

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JONATHAN N. WATERS  
5299 Harbor Pointe Drive  
Galena, Ohio 43021

Plaintiff,

v.

MICHAEL V. DRAKE, M.D.,  
In his individual and official capacities,  
President, The Ohio State University  
1590 North High Street, Suite 500  
Columbus, Ohio 43210

and

JOSEPH E. STEINMETZ, PH. D.,  
In his individual and official capacities,  
Executive Vice President and Provost,  
The Ohio State University  
1590 North High Street, Suite 500  
Columbus, Ohio 43210

and

THE OHIO STATE UNIVERSITY  
1590 North High Street, Suite 500  
Columbus, Ohio 43210,

Defendants.

) Case No. 14 CV 1704  
)  
) Judge \_\_\_\_\_  
)

**COMPLAINT WITH JURY DEMAND**

) David F. Axelrod (0024023), Trial Counsel  
) James M. Petro (0022096)  
) SHUMAKER, LOOP & KENDRICK, LLP  
) Huntington Center – Suite 2400  
) 41 South High Street  
) Columbus, Ohio 43215  
) Telephone: (614) 463-9441  
) Fax: (614) 463-1108  
) Email: jpetro@slk-law.com  
) daxelrod@slk-law.com

) Mark D. Wagoner, Jr. (0068577)  
) Katherine S. Decker (0085600)  
) SHUMAKER, LOOP & KENDRICK, LLP  
) 1000 Jackson Street  
) Toledo, Ohio 43604  
) Telephone: (419) 241-9000  
) Fax: (419) 241-6894  
) Email: mwagoner@slk-law.com  
) kdecke@slk-law.com

) Attorneys for Plaintiff  
)

\* \* \*

*“Jon is confronted with many years of ‘tradition’ and many well-meaning alumni whose proclivities and excesses need constant but gradual attitude adjustment. Jon has already begun to address these predispositions and is courageous in tackling some of the more extreme views head-on. Waters tries very hard to keep the SOM [The Ohio State University School of Music] informed of his world, an ever evolving, highly active, and interconnected sphere of decisions, protocols, and politics”*

*“Jon is a naturally gifted leader and he supervises a large and complex operation with grace and efficiency. This is no small task and we are fortunate to have him and his team leading this marching and athletic band program.”*

Statements from **Richard Blatti**, Director of The Ohio State University School of Music, for Jonathan Waters’ 2013/14 Performance Review, signed by Dr. Blatti on June 2, 2014.

*“I believe the report is largely historical... both largely historical first. And second, I appreciate the progress that’s been made, or given that things – I don’t believe things today are like they were in the past. Which I think is good. And I don’t think – I’ll try and say it again. If the band were behaving as it were reflected... in the report, then that group couldn’t march and represent the University... in this era. So I think – so no – I don’t believe that it reflects you accurately.”*

*“I believe that the report was overwhelmingly about people I’ve never met and that you’ve probably never met in times gone by. The overwhelming volume of this was historical information that was not relevant to you at all. Overwhelmingly.”<sup>1</sup>*

Recorded statements from **Dr. Michael V. Drake**, President of The Ohio State University on answering questions about the *Glaros Report* in a meeting with squad leaders of The Ohio State University Marching Band on August 21, 2014.

---

<sup>1</sup>These quotations were taken from a recording of a meeting between squad leaders of The Ohio State University Marching Band and Dr. Drake on August 21, 2014. A certified copy of the transcript (“Drake Tr.”) has been attached as Exhibit A and is incorporated by reference into the Complaint. Drake Tr. p 28, ln. 16 – p. 29, ln. 6; p.20, ln. 13-19.

## INTRODUCTION

### A. *“I may run out of superlatives to describe the 2013-14 season”*

1. Jonathan Waters (“Waters”) became the full-time Director of The Ohio State Marching and Athletics Bands (the “OSU Band” or the “Band”) on February 1, 2013. That following year, Waters led the OSU Band to its most successful season ever, receiving national – and even international – acclaim. *The Wall Street Journal* in a November 1, 2013 article entitled “*Why Ohio State’s Band is Truly the Best in the Land*” wrote that “[h]ere in Ohio State country, it's hard to say who is having a better season – the school's undefeated football team or its marching band.” Laudatory headlines peppered news outlets worldwide – from Britain’s *Daily Mail* to Australia’s *Sydney Morning Herald*. The NBC *Today* show broadcast nationally a live performance of the OSU Band, and the OSU Band’s performances were YouTube sensations, with millions of viewers watching their performances each week. And indicative of just how much its popularity had grown, the OSU Band was featured in Apple’s “*Your Verse*” commercial for the iPad Air starting in January 2014. The Ohio State University (“OSU”) then leveraged the OSU Band’s popularity and had Waters travel the country raising tens of millions of dollars for OSU’s *But For Ohio State* campaign.

2. As the Director of The Ohio State University School of Music, Richard Blatti, summed up the 2013-14 season in his June 2, 2014 performance review of Waters: “I have never witnessed football crowd reactions like I did this season, nor have I felt this kind of buzz around one of our university ensembles, not in 25 years on this faculty. This is largely due to Jon’s creativity, his knowledge of the medium, and the rapport he has with these students. Truly inspirational. Based on that appraisal, I may run out of superlatives to describe the 2013-14

season.” Yet after extolling high praise on Waters on June 2<sup>nd</sup>, The Ohio State University and its employees would fire him and destroy his good name only six weeks later.

**B. The Department of Education’s Investigation of OSU and the Glaros Report**

3. Troubling issues were brewing for OSU having little to do directly with the OSU Band. On May 1, 2014, the United States Department of Education Office of Civil Rights (“Department of Education”) named OSU as one of 55 colleges and universities in the United States “under investigation for possible violations of federal law over the handling of sexual violence and harassment complaints.” Three weeks after the Department of Education’s public announcement (and ten days *before* Director Blatti signed his exceptional performance review of Waters), the mother of a former Band member approached The Ohio State University Office of Integrity and Compliance alleging that the Band’s culture was “sexualized,” and requested an investigation of her allegations.

4. A deeply flawed and incomplete report ensued, skewed and distorted more to appease the Department of Education than to afford due process to Waters. Chris Glaros, Assistant Vice President of Compliance Operation and Investigations for the Office of Compliance, apparently oversaw the investigation and preparation of the report (the “Glaros Report”), and signed the resulting findings. The Glaros Report was riddled with factual errors, material omissions, and result driven. The deeply flawed Glaros Report then formed the basis of OSU’s decision to terminate Waters as Director of the OSU Band, less than two months after he was praised by OSU for his “courageous” efforts “tackling some of the more extreme views [of the OSU Band] head-on.”

5. Problems riddled the Glaros Report, including that OSU’s methodology was destined to produce an invalid result. Only ten of the 240 current members of the OSU Band and

its 4,300 or so alumni were interviewed for the Glaros Report. This methodology resulted in a too small, unrepresentative sample size, which in turn led to a skewed picture of the culture of the OSU Band. And even in that too small, unrepresentative sample size, the Glaros Report distorted and miscast much of the significant testimony.

6. At least three of ten current members or alumni interviewed have objected to how their comments were misconstrued. One of the ten wrote in a letter to Dr. Drake and the OSU Board of Trustees that “[m]y comments were never identified or included in the report. A flagrant disregard for the anecdotes, opinions, and commentary that I provided on the band culture during my hour-long interview leads me to the conclusion that this investigation was not intended on finding the truth. This is truly unsettling.”

7. Another band member interviewed wrote in a letter to Dr. Drake and Steinmetz that she wanted to “express dissatisfaction regarding how my statements were presented in the report” and that “the investigators of the report choose to exclude vast amounts of testimony which contradict the conclusion presented.” She continued that the report’s “assertion that there is ‘no tangible evidence’ of efforts to change the band culture is without merit. This perception shows a complete willingness by the university to simply ignore the evidence contrary to the findings in the report.”

8. A third interviewee wrote in a letter to Dr. Drake that “at the center of this issue is an investigation that I feel was deeply flawed and executed with great carelessness and little concern with finding the truth. As someone with a deep understanding of the band, I would think that the hour I spent in the interview would have been used to gather the information I have about these issues and experiences. But as I recall, I was asked only a few general questions

about the majority of the content in the report.” Many others have also criticized the Glaros Report’s methodology.

**C. Dr. Drake’s Two Versions of the Glaros Report**

9. Yet, despite these problems, Dr. Drake publicly – and repeatedly – stood by the Glaros Report. In an August 13<sup>th</sup> press conference at the Columbus Metropolitan Club,<sup>2</sup> Dr. Drake publicly described the culture of the OSU Band as one including “[b]ehaviors that would not be tolerated in any class or in any unit on our campus - and I dare say – not in any of your companies.” Dr. Drake proclaimed that “[w]hat we felt was we had the facts that came to us from the investigation and those facts then describe a pattern that helped us make a decision that we needed based on what we thought was the best decision we could make moving forward to support our students.” Dr. Drake said, “[t]he facts showed us there was a culture not in line with our requirements of Title IX, not in line with our principles, not in line with our values and we needed to make a change and move forward.”

10. But privately, Dr. Drake told a different story. Dr. Drake acknowledged *only eight days later*, on August 21, 2014, in a meeting with squad leaders of the OSU Band that the Glaros Report contained “a whole sheath of historical material that was from 2006 or 2011, some 2006, and before that.”<sup>3</sup> He conceded that “[i]t was clear to me that the vast majority of all that stuff, which actually I wish I didn’t know... was stuff from years gone by and wasn’t reflective of you in the modern era.”<sup>4</sup> Continuing on the flawed nature of the Glaros Report, Dr. Drake admitted that “I believe that the report was overwhelmingly about people I’ve never met and that

---

<sup>2</sup> A video of Dr. Drake’s statements at the Columbus Metropolitan Club can be found at the website of Channel 10, WBNS-10TV, at <http://www.10tv.com/content/stories/2014/08/13/columbus-ohio-ohio-state-Dr.-drake-defends-jon-waters-firing.html>

<sup>3</sup> Drake Tr. p. 16, ln. 1-3.

<sup>4</sup> Drake Tr. p. 33, ln. 20 – p. 34, ln. 1.

you've probably never met in times gone by. The overwhelming volume of this was historical information that was not relevant to you at all. Overwhelmingly.”<sup>5</sup> And then, to reaffirm the problems with the Glaros Report, Dr. Drake conceded that “the report is largely historical... both largely historical first and second, I appreciate the progress that's been made or given that things – I don't believe things today are like they were in the past, which I think is good. And I don't think – I'll try and say it again – if the band were behaving as it were reflected in the report, then that group couldn't march and represent the University... in this era. So I think – so no – I don't believe that it reflects you accurately.”<sup>6</sup>

**D. OSU Gives Waters the Ultimatum: Either Resign by 5 pm or Be Fired.**

11. With the deeply flawed report in hand, Executive Vice President and Provost Joseph E. Steinmetz gave Waters an ultimatum on July 23, 2014 – either resign by 5:00 p.m. or be fired. Only after the ultimatum did Waters first receive a copy of the Glaros Report. Later that day, Waters' counsel asked OSU's attorneys for extra time to read, interpret, and respond to the Glaros Report that had only just been handed to Waters hours earlier. But the request fell on deaf ears. The next morning, OSU sent Waters a letter of termination ending his employment as Director of the OSU Band.

**E. The Avalanche of Negative Publicity.**

12. Then, OSU embarked on a calculated public relations campaign to disparage Waters and justify his termination. OSU widely publicized the Glaros Report through a dedicated website, and went so far as to have Dr. Drake issue a video statement that was disseminated and played throughout the United States. Waters' good name was dragged through the mud on national news channels, newspapers, and the internet, and Waters and the OSU Band became

---

<sup>5</sup> Drake Tr. p. 20, ln. 13-19.

<sup>6</sup> Drake Tr. p. 28, ln. 11 – p. 29, ln. 6.

fodder for unjust ridicule and embarrassment. Stories like “*Here Are The Dirty, Sexual Things Ohio State’s Band Did That Got The Director Fired*”<sup>7</sup> appeared and were read widely. Current Band members report being harassed and victimized, criticized by employers, labeled as sexual deviants and to fear “retaliatory punishment for having an opinion different from the university.”<sup>8</sup> Others report concern about negative effects on their career prospects, and to losing weight and sleep from stress caused by the report. To make matters worse, OSU escalated the negative publicity over the ensuing weeks with OSU spokesperson Chris Davey launching false and incendiary remarks about Waters through press releases.

**F. The Scapegoat**

13. Early suspicions were that OSU took these actions against Waters to stop the Department of Education’s ongoing investigation of OSU. That later proved true on September 11, 2014 when the Department of Education ended its investigation of OSU earlier than expected. A letter from the Department of Education noted that OSU had requested to resolve the Department of Education investigation “with a voluntary resolution agreement prior to the completion of [the Department of Education]’s investigation of all the issues in the review.” In that same letter, the Department of Education made explicit reference to Waters and his termination, citing it as one of the reasons why the Department of Education was ending its investigation prior to the completion of its review of all OSU’s issues. In other words, Waters was a scapegoat.

---

<sup>7</sup> The *Huffington Post* published an article entitled, “*Here Are The Dirty, Sexual Things Ohio State’s Band Did That Got The Director Fired*” on August 5, 2014, available online at [http://www.huffingtonpost.com/2014/08/05/ohio-state-sexual-director-fired\\_n\\_5649531.html](http://www.huffingtonpost.com/2014/08/05/ohio-state-sexual-director-fired_n_5649531.html)

<sup>8</sup> These examples are discussed in *Investigative Committee Report of TBDBITL, Inc.* that was prepared under the supervision of Gary Leppla, an attorney and former President of the Ohio State Bar Association. A copy of the Investigative Report has been attached as Exhibit B and is incorporated in its entirety by reference in this Complaint.

14. The actions of OSU and its employees are unconscionable. Dr. Michael Drake, Dr. Joseph Steinmetz, and OSU destroyed Waters' liberty and property interests protected by the United States Constitution without affording Waters an iota of due process. Waters was given no chance to effectively respond to the Glaros Report prior to his termination and the subsequent barrage of negative publicity that ensued. Doing so violated Waters' rights guaranteed to him under the United States Constitution and federal law. This action seeks to right these egregious wrongs.

### **PARTIES**

15. Plaintiff Jonathan N. Waters is an Ohio resident living at 5299 Harbor Pointe Dr., Galena, Ohio 43021.

16. Waters served as the Director of Marching and Athletic Bands with the School of Music in the College of Arts and Sciences at OSU from February 1, 2013 through his termination on July 23, 2014. Prior to February of 2013, Waters had served as the Interim Director and an Assistant Director.

17. At all times material to this Complaint, Defendant Michael V. Drake, M.D., who is being sued in both his individual and official capacities, acted as President of The Ohio State University. OSU is a state actor and has empowered him to take administrative action against Waters under color of state law.

18. At all times material to this Complaint, Defendant Joseph E. Steinmetz, Ph. D., who is being sued in both his individual and official capacities, acted as Executive Vice President and Provost of The Ohio State University. OSU is a state actor and has empowered him to take administrative action against Waters under color of state law.

19. At all times material to this Complaint, Defendant OSU is a federal and state assisted institution of higher education and operates through its officers and employees.

### **JURISDICTION**

20. This action arises under the Fourteenth Amendment to the United States Constitution, and under 42 U.S.C. §1983, and Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681, *et. seq.*

21. This Court has jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331 and the protection of civil rights pursuant to 28 U.S.C. §1343.

22. Venue lies in this forum pursuant to 28 U.S.C. §1391(b) and Southern District Civil Rule 82.1 because the claims arose in Franklin County where at all times material to this Complaint the parties resided and committed the acts giving rise to this action.

### **FACTS COMMON TO ALL CLAIMS**

#### **A. Waters as the Full Time Director of the OSU Band**

23. After serving as the Interim Director for the 2012 football season, Waters became the second former band member to be the full-time Director of the OSU Band on or about February 1, 2013. That following year, Waters led the Band to its most successful season in recent memory.

24. OSU recognized Waters' success with the Band. Waters' supervisor, Richard Blatti, wrote in a June 2, 2014 performance review that "I have never witnessed football crowd reactions like I did this season, nor have I felt this kind of buzz around one of our university ensembles, not in 25 years on this faculty. This is largely due to Jon's creativity, his knowledge of the medium, and the rapport he has with these students. Truly inspirational. Based on that

appraisal, I may run out of superlatives to describe the 2013-14 season.” In that same review, Waters was given an “*Exceptional*” rating, defined as “Performance consistently exceeded expectations. Demonstrated expertise. Modeled desired behavior for others. Trained and led others in this area. Employee was an exceptional contributor to the success of the department, college, and university.”

25. Waters’ success was not limited to the OSU Band’s performances. The OSU Band was also making great strides in improving its culture, an entrenched culture that dates back to at least the 1930’s. Activities which were demeaning and created a hierarchy among students had existed for many decades. Some were continuing when Waters assumed Band leadership. Upon becoming Band Director, Waters began in earnest to address and shape the culture to address these lingering issues.

26. Waters’ efforts to change the Band were praised by OSU, with Blatti writing that “Jon is confronted with many years of ‘tradition’ and many well-meaning alumni whose proclivities and excesses need constant but gradual attitude adjustment. Jon has already begun to address these predispositions and is courageous in tackling some of the more extreme views head-on. Waters tried very hard to keep the SOM [OSU School of Music] informed of his world, an ever evolving, highly active, and interconnected sphere of decisions, protocols, and politics.”

27. For many decades, the Band had operated on a quasi-military system based upon seniority, with all Band members initially having been drawn from the core of cadets in OSU’s Military Department. In an attempt to break down the barriers created by this system, Waters introduced an educational campaign, based on the tenets of servant leadership and other comparable methodologies. This campaign was designed in part to avoid damaging the students’

morale and feelings, especially newer Band members. Significant progress was made in this area during the 2012 and 2013 seasons, and was planned to continue in 2014.

28. Waters' efforts to change the Band's culture were extensive. For instance, the Investigative Committee of the TBDBITL Alumni Club, Inc. released its own 67 page report (the "TBDBITL Report")<sup>9</sup> on September 12, 2014. The TBDBITL Report was prepared under the supervision of Gary Leppla, a former President of the Ohio State Bar Association. The TBDBITL Report specifically details Waters' efforts to improve Band culture starting at p. 60.

29. For example, Waters hosted the College Band Directors National Association (the "CBDNA")<sup>10</sup> symposium for its 10<sup>th</sup> Anniversary. This event focused specifically on hazing in collegiate bands, in the wake of the death of a band member at Florida A&M University due to hazing. With over 250 collegiate marching band directors in attendance, Waters invited leading national experts on preventing hazing to lead discussions and implement strategies that these band directors could use in each of their situations. Waters then implemented these strategies into the training of the OSU Band.

30. Waters implemented a policy where no form of hazing was tolerated in the OSU Band. Students in the OSU Band were educated about hazing often and the squad leaders and Band staff were vigilant about identifying it and dealing with issues swiftly.

31. Waters instructed students that their inappropriate behavior would not be tolerated on buses. All forms of inappropriate behavior, including singing songs with inappropriate lyrics, using vulgar language, watching inappropriate movies, and playing inappropriate games were forbidden. The Band staff was instructed not to allow such behaviors on buses. Before each trip,

---

<sup>9</sup> A copy of the TBDBITL Report is attached as Appendix B and incorporated by reference in the Complaint.

<sup>10</sup> Waters has been a member of the CBDNA since 2002.

bus rules were outlined with students, squad leaders, and staff, and after each trip, all students were invited to inform the staff of any inappropriate behavior while on a trip.

32. The “Trip-Tic” was an underground publication, which aimed to make fun of and insult some students and staff in the Band. In 2012, Waters intercepted a copy of the Trip-Tic and, with Band staff, took corrective action to see that this underground publication was never published again. One student was suspended for a portion of the season, and through a campaign of squad leaders and talks with the Band, the publication was banned immediately.

33. Certain prior members of the OSU Band published a “T Row Calendar” in 2007. The “T Row Calendar” showed male members of the T Row in various levels of undress and in seductive poses, as an apparent a parody of a swimsuit calendar. Regardless of the intentions, the “T Row Calendar” was offensive and inappropriate. The “T Row Calendar” was no longer published when Waters became the Director.

34. Waters banned alcohol consumption by any member of the Band during any Band related activity. Penalties included suspension or expulsion from the Band.

35. The Band continued to receive internal and external training on alcohol and substance abuse. Corrective actions – including, but not limited to, the removal of a squad leader from their position, the suspension of Band members from performing in a bowl game, and the expulsion of a student from the Band – occurred as a result of the Band staff’s firm adherence to the alcohol and substance abuse policy.

