hear from comedians such as Richard Pryor, Robin Williams or Roseanne Barr.
11. Other misconduct – One witness states pornography was on the busses, three staff member witnesses denied this. The “Flying 69” is performed fully clothed, usually by members of the same sex and, except for the name which references the position of the two bodies, is the furthest thing from a sexual act I can imagine. It is more a challenge of strength to hold yourself up on the luggage rack of a bus than anything sexual. Changing clothes on busses is required by the time limitations imposed by the department of athletics and no student that I am aware of has ever stated that this was an issue or sexual in any way. In fact, most seatmates make sure the other can change in relative privacy, at least as much as can be provided on a moving bus.
12. General cultural statements – a witness whose statement supports the finding of a sexualized culture was in band before Mr. Waters became director, described a sexual encounter described by a band member with his non band member girlfriend in an off campus location that was not reported by the female to any authority to my knowledge. First, this is hearsay and second for all we know this band member was either boasting or outright fabricating this story as the band member telling the story was not interviewed. Another used the term culture shock and the only example was the consumption of alcohol on a trip. To some this may indeed be culture shock but the witness’s age is not disclosed nor is the ages of those the witness says were consuming alcohol. One witness described a “culture of intimidation” without any specific examples. ONE!!!! One witness stated all male rows were celebrated while another stated that all female rows were equally celebrated.

The analysis section of the Glaros report states:

“The misconduct described above affected many students’ musical education through the Marching Band, some to a significant degree, as evidenced by feelings of regret and shame that were communicated to our interviewers.” A total of 11 current or former students, including Mr. Waters, were interviewed, there is no reference to their ages and no evidence presented that proves any effect on any student’s education or the significance of that affect, if any. There is also no presentation of testimony of shame or regret on the part of the interviewed students. This is a conclusion which is not substantiated by any facts.

“The misconduct described is highly sexual, frequent, and longstanding as part of the Marching Band’s

culture." There is nothing presented that shows that any behaviors are HIGHLY sexual or frequent. As for longstanding, there is testimony presented that many of these behaviors either were stopped or in the process of being stopped by Mr. Waters as he entered his second full year as director. Further, there were 6 alumni interviewed and the ages or years in band of these alumni are not provided. How many years of the over 130 year history of the band do these 6 people cover? Apparently they cover enough years to characterize the "highly sexual culture" as longstanding.

"Much of the misconduct was directed by upperclassmen towards newer members of the Band. Some of the misconduct was directly witnessed and permitted by band staff." I would argue with the use of the term misconduct but it is true that members who have been in band longer gave rookies their nicknames. The testimony seems to state that misconduct that was witnessed by the staff was dealt with swiftly and appropriately.

"The subjects of the sexual harassment were impressionable and developing students." This presents a legal conclusion without any basis in fact. There is no proof of sexual harassment or that these students, most if not all of whom were over the age of 18, were impressionable or developing.

"The misconduct occurred in multiple locations involving the Marching Band, including practice at the stadium, bus trips, alumni events, and off campus parties. Much of the misconduct occurred during official Marching Band activities when students were under the supervision of staff." Which events of misconduct occurred under the supervision of staff? The Midnight Ramp? The staff interviewed stated they either did not see or did not tolerate and stopped any misconduct. Is the staff to babysit adult college kids and monitor their behavior on and off campus 24/7? If so I would argue that the Band is extremely understaffed and the staff they have is extremely underpaid. Further, many other groups or teams which also receive credit for a class are not being held to the same standard of holding their leaders and staff responsible for their actions 24/7.

Pam Bork's statements should be completely disregarded. She volunteered for 18 years before resigning in 2013. How many times did she complain of the atmosphere and behavior? She was concerned she would lose her license if a student became ill from alcohol poisoning but that is exactly what happened four years earlier in 2009. What record is there of any of Bork's previous complaints to Waters, the previous director, any other faculty or staff member of the University?

The four conclusions made in the analysis section to support the conclusion are new facts that are not presented in the discussion of band culture. If these were such key facts that would warrant the firing of Mr. Waters why were the facts not detailed in the discussion of the culture.

The statement that "Waters failed to take action to eliminate the harassment; prevent its recurrence, and address its effects" assumes that there was harassment and, to the extent it references the culture and activities described by some of the limited number of witnesses is simply not true.