36. The Band had a long history of older members creating nicknames for younger band members. This practice dates to the 1930’s, and many of those nicknames are (and have long been) published alongside the member’s name in the Alumni Band directory. While many of these nicknames were not offensive, some were. Upon assuming Band leadership, Waters set

about to expel all inappropriate nicknames. Discussions with squad leaders yielded fewer inappropriate nicknames. Although virtually impossible to prevent the use of nicknames in private and outside the presence of Band staff, any member of the Band staff who heard an inappropriate nickname acted immediately to stop the behavior.

37. In years past, members of the certain members of the Band had an underground, offensive song book entitled the “*Unofficial OSU Marching Band School Songs*” (the “Song Book”). The last known version of the underground Song Book was published in 2006, although as an underground publication later editions may have been produced unbeknownst to Waters and the Band staff. The 2006 Songbook was attached as an appendix to the Glaros Report. The Song Book had been banned for years, and Waters continued the ban of the Song Book.

38. The Band had a tradition dating back to the 1960’s, where some Band members would march into the stadium in their undergarments at midnight (“Midnight Ramp”), although other members would wear other forms of attire. Participation was purely voluntary. Nonetheless, upon assuming Band leadership, in or about March 2012, Waters initiated conversations with squad leaders to stop Midnight Ramp. The first step in eliminating this tradition in 2012 was to deem that swim-wear, rather than undergarments, was the only appropriate attire. Later, Midnight Ramp was eliminated altogether during a squad leader retreat on May 9, 2014,

39. For many years, the Band made a rude gesture directed at a “Go Blue” sign while visiting the University of Michigan. Waters put a stop to that practice in 2013.

40. Waters fostered an “Open Door Policy” where any student at any time was encouraged to come speak to him or any other staff member about any issue they might have.

41. As a tool to shape the culture of the Band in a positive way, Waters created a

program of community involvement and volunteerism, called “*March to Pay Forward.*” Through this program, under Waters’ leadership, Band members logged over 5,000 collective hours of community service. Service projects included:

- a. Performing at Buckeyethon for cancer research;
- b. Working with the Ohio State School for the Blind Marching Band, rehearsals, performances, and developing a version of script Ohio in Braille for performance at Ohio Stadium;
- c. Forming the name of a terminally ill boy whose dying wish was to see the Band. He was not able to travel, so during a rehearsal the Band formed his name on the field and played for him. The video was uploaded to YouTube and he, as well as all of his family and friends, got to see it before he passed away. This was done for another boy as well;
- d. Giving terminal cancer patients the opportunity to dot the “i” at Band rehearsals;
- e. Volunteering at the Gladden Community House after school program;
- f. Volunteering at the Gladden Community House food pantry;
- g. Performing for the Gladden Community House fundraiser and subsequently raising over \$125,000 last year for Gladden;
- h. Going to Port Columbus airport and playing for WWII and Korean War veterans 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 would volunteer;
- i. Participating in Nationwide Children’s hospital performances;
- j. Performing at the Wexner Medical Center;
- k. Doing community service events on Bowl trips;
- l. Holding dozens of instrument demonstrations and concerts at many elementary, middle, and high schools around the state and locally;
- m. Contributing to American Red Cross Blood Drives;
- n. Attending hospice fund raisers;

- o. Attending Recreation Unlimited fund raisers (for children with disabilities);
- p. Volunteering for the Salvation Army during the holidays;
- q. Volunteering with the Girl Scouts and Boy Scouts;
- r. Volunteering at Pelotonia; and,
- s. Holding Band Day with “Nellie’s Catwalk for Kids” where children with cancer march with the Band.

42. Waters also enhanced leadership training for the squad leaders. Waters developed a leadership manual for the squad leaders designed to train, teach, and shape the leadership culture. He overhauled the squad leader interview process, asking candidates for leadership positions to submit a leadership résumé and created interview questions about culture change, respect, student engagement, and servant leadership. Prior to Waters doing so, no such leadership résumé or questions were asked of squad leader candidates.

43. After the selection of the squad leaders, Waters required that the staff and student leadership of the Band undergo extensive training at a number of leadership retreats and events. These leadership training events could be classified as internal training, which was facilitated by the Band staff, and external training, which was facilitated by sources outside of the Band staff.

44. Waters instituted the following internal training for squad leaders and staff:
- a. Squad leader retreat at Cedar Point in May of 2013 and 2014, where the issues discussed included hazing, first-year member treatment, and gender equity, alcohol abuse, student conduct, in addition to on-field issues;
  - b. Squad leader tryouts that included sessions on leadership and on the Band’s policies and procedures, which includes information about hazing, sexual harassment, alcohol, and other substance abuse;
  - c. Squad leader meetings that occurred weekly during the football season. These meetings included constant monitoring, evaluation, and discussion to ensure that hazing, sexual harassment, alcohol, and other substance abuse were being addressed; and,

- d. Band members and staff education facilitated by the Director annually about the collective “duty to report” incidents to OSU and to support systems contained therein.

45. Waters instituted the following external training for squad leaders and staff:

- a. Information and training on hazing provided by the Office of Student Life in the Summer of 2012-2013;
- b. Information and training on the abuse of alcohol by the Office of Student Life in the Summer of 2012; and,
- c. Culture change training at Aileron in Dayton, OH, facilitated by TD Hughes, Chairman & CEO of LaRosa’s in the Summer 2013-2014.

46. In addition to the squad leaders and staff of the Band, Waters ensured that the entire student population the OSU Band underwent training and attended sessions on a number of topics to address the need to improve the Band’s entrenched culture.

47. Waters instituted the following for external training of all Band members:

- a. Training session for alcohol abuse by the Office of Student Conduct in the Autumn of 2013;
- b. Training session for gender equity by the Office of Student Conduct in the Autumn of 2013;
- c. Training session on sexual harassment and sexual assault by the OSU Athletic Department through an external presenter in the Winter of 2014;
- d. Training session for alcohol and substance abuse by the Office of Student Life, in the Summer of 2014;
- e. Training session for sexual harassment and abuse by the Office of Student Life in the Summer of 2014; and,
- f. Training session for time and stress management by the Office of Student Life in the Summer of 2014.

48. Waters instituted the following external training for all members of the OSU

Athletic Band:

- a. Training session on sexual harassment and sexual assault by the Athletic Department through an external presenter in the Winter of 2014;
- b. Training session for alcohol and substance abuse by the Office of Student Life in the Autumn of 2014;
- c. Training session for sexual harassment and abuse by the Office of Student Life, in the Autumn of 2014; and
- d. A talk given by Kathy Sankey, Principal at Dublin Jerome HS, about personal responsibility and accountability.

49. Waters instituted the following internal training for the OSU Marching Band:

- a. Training session for alcohol and drug abuse, hazing, social behavior, and attitude by the Marching Band Staff in the Autumn of 2012 and 2013;
- b. Review of policies & procedures document by the marching band staff and squad leaders with the band in the Autumn of 2012 and 2013;
- c. A talk given to Marching Band on personal responsibility by Director of Athletics, in the Autumn of 2013; and,
- d. A talk given by Tim Gerber, Secretary of OSU Faculty Senate, about accountability, personal responsibility, and attitude.

50. Waters instituted the following internal training for all Athletic Band Members:

- a. Training session for alcohol and drug abuse, hazing, social behavior, and attitude by the Band Staff in the Autumn of 2012 and 2013; and,
- b. A review of policies and procedures document with the Band, Autumn 2012 and 2013.

51. In addition to the internal and external training for the leadership and students, Waters also instituted constant monitoring and situational awareness. Waters adopted a policy to shape culture through student education and training, internal steering of policy and opinion by Band staff and student leadership, and the monitoring and mitigation of events as they occurred.

52. In the spring of 2013, Waters was made aware of a relationship between a Band instructor at the time and a student in the percussion section. Upon review of OSU's Sexual

Harassment Policy, Waters determined that the relationship was inappropriate. After consulting with the School of Music leadership, the College of Arts and Sciences human resources personnel, as well as OSU's Office of Human Resources, the Director of the School of Music and Waters decided that an alternate arrangement could not be made and the instructor was replaced.

53. Waters was complimented and commended on two occasions by the Vice President for Student Life for his leadership and handling of a reported sexual assault during October of 2013.

54. Waters also embraced a plan to have an outside firm perform a band culture survey in a November 21, 2013 email to Executive Vice President and Provost Steinmetz. Waters wrote that “[y]ou mentioned that we would have an outside firm conduct a band culture survey, a concept I wholeheartedly endorse. The end of the season is fast approaching and I wonder if you might be able to give me an estimate on when we can expect the culture survey to take place? I am willing to forego rehearsal time to do so, but just want to plan for it so that we can maintain performance standards while participating in the survey.” Yet despite “wholeheartedly endor[ing]” a band culture survey, Waters received nothing further from Steinmetz or any other OSU official to follow up on his request.

55. A month and half later, Waters wrote to Steinmetz on January 16, 2014, again mentioning the culture survey of the Band and wanting to see if it would be acceptable to Steinmetz to have OSU band members attend a sexual harassment/violence prevention seminar presented by the Athletic Department. Steinmetz wrote back to Waters on January 21, 2014 that “I think the training event is ok with me. However, I'm not in favor of it being mandatory, especially if there are students in class at that time.” As late as January of 2014, Steinmetz was

instructing Waters not to make certain Title IX related training “mandatory” for Band members.

**B. The Deeply Flawed Glaros Report**

56. On May 1, 2014, the United States Department of Education Office of Civil Rights (the “OCR”) named OSU as one of 55 colleges and universities in the United States “under investigation for possible violations of federal law over the handling of sexual violence and harassment complaints.” As Assistant Secretary for Civil Rights, Catherine Lhamon, said in a released statement, “[w]e are making this list available in an effort to bring more transparency to our enforcement work and to foster better public awareness of civil rights.”

57. Three weeks after the public announcement that OSU was under investigation, the mother of a former OSU Band member approached The Ohio State University Office of Integrity and Compliance alleging that the Band’s culture was “sexualized,” and requested an investigation of the allegations.

58. The complaint arose out of allegations that her daughter had been sexually assaulted by another member of the OSU Band at an off-campus party on October 11, 2013, roughly eight months earlier. A later police report indicated that the woman refused to press criminal charges against the alleged assailant.

59. The alleged victim reported the sexual assault to Waters, who then reported it to the proper persons at OSU. An investigation followed, and the alleged assailant was eventually expelled from school.

60. That complaint from a former Band member’s mother led to an investigation apparently overseen by Chris Glaros, Assistant Vice President of Compliance Operation and Investigations for the Office of Compliance.

61. The Glaros Report was incomplete, skewed, rife with material omissions, and distorted more likely to appease the Department of Education than to afford basic fairness to Waters.

62. For example, only ten of the more than 240 current members and student staff of the OSU Band and 4,300 living alumni were interviewed, including the child of the person whose complaint sparked the investigation. Despite its avowed goal of investigating Band culture, OSU made a conscious decision to limit this interview sample and not to randomly interview other Band members. The unrepresentative sample of interviews created a skewed and unrepresentative sample of those necessary to determine the “culture” of the Band.

63. Even more troubling, several of the interviews of those Band members were distorted and information supportive of Waters was ignored. In a letter dated August 3, 2014 addressed to Dr. Drake and others, one of the individuals interviewed for the Glaros Report wrote:

...at the center of this issue is an investigation that I feel was deeply flawed and executed with great carelessness and little concern with finding the truth. As someone with a deep understanding of the band, I would think that the hour I spent in the interview would have been used to gather the information I have about these issues and experiences. But as I recall, I was asked only a few general questions about the majority of the content in the report.

64. A current band member who was also interviewed for the Glaros Report described his issues with the Glaros Report in a letter addressed to Dr. Drake, in which he wrote:

The report, whose one job, it would seem, was to bypass objectivity and damn Mr. Waters for events predating his directorship and present only condemning opinions, is hardly a valid assessment of our culture. As one of the few individuals interviewed for this report, I have some merit in stating the above assertion.

My comments were never identified or included in the report. A flagrant disregard for the anecdotes, opinions, and commentary that I provided on

the band culture during my hour-long interview leads me to the conclusion that this investigation was not intended on finding the truth. This is truly unsettling.

If I had been asked, I would have told you that seven of the Rookie Tricks were given before Mr. Waters became Director. If I had been asked, I would have told you that sixteen of the Rookie Names were given before Mr. Waters became Director. If I had been asked, I would have provided you a copy of the "secret oath" we are sworn to follow as Rookies. If I had been asked, I would have said how I have seen the song book, but have never heard any of the songs sung.

I was never asked anything like the above questions. The questions were general, and, based upon what ended up in the final report, result-oriented. I was never asked to corroborate any of the acts mentioned in the report, indicating to me that a singular account or opinion was enough for inclusion, and further damning of Mr. Waters....

65. In a letter dated August 10, 2014 addressed to Dr. Drake and others, another Band member interviewed for the Glaros Report wrote:

I am writing to express my concern regarding the methodology of the investigation, the conclusions found in the report relating to a culture of sexual harassment, and the poor decision to terminate Jonathan Waters from his position as Marching and Athletic Bands Director....

As I understand, there are upwards of 4,000 OSU marching band alumni, and 240 members of the current OSU marching band. Sadly, the investigators choose to speak to a total of nine of those people and, from that, drew a conclusion regarding a sexualized culture that is vastly different from the actual nature of the band. Much of the backlash the university is receiving from band alumni is based on this sentiment, and I strongly urge you to not discredit the viewpoints of literally thousands of people who are speaking contrary to the report released. To do so shows an unwillingness to seek the truth....

My final point is to express my disappointment in how the university handled this. Any sort of complete investigation would have found the band to be a safe and caring environment. Instead the investigators of the report choose to exclude vast amounts of testimony which contradict the conclusion presented. As a former squad leader in the band, I can tell you that elimination of hazing, alcohol abuse, and overall cultural change were items that Mr. Waters worked very hard to achieve. The assertion by the administration that there is "no tangible evidence" of efforts to change band culture is without merit. This perception shows a complete

willingness by the university to simply ignore evidence contrary to the findings presented in the report. I am deeply concerned by the university's lack of management on this matter as well. There were many options the school could have pursued, but they choose the easy one. In the process, a man's name was destroyed, the outstanding reputation of the marching band battered, and the pride and honor of its current and former members pushed to the limit.

66. So shoddy was the investigative work that the Glaros Report made assumptions about people without even speaking to them. One woman whose nickname was used as example of the “sexualized” culture in the OSU Band was never even interviewed. She wrote in a July 27, 2014 letter to Dr. Drake:

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....

[Waters] 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 days 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.

67. Even OSU's former Title IX and Clery Act Coordinator whose employment overlapped with Waters' tenure as Band Director, was reported in two articles appearing in the *The Lantern* on August 27<sup>th</sup> and 28<sup>th</sup> of 2014<sup>11</sup> as having stated that serious problems existed within the Office of Integrity and Compliance that lead her to file a complaint against her supervisor.

---

<sup>11</sup> “Former Title IX Coordinator: Ohio State Mishandled Band Probe,” dated August 27, 2014, available at <http://thelantern.com/2014/08/former-title-ix-coordinator-ohio-state-mishandled-band-probe/>, and “Meeting about Band Culture Draws Discord,” dated August 28, 2014 available at <http://thelantern.com/2014/08/meeting-about-band-culture-draws-discord/>

**C. Dr. Drake's Two Versions of the Glaros Report**

68. Despite all these problems, Dr. Drake continued to publicly – and repeatedly – stand by the Glaros Report and Waters' termination.

69. In an August 13<sup>th</sup> press conference at the Columbus Metropolitan Club, Dr. Drake publicly stated that the culture of the OSU Band was one including “[b]ehaviors that would not be tolerated in any class or in any unit on our campus - and I dare say – not in any of your companies.”

70. But privately, Dr. Drake told an entirely different story. Dr. Drake acknowledged *only eight days later* on August 21, 2014, in a meeting with squad leaders of the OSU Band that “[i]f the report had been true at all today, then we would have – it would have been the band who had a different action. So my view was that you were an entirely different group of people and able to represent the University proudly and... in a way that we all would be able to support.” (Drake Tr. p. 21, ln. 5 – 13).

71. In that same August 13<sup>th</sup> press conference, Dr. Drake said that “[r]eading the report, I was personally profoundly disappointed to see that there were reports that found that there were cultural problems in the band that needed to be addressed and we needed to move forward.”

72. But privately, Dr. Drake again told an entirely different story. Dr. Drake told squad leaders *only eight days later* that the Glaros Report contained “a whole sheath of historical material that was from 2006 or 2011, some 2006, and before that.” (Drake Tr. 16, ln. 1 -3) He conceded that “[i]t was clear to me that the vast majority of all that stuff, which actually I wish I didn't know... was stuff from years gone by and wasn't reflective of you in the modern era.” (Drake Tr. p. 33, ln. 20 – p. 34, ln. 1) Then continuing on the flawed nature of the Glaros Report,

Dr. Drake admitted that “I believe that the report was overwhelmingly about people I’ve never met and that you’ve probably never met in times gone by. The overwhelming volume of this was historical information that was not relevant to you at all. Overwhelmingly.” (Drake Tr. p. 20, ln. 13 – 19) And then to reaffirm the problems with the Glaros Report, Dr. Drake conceded that “...the report is largely historical... both largely historical first and second, I appreciate the progress that’s been made or given that things – I don’t believe things today are like they were in the past, which I think is good. And I don’t think – I’ll try and say it again – if the band were behaving as it were reflected in the report, then that group couldn’t march and represent the University... in this era. So I think – so no – I don’t believe that it reflects you accurately.” (Drake Tr. p. 28, ln. 16 – p. 29, ln. 6) Dr. Drake’s private comments recognized that Waters’ leadership of the OSU Band had, in fact, led to an improvement in its culture.

73. In the same August 13<sup>th</sup> press conference, Dr. Drake said that “[w]hat we felt was we had the facts that came to us from the investigation and those facts then describe a pattern that helped us make a decision that we needed based on what we thought was the best decision we could make moving forward to support our students.” Dr. Drake continued that “[t]he facts showed us there was a culture not in line with our requirements of Title IX, not in line with our principles, not in line with our values and we needed to make a change and move forward.”

74. But privately, Dr. Drake once again told an entirely different story. He told the squad leaders *only eight days later* that “[i]f the report had been true at all today, then we would have – it would have been the band who had a different action. So my view was that you were an entirely different group of people and able to represent the University proudly and... in a way that we all would be able to support.” (Drake Tr. p. 21, ln 5 – 13)

75. Dr. Drake even agreed with the squad leaders that parts of the Glaros Report were “biased,” “tainted,” and “sensationalized.” As Dr. Drake told them, “I want you to think that when I saw things that looked like they were biased or tainted or sensationalized that those were discounted because of that because that’s what I would do. Just to say that. So let me say the report had an awful lot of information in it and... speaking for myself but all but I did everything I felt that I was appropriate to filter out information that I thought was irrelevant or extraneous or inflammatory or historical.... So I guess I want to agree with you that I understand that lots of it was.” (Drake Tr. 67, ln. 17 – p. 68, ln. 8)

**D. A Sample of the Falsities in the Glaros Report And Other OSU Statements**

76. The Glaros Report contained a number of factual inaccuracies and falsities. Below is hardly a comprehensive list, but some examples are detailed in the following paragraphs.

77. The Glaros Report misstates on page 19 that “Waters failed to take action to eliminate the harassment, prevent its recurrence, and address its effects.” That statement is false. Waters did “take action” to eliminate harassment, prevent its occurrence, and address its effects. Those efforts are detailed in prior paragraphs in this Complaint in paragraphs 25 through 55, as well as in the TBDBITL Report that has been incorporated in this Complaint by reference.

78. The Glaros Report misstates on pages 4 through 5 that “[i]n recent years and under Waters’ direction, Midnight Ramp has been held immediately following Fesler Night, which is a semi-formal evening event where members learn about Marching Band traditions and, according to one witness, take oaths not to tell about the Fesler.” The phrase – “under Waters’ direction” – is false. Midnight Ramp did not occur “under Waters’ direction.” In addition, there

is no mention that Waters and squad leaders made the decision to eliminate Midnight Ramp on May 9, 2014, before the complaint was filed and before Waters learned of the investigation.

79. The Glaros Report misstates on page 5 that “[w]hen pressed specifically about the timing of this decision [to eliminate Midnight Ramp], Waters wavered on whether it occurred in May. Notably, Waters learned of this investigation on May 26, 2014, when he was told that it involved allegations of the Band’s culture.” This statement is misleading. Waters and squad leaders made the decision to eliminate Midnight Ramp on May 9, 2014, before the complaint was filed and before Waters learned of the investigation. The gratuitous clause in the Glaros Report that “Waters learned of this investigation on May 26, 2014” implies that the decision was made in response to learning of the investigation. That implication is false, because the decision was made seventeen days earlier. Yet, the Midnight Ramp was still mentioned to disparage Waters, but no mention made that Waters took action to eliminate it.

80. The Glaros Report also ignores the involvement of other university officials in Midnight Ramp. The TBDBITL Report points out at p. 22-23 that, “[a]s a further demonstration of the positive, non-sexual nature of the event, university staff outside of the OSUMB were specifically aware of the event, including interim OSUMB director, Dr. Russel Mikkelson, Director of University Bands, who attended the event in 2010, and university police department members, who regularly ‘secured’ the perimeter of Ohio Stadium (used with athletic department permission) for the event to facilitate positive tradition.”

81. The Glaros Report misstates on pages 8 that “[o]ne witness stated that upper classmen subject new Band members to ‘Rookie Midterms’ on long bus trips that would contain written questions and physical challenges. . . . The witness provided a copy of the ‘Rookie Midterm’ that was used in 2011 with students who are still currently in the Band.” This

statement is misleading. The language suggests that Waters permitted the Rookie Midterms. Quite the contrary, he banned them when he was Director. Moreover, the example of the “Rookie Midterm” was from 2011, and prior to Waters being named Director. The Glaros Report concedes as much by on page 9 acknowledging that Waters “told the Marching Band that this behavior needed to stop” and that “he believes the Rookie Midterms no longer occur.” Yet, the “Rookie Midterms” were still mentioned to disparage Waters, but no mention made that Waters did “take action” to eliminate it.

82. The Glaros Report misstates on page 9 that Band members would prepare an underground newsletter named “Trip Tic” about anonymous members for away game trips. This statement is misleading by its implication that Waters permitted this activity. He did not. As pointed out in the TBDBITL Report (at p. 29), “[o]nce Mr. Waters became Director, he put a total stop to the practice.” In fact, only three paragraphs later the Glaros Report concedes that “most witnesses indicated that Waters’ banned Trip Tic in 2012 after a female student was severely berated in an article.” The Report further details that after Waters found the Trip Tic in October of 2012, he inquired into who published the newsletter, disciplined the student responsible, and required the offending student to publically apologize. In addition, Waters also spoke to the entire Band “and emphatically stated that this was not acceptable and would not continue.” The Glaros Report then concedes that Trip Tic has apparently stopped.” Yet, the Trip Tic was still mentioned to disparage Waters, but no mention made that Waters did “take action” to eliminate it.

83. The Glaros Report then dedicates page 10 to the *Unofficial Ohio State Marching Band Songbook*, an underground publication drafted long ago by former Band members and containing misogynistic and alternate sexual lyrics to OSU songs and those of other universities.

The entire discussion of the Song Book is misleading by its implication that Waters permitted this activity. In fact, as explained in TBDBITL Report, at p. 29, “[a]ll offensive songs were completely banned by 2013, but many students were reprimanded for singing them much earlier.”

84. The version of the underground Song Book included in the Glaros Report was published in 2006 – more than six years before Waters assumed duties as Band Director – and had been banned for years (although, as an underground publication, no one could be certain whether later editions were published). Waters continued the ban. The Glaros Report concedes as much, writing that “as Assistant Director, [Waters] addressed students singing inappropriate songs by speaking to the band and squad leaders and by directing staff to not allow this behavior to continue.” Yet, the Song Book was still mentioned to disparage Waters, even though he did “take action” to ban it. And even more egregious, the Song Book was then attached as an exhibit to the Glaros Report, creating the inference that it was still actively in use and permitted by Waters. The publication of the Song Book would later becoming the focus of some of the ridicule that Waters would receive in the ensuing weeks.

85. The Glaros Report misstates on page 11 that “one witness stated that Waters texted dirty limericks to students. Waters acknowledged having cell phone numbers for squad leaders but denied ever texting dirty limericks.” The gratuitous sentence – “Waters acknowledged having cell phone numbers for squad leaders but denied ever texting dirty limericks” – is misleading by its implication that Waters was lying about his denial. This incident is still mentioned solely to disparage Waters even though his denial is uncontroverted.

86. The Glaros Report misstates on page 20 an interaction involving a Band member who submitted a mid-term evaluation of Waters. But the Band member involved in the incident

wrote a letter to Dr. Drake emphasizing that key portions of her testimony were excluded. In her letter, the Band member detailed how Waters had taken extensive steps to protect her from harassment following a sexual assault. As she wrote to Dr. Drake:

Without any hesitation whatsoever Mr. Waters contacted stadium security on my behalf, had me print a picture of the involved individuals to distribute to security, and told me to come to him if I ever felt unsafe. It is worth noting that this incident occurred AFTER the meeting described in the report. In other words, the meeting with him was of such little consequence that I still saw Mr. Waters as someone I could go to for help. Mr. Waters cares deeply about the well-being of his students both mentally and physically, and the idea that he would be dismissive of sexual harassment is absurd. After confirming with the investigator that the reported meeting with Mr. Waters took place, I went to great lengths and detail about the many ways in which Mr. Waters personally helped me in tough situations. Yet, as far as I can see, the entirety of that was excluded from the report....

I know what sexual assault feels like. I know what sexual harassment feels like. I know what it is like to be troubled and have fear of speaking up. I know when something is wrong and when something needs to be said, and I have the courage to say it. I say in no uncertain terms that at no point in my five years in the OSU marching band did I ever feel sexually harassed. The claim that there is a culture of sexual harassment perplexes me. The reality is quite the opposite. In my discussion with the investigator I specifically noted that at no point did I feel unsafe or sexually harassed. I described how band members look out for each other's well-being. I believe my words were to the effect of "at the end of the day, if I truly needed help, I know I could go to anyone in band and they would be there for me.

But none of the Band member's additional testimony was included in the Glaros Report. This is just one example of how the Glaros Report intentionally manipulated its presentation of the "facts" to defame Waters.

87. The disparagement was not limited to Dr. Drake and the Glaros Report, but was also perpetuated by OSU Assistant Vice President, Media & Public Relations Chris Davey, who launched false and incendiary remarks about Waters through press releases. For example, Davey released an August 27, 2014 statement (the "Davey August 27<sup>th</sup> Press Release") refusing Waters'

request for a public name clearing hearing. In that release, Davey omitted key pieces of information in further attempt to defame Waters.

88. For instance, the Davey August 27<sup>th</sup> Press Release states that “the report’s basic conclusions about the specific complaints and the culture are not refuted by anyone,” and then reiterated several of the flawed examples mentioned in the Glaros Report, including the Trip Tic, Song Book, and Rookie Midterms.

89. Regarding the Trip Tic, the Davey August 27<sup>th</sup> Press Release states that “the ‘Trip Tic,’ a newsletter with sexual content has not been denied.” This statement is misleading by its implication that Waters permitted this activity. He did not. As discussed above – but intentionally omitted from the Davey August 27<sup>th</sup> Press Release – Waters banned the use of the Trip Tic.

90. Regarding the Song Book, the Davey August 27<sup>th</sup> Press Release states that “the Songbook, with 124 different songs full of grotesque lyrics, has not been denied...” This statement is also misleading by its implication that Waters permitted this activity. As discussed above – but intentionally omitted from the Davey August 27<sup>th</sup> Press Release – Waters banned the Song Book.

91. Regarding the Rookie Midterms, the Davey August 27<sup>th</sup> Press Release states that “Rookie Midterms and Physical Challenges with sexual content have not been denied.” This statement is also misleading by its implication that Waters permitted the Rookie Midterms and physical challenges. As discussed above – but intentionally omitted from the Davey August 27<sup>th</sup> Press Release – banned them as full-time Director. Yet, Davey intentionally excluded this information.

92. The Glaros Report contains many other inaccuracies, mischaracterizations, exclusions, and problems. For example, the TBDBITL Report provides an overview of former and current OSU Band members' and third parties' comments on additional flaws in the Glaros Report. The TBDITL Report also includes an overview of the impact the Glaros Report has had on the perception of Waters and other current and past members of the OSU Marching Band.

**E. The Termination**

93. Sometime during the week of May 26<sup>th</sup> of 2014, Glaros called the Band office and told Waters that a Title IX complaint had been filed against him and that he would need to come to Glaros' office and answer some questions.

94. On June 2, 2014, after not hearing from Glaros about the meeting, Waters emailed Glaros to ask when the meeting might occur. Glaros indicated Jessica Tobias ("Tobias") would be in touch. Tobias contacted Waters a few days later to schedule a meeting.

95. On June 12, 2014, Waters participated in an interview with Tobias and another woman who took notes. Contrary to OSU policy, Waters was not given a copy of OSU's "Guidelines for Investigating Complaints of Discrimination and Harassment" ("OSU's Investigation Guidelines"), which would have notified him of his right to have a "support person" present, which could have been an attorney. Waters answered questions about the timeline and reporting of a student issue and the meeting lasted about 2 and 1/2 hours, after which Tobias told Waters that nothing further would be needed from him.

96. Several weeks later, however, Waters was notified that he was to submit to another interview. On July 1, 2014, Waters attended a second meeting with Tobias and another woman who took notes. Contrary to OSU policy, Tobias failed to notify Waters that this interview was focused on a separate complaint, and she again failed to provide him with a copy

of OSU's Investigation Guidelines. The tone of this meeting was much more pointed and hostile and it was all about the culture of the Band. The meeting lasted 3 hours. Waters was asked to give a written report of the cultural shaping he had done with the Band during his leadership, but no deadline was given for its completion.

97. On July 14, 2014, Waters submitted a written report to Tobias of the cultural shaping and training he had done with the Band since taking over as Director.

98. Later that same day, Waters met with Steinmetz for the first time about the complaint. At the meeting, Steinmetz placed his hand on a stack of paper and stated that there was enough in the report to fire Waters. Steinmetz presented Waters with two options, either resign immediately, or adopt a zero tolerance policy and adhere to an assessment by an outside firm called Sports Conflict Institute ("SCI"), which would assess the culture of the Band. Stunned by the accusation, Waters indicated he would adopt a zero tolerance policy and open the Band to the assessment by SCI. No mention was made by Steinmetz of Waters' email six months earlier, already endorsing a cultural survey of the Band and asking Steinmetz when it would occur.

99. Steinmetz also indicated that Waters could see the report "at some point," but would not allow Waters to see it then. Steinmetz said that the SCI cultural assessment would start soon and end by August 25<sup>th</sup>. SCI would then issue a report on the status of the culture and make recommendations from there. Steinmetz also indicated that Waters should do nothing until hearing from him or SCI and that by the end of the week, Steinmetz would have a plan in place. Steinmetz also wanted to know all of all media and public appearances for Waters and the OSU Band for the upcoming weeks. Waters provided him with a list through September.

100. On July 23, 2014, Waters was again called to a meeting with Steinmetz. At that meeting, Steinmetz gave Waters an ultimatum to resign or be terminated by 5:00 pm that day. Upon leaving the office, Waters was handed copies of the Glaros Report. That was the first time Waters had seen the report. Later that day, Waters' counsel asked OSU's attorneys for extra time to read, interpret, and digest the Glaros Report that Waters had just been handed, as well as additional time to formulate a response. The university declined that request, but extended the deadline by one hour, to 6:00 pm, to account for time spent negotiating with Waters' counsel. Waters did not resign by 6:00 pm.

101. On Thursday, July 24, 2014, Waters received a letter of termination through his counsel. The letter gave no cause for his termination. When his counsel questioned OSU about the reasons, OSU's counsel sent an email at 7:12 pm on July 24<sup>th</sup> that "[y]ou have been provided the reasons for termination. They were set forth in the meeting between the Provost and Mr. Waters, which we attended. You also have a copy of the investigation report."

102. At no time prior to his termination or the publication of that fact to the media was Waters provided notice and a meaningful opportunity to be heard on the contents of the Glaros Report and, in addition, none of OSU's employees, including Glaros, communicated with Waters about the specific findings of the Glaros Report prior to his July 23, 2014 termination and the later publication of the Glaros Report.

103. Dr. Drake and Steinmetz have not since provided Waters any meaningful opportunity to be effectively heard on the contents of the Glaros Report.

104. On August 27, 2014, Waters' counsel sent OSU's counsel a letter requesting that OSU provide Waters with a public name-clearing hearing.

105. OSU denied Waters the opportunity for a name-clearing hearing that same day, on August 27, 2014. Specifically, OSU stated, “In response to the letter that Jon Waters’ lawyer David Axelrod sent today demanding a ‘Public Name-Clearing Hearing,’ here is a statement from Chris Davey, OSU Assistant Vice President, Media & Public Relations...We will not be revisiting this decision. It is closed, and it is time to move on.”

106. Later communications from OSU have backtracked from the refusal for a name clearing hearing, but OSU has still has not offered Waters a constitutionally sufficient name clearing hearing.

**F. The Avalanche of Negative Publicity**

107. OSU released the Glaros Report on or around July 24, 2014 and widely published it through a website, <http://www.osu.edu/bandculture>, which included a video statement from Dr. Drake. In addition, OSU released a portion of a surreptitious recording of Waters’ interactions with a Band member that was unknown to Waters. The partial recording provided no context of the circumstances behind the interaction, but even its contents had nothing to do with the alleged sexualized culture at the Band. This skewed presentation was again made solely to disparage Waters.

108. Since then, countless newspapers and news outlets have reported on the false contents of the Glaros Report, Dr. Drake’s statements, and Davey’s press releases.

109. For instance, on July 24, 2014, the *Dayton Daily News* published an article entitled “*OSU fires marching band director over harassment culture.*” The article begins, in large letters, “Director Jonathan Waters failed to address wrongdoing, new President says.” It continues, “[t]he 92-page investigation concluded that Waters, who was a sousaphone player in the band in the late 1990s, was aware or should have known about this culture but failed to

eliminate or address it, the university said.” The article is available online at <http://www.daytondailynews.com/news/news/osu-fires-marching-band-director-over-harassment-c/ngm3M/>.

110. *The Washington Post* also reported on the story on July 24, 2014 in an article entitled, “*‘Sexualized culture’ cited in firing of Ohio State marching band director.*” The article reports that “Ohio State determined that Waters ‘failed to eliminate the sexual harassment, prevent its recurrence, and address its effects.’” The article is available online and can be found at <http://www.washingtonpost.com/blogs/early-lead/wp/2014/07/24/sexualized-culture-cited-in-firing-of-ohio-state-marching-band-director/>.

111. On July 25, 2014, *USA Today* published an article entitled “*Ohio State fires band director over ‘sexual culture.’*” The article, which also provides a video of Dr. Drake’s statement on the Band’s culture, states that, “[t]he investigation was triggered by the complaint of a parent and revealed that students often sexually harassed one another and that Waters knew about it or should have known about it. The details of the investigation are laid out in an extensive 23-page report, which describes an ‘annual tradition of members marching across the field in their underwear under the supervision of the Marching Band directors and staff, including Jonathan Waters.’” The article is available online at <http://www.usatoday.com/story/sports/ncaaf/2014/07/24/ohio-state-fires-band-director-over-sexual-harassment/13104017/>.

112. The *Los Angeles Times* also covered the story in a July 25, 2014 article entitled “*Ohio State band director fired after report finds sexualized culture.*” Underneath a large photo of Waters directing the Band, the article described the contents of the Glaros Report, stating, “In the report, investigators said they learned of the tradition known as the Midnight Ramp, during

which band members strip down to their underwear and march in formation on the field of Ohio Stadium.” The article is available online and can be found at <http://www.latimes.com/nation/nationnow/la-na-ohio-state-band-director-fired-sexualized-culture-20140725-story.html>

113. On July 28, 2014, CNN published an article entitled, “*Ohio State band director fired for ‘sexualized’ culture.*” The article reported that, “Waters had known for years about the ‘sexualized’ environment surrounding the band, in which members had to swear an oath of secrecy to protect its ‘objectionable traditions and customs,’ according to an investigation report released by the Office of University Compliance and Integrity. He failed to eliminate and prevent the recurrence of this climate, the report said.” The article and a corresponding video are available online at <http://www.cnn.com/2014/07/25/us/ohio-state-marching-band/>.

114. On August 5, 2014, the *Huffington Post* published an article entitled, “*Here Are The Dirty, Sexual Things Ohio State’s Band Did That Got The Director Fired.*” The article, which is available online at [http://www.huffingtonpost.com/2014/08/05/ohio-state-sexual-director-fired\\_n\\_5649531.html](http://www.huffingtonpost.com/2014/08/05/ohio-state-sexual-director-fired_n_5649531.html), states that “[t]he investigation found a multitude of alleged sexualized hazing and harassment for new members, which the school concluded Waters ‘knew or reasonably should have known’ about, though he ‘failed to take action to eliminate the harassment, prevent its recurrence, and address its effects.’”

115. The *Columbus Dispatch* and OSU’s on-campus publication, *The Lantern*, have also reported consistently on the story since it broke on July 24, 2014.

116. On August 27, 2014, *The Lantern* published an article entitled, “*Ohio State to Jonathan Waters: ‘It is time to move on.’*” The article, which is available online at <http://thelantern.com/2014/08/ohio-state-to-jonathan-waters-it-is-time-to-move-on/>, reported on

the Davey August 27<sup>th</sup> Press Release and provided a link directly to the press release discussed above in paragraphs 72 to 76.

117. On August 27, 2014, WCMH-TV, NBC 4 published a similar story, entitled “*Former TBDBITL Director Requests ‘Name-Clearing Hearing’ With OSU*” and provided a link to the Davey August 27<sup>th</sup> Press Release, which is available online at <http://www.nbc4i.com/story/26385676/former-tbdbitl-director-requests-name-clearing-hearing-with-osu>.

**G. Waters Used as a Scapegoat**

118. On May 1, 2014, the United States Department of Education Office of Civil Rights (“Department of Education”) named OSU as one of 55 colleges and universities in the United States “under investigation for possible violations of federal law over the handling of sexual violence and harassment complaints.”

119. Early suspicions were that OSU took these actions against Waters to stop the Department of Education’s ongoing investigation of OSU.

120. That later proved true on September 11, 2014 when the Department of Education ended its investigation of OSU earlier than expected by entering into a resolution agreement.

121. As the Department of Education wrote in its September 11, 2014 letter addressed to Dr. Drake:

During the course of this compliance review, the University conducted an investigation of alleged sexual harassment within its Marching Band and found that there was a sexually hostile environment for students in the Marching Band of which the University had notice and failed to adequately address. The University requested to resolve the review with a resolution agreement prior to the completion of OCR’s investigation of all the issues in the review. As such, OCR is not making any further compliance determinations under Title IX, including whether the University has complied with the Title IX requirements for the prompt and equitable resolution of sexual harassment and sexual violence complaints

in the implementation of its sexual harassment policies and procedures. On September 8, 2014, the University signed the enclosed resolution agreement (the Agreement), which when fully implemented, will address all of the issues in this compliance review. OCR incorporates in the Resolution Agreement the University's own corrective action steps for the Marching Band as requirements.

122. In that same letter, the Department of Education made explicit reference to Waters and his termination, citing it as one of the reasons why the Department of Education was ending its investigation prior to the completion of its review of all OSU's issues.

**COUNT ONE: DUE PROCESS CLAIMS  
UNDER FEDERAL CONSTITUTION  
(Against Individual Defendants Drake and Steinmetz  
In Their Individual and Official Capacities)**

123. Waters incorporates by reference the allegations contained in paragraphs 1 through 122 of this Complaint as if fully restated herein.

124. The Fifth Amendment to the United States Constitution, made applicable to the State of Ohio by the Fourteenth Amendment, provides that no person shall "be deprived of life, liberty, or property, without due process of law."

125. The Fourteenth Amendment to the United States Constitution provides that no state shall deprive "any person of life, liberty, or property, without due process of law."

126. The Due Process Clauses of the United States Constitutions apply to higher education investigation procedures and disciplinary decisions, including sexual harassment investigations that have the potential to result in loss of reputation, employment or status.

127. The individual Defendants Drake and Steinmetz (the "Individual Defendants"), through their exercise of state action, had an obligation to provide a fundamentally fair and reliable investigation process when affecting Waters' liberty and property interests, and that

fundamentally fair and reliable investigation process must meet constitutional due process requirements.

128. As the subject of a sexual harassment investigation process, Waters was entitled under the Constitution of the United States to have adequate notice of the charges affecting his reputation and livelihood, and to be heard in a meaningful manner in the course of the investigation, before the results of the investigation were determined and published.

129. Due process requirements also entitled Waters to a meaningful opportunity to respond to the conclusions reached in any such investigation, particularly as the Individual Defendants were aware that the investigation results were going to be made available to the public and would have a harmful effect on Water's reputation, employment, and other fundamental privileges. Waters has a constitutionally protected liberty interest in his good name and reputation.