The additional factors cited may provide cause for termination but do not address Title IX and a sexualized culture at all.

Title IX CLEARLY does not require the investigation to be complete in 60 days.

Based on a limited sample size of interviews, conflicting testimony, hearsay and conclusions unsupported by testimony, the report makes two conclusions. The Marching band's culture facilitated acts of sexual harassment, creating a hostile environment for students and Jonathan Waters knew or reasonable should have known about this culture but failed to eliminate the sexual harassment, prevent its recurrence, and address its effects.

I and many other band members and alumni with intimate knowledge of the current situation, the actions of Mr. Waters and the history of the band culture do not believe either of these conclusions is true and neither is supported by the facts in this situation.

The characterization of a pervasive culture decades old is simply incorrect and cannot be supported by even a preponderance of the evidence (the reports standard not mine) based on the amount of conflicting testimony, the amount of hearsay evidence used and the small sample size of recent band

members and alumni.

At the very least, the entire investigation should be questioned, the Montgomery task force should be able to revisit the initial investigation and look into past band activities and culture and the good name of thousands of band alumni that have been tarnished by this incomplete, incompetent and inaccurate Glaros report should be restored. I would also ask that you consider the ramifications on relying on this flawed report to justify the termination of a good man. This is especially concerning as you apparently needed no reason at all to terminate Mr. Waters but instead relied on a flawed report that is based on an inadequate investigation. Whether or not Mr. Waters is rehired or, as many people are advocating for, reinstated, the report and investigation should be publically acknowledged for what they are flawed and inadequate.

Jeffrey R. Cox, Esq.

Posted by WeStandWithJonWaters WebAdmin 32sc on August 14, 2014

Dear President Drake and Board of Trustees:

My name is Jeff Cox. I am an attorney-at-law, author, historian, Columbus, Ohio, native currently living in Indianapolis, and proud alum of The Ohio State University Marching Band ("Band"). I am also the son of two Ohio State graduates, both of whom received their undergraduate and graduate degrees from the School of Journalism, one of whom just retired after four decades as a political journalist. Despite being raised in Indiana, both my loyal Ohio State Buckeye parents raised me as a loyal Ohio State Buckeye. At this point, the current Ohio State University ("University") administration's handling of the allegations against Jon Waters and the Band – and at this point they are just allegations – has us questioning that loyalty, and whether that loyalty is being returned by the current administration...

"Loyalty" is not just the emotional basis but the legal basis for the glaring faults with the current administration's handling of the allegations against the Band, which I will boil down to three major points.

1. Report Dated July 22, 2014 issued by The Office of University Integrity and Compliance ("Office") under the authority of Chris Glaros, Assistant Vice President for Compliance Operations and Investigations ("The Glaros Report").

During my tenure as an attorney with the State of Indiana, I was periodically tasked with investigating possible wrongdoing and composing reports detailing the allegations of wrongdoing, the evidence of said wrongdoing, and the legal conclusions drawn therefrom. As a litigator, it is my job to review and analyze reports of alleged wrongdoing. As an author, I have investigated various questions of history and assembled the evidence into various history articles. It was those articles that eventually got me invited to write my book *Rising Sun, Falling Skies; The Disastrous Java Sea Campaign of World War II*, which itself contains elements of reporting and investigation. It was with this experience in mind that I read the Glaros Report.

I found the Glaros Report indeed shocking, though not for the reasons you might believe or perhaps wish. I was a member of the Band from 1989-1993. I witnessed most of the behaviors described in the Glaros Report at one time or another. I didn't like it and didn't take part in any of it, including the Midnight Ramp. I made clear that I did not like it and as a result I received no pressure whatsoever to take part in it. No nicknames, no insults, nothing. How this comports with the general references to "peer pressure" and a "sexualized culture" made in the Glaros Report is, at best, unclear.

No, the most shocking part of the Glaros Report was its legal conclusions and the structure of its narrative as well as the underlying investigation. I use the terminology in that order deliberately, as it appears the legal conclusions were written before the narrative was prepared, which in turn seems to have been done before the investigation was concluded or possibly even begun. This is a completely improper procedure for investigating allegations of wrongdoing.

Some of the most egregious examples:

Sample Size – Page 3 of the Glaros Report states “Conclusions were made using a preponderance of the evidence standard.”