130. Through policies, practices, and procedures of OSU, Waters has a constitutionally protected property interest in his employment by OSU.

131. The Individual Defendants failed to provide any of these procedural and substantive due process requirements to Waters in the course of the investigation or before subsequent publication of the results of the investigation.

132. The Individual Defendants engaged in the repeated subsequent publication of stigmatizing information as detailed in this Complaint. By doing so, the Individual Defendants, individually, and through their authorized agents, including Chris Davey, publicized additional unfounded and stigmatizing statements impugning Waters' honesty and morality. These statements included, but are not limited to, those identified earlier in this Complaint.

133. The Individual Defendants did not provide Waters a meaningful opportunity to clear his name or rebut the statements.

134. The Individual Defendants acted under color of law in violating Waters' rights under the Fifth and Fourteenth Amendments to the United States Constitution. The Individual Defendants acted intentionally and with callous disregard for Plaintiff's clearly established constitutional rights.

135. The Individual Defendants' actions as detailed above are so unjust that it shocks the conscience

136. As a direct and proximate result of the Individual Defendants' violations of Waters' constitutional rights, Waters has suffered severe and substantial damages, including lost earnings, diminished earnings capacity, lost career and educational opportunities, litigation expenses including attorneys' fees, loss of reputation, humiliation, embarrassment, mental and emotional anguish and distress and other compensatory and punitive damages, in an amount to be determined by a jury and a court.

137. Pursuant to 42 U.S.C. §1983, the Individual Defendants are liable to Waters for his damages.

138. Pursuant to 42 U.S.C. §1988, Waters is entitled to his attorneys' fees incurred in bringing this action.

**COUNT TWO: TITLE IX CLAIM  
(Against OSU for Disparate Treatment and Retaliation)**

139. Waters incorporates by reference the allegations set forth in paragraphs 1 through 137 of this Complaint as if fully restated herein.

140. Defendant OSU is a public university created by the Ohio legislature. OSU is an educational institution as that term is defined in 20 U.S.C. §1681. OSU is a recipient of federal financial assistance for its educational programs and activities.

141. Waters is a former employee of OSU, and participated in educational programs or activities that were direct or indirect beneficiaries of federal financial assistance. Waters is protected from discrimination on the basis of his gender under 20 U.S.C. §1681 and implementing regulations, 34 C.F.R. Part 106.

142. Title IX of the Educational Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.* and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of gender in education programs or activities operated by recipients of federal financial assistance. Title IX provides, in pertinent part: “No person ... shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

143. The implementing regulations and guidance under Title IX require fair and impartial investigation of complaints of sexual harassment or related misconduct, and require basic due process protections for all employees that are the subject of an investigation.

144. In its investigation and determination of the allegations of the complaint that resulted in the Glaros Report, and in the preparation of that report, OSU subjected Waters to discrimination on the basis of his gender. Specifically, Waters was not provided due process and fairness protections required under OSU policy, and Title IX regulations and guidance. OSU routinely extends these protections to female participants in Title IX sexual harassment investigations.

145. OSU also subjected Waters to unlawful discrimination on the basis of his gender in terminating his employment after receiving the results of the Glaros Report. Waters' gender was a determining factor in OSU's decision to terminate his employment. But for his gender, he would have been permitted to continue working under the terms of a performance improvement program, in accordance with existing OSU policy.

146. As part of OSU's effort to show the federal government and others that it is vigilant in enforcing perceived Title IX objectives, OSU's current practice is to use a harsher and more punitive standard in considering, investigating and punishing allegations of harassment, discrimination and "promoting a sexualized culture" when the subject is male. Similar allegations, when made against female students or employees, are more likely to be treated leniently or even disregarded.

147. Similarly situated female employees have been treated more favorably under similar circumstances, including a female cheerleading coach who was the subject of an investigation in 2013 involving sexualized behavior in the cheerleading crew. On that occasion, the female coach was determined to be responsible for alleged wrongdoing similar to that identified in the Glaros Report. OSU did not terminate the employment of the cheerleading coach after issuance of the report. Instead it provided her with an opportunity to correct the concerns identified in the investigation and resulting report. But for his gender, Waters would have been provided the same opportunity after similar concerns were identified in the Glaros Report.

148. Defendant OSU's discrimination against Waters in violation of Title IX, and entitles Waters to damages. Waters has suffered severe and substantial damages, including lost earnings, diminished earning capacity, lost career opportunities, litigation expenses (including

attorneys' fees), loss of reputation, humiliation, embarrassment, mental and emotional anguish, and other compensatory damages.

149. Defendant OSU is liable to Waters for damages under Title IX. Additionally, Waters is entitled to equitable relief requiring reinstatement to his former position of employment with the University, and reimbursement of attorneys' fees under 42 U.S.C. §1988.

150. OSU's conduct in treating Waters in disparate fashion is intentional, willful and malicious, and entitles Waters to an award of punitive damages.

**WHEREFORE**, Waters prays that this Court:

- a. Declare that Defendants have violated the Fourteenth Amendment to the United States Constitution, and 42 U.S.C. §1983;
- b. Order a meaningful name-clearing opportunity, which shall require that OSU (i) fully comply with all public records requests prior to the date of the hearing; (ii) provide Waters with two full eight-hour days at which he can present evidence and testimony; (iii) make OSU officials, including Dr. Drake, available for testimony and subject to cross-examination; (iv) limit any statements made by OSU during to the duration of the name-clearing hearing strictly to the confines of the hearing; (v) provide notice of the hearing to all local and national media; and (vi) make available such resources necessary for the live broadcasting and recording of the hearing;
- c. Order that Waters be reinstated as Director of the OSU Marching and Athletics Band;
- d. Award Waters compensatory damages in an amount in excess of \$1 million, punitive damages in an amount to be determined at trial, prejudgment and post-judgment interest, reasonable attorneys' fees and costs; and
- e. Grant such other relief as the Court may deem appropriate.

Respectfully submitted,

s/ David F. Axelrod

---

David F. Axelrod (0024023), Trial Counsel

Dated: September 26, 2014

Mark D. Wagoner, Jr. (0068577)  
James M. Petro (0022096)  
Katherine S. Decker (0085600)  
SHUMAKER, LOOP & KENDRICK, LLP

**JURY DEMAND**

Plaintiff Jonathan N. Waters demands a jury trial.

---

David F. Axelrod (0024023), Trial Counsel  
Mark D. Wagoner, Jr. (0068577)  
James M. Petro (0022096)  
Katherine S. Decker (0085600)

# **EXHIBIT A**



CONFIDENTIAL

2

1 (The following was transcribed by  
2 Casey G. Schreiner, RMR-RDR, Court Reporter and  
3 Notary Public, from an audio recording:)

4 FEMALE SPEAKER: Hi.

5 MULTIPLE SPEAKERS: Hi, there.

6 FEMALE SPEAKER: How is everybody?

7 MULTIPLE SPEAKERS: Good.

8 FEMALE SPEAKER: Good. Thanks a lot  
9 for being here.

10 MULTIPLE SPEAKERS: Thank you.

11 FEMALE SPEAKER: We have about 40  
12 minutes or so. Whew.

13 MALE SPEAKER: Big steps.

14 FEMALE SPEAKER: They killed me.

15 PRESIDENT DRAKE: Let me say a word  
16 while you're -- while you're breathing.

17 FEMALE SPEAKER: Perfect.

18 PRESIDENT DRAKE: So I've met some of  
19 you before, I think, some in different venues.  
20 So let me say hello to the ones I've met  
21 before, and then hello to the ones I haven't  
22 met until now.

23 How many -- how many -- we had a  
24 meeting a month ago. So how many of you were

CONFIDENTIAL

3

1 at that meeting?

2 So pretty -- most everybody, I guess;  
3 and then some people weren't. So let me --  
4 I'll say hello again to everybody. Some of you  
5 I recognize, and some (inaudible). Okay.

6 FEMALE SPEAKER: Okay. So, uhm,  
7 Dr. Sharma has been meeting with you guys, and  
8 you wanted an opportunity to talk to the  
9 president. This is our opportunity. Okay.

10 MALE SPEAKER: All right. Excellent.

11 Uhm, Dr. Drake, thanks for coming to  
12 our home.

13 PRESIDENT DRAKE: Thank you.

14 MALE SPEAKER: Uhm, TAKING time out of  
15 your day to come and talk with us.

16 PRESIDENT DRAKE: Okay.

17 MALE SPEAKER: But a -- a common theme  
18 that we've heard from the administration, from  
19 us internally, is, uhm, the desire to move  
20 forward. And, uhm, that is in our goal, and we  
21 intend to.

22 But, uhm, before we move forward,  
23 there are -- there are some things we would  
24 like you to listen to about the past and the

CONFIDENTIAL

4

1 present that we cannot move forward without  
2 addressing. And, uhm, this is coming right  
3 from the students.

4 So, uhm, what you see here before you  
5 is the squad leaders for the band, as well as  
6 some heads of staff and our drum major. So,  
7 uhm, this is coming from us.

8 PRESIDENT DRAKE: Okay.

9 MALE SPEAKER: Uhm, so moving forward,  
10 obviously, is a common theme I think we all  
11 share. But I think the important distinction  
12 that I think, as a group, we're trying to make  
13 is how we want to move forward, what our vision  
14 of moving forward is, and versus what we  
15 believe your vision moving forward is.

16 PRESIDENT DRAKE: Okay.

17 MALE SPEAKER: And, uhm, I think in a  
18 lot of ways, we need to take two steps back to  
19 be able to move forward and kind of analyze  
20 what has happened and what is happening to us.

21 Uhm, so we had a lot of plans this  
22 season to, you know, continue all the strides  
23 that we've made as a group to continue to  
24 achieve and to achieve even more --

CONFIDENTIAL

5

1 PRESIDENT DRAKE: Yes.

2 MALE SPEAKER: -- and a lot of that's  
3 been interrupted. I've got some concrete  
4 examples with that.

5 But, uhm, basically this is -- this  
6 whole investigation and the report and  
7 everything that has happened has affected us  
8 from fifth years to first-year members.

9 And, uhm, it has affected the way our  
10 season has panned out. And, uhm -- and right  
11 now, it doesn't seem to be, any of this stuff,  
12 seem to be going away. And all -- it -- it  
13 seems to be to be getting a lot worse in -- in  
14 some regard.

15 One of the things that we -- uhm, you  
16 said when you e-mailed us was that you would  
17 try to make sure that this would not be  
18 affecting this season.

19 And, uhm, so I've -- we have a list  
20 here of -- of -- I'll let you have one of  
21 those.

22 PRESIDENT DRAKE: Thank you.

23 MALE SPEAKER: I have the other one.

24 Uhm, at the top of that page, there is

CONFIDENTIAL

6

1 a list of full band effects. And this isn't  
2 absolutely complete.

3 But there -- uhm, there may be even  
4 more that we haven't all put together on here.

5 One of them is, you know, not being  
6 able to attend the Penn State game. Uhm, that  
7 meant a lot to all of us in our relationship  
8 with Penn State community and their marching  
9 band, who has been trying to get back into a  
10 greater relationship with that.

11 Uhm, It's affected the i-dotters,  
12 specifically Seth here, who was going to be  
13 dotting the "i" at that game. And now -- now  
14 that we aren't going, you know, that's tough  
15 news that he had to go back and tell his  
16 parents. And that was a direct result of the  
17 University saying we weren't -- we weren't  
18 going to Penn State. Uhm --

19 PRESIDENT DRAKE: Just, uhm, uhm --  
20 and mainly I'm going to listen, so I --

21 MALE SPEAKER: Uh-huh.

22 PRESIDENT DRAKE: Uhm, uhm -- okay.  
23 So we'll talk about the going to Penn State and  
24 where that came from and why, since I would --

CONFIDENTIAL

7

1 I would have separated those. But okay.

2 MALE SPEAKER: Yeah, yeah. There's  
3 a -- yeah, there's a couple other things, too.

4 Uhm, so we have -- also, you know,  
5 we've been able -- or we haven't been allowed  
6 to do a certain half-time show that was going  
7 to -- a lot of us felt would be the highlight  
8 of the season, because the company who had the  
9 licensing for that pulled out of that. And it  
10 was a huge disappointment.

11 And, obviously, it was a direct effect  
12 from the investigation and the report and what  
13 was -- what was put out there.

14 Another concrete example for full band  
15 effects are that the -- a high school, local  
16 high school, used this marching band as an  
17 example of a hazing culture in their training  
18 sessions to their students recently. And to a  
19 lot --

20 PRESIDENT DRAKE: Do you know --

21 MALE SPEAKER: And to a lot of us,  
22 that was incredibly disheartening.

23 Uhm, continuing on this, you know, we  
24 have -- so those are the -- a short list of the

CONFIDENTIAL

8

1 full band effects that we have.

2 But we also have over 150 personal  
3 accounts of what this report has led to as  
4 individuals in this group.

5 And just to highlight some of those,  
6 second page, I'll just -- I'll just read this  
7 one. A person who had not yet made the band  
8 for the first time was wearing a shirt from the  
9 OSU Bands Night a couple days after the report  
10 was released.

11 OSU Bands Night is a night for  
12 interactive high school students to learn more  
13 about the several OSU bands that we offer.

14 A man who was obviously offended by  
15 the shirt, due to the report, began to question  
16 the person about OSU Bands Night, asking if  
17 it -- asking if it is the night where everyone  
18 gets naked and does a half-time show for the  
19 directors.

20 Obvious -- there's been a ton of  
21 harassment by peers and by media in similar  
22 fashions like that. That's just one concrete  
23 example of something that's occurred. I'm not  
24 going to read all of these.

CONFIDENTIAL

9

1 PRESIDENT DRAKE: Okay. I appreciate  
2 that.

3 MALE SPEAKER: There's a lot of these.  
4 But they're, uhm -- going down here, there's --  
5 there was a member who, you know, approached us  
6 saying that, uhm, suicide was a thought after  
7 this.

8 Uhm, he said -- the word is "suicide."  
9 The word has -- was occasionally permeated in  
10 my thoughts for a few days at a time for the  
11 past several years, well before I made band.

12 It was always brought on by  
13 self-inflicted, negative images of myself.  
14 Never had -- had I received negative comments  
15 from any external sources that brought on such  
16 thoughts.

17 The week following July 24th had  
18 changed that when the University remained  
19 completely sign on the current -- silent on the  
20 current band members. At that time, no was  
21 fighting to preserve our individual characters.

22 The message I interpreted from  
23 President Drake and the univers -- and the  
24 University was, We don't care about you.

CONFIDENTIAL

10

1           It was then that I had thought that if  
2           I were to commit suicide, President Drae --  
3           President Drake, the Board of Trustees, and the  
4           Office of Compliance would be happy, because it  
5           would mean having to deal with one less person  
6           who assisted in the alleged sexualized culture.

7           Those were my thoughts for the first  
8           two weeks of -- after July 24th. I no longer  
9           have those thoughts of suicide, but I still  
10          believe the University, as a whole, does not  
11          care about me at all.

12          My character has been publicly  
13          tarnished, and with no one from the University  
14          to defend me.

15          Uhm, another example -- obviously,  
16          that is -- it's incredibly disheartening for me  
17          to hear that. And, uhm, I think we all are  
18          pretty disgusted that that is -- that is  
19          happening.

20          But another example -- this will be my  
21          last example from these -- these personal  
22          accounts -- are there was a girl who, uhm,  
23          has -- has the last name Wood, who was wearing  
24          her bowl jersey to a doctor's office.

CONFIDENTIAL

11

1                   And someone came up to her and asked  
2                   her if that was her dirty rookie name,  
3                   because -- and she received -- asked her if she  
4                   received that because she gave men erections.

5                   That's her give -- that's her birth  
6                   last name. And that's the image that's --  
7                   what's surrounded us with this, that everything  
8                   that's come out with this.

9                   So students are questioning whether or  
10                  not to, uhm, include their -- to be -- to  
11                  include their involvement in the band on  
12                  resumes and grad school applications, something  
13                  in which we have placed great pride and have  
14                  now be -- has now become taboo.

15                  We're -- we're -- you know, a lot of  
16                  us gave up a lot to be a part of this band  
17                  because we knew how much it meant.

18                  PRESIDENT DRAKE: Okay.

19                  MALE SPEAKER: And people are afraid  
20                  to include that as moving forward.

21                  Uhm, as a whole -- and I think other  
22                  people can attest to this, too, specifically.  
23                  But when the Title IX people came in, a lot of  
24                  us were embarrassed and, uhm -- I'm trying to

CONFIDENTIAL

12

1 think of the word.

2 MALE SPEAKER: "Angered."

3 MALE SPEAKER: -- angered when they  
4 brought -- they -- a lot of the examples that  
5 they used to try to help us understand the  
6 things in terms of us were completely out of  
7 line and just disgusting examples, one of which  
8 was, So you come to band after the weekend, and  
9 you guys want to talk about sexual positions.  
10 And that was --

11 FEMALE SPEAKER: During rehearsals.

12 MALE SPEAKER: Yeah, during rehearsal.

13 And --

14 PRESIDENT DRAKE: Act them out.

15 MALE SPEAKER: Act them out.

16 MALE SPEAKER: And that's not  
17 something that defines us at all, and that's  
18 not an example that should have been used for  
19 us.

20 And to us, our question was, Who do  
21 you think -- who do you think we are with that.  
22 You know, what we --

23 PRESIDENT DRAKE: Let me say, I  
24 happened to see some of you, I think, just

CONFIDENTIAL

13

1 after that.

2 And I didn't -- I didn't know that it  
3 was -- I didn't know what had happened. And  
4 I -- I understand that that type of band  
5 message shouldn't have been. Sorry about that.

6 MALE SPEAKER: All right.

7 PRESIDENT DRAKE: So I -- let me  
8 just -- I wish -- I didn't know. And it's --  
9 it's -- uhm, I can only say I didn't. I'm  
10 sorry that happened.

11 MALE SPEAKER: And to wrap this up,  
12 there is a lot of families discouraging  
13 involvement, especially to first-year members  
14 who haven't been through this.

15 A lot of families were upset that  
16 their -- that their children continued to go  
17 through tryouts and -- and try to be a member  
18 of this band, because they hadn't -- they  
19 hadn't had the experience, the year of being in  
20 this band, and understanding that this culture  
21 is not one of -- conducive to sexual harassment  
22 or anything of that nature.

23 And so people not having that  
24 experience, you know, were really questioning

CONFIDENTIAL

14

1 their -- their involvement with the band.

2 Obviously, we have a whole list of  
3 these personal accounts, harassment by the  
4 media, harassment by peers, just the negativity  
5 that's followed this whole thing.

6 PRESIDENT DRAKE: Yes.

7 MALE SPEAKER: And we, as a group,  
8 believe that this isn't going away any time  
9 soon. And, quite frankly, it's going to  
10 become, you know, a shadow that will be  
11 following us if this isn't cleared up --

12 PRESIDENT DRAKE: Okay.

13 MALE SPEAKER: -- and this, what --  
14 what has happened isn't corrected.

15 PRESIDENT DRAKE: Sure.

16 MALE SPEAKER: So but -- but why we  
17 think has happened was there's -- the report  
18 was flawed.

19 I would ask -- ask you a question: Do  
20 you -- from the report that you were given,  
21 when you first made decision, was it -- did you  
22 only think it was from 2013 to 2014?

23 PRESIDENT DRAKE: That the report  
24 covered?

CONFIDENTIAL

15

1 MALE SPEAKER: Covered that time.

2 PRESIDENT DRAKE: No. No, of course  
3 not.

4 MALE SPEAKER: Okay. Because there  
5 was some --

6 PRESIDENT DRAKE: I mean -- I mean,  
7 let me -- so let me -- a couple things that  
8 I -- just two -- a couple words to say.

9 Certainly this is not -- this was not  
10 an individual decision. I mean, that would  
11 be -- you -- you wouldn't think that. This was  
12 something that -- that, uhm, uhm, many people  
13 looked at quite, uhm, thoughtfully, just to  
14 make sure.

15 And, uhm, I mean, you're also totally  
16 clear how, uhm, uhm, uhm, uhm, uhm, reluctant,  
17 uhm, you know, uhm, we were to make this  
18 decision. Just -- just -- I'll just say that's  
19 the case. It was extraordinarily, uhm,  
20 reluctant. Just say to that. That's one.

21 Two, just to make sure I'm clear on  
22 the point -- but I want you to talk and me to  
23 listen -- uhm, there were -- there were things  
24 between 2013 and 2014; and then there were --

CONFIDENTIAL

16

1           there was a whole sheaf of historical material  
2           that was from 2006 -- or 2011, some 2006, and  
3           before that.

4                        So I'm totally clear that the -- the  
5           vast majority of the material was from 2011 or  
6           before. And I think a lot of it from 2006 or  
7           before.

8                        MALE SPEAKER: Okay. And -- and how  
9           we felt was some of the material was  
10          exaggerated, uhm, and even in the -- how it  
11          was -- it was worded for more shock value.

12                       But what we wanted to convey, and  
13          which was not conveyed in the report, was  
14          Waters was changing the culture exponentially.

15                       Since I was -- things that happened  
16          when I was rookie would get you kicked out of  
17          band now with Waters. As soon as he took --  
18          the day he took it over, he was changing it.

19                       And we feel it was unfair to throw all  
20          that evidence that happened so long ago --

21                       PRESIDENT DRAKE: Yeah.

22                       MALE SPEAKER: -- into a report that  
23          had, you know, tarnished all of our reputations  
24          on an individual level.

CONFIDENTIAL

17

1                   And we weren't contacted. The sample  
2                   size was so small. There were four students  
3                   out of the band that were, uhm, interviewed.  
4                   And, you know, one of them was the  
5                   complainant's child.

6                   So, you know, with -- with a -- you  
7                   know, from my statistics classes I've taken  
8                   here, that's not a very a -- a very good sample  
9                   size. You know, you can find -- of course, you  
10                  can find one or two people that say something  
11                  bad about someone.

12                  PRESIDENT DRAKE: Yeah.

13                  MALE SPEAKER: But, you know, I -- I  
14                  don't think that that was a method for seeking  
15                  truth, if you're going to, uhm, fire -- you  
16                  know, terminate someone.

17                  PRESIDENT DRAKE: No, no. I know  
18                  that.

19                  MALE SPEAKER: I know that when we met  
20                  about a month ago that this was a topic of  
21                  discussion.

22                  PRESIDENT DRAKE: Yes.

23                  MALE SPEAKER: And the reason that we  
24                  had felt that it was important to bring this up

CONFIDENTIAL

18

1           again, frankly, because we when go and talk to  
2           our peers --

3                   PRESIDENT DRAKE:  Yes.

4                   MALE SPEAKER:  -- and our fellow  
5           bandsmen, and we -- we sort of relay what goes  
6           on, and we say, like, Hey what message do you  
7           want brought forward.

8                   PRESIDENT DRAKE:  Yes.

9                   MALE SPEAKER:  This is overwhelming  
10          the message that we are called to bring to  
11          you.

12                   PRESIDENT DRAKE:  Right.

13                   MALE SPEAKER:  So I just wanted to --  
14          to let you know that.

15                   PRESIDENT DRAKE:  So let me -- let me  
16          make sure I hear the message again.  So the,  
17          uhm -- so say it -- say it again, just to make  
18          sure I hear the message again, the one --

19                   MALE SPEAKER:  The re -- the report is  
20          flawed.

21                   PRESIDENT DRAKE:  Okay.

22                   MALE SPEAKER:  That's the -- that's  
23          the biggest thing we want -- we want to know,  
24          that things in that report, we have never seen,

CONFIDENTIAL

19

1 and we've been striving to even -- to, you  
2 know, to better the culture of the band  
3 before --

4 PRESIDENT DRAKE: Yeah.

5 MALE SPEAKER: -- before this all  
6 happened.

7 MALE SPEAKER: It was, uhm, poorly  
8 conducted, as well.

9 MALE SPEAKER: Yeah. It -- it  
10 wasn't -- it was poorly conducted; it was  
11 poorly written, and, uhm --

12 FEMALE SPEAKER: We feel like we have  
13 to defend ourselves to our friends and family,  
14 to the community, when it has, you know, some  
15 sort of the University stamp of approval. And  
16 we're trying to defend ourselves, almost,  
17 against the University --

18 PRESIDENT DRAKE: Yeah.

19 FEMALE SPEAKER: -- saying, These  
20 things aren't us. Like, this isn't --

21 MALE SPEAKER: And every time somebody  
22 stands up saying that they support the  
23 decisions and the consequences of the report,  
24 that's another smack in the face, saying that

CONFIDENTIAL

20

1 this stuff in the report is true.

2 And we can't move forward knowing --  
3 as a person, I -- my name was listed in the  
4 report, and I know that there were falsities in  
5 the report. And I can't move forward, and  
6 other people can't move forward, and we can't  
7 move forward as a group knowing that we would  
8 be moving forward on the basis of this false  
9 report and this poorly conducted report.

10 PRESIDENT DRAKE: Let me say -- try  
11 something and see if it, uhm, uhm, helps a bit  
12 as a (inaudible).

13 So my -- yeah. I Believe that the  
14 report was overwhelmingly about people I've  
15 never met, and that you've probably never met,  
16 in times gone by.

17 The -- the overwhelming volume of this  
18 was historical information that was not  
19 relevant to you, uhm, at all. Overwhelmingly.

20 So I don't want to give a percentage,  
21 but overwhelmingly I think that's the case; in  
22 fact, I just would say that's true.

23 If there's a way to convey that more  
24 clearly or we that could figure out some way of

CONFIDENTIAL

21

1 sharing that, I'd be happy -- I would -- I  
2 would be more than happy to do that. Because  
3 I -- that's always been the impression that I  
4 had.

5 Uhm, if -- if the report had been  
6 true, at all, of today, then we would have had  
7 have been -- it would have been the band -- we  
8 would have had a different action.

9 So I -- my view was that you were an  
10 entirely different group of people, and able  
11 to, uhm, uhm, represent the University proudly  
12 and -- and, uhm -- and in a way that we all  
13 would be able to support.

14 MALE SPEAKER: And then why did our  
15 director --

16 MALE SPEAKERS: (Inaudible.)

17 MALE SPEAKER: -- and then why did our  
18 director have to lose his job over this? Why  
19 was our leader, who was doing these changes,  
20 who was responsible for the success and will be  
21 responsible for the success in the coming years  
22 because of all the work that he's put in over  
23 the last two years, why did he have to lose his  
24 job over things that happened before him?

CONFIDENTIAL

22

1           PRESIDENT DRAKE: Uhm, so let me just  
2 talk about what I can say and the kind of  
3 constraints that are around that.

4           Because it's a -- uhm, a -- a  
5 personnel decision, and there are pathways that  
6 those follow, and there are things that I can  
7 and can't do or can and can't say as the  
8 pathway is moving forward.

9           They're very formal pathways meant to  
10 protect people on both sides of things like  
11 this. This is not the only time that we, uhm,  
12 have somebody who's been removed from a  
13 position. And there are protections in place  
14 for that process.

15           So let me say that I'm sorry nothing  
16 can be satisfactory. Because I'm going to say  
17 that I'm not going to talk about that  
18 specifically, because it would be -- it would  
19 compromise the -- the fairness of the process  
20 that goes forward.

21           Let me say that when we have a -- a  
22 personnel action, it's -- it is directed to the  
23 actions of the particular person involved. And  
24 so that's what -- that's what's looked at.

CONFIDENTIAL

23

1           And -- and that's the separation that we're  
2           making.

3                   MALE SPEAKER:   Can we --

4                   PRESIDENT DRAKE:   I think that was --

5                   MALE SPEAKER:   Okay --

6                   PRESIDENT DRAKE:   I wanted that to be  
7           clear enough and -- but I mean -- I mean --  
8           well, as clear as I could be without, uhm --

9                   MALE SPEAKER:   But he -- well, I guess  
10          how we feel is he was fighting to change this  
11          culture, and he was making great -- like just  
12          an example.

13                   Back in the old days, the band used  
14          flip off a Go Blue sign under the stadium.

15                   MALE SPEAKER:   Yeah.

16                   MALE SPEAKER:   And as soon as Waters  
17          took over, he said, We're stopping that. He  
18          said, We're better than that. And that's just  
19          an example of things he did.

20                   Another example, he called me into his  
21          office right after drum major tryouts this  
22          year.

23                   He says, I'm gonna continue on this  
24          path of culture change. Some of it might be

CONFIDENTIAL

24

1 unpopolar, but you, as a student leader, need  
2 to support me. Because if it comes from the  
3 students, it will last. If I lay down a  
4 hammer, it will be, Go underground.

5 PRESIDENT DRAKE: Yeah.

6 MALE SPEAKER: And that was his kind  
7 of style. And then to see him punished and --  
8 and -- and conveyed as a -- like a deviant and  
9 a supporter of a sexualized culture, is -- is  
10 just sickening.

11 MALE SPEAKER: So if I may interject  
12 for a moment, please.

13 PRESIDENT DRAKE: Thank you.

14 MALE SPEAKER: Something significant  
15 happened in here. And I don't want to miss it.  
16 I don't want it to get lost.

17 I've heard from all of you repeatedly  
18 say to me and say to others, I want the  
19 President to say something positive about us  
20 and say it publicly.

21 I heard David a moment ago say, I want  
22 you to say that publicly.

23 I heard Dr. Drake say, I will do that.

24 PRESIDENT DRAKE: I'd be happy to do

CONFIDENTIAL

25

1           that.

2                   MALE SPEAKER:   And I don't want that  
3           to get lost, folks.   Because I've heard you  
4           talk about that a lot, and that's significant.  
5           So I want that to be part of this.

6                   PRESIDENT DRAKE:   I get that.

7                   MALE SPEAKER:   And one point that I --  
8           might sort of serve as the bridge there between  
9           that and that, I feel like a lot of people are  
10          maybe a little upset in the thought that the  
11          progress that we have made in the past is  
12          certainly going to be reflected on the field  
13          this year, both in the way -- you know, our  
14          shows, uhm, they're going to be great.   You  
15          know, we're gonna -- we're just going to kill  
16          'em on the field.   And that's a result of the  
17          work that we're putting in now and from what  
18          we've put in.

19                   And also off the field.   I mean, we're  
20          going to continue to make strides to better  
21          ourselves and the way that we that treat each  
22          other.   And that's all sort of the fruits of  
23          labor that we've done --

24                   PRESIDENT DRAKE:   Yeah.

CONFIDENTIAL

26

1 MALE SPEAKER: -- in the past. And I  
2 think people are a little bit worried that  
3 they're gonna -- there's going to be a  
4 perception that you look at this report and  
5 that was a problem, and then, bam, there's a  
6 flat action, and then now this is the -- the  
7 success.

8 Where internally we see it as this  
9 isn't just a, you know,  
10 we-made-one-personnel-change-and-now --

11 PRESIDENT DRAKE: That's true.

12 MALE SPEAKER: -- -everything's-fine.  
13 And that's why I think that the message -- that  
14 when we say we want a positive message, people,  
15 I think, are worried that it's going to be  
16 credited towards Jon being gone. Which isn't  
17 the case.

18 PRESIDENT DRAKE: I understand. So  
19 let me say, if, uhm, one of the places we get  
20 to is that a -- uhm, some communication would,  
21 uhm, uhm, be positive, uhm, uhm, I would love  
22 to have you help me craft it.

23 I say "help," I don't -- I don't want  
24 you to write it for me. But I would love to

CONFIDENTIAL

27

1 have you help craft this so that it -- it,  
2 uhm -- I mean, you could help me write it. I  
3 didn't mean to be, uhm, silly about it.

4 But I want to make sure that it was  
5 something that addressed the issues that you  
6 wished to have addressed in a way that, uhm, we  
7 can all agree on that it would be addressed.

8 MALE SPEAKER: We have -- we have some  
9 things, like requests, that we'll get to. But  
10 I think just continuing on --

11 PRESIDENT DRAKE: Okay.

12 FEMALE SPEAKER: In the interest of  
13 time, I want you to be cognizant that we have  
14 about 20, 25 more minutes.

15 I want to make sure you get to the  
16 things --

17 MALE SPEAKER: Uh-huh. Yeah.

18 FEMALE SPEAKER: -- that you wanted to  
19 be sure you got covered.

20 MALE SPEAKER: Okay.

21 MALE SPEAKER: Dr. Drake, I think it  
22 is our belief that you still don't know who we  
23 are as students, leaders and members of this  
24 band.

CONFIDENTIAL

28

1           And as a result of this report, every  
2           single member of this band has been broad-brush  
3           labeled as a contributor to a non-existent  
4           harmful and sexualized culture.

5           And I just want to ask you a question.

6           PRESIDENT DRAKE: Sure.

7           MALE SPEAKER: And it -- it may be  
8           hard for you to answer.

9           But do you believe that the report  
10          that was published accurately represents the  
11          thoughts, actions, and character of the people  
12          in this room sitting before you?

13          PRESIDENT DRAKE: Well, so, two  
14          things: First, of course not. And I hope I've  
15          said that over and over again. No, I don't.

16          I believe the report is largely  
17          historical, uhm, both -- largely historical,  
18          first.

19          And, second, I -- I appreciate the  
20          progress that's been made, or given that  
21          things -- I don't believe things today are like  
22          they were in the past. Which I think is good.

23          And I don't think -- I'll try and say  
24          it again. If the band were behaving as it were

CONFIDENTIAL

29

1 reflected in -- in the report, then that --  
2 that group couldn't march and represent the  
3 University, uhm, in this -- in this era.

4 So I think -- so I wouldn't say -- so  
5 I think -- so, no, I don't believe that it  
6 reflects you accurately.

7 Let me say something else, too, to  
8 make sure that I'm clear about this, just to  
9 make sure we have the same understanding.

10 The, uhm, process of the complaints  
11 that are filed lead to a certain varied,  
12 specified series of actions in a timeline, uhm,  
13 uhm, uhm, specified to the day.

14 So -- so this kind of report filed has  
15 to go to this office, has to be investigated in  
16 this way, and has to lead to a report on -- on  
17 this day. And the day the report is finished,  
18 it's then a public document.

19 So we don't -- we don't publish these  
20 things. Uhm, they are -- there's a Freedom of  
21 Information Act that allows anybody who  
22 requests a document at a public institution to  
23 have that in -- that -- that information  
24 released.

CONFIDENTIAL

30

1                   So it's not, Oh, we have this, we put  
2                   it out.

3                   It's -- uhm, the investigation has a  
4                   specified way that it goes forward, and the  
5                   fruits of that investigation, whatever they  
6                   are, become a public document. Just to make  
7                   sure you know our position on that.

8                   MALE SPEAKER: So the --

9                   PRESIDENT DRAKE: So, uhm, you guys --  
10                  I'm sorry.

11                  MALE SPEAKER: Well, why was the  
12                  recording of Jon Waters yelling at a student  
13                  released the day after, if it (inaudible)?  
14                  What was the purpose of that?

15                  PRESIDENT DRAKE: Those are all  
16                  public, uhm, records. All of our -- uhm, all  
17                  these things are public records. All of --

18                  MALE SPEAKER: Would the media find  
19                  out about it, unless like the complainant's  
20                  parents told them that they had done an  
21                  investigation?

22                  PRESIDENT DRAKE: The media requests,  
23                  uhm, things like everything that we have in  
24                  reference to this case.

CONFIDENTIAL

31

1                   That's -- that's what our -- they'll  
2                   say, We'd like to have --

3                   MALE SPEAKER: How do they know the  
4                   case is going on, though? We never knew a case  
5                   was going on.

6                   PRESIDENT DRAKE: Yeah. Uhm, the --  
7                   uhm, let me say that the information in cases  
8                   of this type are released to people other than  
9                   the, uhm --

10                  FEMALE SPEAKER: The University  
11                  community.

12                  PRESIDENT DRAKE: Yeah. -- the people  
13                  to whom the report is released outside the  
14                  University community right from the very  
15                  beginning.

16                  We have Freedom of Information Act  
17                  requests that come, just so you'll -- on a  
18                  regular basis for everything. For my records,  
19                  for instance, just everything that I do gets  
20                  requested and looked at. And so -- so we know  
21                  that that is there and that that's coming.

22                  I will say sometimes we fight them on  
23                  it. Actually, when we fight them on it, it's  
24                  usually worse. And so when we have public

CONFIDENTIAL

32

1 records that they're interested in, we do what  
2 we can to get those records released.

3 And it's a -- it's a federal law. So  
4 we just -- we -- we have a full-time office  
5 that releases records to the media.

6 MALE SPEAKER: So then why did they  
7 write a damning report that was so exaggerated  
8 and --

9 PRESIDENT DRAKE: The media?

10 MALE SPEAKER: Taken out of context --

11 MALE SPEAKER: No, the --

12 MALE SPEAKER: -- and biased.

13 MALE SPEAKER: No, Glaros. Why did he  
14 write such a -- an out-of-context, uhm, damning  
15 report?

16 PRESIDENT DRAKE: This is the --  
17 you're -- you're asking why the report itself  
18 was written as it was?

19 MALE SPEAKER: Yeah. If it's going to  
20 be a representation of the entire band --

21 MALE SPEAKER: A cultural assessment  
22 of the entire band.

23 MALE SPEAKER: A cultural  
24 assessment --

CONFIDENTIAL

33

1 PRESIDENT DRAKE: Yeah.

2 MALE SPEAKER: -- why was it --

3 PRESIDENT DRAKE: I couldn't -- I mean  
4 I couldn't -- I don't want to make a comment  
5 that I couldn't answer. I can say that --

6 MALE SPEAKER: Dave, I don't know how  
7 he could answer that.

8 MALE SPEAKER: Yeah, I don't know.

9 PRESIDENT DRAKE: Right. I mean,  
10 somebody says, Here's this.

11 MALE SPEAKER: Uh-huh.

12 PRESIDENT DRAKE: And I, uhm -- uhm,  
13 we'll switch places for a minute. It wasn't --  
14 it was a -- it was a bad evening for me when it  
15 landed on the desk.

16 MALE SPEAKER: Uh-huh. Uh-huh.

17 PRESIDENT DRAKE: Because, uhm -- uhm,  
18 it just -- so I'll just state it.

19 But let me make sure I go back to the  
20 one thing we've said over and over again. It  
21 was clear to me that the vast majority of all  
22 that stuff -- uhm, which, actually, I wish I  
23 didn't, uhm, know -- was stuff from, uhm, years  
24 gone by and wasn't reflective of you in the

CONFIDENTIAL

34

1 modern era.

2 MALE SPEAKER: The problem is it is  
3 reflecting on us in the public eye.

4 PRESIDENT DRAKE: Well, reflecting --  
5 let me understand. I understand the fact that  
6 that reflection -- that that distinction, uhm,  
7 is blurred in the eyes of some. And maybe in  
8 our communication we can address that.

9 MALE SPEAKER: Okay.

10 PRESIDENT DRAKE: Okay. I mean,  
11 that's one of the things if we can -- if it  
12 helps, we can maybe address.

13 MALE SPEAKER: So let me interject  
14 briefly again. I want -- I want to hit another  
15 point here that I think is significant.

16 PRESIDENT DRAKE: All right.

17 MALE SPEAKER: No, no, no.

18 PRESIDENT DRAKE: Okay.

19 MALE SPEAKER: Because what the  
20 president has just said to your question, Do  
21 you think this reflects our individual  
22 character.

23 And I heard him say, Absolutely not,  
24 because if I did, you would not be marching

CONFIDENTIAL

35

1           this season.

2                     You asked about the people in this  
3           room. And I heard that.

4                     And you're talking about this  
5           separation. I think we're saying we're getting  
6           to a point of what you want to hear the  
7           President communicate to the larger community  
8           gets to that piece.

9                     MALE SPEAKER: Yeah. I wish you would  
10          have said that on day one, though.

11                    PRESIDENT DRAKE: I hope I did. But I  
12          might not have said it clearly enough and --

13                    MALE SPEAKER: Not at all.

14                    FEMALE SPEAKER: No.

15                    (Inaudible. Multiple speakers  
16          overlap.)

17                    PRESIDENT DRAKE: Okay.

18                    FEMALE SPEAKER: So let's -- let's --  
19          let's go with we've agreed you'd like a  
20          positive message; the President is willing to  
21          give a positive message.

22                    You want to make sure that his message  
23          reflects that those things -- that you are good  
24          people, because we believe that.

CONFIDENTIAL

36

1                   What else do you need the President to  
2                   know? Because we've got about 15 minutes, and  
3                   I want to make sure you are telling him about  
4                   who the band is, who the band members are.

5                   Who are you?

6                   MALE SPEAKER: And, honestly, uhm,  
7                   I -- I -- I feel that the best way that you can  
8                   get -- that you can know that is to come in and  
9                   either -- you know, see us.

10                  But more importantly, I know that  
11                  there are 220 other people that want to hear  
12                  what you have just told us from yourself.

13                  Because they feel like they are just  
14                  as, uhm, affected by all of this, and they're  
15                  as caught up in it as we are.