Yet, Pages 3 -4 state that the investigators contacted 5 Band members, including the Complainant’s Child. The investigators contacted 6 Band alumni, including Jon Waters. Furthermore Page 3, Footnote 3 states:

The complainant and witnesses recommended specific people to interview and we have talked with or tried to contact each of them. As of July 15, 2014, we were still receiving information from some of the witnesses interviewed. [...] We did not randomly interview current Band members for this investigation.”

In other words, the investigators contacted 5 Band members, including the Complainant’s Child, out of 225 Band members. The investigators contacted 6 Marching Band alumni, including Jon Waters, out of thousands of Band alumni. That is by itself an awfully small sample size to defame the entire Band. Even worse, Footnote 3 by itself appears to confirm that the investigators only contacted people recommended by the Complainant and the Complainant’s witnesses.

It’s easy to establish a preponderance of the evidence if one looks for and considers only evidence supporting one side of a case. This is not a method for seeking truth but a method for finding someone guilty.

Glaring Contradictions – As stated earlier, Page 3 of the Glaros Report states “Conclusions were made using a preponderance of the evidence standard.” Yet Page 5 contains the following statement:

Most witnesses indicated that participation in Midnight Ramp was not required. Some witnesses stated that students not participating in the tradition would receive negative treatment from other students and staff. Other witnesses stated that there were no consequences for not participating, while one witness stated that she was “told not to talk about it outside of the Band.”

By the Glaros Report’s own admission, “Most witnesses indicated that participation in Midnight Ramp was not required.” By the preponderance of evidence standard the Glaros Report states is used, the Midnight Ramp was not required. Yet the Glaros Report never makes this clear. Moreover, the use of the term “some” to indicate the witnesses that said “students not participating in the tradition would receive negative treatment from other students and staff, as opposed to the term “most” witnesses used in the previous sentence, is also revealing, and indicative that “most” witnesses in fact did not receive negative treatment.

Thus, by the standards explicitly stated in the Glaros Report, the Midnight Ramp was not an issue and should not have been included in the Glaros Report at all.

Factually Unsupported Statements and Misleading Language – Page 4 contains statements that the Midnight Ramp was “oversee[n]” by Waters or “under Waters’ direction.” This is a factual error. A more accurate term might be “monitor.” The use of “oversee” and “direction” suggests Waters controlled it. While Page 5 references an alcohol poisoning incident that occurred “five or six years ago,” after which staff agreed to monitor the event to make sure nothing like that happened again, none of the alleged witness statements mentioned in the Glaros Report support the conclusion that Waters “over[saw] or “direct[ed]” the Midnight Ramp. This was terminology chosen by the author of the Glaros Report, not by the witnesses.

Factually unsupported statements and misleading language appear throughout the Glaros Report. The previous example of the Midnight Ramp included the statements that “most” witnesses said the Midnight Ramp was not required, but “some” said there was “negative treatment” if one did not participate. “Most” and “some” are not defined, which is by itself suspicious given that the relatively low number of witnesses interviewed should have indicated actual numbers of witnesses speaking to each. “Negative treatment” is not defined. At all.

There is far more where that came from. Page 8 contains the statement:

Several witnesses indicated that new Band members were subject to “Rookie Introductions,” which occurred at the front of a moving bus en route to away games. These sometimes included sexually explicit questioning and dirty jokes. A witness stated that one such episode entailed using a dildo as a microphone. Another witness confirmed that sexually explicit Rookie Introductions occurred in the Fall of 2013.

“Sometimes included” does not properly indicate how often the introductions were of a sexual nature or how much of each individual introduction was sexual. I remember that mine was not sexual at all. Plus, a single account does not “confirm,” unless, perhaps, the “confirm” is a reference to the author’s own biases.

Page 15 is especially bad in this regard. It contains the statement: “The misconduct described above affected many students’ musical education through the Marching Band, some to a significant degree, as evidenced by feelings of regret and shame that were communicated in our interviews.” Except none of the witness statements quoted in the Glaros Report contain any statements of “feelings of regret [or] shame.” Furthermore, as stated above, the investigators by their own admission interviewed 5 band members, including the Complainant’s Child, out of 225 band members. The investigators contacted 6 marching band alumni, including Jon Waters, out of thousands of Band alumni. How, exactly, that constitutes “many” is somewhat unclear. And aside from the bald statement that “the misconduct described above affected many students’ musical education through the Marching Band, some to a significant degree,” there is no evidence in the Glaros Report that any student was affected at all, nor is there any explanation of any effect.

Page 15 also says “The subjects of the sexual harassment were impressionable and developing students.” Which seems like an obfuscation of the fact that the “subjects” of the “sexual harassment” were legally adults. Page 15 also states “We find that the Marching Band’s culture facilitated acts of sexual harassment under both university policy and Title IX, creating a hostile environment for students.” It is not clear from the Glaros Report that the alleged victims all

agree. In fact, based on media statements made by several of the witnesses, it appears that they in fact do not.

While I would like to believe this was just the result of in-artful writing, the totality of the Glaros Report and the current administration's response thereto support the belief that this report was actually intended to give a false impression that would bring in Title IX.

Lack of Factual Integrity – This term is my own, a reference to the necessity to “show your work” but make allowances for confidentiality. Whether in my books or in my briefs, I must always show my work – my sources of information, my case law, so that they can be checked. My book, for instance, contains some 30 pages of end notes citing my sources. Nothing of the sort appears in the Glaros Report. With witnesses whose identities must be kept confidential, that is somewhat understandable, except there are methods of handling confidential witnesses, statements, and information that preserve the factual integrity of the report. Such methods include designation of witnesses, declaration of when and, if necessary, where the witness interview took place and by whom, additional information to give context to the witness statement, and even where the full transcript of the witness statement is located and how it may be acquired.

This is not rocket surgery, but basic investigatory and report-writing technique. Yet, again, except for a designation of witnesses that appears at the beginning of the Glaros Report and is never mentioned again, nothing of the sort appears in the Glaros Report. There is no easy way to even begin checking the work of the Office here. No way to verify the witness statements, no way to check for context. For all we know, most of these witnesses and their interviews do not exist and never did; in essence, the Glaros Report says, “Trust us.” Part of my practice involves criminal defense, where such conduct by the government is utterly unacceptable.

Even worse is the hearsay that appears in Glaros Report. For instance, Page 17 quotes Pam Bork, “Physical Therapy Manager with Student Health Services who volunteered for 18 years with the Band,” as saying other students (non-Band members) who were on the bus at the Cal game were “horrified” by the atmosphere. Not only is there no identification of who these people were, there is no indication they were interviewed at all. Page 17 also says Bork added that she was concerned that someone would get hurt and that she quit the Band because she believed “something bad was going to happen,” and then referenced a sexual assault that had occurred as what she feared could come to pass. The Glaros Report never gives any details of this alleged sexual assault.

I have plenty more examples of the shoddy work behind the Glaros Report. As a litigator, it is my professional opinion that this report could be easily destroyed in any court of law, so poorly written and conceived that it may not even be admissible – except to show defamation by the current administration.

Generally speaking, in both the private sector and in government law one cannot expect to turn in a report as poorly-written and conceived as the Glaros Report, let alone release it to the public, and expect to stay employed in assembling and writing such reports much longer. Yet the current administration has pointedly and repeatedly stood by the Glaros Report.

The current administration's position thus changes things, and makes it look as if the Glaros Report is not the result of incompetence but of malice, that it is was not so much an investigation but an assassination. An assassination of character. Of Jon Waters. Of the Band and its alumni. Of The Ohio State University.

Which brings me to my second point:

2. The Public Handling of the Glaros Report.

Robert Conquest's Third Law of Politics rather famously holds "The simplest way to explain the behavior of any bureaucratic organization is to assume that it is controlled by a cabal of its enemies." That is, unfortunately, the most charitable way of explaining how the current administration has handled the Glaros Report.

As much of an abomination as it is, the Glaros Report could have been easily withheld under the investigatory or deliberative records exceptions to the public records statute until, at the very least, someone competent could have rewritten it. At least according to the public timeline, that was not done here.

The Glaros Report is dated July 22. The announcement of Waters' firing was July 24. Granted, there was the deadline established by Title IX, but absolutely nothing in Title IX, the 2001 "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties" statement or the April 4, 2011, "Dear Colleague" necessitated firing Waters. There were plenty of options, including censure, policy changes, or assignment of a Title IX coordinator that the Band has been lacking. But it appears none of these other options was even considered. Without considering these other options and apparently not even performing due diligence on the accuracy of the Glaros Report, the current administration quickly in that 2-day period chose the nuclear option: firing the best band director in the country, one who has been innovative in show design, who has brought excitement back to marching bands across the country, and has brought nothing but good press and energy to The Ohio State University.