16                  PRESIDENT DRAKE: Yes.

17                  MALE SPEAKER: And they -- they're  
18                  sort of tired of hearing through us what's  
19                  coming from you.

20                  PRESIDENT DRAKE: Okay.

21                  MALE SPEAKER: I think that from  
22                  talking to -- through my row, that's the  
23                  biggest things I'm hearing is, We just want to  
24                  hear from President, the President.

CONFIDENTIAL

37

1 PRESIDENT DRAKE: Okay.

2 MALE SPEAKER: Do you want to show him  
3 the video?

4 MALE SPEAKER: So, uhm, we'll give you  
5 some context.

6 After hearing the report on Thursday,  
7 uhm, we had immediately performed in our  
8 uniforms in front of the public. And it was  
9 extremely painful for all of us to have to do  
10 that, but we were together.

11 PRESIDENT DRAKE: Yes.

12 MALE SPEAKER: Uhm, then the first  
13 time that we had the ability to talk to each  
14 other was on Sunday.

15 And so the squad leaders, most of the  
16 people in this room, we spent about 15 hours,  
17 locked ourselves in this room, to prepare a  
18 statement that, uhm, Dr. J and Micky have both  
19 seen that talks about who we are.

20 And like I said before, we don't  
21 believe that you really understand who we are.  
22 So we want you to watch this video of who we  
23 think that we are.

24 MALE SPEAKER: Okay.

CONFIDENTIAL

38

1 MALE SPEAKER: Push play.

2 PRESIDENT DRAKE: Yeah. I can push  
3 play [inaudible].

4 MALE SPEAKER: Okay.

5 (The following was provided for the  
6 record via videotape:)

7 (On video) FEMALE VOICE ONE: As  
8 student members of the Ohio State University  
9 Marching Band, we have always taken great  
10 pride, not only in our University, but in  
11 ourselves.

12 The public has seen our dedication and  
13 excellence in musicianship and marching we  
14 demonstrate week after week on the field, as  
15 well as our community involvement and service  
16 off the field.

17 Now we would like to share the core  
18 values that we, as a band, embrace.

19 (On video) MALE VOICE ONE: The Ohio  
20 State University Band experience presents an  
21 environment cultivating personal growth. We  
22 spend countless hours working with fellow band  
23 members during rehearsals, performances, and  
24 the campus environment, fostering

CONFIDENTIAL

39

1 self-confidence that carries through all  
2 aspects of our personal lives.

3 We are students first, and managing  
4 time effectively requires a diligent work  
5 ethic. This translates to academic achievement  
6 and positive student growth in the classroom,  
7 as the band maintains an average GPA Over 3.5.

8 We believe our time in this band has  
9 better prepared us for life after college.

10 This is who we are.

11 (On video) MALE VOICE TWO: Being a  
12 part of this unique student community is having  
13 peers you can always count on for support, not  
14 just in band, but in life.

15 We feel our community is a network of  
16 individuals with a common goal. People from  
17 all walks of life come together to create a  
18 great experience, both on and off the field.  
19 This community is what holds us together. It's  
20 what keeps us coming back. (Inaudible.)

21 We come as fellow musicians. We leave  
22 as one family.

23 This is who we are.

24 (On video) FEMALE VOICE TWO: The

CONFIDENTIAL

40

1 marching band is composed of 250 students, all  
2 with diverse backgrounds. Each is valued by  
3 the others for their role as a member of the  
4 group and as a unique individual.

5 We are encouraged to voice our  
6 opinions to help shape the band and foster  
7 growth. Our mission is to help the band embody  
8 the musicians it encompasses, not to change the  
9 musicians to fit the band.

10 This is who we are.

11 (On video) MALE VOICE THREE: We are  
12 dedicated to continuous improvement and  
13 innovation. From our first year to our last  
14 year, each member develops leadership skills  
15 that will last a lifetime. To develop these  
16 skills, we enable our peers to do their best by  
17 putting their needs above our own. We do this  
18 with a deep respect for others as well as  
19 ourselves.

20 This is who we are.

21 (On video) FEMALE VOICE THREE: It is  
22 an honor to be a member of this band. In our  
23 time, we have seen positive and substantial  
24 developments relating to our core values

CONFIDENTIAL

41

1 consistently improving year after year.

2 We, as student leaders, want to make  
3 it absolutely clear that the striving for  
4 improvement will continue to be an integral  
5 part of our organization.

6 We cannot thank Buckeye Nation enough  
7 for the support we receive. We look forward to  
8 the upcoming season as our best and most  
9 exciting performances are yet to come.

10 The only band we are trying to be  
11 better than is the band we were yesterday.

12 This --

13 (On video) GROUP VOICES: -- is who we  
14 are.

15 (End of video.)

16 PRESIDENT DRAKE: Okay. Thank you.

17 Uhm, I'm sure that's true. And, uhm,  
18 I -- so let's, uhm -- so first, I'm sure that's  
19 true.

20 And, I -- I, uhm, would say that, uhm,  
21 to the extent that I can communicate in some  
22 way that, uhm, helps to spread a message that  
23 would be supportive of that, uhm, getting out  
24 and away, uhm, uhm, that would be effective, I

CONFIDENTIAL

42

1 would be happy to do that.

2 MALE SPEAKER: Yeah, yeah. And I --  
3 and we were talking about it earlier. And,  
4 right now, we just feel like the -- really the  
5 only University-addressed statement of us and  
6 our culture is what we feel is outdated and  
7 misrepresented.

8 PRESIDENT DRAKE: Okay.

9 MALE SPEAKER: And what -- what we  
10 would like is the University to be actively and  
11 publicly highlighting what our true culture is  
12 and really acknowledging the progress we've  
13 made and what -- you know, who we are.

14 PRESIDENT DRAKE: Yes.

15 MALE SPEAKER: And that's, uhm, as far  
16 as a message. Uhm, and just maybe, just more  
17 co-op -- cooperation. You know, we read a lot  
18 of bad stuff about us.

19 PRESIDENT DRAKE: Yes.

20 MALE SPEAKER: And with that, I think  
21 that there needs to be, you know, active  
22 good.

23 PRESIDENT DRAKE: Great. So let me  
24 just -- then, uhm, my suggestion is that we

CONFIDENTIAL

43

1 get, uhm, together and decide how we can do  
2 that right away.

3 And I think that, uhm, uhm, today is a  
4 good day to start thinking about that. And so  
5 I would love to do that right away. Uhm, so  
6 I'm -- I'm happy to do that.

7 So, uhm, we'll work on what the  
8 mechanism is for that, and uhm -- and, uhm,  
9 then we'll bring everybody to bear and try and  
10 get some things and then decide where we'd like  
11 to go.

12 MALE SPEAKER: I still want to a --  
13 stress again how much we think it's very  
14 necessary for you to have a statement for the  
15 rest of the band, not just the leaders --

16 PRESIDENT DRAKE: Sure.

17 MALE SPEAKER: -- sitting in front of  
18 you.

19 PRESIDENT DRAKE: No, no. I'm happy  
20 to do that. We'll look forward to facilitating  
21 that.

22 MALE SPEAKER: Right. Because I think  
23 it can tie into -- you know, we want you to get  
24 to know who we really are. And we'd like you

CONFIDENTIAL

44

1 to, uhm, express some willingness to learn  
2 about who we are.

3 And I think something like coming into  
4 rehearsal -- I mean, we're here so much anyway.  
5 We're here.

6 PRESIDENT DRAKE: Yes.

7 MALE SPEAKER: You know we're here.  
8 You know, come on in. Listen to us play for a  
9 little bit --

10 PRESIDENT DRAKE: Sure.

11 MALE SPEAKER: -- have your statement  
12 so that the rest of the band, the other, you  
13 know, 200 people aren't hearing through us  
14 about what you've said.

15 PRESIDENT DRAKE: Right.

16 MALE SPEAKER: I can't stress  
17 enough -- enough how valuable that would be to  
18 everyone else.

19 PRESIDENT DRAKE: Yeah. Fine. I  
20 would love to do that actually.

21 MALE SPEAKER: Okay.

22 PRESIDENT DRAKE: And, Joe, this is --  
23 I'll -- and I'll say something that I assume --  
24 I -- I don't know if I should say this thing --

CONFIDENTIAL

45

1 uhm, with things coming up.

2 The blowback that -- that the other  
3 side has received has been, uhm, uhm,  
4 tremendous. So the amount of heat that's come,  
5 uhm, uhm, to the University, uhm, which I would  
6 then represent, has been, uhm, tremendous.

7 Now let me say, it's been -- it's a  
8 mixed bag. But it's been, uhm, uhm, not  
9 entirely, uhm, respectful, I would just say.

10 Uhm, and so I'm more, uhm, than happy  
11 to support you and have you move forward.  
12 And -- and your interest in working together on  
13 this is something that I would support, as  
14 well, as I -- so I'm happy to do that.

15 And, uhm, so I think that that's  
16 something that we should do. I -- I would be  
17 happy to see the rest of this band. And that  
18 would be something -- I mentioned this, you  
19 know, thinking about this, the first day we  
20 talked.

21 In my medical career, I had these  
22 things happen. You -- you have bad news. You  
23 go in and you say all the things you're going  
24 to say, and some of them resonate and some of

CONFIDENTIAL

46

1           them don't. And it's always -- it's  
2           interesting to think about those things.

3                     One of the things I said then was that  
4           one of the -- the things that attracted us to  
5           move to Ohio was the band, that I just  
6           always -- I always thought the work was  
7           tremendous and what a great group and a great  
8           spirit it is, and all those things.

9                     And so, uhm, I -- I'm very interested  
10          in having you be as successful as -- as you  
11          can. And if I can be of help with that, uhm,  
12          I'm happy to do that.

13                    FEMALE SPEAKER: One of the things  
14          that I think you guys have been clear on, and I  
15          think President is really clear on, is  
16          relationships matter.

17                    And it is hard when you're in a  
18          traumatic experience to work on relationships.  
19          But by coming to the table, and the President  
20          coming to the table, you guys coming to the  
21          table, we have an opportunity.

22                    And the intervening work that helped  
23          you to be ready for this, I think, was really  
24          important. But as important is the willingness

CONFIDENTIAL

47

1           you guys have to come to the table to create  
2           that relationship. And that's only going to  
3           happen with time and interaction and trust.

4                   MALE SPEAKER: I'm a big advocate of  
5           summarizing key points. I think some of you  
6           may have figured that out about me. Okay.

7                   So what I've heard before and today,  
8           key points from these squad leaders from the  
9           band to you, President Drake, uhm, from your  
10          perspective, the report was flawed;

11                   The report impacted us individually  
12          and collectively as a whole;

13                   We feel like we haven't heard anything  
14          else publicly but the report;

15                   We want something positive out there  
16          from you;

17                   And we want you to get to know us  
18          and -- and -- and meet with the whole band.

19                   PRESIDENT DRAKE: Okay. I also heard,  
20          if I can --

21                   MALE SPEAKER: Uh-huh.

22                   PRESIDENT DRAKE: -- say, I heard you,  
23          and -- and I saw in the video, that you  
24          expressed the values that you hold as

CONFIDENTIAL

48

1 individuals and as a collective community of  
2 supporter friends, and that those are very  
3 important things to you, and you wanted to make  
4 sure that those things were clear. And I  
5 believe that.

6 MALE SPEAKER: Oh, you.

7 PRESIDENT DRAKE: No, his hand --  
8 he -- his hand was up first.

9 FEMALE SPEAKER: That guy in the blue  
10 shirt first.

11 PRESIDENT DRAKE: In the blue, so blue  
12 first, yeah. Thank you.

13 MALE SPEAKER: Uhm, so I think -- uhm,  
14 this is a little separate, but something moving  
15 forward that's important is that, uhm, you guys  
16 give us the tools to succeed.

17 And I think some of that is, you know,  
18 maybe some training regarding sexual harassment  
19 and hazing and stuff for the squad leaders as  
20 to how to deal with those scenarios.

21 PRESIDENT DRAKE: Okay.

22 MALE SPEAKER: Because I think  
23 everybody here wants to be successful in those  
24 endeavors. And, uhm, we've had so many people

CONFIDENTIAL

49

1           come and talk to us this last, you know, few  
2           days.

3                     It's -- it's -- I guess, our role as  
4           student leaders is -- has changed a little.  
5           What we are and aren't allowed to do --

6                     PRESIDENT DRAKE:    Sure.

7                     MALE SPEAKER:    -- has been more  
8           clearly defined regarding how we handle, you  
9           know, some of our row members and stuff like  
10          that.

11                    So I think it would be really helpful  
12          to this group to allow us to partake in some of  
13          those training opportunities and stuff, and  
14          maybe, you know, teach us how to -- how to, you  
15          know, comply with some of this stuff that's out  
16          there and is important for to us understand.

17                    PRESIDENT DRAKE:    Let me say, we're  
18          more than happy to help you.

19                    And I -- uhm, this is my first year  
20          here.  It's my tenth-year as a university  
21          president or chancellor.  So I've -- I've had  
22          the -- the chance to go through these things  
23          over and over again in -- in a variety of  
24          circumstances.

CONFIDENTIAL

50

1                   And -- and I think that if we can --  
2                   I'd be happy to, first, make sure that we give  
3                   support to you in helping you be sensitive to  
4                   those kinds of things.

5                   And, second, I understand the session  
6                   that you had right before -- I happened to see  
7                   a couple of you on the Oval, and that that  
8                   wasn't -- that that seemed like it wasn't the  
9                   right kind of session.

10                  And so we can try and get this done at  
11                  a better -- at a better -- at a higher level  
12                  and a more sensitive level, and I -- I would  
13                  welcome being able to support that.

14                  FEMALE SPEAKER: And we have, uhm, the  
15                  facilities to do that. We have the people and  
16                  the support and the openness that you now have  
17                  to be ready for that. So we'll help you.

18                  PRESIDENT DRAKE: We will help you  
19                  with that.

20                  I'm sorry. You.

21                  MALE SPEAKER: Yeah. So we appreciate  
22                  that there's, uhm, an effort kind of right now  
23                  within the University to do kind of a follow-up  
24                  to see really what's going on in the band.

CONFIDENTIAL

51

1 PRESIDENT DRAKE: Okay.

2 MALE SPEAKER: But we also have a few  
3 concerns, and this is regarding the Betty  
4 Montgomery investigation.

5 PRESIDENT DRAKE: Okay.

6 MALE SPEAKER: Uhm, just kind of the  
7 way we feel or the way we perceive it, uhm,  
8 happening --

9 PRESIDENT DRAKE: Yeah.

10 MALE SPEAKER: -- it feels to us like  
11 it's kind of seeking to confirm the findings of  
12 the report. Uhm, and a few examples: Like the  
13 only button on the website, when you go to  
14 submit a complaint, that it was --

15 PRESIDENT DRAKE: Did that change? I  
16 mentioned that. They were going to -- I, at  
17 least, addressed that, hoping it was changed.  
18 But I don't know if it has. I haven't looked  
19 though.

20 MALE SPEAKER: I think it -- last time  
21 I checked it, I think, was last night, and it  
22 wasn't changed.

23 PRESIDENT DRAKE: Okay. I'll -- I'll  
24 try that again.

CONFIDENTIAL

52

1 MALE SPEAKER: And we've heard from  
2 some people who have submitted, uhm, kind of a  
3 test, like something that sounds positive and  
4 something that sounds negative.

5 PRESIDENT DRAKE: Yeah.

6 MALE SPEAKER: So the person who  
7 submitted something positive, uhm, waited about  
8 four or five days and got a form letter back  
9 saying, Thank you for your response.

10 The person who submitted something  
11 that sounded like it was going to be negative  
12 got a call within 45 minutes asking for a  
13 personal meeting with Betty Montgomery.

14 So to us, that feels kind of like --  
15 you know, it's like we -- we -- we don't really  
16 have anything -- we can't do anything to get a  
17 positive message out. Like it's really seeking  
18 for something to build something negative about  
19 us.

20 PRESIDENT DRAKE: Sure.

21 MALE SPEAKER: Uhm, so we -- we would  
22 appreciate, uhm, kind of a third-party, totally  
23 independent cultural assessment, not  
24 necessarily an investigation --

CONFIDENTIAL

53

1 PRESIDENT DRAKE: Sure.

2 MALE SPEAKER: -- or something based  
3 on a complaint, but a real, you know,  
4 independent assessment of our culture, uhm,  
5 just to kind of help with that positive public  
6 message that goes out.

7 PRESIDENT DRAKE: Okay. And I think  
8 we had actually -- uhm, there was something  
9 like that that we had spoken about. The  
10 sequence of events was that that needed to --  
11 to wait a little bit.

12 Uhm, but I'm, let me say, happy to do  
13 that. And the, uhm, guidelines are to provide  
14 us with information that helps support you in  
15 the future.

16 So that's what we asked them to do.  
17 That's what the letter, the charging letter,  
18 said. I'm -- I'm sure that it's looking for  
19 problems that might need to be addressed more  
20 than things that are okay.

21 Because it's easier to allow things  
22 that are okay -- you know, there would be more  
23 energy put into correcting things that might  
24 need support than there would be in, uhm,

CONFIDENTIAL

54

1 recognizing things that were okay.

2 But, let me say, I appreciate sharing  
3 in both directions and getting full  
4 information. And that's meant to help us all,  
5 uhm, uhm, do better, uhm, next week, next  
6 month, et cetera. And that's the reason that  
7 it's -- that it's -- that she's here. But I  
8 appreciate those concerns.

9 Uhm, then let me make sure I'm hearing  
10 this, that -- so I have two requests: So one  
11 is to look at the buttons.

12 MALE SPEAKER: Yeah.

13 PRESIDENT DRAKE: And I heard that a  
14 week ago and mentioned it, and I'll follow up  
15 and see what happened with that.

16 And, uhm, uhm, the second is to look  
17 for some level of support that comes forward in  
18 the future that's positive support that comes  
19 out, if I'm --

20 MALE SPEAKER: Right.

21 PRESIDENT DRAKE: I wasn't articulate,  
22 but that's -- I understand that. Okay.

23 MALE SPEAKER: Yeah.

24 FEMALE SPEAKER: Uh-huh.



CONFIDENTIAL

56

1           how we run as an organization would be  
2           [inaudible]. And there was proposal for two  
3           full-time positions that was denied on two  
4           separate occasions by Dean Mark Shanda.

5                       PRESIDENT DRAKE: Yeah.

6                       MALE SPEAKER: So just another look  
7           by -- by you into that whole process.

8                       PRESIDENT DRAKE: Okay. I think this  
9           is a good time to look at that again.

10                      FEMALE SPEAKER: Uhm, I do have to say  
11           something.

12                      Uhm, so in my four years, this would  
13           be my fifth year, I've taken so much away from  
14           this band room, and I've learned life lessons  
15           that I can't get anywhere on campus. Uhm, and  
16           that's something I'm so thankful for.

17                      And right now, for the first time in  
18           five years, I feel very uncomfortable. And I  
19           want people to have the same experience that  
20           I've had, because I think it's so vital for  
21           success in everything that we do.

22                      And I just really want to push that we  
23           are making the right strides so that things can  
24           some -- somewhat go back to normal, and that

CONFIDENTIAL

57

1           our first-year members are receiving the same  
2           kind of experience that we knew.

3                   PRESIDENT DRAKE:   Okay.   And I  
4           appreciate that.   And you all have -- so I  
5           appreciate that and thank you.

6                   I think it's very, very important.   I  
7           think that the sentiments you expressed in the  
8           video were -- were very important and one of  
9           the things that makes this such a valuable  
10          organization.

11                   And you have heard me -- or you know I  
12          would talk about academic and research  
13          excellence, but also character and leadership  
14          excellence, and this is the en -- environment  
15          where character and leadership excellence grow.

16                   FEMALE SPEAKER:   Absolutely.

17                   PRESIDENT DRAKE:   And it's a critical  
18          part of what we do as a university so --

19                   FEMALE SPEAKER:   Uh-huh.   I'm just --  
20          I'm just really concerned right now that that's  
21          going to get lost.

22                   PRESIDENT DRAKE:   Well, let's work --  
23          let -- let's -- let me say that there's steps  
24          that we can take to make sure that that doesn't

CONFIDENTIAL

58

1 get lost, because that would be, uhm, uhm,  
2 unfortunate. I mean, that would be a tragedy.

3 FEMALE SPEAKER: Absolutely.

4 PRESIDENT DRAKE: So things that we  
5 can do -- that I can do to help you make sure  
6 it doesn't get lost.

7 You -- the character and leadership  
8 excellence that you all learn comes really from  
9 you, and it comes, uhm, from your own  
10 interactions and the things that you know so  
11 well.

12 The hard work you've put in and the  
13 progress you can see from that hard work are  
14 the kind of life lessons that make this such a  
15 valuable experience to participate in.