None of the other possible options would have attracted much in the way of possible media attention. Firing the best and most famous college band director in the country was certain to get maximum media attention. And so it did. And it brought in with it the aforementioned shoddy Glaros Report that can easily be argued defames Waters, the Band and all its alumni to national media attention. Furthermore, little of the inaccurate sensationalized reporting by the media of the Glaros Report (i.e., alleging the Midnight Ramp was "hazing," even though it fits neither a legal nor a practical definition) was corrected by the current administration, and may have in some cases even been abetted by it. The current administration did absolutely nothing to defend the University or the Band.

Even worse, the current administration decided to have a second investigation into the alleged "sexualized culture" of the Band, an investigation to be headed by former Ohio Attorney General

Betty Montgomery. Not explained is why a second investigation into the alleged "sexualized culture" is needed if the first investigation into that same culture that resulted in the Glaros Report and the firing of Waters was so "thorough," a word specifically used by the current administration. Montgomery herself has stated she will not reopen the first investigation that resulted in the Glaros Report. Not explained is how she can look into the alleged "sexualized culture" without reviewing the Glaros Report that supposedly documents that culture.

So the current administration "stands behind" (another phrase it frequently uses) the first investigation and the Glaros Report. But will have second investigation. That will look into the same subject matter as the first investigation. But will not look into the first investigation. Because the first investigation was so "thorough" that it does not need to be reviewed by a second investigation, even though that second investigation is supposed to cover the same subject matter.

Not even Monty Python could concoct a scheme that's so preposterous. At least in the "Dead Parrot" sketch, Michael Palin tried to explain to John Cleese, however ridiculously, that the parrot was still alive. The current administration will not even do that, arrogantly responding to the increasing questions about the Glaros Report with a machine-like "Read the report." As if somehow the current administration has the right to invoke papal infallibility.

No crisis management specialist worth the title would recommend handling the Glaros Report like this. Based on my own experience in crisis management and consultations with crisis managers, from the standpoint of the University and the Band, this situation has been handled in such a way as to do maximum damage to both. The current administration could not have damaged Ohio State more if it was trying. "A cabal of its enemies," indeed.

Which brings me to my final issue:

3. Duty of Loyalty to Ohio State.

The President of The Ohio State University is not a king, nor a god, a potentate, a pope, an emir, sheikh, an emperor, or even a *princeps*. The president is an agent. Ultimately, so are the trustees. All are agents of the principal: The Ohio State University. In legal terms an agent is obligated to act in the best interests of the principal and only the best interests of the principal. As "Buckeye Battle Cry" says "Our honor defend, we will fight to the end for Ohio."

Yet here there was no honor defended, and no one fought for Ohio, including and especially those whose duty it was to do so. The investigators at the Office of Compliance and Integrity did not have to find a violation of Title IX, but they chose to do so, straining and stretching, warping and twisting alleged facts into the Glaros Report. In so doing, the investigators at the Office of Compliance and Integrity appear to have been so determined to find a lack of the former that they sacrificed the latter. Even though a due diligence review of the Glaros Report would have revealed its many flaws, the current administration seems to have been almost eager to accept it

as the gospel truth, and quickly used it as justification for use of the nuclear option – firing the best band director in the country.

The ancient Greek philosopher Socrates was subjected by the Athenians to a sham trial after which he was sentenced to death. The Athenians only forced Socrates to drink hemlock. They did not drop a nuclear bomb on his house and wipe out him, his family and friends, and a large chunk of Athens. But that is in essence what the current administration has done with the Band. The Band, which used to have a spotless reputation and was old and unquestionably the best in the country under Jon Waters, has been badly damaged, perhaps irreparably, and its survival is at stake. The thousands alumni of the Band, including myself, have been libeled as sexual deviants. And all by an, at the very least, incompetent piece of investigation and writing in the Glaros Report.

It is difficult to see how any of the current administration's actions here have been in the best interests of the University or even could have been contemplated as in the best interests of the University. Nothing – not the facts of the case, even as presented in the shoddy Glaros Report; not Title IX; not even and especially simple notions of justice and fairness – required the use of the Glaros Report to smear Waters and the Band.

So why was the Glaros Report handled this way? We have asked ourselves that, and there is no easy or pleasant answer. It does not make sense. One does not destroy a precious, beloved asset over a century in the making except through incompetence or malice. There is that choice again. It is not a pleasant choice, but one with which the current administration has presented us.

Incompetence or malice? We should not be asking ourselves this question. We should not be wondering about ulterior motives. And yet we are. The thousands of Band alumni, the tens of thousands of Ohio State alumni who have supported us over the years, should trust the current administration – with the president, the trustees, the deans, the provosts, the staff, to protect and act in the best interests of The Ohio State University.

That was clearly not done here. The current administration cannot even make a case that it was done here, and the more and more information comes out about the shoddy Glaros Report – especially the interviewed witnesses who denounce it as inaccurate – the more and more the report looks less like an investigation and more like an assassination. And when we dare to question it, the current administration treats us with arrogance and contempt.

The current administration's actions here have broken the bond of trust that should exist between it and the alumni and students of The Ohio State University. At this point, nothing said by the current administration or those chosen by it, including Betty Montgomery, can be trusted as be an accurate representation of the facts about this affair. The only way to begin to rebuild that trust is for the current administration to admit its mistake and for the trustees to earn the word "trust" in their titles by retracting the Glaros Report and reinstating Jon Waters as band director.

Anything less and that broken trust will become irreparable.

Please provide me with confirmation that you received my letter. I request feedback from the Board of Trustees regarding this matter.

Truly yours,
Jeffrey R. Cox, Esq.

Attorney-at-law licensed in Indiana and California
Author, *Rising Sun Falling Skies: The Disastrous Java Sea Campaign of World War II.*
JD 2003 – Indiana University-Indianapolis McKinney School of Law
BA National Security Policy Studies 1994 – The Ohio State University
The Ohio State University Marching Band (C-Row) – 1989-1993

Karen Crockett

Posted by WeStandWithJonWaters WebAdmin 32sc on August 12, 2014
President Drake and OSU Board of Trustees,

As someone who has worked with The Ohio State University Marching Band (OSUMB) for over forty years, I have an important perspective relevant to understanding the work of Jonathan Waters and the culture of our Marching Band family...

In past decades, long before Jon Waters held any position of leadership in the band, student behavior did include examples of sophomoric, inappropriate "humor"-based behavior. These trends were not specific to the marching band, but rather exemplify the broader culture present among college student populations in general, and within the broader society. Some of the specific behaviors that found their way into our marching band culture were a by-product of our military beginnings as an organization. Even those deeply rooted "traditions" were already in the process of being successfully eliminated through the initiative, high moral values, and tenacious efforts that Jonathan Waters independently brought to his role as Director. His work was moving us all toward more currently acceptable expectations.

Jonathan Waters is deeply committed to students, focusing on the quality of not only their education but to also to their college experience in a wholesome and safe environment. As the Director, Jon has worked diligently and tirelessly to improve the culture of the band. In less than two years, he has done more to improve the culture and student behavior than anyone in the band's rich history. Some of the many improvements already accomplished include:

- Elimination of inappropriate nicknames
- Elimination of poor behavior on busses
- Elimination of "midnight ramp"
- Forbidding excessive alcohol consumption before/during the annual Band Dance
- Implementing trainings for staff and student leadership
- And most importantly, fostering a focus on respect for self and others.

These changes, in order to be effective and long-lasting, were being accomplished in a holistic way, by including the participation of our well-defined student leadership and were implemented with full collaboration between all staff members. An organization of this size cannot be reformed without including the layers of influence coming from all levels. Through this comprehensive approach, Jon Waters has made great strides in improving the band's culture, thereby protecting students from inappropriate behavior including outdated "traditions". But even he cannot and should not be held responsible for behavior off-campus, during non-band hours, and not connected to band events.

A more thorough and accurate investigation would have also clearly revealed the band's positive cultural components focused on service, patriotism, and on citizenship. Under Jonathan Water's leadership, the band has significantly increased service projects, charitable efforts and fundraising for the OSU community, as well as for entities reaching far beyond the University. The students in OSU's Marching Band are intelligent, hard-working, respectful, dedicated people who move on to impressive life accomplishments as professionals and community leaders. We should take pride in their accomplishments as doctors, teachers, clergy, artists, soldiers,

engineers, attorneys, social workers, ... the list goes on and on. Instead the dismissal of Jon Waters, based on a narrow and erroneous "report" has tarnished all of us, including the thousands of former members whose lives were forever enriched by their membership in our band.