16 So I can do the things that I can do,  
17 like help with the communication or series of  
18 communications that help to, uhm, make sure we  
19 define who you are. Happy to do that.

20 We can look at resources to make sure  
21 there are adequate resources to make sure that  
22 that's not a -- a strain.

23 We can look to make sure that going  
24 forward we have, first, uhm, uhm, support in

CONFIDENTIAL

59

1           understanding the nuances of things like the  
2           compliance regulations and all that -- that  
3           uhm, uhm, help to control us; and that we have  
4           support on cultural growth and assessment and  
5           those things in that broad arena.

6                     And I -- and I think those are all  
7           very positive things that we would -- I'd like  
8           to see us do.

9                     MALE SPEAKER:  What can we, as a  
10          group, both you guys and us, do to help the  
11          personal accounts that have taken place due to  
12          the falsities in this report and the -- and the  
13          false information that has been given out  
14          through the media, and the -- and the  
15          misrepresentation and depiction that has been  
16          portrayed of the band right now, of these  
17          things happening right now and that these  
18          things -- for instance, my name is on the  
19          report.

20                    I was never asked about anything to  
21          confirm anything like that.  A lot of people  
22          knew me as that, and my name is now attached to  
23          something that's not true or accurate.

24                    PRESIDENT DRAKE:  Okay.  Uhm, so I can

CONFIDENTIAL

60

1 say a couple things: Uhm, one is we'll, uhm,  
2 try, uhm, to work together on communications  
3 that help to make the statements that I think  
4 are clarifying, for one.

5 Uhm, I have two other things I think  
6 are true that are really important. Uhm, I,  
7 uhm, uhm, believe that the truth wins out  
8 generally.

9 FEMALE SPEAKER: Uh-huh.

10 PRESIDENT DRAKE: And that, uhm, what  
11 is true is more important than what people  
12 think is true.

13 And so to be, uhm, yourselves and be  
14 that outstanding organization, I think, is  
15 critically important every step of the way  
16 going forward. And every -- every day that  
17 you're that, the things that aren't true  
18 become, uhm, less relevant and -- and turn into  
19 background noise. And so I think that's a  
20 critically important thing.

21 I think that your, uhm, representing  
22 yourselves proudly on the field this year will  
23 be -- uhm, that's the largest, uhm, statement  
24 of who you are. People will cheer you and

CONFIDENTIAL

61

1 appreciate you.

2 And, uhm, so I think that those things  
3 are really -- are really true.

4 I don't mean to -- you know, I've --  
5 I've had circumstances where there was an awful  
6 lot of untruth happening. I'll put a kernel of  
7 truth, but a lot of untruth. And the untruth  
8 was overwhelming.

9 FEMALE SPEAKER: Uh-huh.

10 PRESIDENT DRAKE: Uhm, overwhelming.  
11 And it -- and the path that we took was to --  
12 to really create and support the actual truth.

13 And I wasn't sure at the time it was  
14 going to work. Uhm, uhm, but -- but let me say  
15 that it did work, and the actual truth came to  
16 light, and was then celebrated in -- in an  
17 incredible way.

18 Uhm, and I -- uhm, I -- so I -- I  
19 believe that that -- that that's what works,  
20 and I would like to be supportive of that.

21 FEMALE SPEAKER: Uh-huh.

22 MALE SPEAKER: Is there anything being  
23 done to, uhm, check the procedural happenings  
24 of this -- this initial investigation?

CONFIDENTIAL

62

1 PRESIDENT DRAKE: Yes.

2 MALE SPEAKER: Is there anything done  
3 to check to make sure that what these people  
4 were doing wasn't biased and that they were  
5 doing what they called --

6 MALE SPEAKER: (Inaudible.)

7 MALE SPEAKER: Yeah.

8 PRESIDENT DRAKE: Yeah.

9 MALE SPEAKER: Is there -- is there  
10 something -- are we evaluating the people who  
11 do this report?

12 PRESIDENT DRAKE: Yeah.

13 MALE SPEAKER: As the people being  
14 included in this report, you know, we obviously  
15 believe it was poorly conducted and is not a  
16 representation of us at all and --

17 PRESIDENT DRAKE: Yeah. So let me say  
18 that part of what -- part of the task force is  
19 a review of our of policies -- of the policies  
20 and procedures, uhm, that -- and they'll look  
21 at the ones that happened in this case and make  
22 recommendations on going forward.

23 A specific part of it is to look at  
24 a -- the policies and procedures to make sure

CONFIDENTIAL

63

1           that they are, uhm --

2                   MALE SPEAKER: Is it looking at the  
3 people who -- who conducted this initial  
4 investigation?

5                   PRESIDENT DRAKE: So let me say, I  
6 want to be clear about what I know and don't  
7 know. Part of it was -- we had three parts to  
8 the report or to the task force.

9                   And one part was to look at our --  
10 our, specifically, Title IX policies and  
11 procedures, how those were carried out and were  
12 there ways to improve that.

13                   MALE SPEAKER: Uh-huh.

14                   PRESIDENT DRAKE: That's being done by  
15 a law firm that's hired to do it, so I won't  
16 interact. But it's totally independent. It's  
17 meant to be independent, honestly, so it can be  
18 critical of the University.

19                   We don't -- if we did it ourselves,  
20 then people would say --

21                   MALE SPEAKER: I apologize for  
22 interrupting.

23                   PRESIDENT DRAKE: Yeah.

24                   MALE SPEAKER: He was asking you about

CONFIDENTIAL

64

1 the original report, and you were responding  
2 about Betty Montgomery's report.

3 PRESIDENT DRAKE: Yes.

4 MALE SPEAKER: So I think you two are  
5 missing each other right now.

6 PRESIDENT DRAKE: Okay. Let me try  
7 again.

8 MALE SPEAKER: Okay.

9 PRESIDENT DRAKE: So -- so --

10 MALE SPEAKER: I think Chris --  
11 Chris Glaros is -- was the name associated with  
12 that -- with that report.

13 PRESIDENT DRAKE: Yes, uh-huh.

14 MALE SPEAKER: Is there -- is there an  
15 investigation into his methods of -- or his  
16 group's methods of --

17 PRESIDENT DRAKE: Yeah. So I thought  
18 I was answering that.

19 FEMALE SPEAKER: That is what it is.  
20 That's what that is.

21 PRESIDENT DRAKE: I thought that's  
22 what I was answering. Forgive me.

23 MALE SPEAKER: Okay.

24 PRESIDENT DRAKE: So what I'm -- what

CONFIDENTIAL

65

1 I'm saying is that the, uhm --

2 FEMALE SPEAKER: There's a separate  
3 group, a law firm --

4 PRESIDENT DRAKE: Hired.

5 FEMALE SPEAKER: -- that's hired to  
6 look at how we manage our policies and  
7 procedures. That --

8 PRESIDENT DRAKE: Would be reflected  
9 in that, right.

10 FEMALE SPEAKER: -- example would be a  
11 piece of that.

12 PRESIDENT DRAKE: I don't know exactly  
13 what they're doing, because, again, it's  
14 independent. But our -- our question to them  
15 was, how -- are our policies and procedures  
16 what they should be, are we following them  
17 appropriately.

18 MALE SPEAKER: Are they going to be --

19 FEMALE SPEAKER: And that's separate  
20 from Betty Montgomery.

21 MALE SPEAKER: Are they going to be  
22 interacting with us, our side of the story, in  
23 terms of how we --

24 PRESIDENT DRAKE: Let me -- let me

CONFIDENTIAL

66

1           then -- let me suggest, uhm, that, uhm -- let  
2           me -- I have to kind of do it indirectly, but  
3           let me suggest that they -- that that's  
4           something they consider as they do this report.

5                   MALE SPEAKER: Uh-huh.

6                   PRESIDENT DRAKE: Let me say why it's  
7           done. It's done so that we wouldn't be in a  
8           position of having bad policies and procedures  
9           and -- and saying that they were okay.

10                   So it's meant to be external from the  
11           University so that it's a third party, uhm,  
12           uhm, giving us guidelines or criticizing or  
13           supporting what we've done one way or the  
14           other.

15                   MALE SPEAKER: Uh-huh.

16                   PRESIDENT DRAKE: So, yes, that's  
17           being evaluated. Not in a retrospective, you  
18           know, going through it and do the whole thing  
19           over again, but looking at our policies and  
20           procedures and -- and just looking at it.

21                   MALE SPEAKER: Yeah. Because --  
22           because I think there's a lot -- I mean, you've  
23           heard, I'm sure, that there are several people  
24           who were used as witnesses in the report who

CONFIDENTIAL

67

1           said that their -- that the words that they  
2           used in the report have been taken out of  
3           context --

4           PRESIDENT DRAKE: Yes.

5           MALE SPEAKER: -- and not fully  
6           represented in the report itself.

7           PRESIDENT DRAKE: Okay.

8           MALE SPEAKER: It's a very biased  
9           report.

10          MALE SPEAKER: Yes.

11          PRESIDENT DRAKE: You know, that's  
12          just -- I'll try this. Let me say, and, you  
13          know, and I always -- I believe we've made good  
14          progress today, which I feel, uhm, uhm, uhm,  
15          much better about.

16                 Uhm, I want you to think that when I  
17          saw things that looked like they were biased or  
18          tainted or sensationalized that those were  
19          discounted because of that, because that's what  
20          I would do. Just -- just to -- just to say  
21          that.

22                 So I -- so let me say, the report had  
23          an awful lot of information in it. And, uhm,  
24          uhm, speaking for myself and all but -- is that

CONFIDENTIAL

68

1 I did everything I felt that I -- was  
2 appropriate to filter out information that I  
3 thought was irrelevant or extraneous or  
4 inflammatory or historical.

5 FEMALE SPEAKER: Uh-huh.

6 PRESIDENT DRAKE: Uhm, so just I -- so  
7 I guess I want to agree with you that I  
8 understand that lots of it was.

9 MALE SPEAKER: Yeah. But I mean --  
10 and publicly you said you stand by the findings  
11 of the report. But why would the University  
12 stand by a report that's sensationalized? I  
13 feel like it should have been objective.

14 PRESIDENT DRAKE: Let me say, uhm,  
15 that -- that if we take all, the hundred  
16 percent, of it that's there, uhm, uhm, the  
17 decision would have been made on, uhm, bits,  
18 parts of it, uhm, that were, uhm, kind of  
19 distilled from the report as a whole.

20 So that's what I -- what I said  
21 publicly, I tried to be careful to say that I  
22 stood by what I felt were the facts that were  
23 presented to us. And I meant that to be the  
24 facts that we saw them as they came forward.

CONFIDENTIAL

69

1                   We have to evaluate the validity and  
2                   the -- uhm, uhm, (inaudible) those facts and  
3                   when those fact occurred. And I -- I would say  
4                   that I would do the best I could to do that.

5                   But I -- but I understand -- so I'll  
6                   just leave it at that. I want to try to be  
7                   accurate in what I'm saying and --

8                   MALE SPEAKER: One follow-up --

9                   FEMALE SPEAKER: Okay.

10                  MALE SPEAKER: -- to cover the bulk of  
11                  it.

12                  FEMALE SPEAKER: Yes.

13                  MALE SPEAKER: The -- what facts were  
14                  strong enough to you -- I don't know if you can  
15                  answer this or not.

16                  But what -- what facts were strong  
17                  enough for you that called for termination?

18                  PRESIDENT DRAKE: So that's within --  
19                  you -- you -- you correctly, uhm -- that --  
20                  that would be the personnel-action part that I  
21                  couldn't talk about.

22                  MALE SPEAKER: Personnel action,  
23                  okay.

24                  PRESIDENT DRAKE: But -- right. So

CONFIDENTIAL

70

1 let me say that there's a time in the future  
2 maybe when that's possible, and -- and then I  
3 would be more than happy to share it. But I --  
4 we just have to wait until that time comes.

5 MALE SPEAKER: Okay.

6 FEMALE SPEAKER: Is there anything  
7 else that has to do with, uhm, Dr. Drake  
8 knowing who you are as a band that you want to  
9 leave with?

10 MALE SPEAKER: Uhm, I think, uhm,  
11 between you and our band, we've made a first  
12 impression in the worst way possible. And  
13 right now, uhm, I -- I think our relationship,  
14 in a way, is very broken.

15 And, uhm, it's something that I would  
16 just like to say that you probably already know  
17 is that it's going to take a lot of time for us  
18 to -- to mend this relationship, and I think  
19 even more so, probably the people that, you  
20 know, we would like you to speak with and the  
21 rest of the band.

22 PRESIDENT DRAKE: Okay.

23 MALE SPEAKER: Not just our leaders.

24 Uhm, uhm, I've heard talking to a lot

CONFIDENTIAL

71

1 of these people that for the first time in  
2 their Buckeye careers, uhm, they -- they still  
3 are just as proud, just as proud, to be a  
4 member of the band, but for the first time,  
5 they're not really proud to be calling  
6 themselves a Buckeye.

7 And I -- I personally don't want that.  
8 I don't want that to hang over my -- my career  
9 here, and no one else does.

10 PRESIDENT DRAKE: Okay.

11 MALE SPEAKER: So I think, uhm, the  
12 willingness that you've shown to -- to start to  
13 help mend that relationship is awesome, and  
14 I -- I hope that going forward that -- that we  
15 can do that, uhm, very much so.

16 FEMALE SPEAKER: I want to thank all  
17 of you for being here today. This is never  
18 easy.

19 I want to thank Dr. Drake for being  
20 here. It's, uhm, a lot to talk about, we want  
21 to work together. It's another thing to take  
22 the time. And I think on both sides that's  
23 what has occurred.

24 I like how you ended this, uhm, that

CONFIDENTIAL

72

1 mending takes time, but we're both, on both  
2 sides, willing to make that happen.

3 So, uhm, I hear you very loud and  
4 clearly saying the entire band would like to  
5 hear from Dr. Drake; and he was very clear that  
6 he is willing and ready.

7 And I think I mentioned that, uhm, the  
8 other day. So we just need to put that  
9 together. Now we need to rely on you guys to  
10 do that.

11 In the interest of time --

12 FEMALE SPEAKER: It's real quick.

13 FEMALE SPEAKER: Okay.

14 FEMALE SPEAKER: Uhm, is there a time  
15 frame that we can expect to have you making  
16 like a public statement and addressing the  
17 band?

18 PRESIDENT DRAKE: Yeah.

19 FEMALE SPEAKER: When will that be?

20 PRESIDENT DRAKE: Uhm, soon. Let me  
21 say --

22 (Laughter.)

23 FEMALE SPEAKER: Say, can we get like  
24 a concrete -- well, I know (inaudible)

CONFIDENTIAL

73

1 PRESIDENT DRAKE: No, let -- let me  
2 say -- no.

3 What -- I think what I would like for  
4 our statements or something, why don't we think  
5 about that starting now.

6 And, uhm, uhm, if you could sort of  
7 roll forward what you think you'd like --

8 FEMALE SPEAKER: Uh-huh.

9 PRESIDENT DRAKE: -- uhm, uhm, uhm,  
10 tomorrow, we'd try and get something out by  
11 early next week, I think. I mean, that would  
12 be a -- well, I said "right away" --

13 FEMALE SPEAKER: Uh-huh.

14 PRESIDENT DRAKE: -- and that would  
15 mean, I think, uhm, early next week.

16 FEMALE SPEAKER: Uh-huh.

17 PRESIDENT DRAKE: Do me the favor of  
18 writing something that you think that I can  
19 send out. I mean, just, you know, I'd say, be  
20 thoughtful about that, and then I'll -- I'll be  
21 happy to do it. Uhm -- okay.

22 MALE SPEAKER: Would you be open to  
23 making a video statement, as you (inaudible) to  
24 get earlier?

CONFIDENTIAL

74

1 PRESIDENT DRAKE: Sure, yeah. Sure.

2 Yeah.

3 MALE SPEAKER: I -- I don't know about  
4 all of us out here, but do we want to give him  
5 the video to -- to maybe use that, or do we  
6 want to --

7 MALE SPEAKER: Well, I would -- I  
8 would like a statement coming from him --

9 FEMALE SPEAKER: You guys can decide.

10 (Multiple speakers overlap.)

11 FEMALE SPEAKER: You can write it out.  
12 You guys can decide what you want to forward,  
13 and you have time to do that.

14 (Inaudible. Multiple speakers  
15 overlap.)

16 FEMALE SPEAKER: I'm sorry. We've got  
17 to give you a chance to say.

18 (Inaudible. Multiple speakers  
19 overlap.)

20 PRESIDENT DRAKE: Yeah. I would only  
21 say that I would like to make sure that I'm --

22 MALE SPEAKER: He wants a  
23 representation --

24 PRESIDENT DRAKE: -- that I'm

CONFIDENTIAL

75

1 representing what you wanted, that I say things  
2 that you'd like to say.

3 FEMALE SPEAKER: Uh-huh.

4 PRESIDENT DRAKE: I wouldn't say  
5 anything that I didn't mean.

6 FEMALE SPEAKER: Uh-huh.

7 PRESIDENT DRAKE: Don't -- don't worry  
8 about that.

9 FEMALE SPEAKER: Uh-huh.

10 PRESIDENT DRAKE: I just want to make  
11 sure that I'm capturing, uhm, what you'd like.  
12 That's -- so I'm asking for your assistance --

13 MALE SPEAKER: Very good.

14 PRESIDENT DRAKE: -- in giving me  
15 information I can use to help frame it. Okay.

16 FEMALE SPEAKER: I don't think you can  
17 overstate your support for us. I think you  
18 said before that, uhm, you thought it had come  
19 across that you thought we were good people and  
20 you support us, and I don't think it really did  
21 come across.

22 PRESIDENT DRAKE: Fine.

23 FEMALE SPEAKER: And that's what I  
24 mean.

CONFIDENTIAL

76

1 PRESIDENT DRAKE: I understand.

2 FEMALE SPEAKER: I think it got lost  
3 in translation.

4 PRESIDENT DRAKE: Yes.

5 FEMALE SPEAKER: And I think just,  
6 uhm, I don't want to get hurt here by something  
7 coming out bad.

8 PRESIDENT DRAKE: Okay.

9 FEMALE SPEAKER: I would love to help  
10 out as much as possible, and I would also, you  
11 know, really like to get like your own opinions  
12 in there, too.

13 PRESIDENT DRAKE: Yes. Yes, I, uhm,  
14 am very thoughtful about things I write and put  
15 out. Uhm, I promise.

16 FEMALE SPEAKER: Okay.

17 PRESIDENT DRAKE: So I will, uhm, uhm,  
18 be happy to -- I mean, I -- I could do it by  
19 myself, but I don't --

20 MALE SPEAKER: No, we'll give you some  
21 bullet points.

22 PRESIDENT DRAKE: Yeah. I would  
23 like -- I mean, I want to make sure that I'm  
24 reflecting the communication that you would

CONFIDENTIAL

77

1           like to see.

2                   MALE SPEAKER:   Maybe we could see it  
3           before you put it out.

4                   PRESIDENT DRAKE:   Yeah.  No, I -- I --  
5           the -- the closer it is to what you'd like to  
6           see, the happier I would be.

7                   And the sooner we can work out a visit  
8           with, uhm, your fellow band members, uhm, the  
9           sooner we will.  I don't know if that was good  
10          English, but we'll do it soon.

11                   (Laughter.)

12                   FEMALE SPEAKER:   Okay.

13                   PRESIDENT DRAKE:   There was some  
14          language that sounded like -- okay.

15                   So I -- so I -- so good.  So I'm  
16          happy -- happy that we had a chance to, uhm,  
17          meet.  I was saying, as -- as I was coming, I  
18          was looking forward to meeting with the band.  
19          I -- this would have been months ago.

20                   I had -- I was -- my fantasy was  
21          different.  Uhm, Uhm, but I'm -- I'm happy to  
22          have a chance to be able to talk now about this  
23          and to try to -- try to get some steps moving  
24          in the right direction.  Okay.

CONFIDENTIAL

78

1 MALE SPEAKER: Us, too. Thank you.

2 MALE SPEAKER: Please look at this.

3 You know --

4 PRESIDENT DRAKE: Yeah. And I have  
5 them here, and, uhm, they'll -- they'll go with  
6 me and all my stuff. Okay.

7 And then I will also find out if there  
8 is, uhm -- you, someone asked about input, and  
9 we'll talk about ways to get input, uhm, uhm,  
10 and that would be things specifically about  
11 this year (inaudible). Okay?

12 FEMALE SPEAKER: Okay.

13 PRESIDENT DRAKE: Thanks very much.

14 MALE SPEAKER: Thank you.

15 (End of audio file.)