What sad, embarrassing irony that our organization, OSUMB, steeped in excellence and respect, has been so wrongly characterized by a "report" that was poorly conducted, one-sided and misguided.

Our honor defend...

Sincerely,

Karen Crockett

August 4, 2014

Mr. David Axelrod,

As someone who has worked with The Ohio State University Marching Band (OSUMB) for over forty years, I have an important perspective relevant to understanding the work of Jonathan Waters and to the culture of our Marching Band family.

In past decades, long before Jon Waters held any position of leadership in the band, student behavior did include examples of sophomoric, inappropriate "humor"-based behavior. These trends were not specific to the marching band, but rather exemplified the broader culture present among college student populations in general, and within the broader society. Some of the specific behaviors that found their way into our marching band culture were a by-product of our military beginnings as an organization. Even those deeply rooted "traditions" were already in the process of being successfully eliminated through the initiative, high moral values, and tenacious efforts that Jonathan Waters independently brought to his role as Director. His work was moving us all toward more currently acceptable expectations.

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Juile Essman Stevens

Posted by WeStandWithJonWaters WebAdmin 32sc on August 12, 2014

I am a member of a three-generation OSUMB family. This band has shaped my entire life and now I tell you our story...

My father, Jim Essman, was in band in the unexpanded, unisex era, serving as a squad leader in the baritone section. He was also a member of the trumpet section, I believe, when he first made the band. He loved that group, and has continued friends with many he met then. He is a past president of the board of governors and has marched almost all if not every reunion. He made the band on grit, talent and determination though he will tell you he had very little actual playing ability. That is nonsense, and I grew up listening to him practice – wanting to be just like that. When he returned from service in Vietnam the first thing he did was play Christmas music. The second was to play all his OSUMB recordings. I am told I marched around the living room to Le Reg, but what child can resist? He was very involved in the active band throughout my childhood, and we kids went to all his performances – Park of Roses, Upper Arlington 4th of July Parade, reunion rehearsals. My mom made lifelong friends among the other wives and we all made friends with the other children. My dad was rejuvenated by alumni active band practice, and sometimes I'd take the COTA bus in to Columbus from Pickaway County to go to rehearsal with him. The other members always made me welcome.

I was not expected to make the band. That is a pure truth. My band director, Mark Hosler, had been Most Inspirational in his day and knew what it took. I don't think he ever really believed I had that, and my family was dreading what would happen when I was cut. Summer sessions are student run and the best way to learn the skills and build endurance. I had never known my shins could sweat

– I was a hard working person whose parents expected a lot, but I had never in my life exerted myself like that. My best friend fell to the music audition and we both cried. I was named M-14 – the last name called, and I was delirious! I must have made that band on my own grit and determination, with the dedicated help of Mike Coggins, Jerry Canterberry, and Al Notestine and Lisa Cozad Galvin(though he and she had graduated and were just back to motivate candidates). My squad leaders, Tom Hartman and Greg Schilling, did their best with me and I actually got to march the Patriotic Show three times. The deeply shy and introverted child that made the band was nicknamed "Cindy Brady" and managed to overcome terror and tell a joke to a busload of people who heckled me through it, patted me on the head as I went to sit down, and in general cheered me into greater confidence. Some of my favorite people were in band with me, and you all know who you are. I was so proud to be part of this greater family, to have done something so closely tied to my dad. Every year I was terrified of being cut and ran miles and miles to prepare. I had my own 5 yard by 5 yard grid laid out on the patio (I know lots of us did that) and practiced 270 spin turns and horn flashes till I was no longer dizzy. The expectations are identical for every candidate – there are no female or male requirements. I can't emphasize that enough. Why are there fewer women than men in the OSUMB? Because it is hard to make, because everyone completes the same drills and skills and puts in the same time. I play baritone. That bad boy weighs 8 pounds, and we were required to hold it at arm's length during a horns up drill. Not to abuse us, but to build the strength necessary to complete a flawless halftime show. EVERYONE did this. I used full gallon jugs of milk to build up to holding that horn. Colleen Nutter Kent was