16 - - -

17

18

19

20

21

22

23

24

CONFIDENTIAL

79

1 C E R T I F I C A T E

2

3 I, Casey G. Schreiner, Court Reporter, Notary  
4 Public in and for the State of Ohio, duly commissioned  
5 and qualified, do hereby certify that this is a true  
6 and correct transcription, to the best of my ability,  
7 of the audio recording in the aforesaid matter.

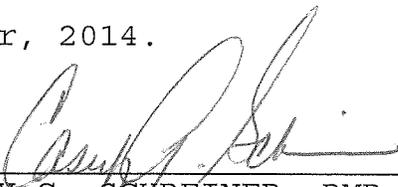
8 I do further certify that I am not a  
9 relative, employee of or attorney for any of the  
10 parties in this action; that I am not a relative or  
11 employee of an attorney of any of the parties in this  
12 action; that I am not financially interested in this  
13 action, nor am I or the court reporting firm with  
14 which I am affiliated under a contract as defined in  
15 the applicable civil rule.

16

17 IN WITNESS WHEREOF, I have hereunto set  
18 my hand and affixed my seal of office at Toledo, Ohio  
19 on this 9th day of September, 2014.

20

21

  
\_\_\_\_\_  
CASEY G. SCHREINER, RMR-RDR  
Notary Public  
in and for the State of Ohio

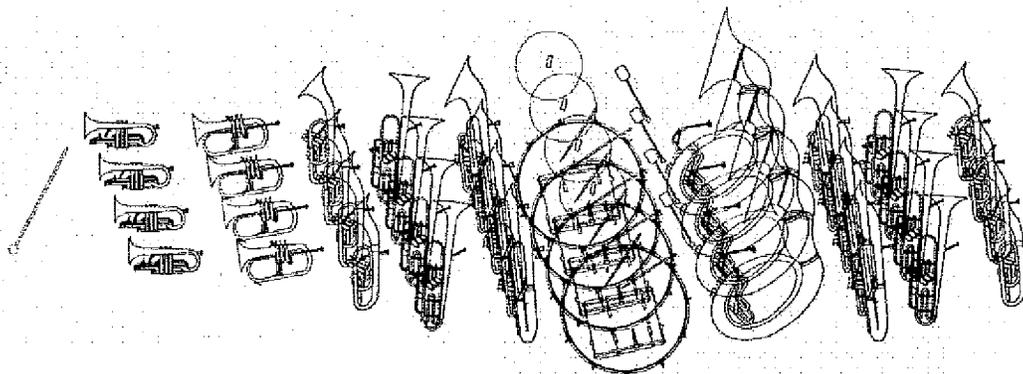
22

23

24

My Commission expires December 26, 2016.

**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 OSUAA<sup>1</sup>

<sup>1</sup> 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 Report<sup>2</sup> 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.

<sup>2</sup> [www.nbc4i.com/.../osu-5-million-donor-rethinks-future-gifts](http://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.”<sup>3</sup>
- *“...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.

---

<sup>3</sup> 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%.<sup>4</sup>

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.

---

<sup>4</sup> 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.<sup>5</sup>

---

<sup>5</sup> 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.<sup>6</sup> 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 2010<sup>7</sup>, 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.<sup>8</sup>
  - *“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.<sup>9</sup> 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

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

<sup>7</sup> Ben Thornton (2006-10).

<sup>8</sup> Clay Finken (2008-11).

<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> Recent Alumni state that offensive nicknames were banned after 2011.<sup>12</sup>

○ “...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.<sup>13</sup>

- “*Boob Job*” – This name was given in 2008, before Mr. Waters was director.<sup>14</sup>
- “*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.<sup>15</sup>
- “*ERV*” – This name was given in 2007, before Jon Waters was director, and is therefore irrelevant to this report.<sup>16</sup>
- “*Gina*” – This name was given in 2007, before Jon Waters was director, and is therefore irrelevant to this report.<sup>17</sup>
- “*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 attached<sup>18</sup>, 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.<sup>19</sup>
- “*Squirt*” – This name was given in 2004, long before Mr. Waters was director, and is therefore irrelevant to the IR. She has indicated<sup>20</sup> that she is very upset to have been included in the IR, especially regarding her trick. (See “Tricks” section.)

<sup>10</sup> Clay Finken (2008-11).

<sup>11</sup> Jeanette Town (2009-2011)

<sup>12</sup> Robert Drese (2010-13).

<sup>13</sup> Lindsey Danhoff (2006-10).

<sup>14</sup> Holly Lewis (2005-08).

<sup>15</sup> Jocelyn Smallwood (2008-12). Attachment 7, Item 68

<sup>16</sup> Holly Lewis (2005-08).

<sup>17</sup> Chris Shaffner (2005-08).

<sup>18</sup> Attachment 7, Item 13

<sup>19</sup> Joe Plattenburg (2009-13).

<sup>20</sup> 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.<sup>21</sup>
- “*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.<sup>22</sup>
- “*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.<sup>23</sup>
- “...*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.<sup>24</sup> 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.<sup>25</sup>
- “.....*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.<sup>26</sup>
- “...*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.<sup>27</sup>
- “...*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

---

<sup>21</sup> Jocelyn Smallwood (2008-12).

<sup>22</sup> Chris Shaffner (2005-08).

<sup>23</sup> Attachment 7, Item 73

<sup>24</sup> Jeanette Town (2009-11).

---

<sup>25</sup> Jeanette Town (2009-11).

<sup>26</sup> Robert Brese & Tyler Studebaker (spanning 2008-13).

<sup>27</sup> 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.<sup>28</sup> Moreover, this student has indicated in private conversations<sup>29</sup> 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.

<sup>28</sup> Rebecca Thompson & Holly Lewis (spanning 2005-10).

<sup>29</sup> Jennifer Mitchell (2002-06).

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

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

- *“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.<sup>32</sup>

- *“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.<sup>33</sup>

- *“...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.<sup>34</sup>

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

<sup>30</sup> Chris Shaffner (2005-08).

<sup>31</sup> Jeanette Town (2009-11).

<sup>32</sup> Chris Wiet (2008-12).

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

<sup>34</sup> 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.<sup>35</sup>

- 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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**<sup>39</sup>.

- “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,

<sup>35</sup> Chris Wiet, & Jackie Schilling (spanning 2008-13).

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

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

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

<sup>39</sup> 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.<sup>40</sup>
  - “...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 copy<sup>41</sup> 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.<sup>42</sup>
- “...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?

<sup>40</sup> Robert Brese & Chris Wiet (spanning 2008-13).

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

<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup>

- 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.<sup>45</sup>

- “*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.<sup>46</sup>

- “*...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.<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup>

- “*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

<sup>43</sup> Jeanette Town (2009-11).

<sup>44</sup> All recent alumni who contributed (spanning 2001-13).

<sup>45</sup> Jennifer Mitchell & Holly Lewis (spanning 2002-08).

<sup>46</sup> Chris Wiet (2008-12).

<sup>47</sup> Jennifer Mitchell (2002-06).

<sup>48</sup> Robert Brese & Chris Wiet (spanning 2008-13).

<sup>49</sup> Attachment #8

<sup>50</sup> Jason Stroud & Jennifer Mitchell (spanning 2001-06).

recent alumni rarely, if ever, recall seeing such an act in their years.<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup> 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

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

<sup>52</sup> Jackie Schilling (2009-13).

<sup>53</sup> Robert Brese (2010-13).

<sup>54</sup> 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.<sup>55</sup>

- "... 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.<sup>56</sup> 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.<sup>57</sup> Moreover, Mr. Waters started Squad Leader retreats and training sessions specifically designed to help student leaders improve the culture of the band.<sup>58</sup>
- "...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.<sup>59</sup> (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.<sup>60</sup> 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.<sup>61</sup> These policies were given, in writing, to each

<sup>55</sup> Jackie Schilling (2009-13).

<sup>56</sup> Jennifer Mitchell (2002-06).

<sup>57</sup> Robert Brese (2010-13).

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

<sup>59</sup> Tyler Studebaker (2008-12).

<sup>60</sup> Tyler Studebaker (2008-12).

<sup>61</sup> 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.<sup>62</sup>

- “... *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.<sup>63</sup>
- “... *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.

---

<sup>62</sup> Attachment # 8, Policy and Procedure excerpts

<sup>63</sup> 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”.<sup>64</sup> 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.<sup>65</sup>
  - “... *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.<sup>66</sup>
  - “... *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

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

<sup>65</sup> See earlier footnotes about this topic in the “Midnight Ramp” section.

<sup>66</sup> Jennifer Mitchell (2002-06).

such change in a manner that would cause them to buy in.<sup>67</sup>

- “... *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 rules<sup>68</sup>, 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.<sup>69</sup>
- “... *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.<sup>70</sup>

---

<sup>67</sup> Attachment # 9

<sup>68</sup> Attachment # 9

<sup>69</sup> Robert Brese (2010-13).

<sup>70</sup> 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.<sup>71</sup>
- “*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.<sup>72</sup> 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.<sup>73</sup>

---

<sup>71</sup> Tyler Provo (2008-11).

<sup>72</sup> Publicly released letter from alumna Rebecca Demattia (2006-10).

---

<sup>73</sup> 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 Vaughn<sup>74</sup> 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.

---

<sup>74</sup> 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”.<sup>75</sup> 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.”<sup>76</sup>

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

<sup>75</sup> 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>.

<sup>76</sup> p. 25 of 46 at

<http://www2.ed.gov/about/offices/list/ocr/docs/ga-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)<sup>77</sup>

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.

---

<sup>77</sup>

(<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.<sup>78</sup>

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

78

<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.<sup>79</sup>

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

<sup>79</sup> <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 25<sup>th</sup>. 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 tdbbitl, 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 18<sup>th</sup> 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

Reply Retweet Favorite More

-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](http://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](mailto: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](mailto: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](mailto: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](mailto:Compston.2@osu.edu)

**From:** [goldenbrianj@gmail.com](mailto:goldenbrianj@gmail.com) [mailto:[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](mailto: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](mailto:lowe.133@osu.edu) [osu.edu](http://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](mailto: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](mailto: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](mailto: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](mailto: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:  
[presidentsclub@osu.edu](mailto:presidentsclub@osu.edu) | [presidentsclub.osu.edu](http://presidentsclub.osu.edu)

[Manage subscription](#) | [Privacy policy](#)

# **ATTACHMENT 6**



THE OHIO STATE UNIVERSITY

Board of Trustees

100 North Oval Drive

Columbus, OH 43210

614.292.1234

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	Donna	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](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<sup>®</sup>, CDFA<sup>™</sup>  
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:

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 complete 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 in 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.

Dr. Michael Drake  
August 2, 2014  
page 2

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 my 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 based on a report which, at best, is flawed at its most basic levels and contains unfounded and misguided information. 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 also 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 you gave to your decision was totally inconsistent with appropriate management practices.

Dr. Michael Drake  
August 2, 2014  
page 3

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 fully 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. 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 questionable things, but others. Please see the attached document, marked as “EXHIBIT 1”, which I believe was written by Mr. Waters in an attempt to show how he WAS trying to change things, but 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.

Dr. Michael Drake  
August 2, 2014  
page 4

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,

Darryil R. Bauchert, Sr., MBA, CFP<sup>®</sup>, CDFA<sup>™</sup>  
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 Leppla, 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 Jonathan 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](mailto: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 24<sup>th</sup> 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](http://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 5<sup>th</sup> 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

Board of Trustees

Mr. Jeffrey Wadsworth	Mr. Ronald A. Ratner	Mr. Alex Shumate	Mr. Algenon L. Marbley
Ms. Linda Stern Kass	Ms. Janet B. Reid	Mr. W. G. Jurgensen	Mr. Clark C. Kellogg
Mr. Timothy P. Smucker	Ms. Cheryl L. Krueger	Mr. Michael J. Gasser	Mr. Brent R. Porteus
Ms. Erin P. Hoeflinger	Mr. Alex R. Fischer	Ms. Abigail S. Wexner	Mr. G. Gilbert Cloyd
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](http://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



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 as I was being hazed, 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 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 or 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 place 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 my 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 my 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 it's a 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.

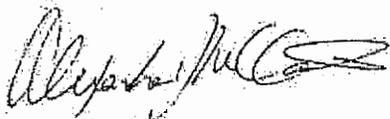
We believe such a meeting is essential because of the shadow the Glaros report has cast over us, the band and alumni, to say nothing of Jonathan Waters. You have stated that the university was on a strict timetable in issuing its report. Therefore, you should attach equal urgency to repairing the damage 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.

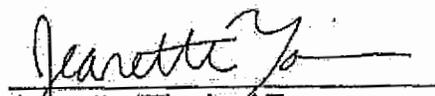
President Michael Drake  
Board of Trustees of The Ohio State University  
August 12, 2014  
Page 3 of 3

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.

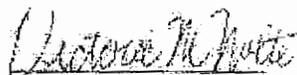
Respectfully and sincerely,



Alexandra "Joobs" Clark  
Clark.1769@osu.edu



Jeanette "Tiggles" Town  
Town.6@buckeyemail.osu.edu



Victoria "Tulsa" Nolte  
Nolte.19@osu.edu



Jocelyn "Donk" Smallwood  
jsmallwood1025@gmail.com



Lindsay "ERV" Barrie  
Barrie.10@osu.edu

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.

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 safe and supportive 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 buses
- 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.

## 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

my ideal, so musically talented, strong and a wonderful leader. She was one of my squad leaders also and the first female Most Inspirational Bandsman. By my last year I was so much better, so much more confident – I could march an entire tryout drill or series of ramps without missing a note, could march down the field with no horn movement, could march Sloop with no drifting, could fall out and instruct a candidate whenever asked. As M-7, my dad and I were at one time the only two family members to have marched the same spot. That may be different now, but still fabulous to us!

I met the love of my life in band, Brian Stevens, who has gone on to become one of the best high school band directors in the state in my humble opinion. His cousin had been in the band, so Brian knew he wanted to try out for himself. Although he was cut the first time, he did not let that stop him as he had his own store of determination. When he made the band on his second try, his parents were so incredibly proud of him. That learning experience has allowed him to reach out to students who may experience failure and encourage them to persevere, then succeed with the victory all the sweeter. A member of Trumpet Cheers, he also became a squad leader his last year. We continued attending the TBDBITL alumni reunion together when his fall schedule allowed, and we do so to this day. Also the director of the Brass Band of Columbus, he has many former OSUMB, now TBDBITL alumni members in his band. We share an heritage of pride and excellence. Brian's high school bands have long marched in the Buckeye Invitational, and he and Jon worked together often to hone and enhance the role the Ohio Music Educator's Association plays in high school music programs. You have never seen anything more lovely than the look on a student's face when they come off Ohio Field having marched their competition or exhibition show. A dream come true for many, and a powerful recruitment tool for Ohio State. My brother, Steve Essman, also made the band. He played sousaphone, has emotional and deeply felt memories of dotting the "i" and was in K-L Row with Jon. He told me at the time what a wonderful person Jon was, and was so incredibly thrilled for him last year when named the head director, at long last. Steve's five years in band shaped him, also allowing him the chance to grow into the strong, wonderful person he is today. Steve also comes back for reunion every chance he gets.

Three years ago, our son, Dan Stevens, auditioned for the first time, on trombone. There is nothing harder than knowing exactly what your child is facing and having no power to influence the outcome. He wore the same grid into the yard, ran miles and miles, and went to every summer session. Like my dad had done, I asked him what he would do if he were cut. Try again next year, like dad did, he said. Dan is such a bold soul, with a big heart and incredible talent, and I was so scared. He made the band as an alternate, one of only five freshmen to be selected that year. He has done very well and this year is assistant squad leader in Q-Row to his best friend. He plays in Trombone Cheers and has been known to serenade our pastor, my mother, various friends and family if he knows where they are seated in the stadium. Another best friend from high school is also in Q-Row and Dan has never been happier. Brian and I are so proud of him. He was interviewed last year by Channel 6 at the height of the positive hoopla, and again a week ago at the depths of despair, and acquitted himself well. His sister has the talent and strength to make the band, but would choose to be the band PT, providing her insight and wisdom in other ways. His younger brother has expressed a wish to try out when his time comes, as well, so the tradition continues.

I submit this family history to make a point. This is not an institution based on degradation, humiliation and negative practices, nor could it do so and persist for generations. I carry that

family connection with me wherever I go, continually meeting people who also have a deep pride in our history. I stand with my band family and the current OSUMB.

I stand with Jon Waters.

Respectfully yours,  
Julie Essman Stevens, M-Row 1985-1988

I am writing to you to provide information on my experiences with the Ohio State University Marching Band culture. I was a member of the marching band from 1986 to 1990, and a member of KL-row. This is the basses, or as most people call them tubas or sousaphones. I dotted the "i" twice in my time at Ohio state, in 1989 and 1990.

It is with great dismay that I have seen our reputation slandered by an inaccurate representation of our culture.

The OSU report glosses over some very critical pieces of information, and because of that the press has read between the lines to spread information that is actually libelous. There are many baseless claims of things people had to do to participate in the band.

It's been constantly overlooked that there is a very formal process for getting into the band. Tryouts will start this week and I sincerely hope you attend this process. It is a very serious professionally run system that has been in place for years. Past members as well as new candidates must tryout. The tryout as I remember it consisted of one musical audition, one candidate at a time in front of School of Music faculty. But primarily the audition consisted of three long intense half-day marching sessions where you were assigned complex drills, and were graded on your execution of marching fundamentals, your ability to remember complex drills, and how you handled it when you could not remember them.

It is an intense time, and for those who don't make it, a painful time. I was cut twice, in 1984 and 1985.

There is nothing during this process that could remotely be considered hazing or harassment. None of the things that OSU's report alleges could ever happen at this time. You are not in the band. The only way to get in the band is through this tryout process. More importantly, there is no danger of being removed from the band after you make it (excepting of course for acts that would get you thrown out of any OSU class).

Any such comparisons of the alleged rituals in the investigative report with fraternity hazing rituals are therefore inappropriate, as these hazing rituals in fraternities are prior to membership. Various articles have reported that these are things you "had to do to participate". And yet this is absolutely not true. The only prerequisite to participation in the band is the tryout process.

Not everyone marches in the band. There are two alternates for every row (of twelve) who do not march. Again though this is controlled entirely by formal processes. Failure to memorize your music can result in becoming an alternate. Otherwise, alternates challenge someone from within the row in a process just like the tryout process, to try to take their marching spot by demonstrating superior marching skills. Marching ability is the only criteria that matters. These challenges are judged by squad leaders, and overseen by band staff.

No one is immune from this process. One year a marcher who I will not name in his fourth year was a bit out of shape. A rookie chose to challenge him as the weakest marcher currently marching. This is unusual as most fourth year members are expert marchers. Because of this, the staff was giving this challenge extra scrutiny to insure that only marching ability came into

play. The rookie lost, but the challenge was very close. Afterward there were no repercussions for the rookie. They were doing exactly what they were there to do, insure excellent marching in the row. The fourth year member shaped up.

These are the kinds of things that the band is really all about. This is the truest heart of the band's culture. We were there to make sure the band did the best job possible.

Band practices and performances were always run with the utmost respect and professionalism. Every band function was taken seriously. There was only one way to gain respect in this system, and that was to work hard and do your job well. There was also only one way to lose respect, which likewise, was to fail to take your band membership seriously.

Most of the alleged rituals in the report, I do not recognize. Some though, I do, and I witnessed them or took part. However it should be made extremely clear that the vast majority of such things happened completely outside of the duties of the marching band, for instance at parties put on by band members. Attendance at these parties was not required by staff, nor did any students ever claim they were required.

Any extracurricular traditions of the band are only intended to bring the band together. One of the few things that did take place during practice was the use of rookie nicknames. However this was a process who's goal was inclusion, not humiliation. Nicknames were chosen with sensitivity to the response from the rookie. Sometimes based on an uncomfortable look, but often based on direct objections from the rookie. The vast majority of nicknames were given and never used again. Once you understand that the purpose was inclusion, and that the practice was to find names that people were comfortable with, the whole thing becomes rather pedestrian.

A bit of a big deal has been made about whether the directors used the nicknames. Generally no, but sometimes. This is hardly shocking. A big bear of a trombone player was nicknamed "Ox". It was also a shortening of his last name. Everybody including staff called him Ox. It's simply a nickname that stuck because HE liked it. It's not unusual that people prefer to go by nicknames, and it's hardly surprising that in those cases the staff might pick up on those nicknames.

I want to specifically talk about Midnight Ramp. This is an important tradition, and I'm sad that it will be going away. This one tradition, while extracurricular, I have to admit is not entirely unofficial. The band members who choose to participate have access to the band room, the stadium, and their instruments. (Any claims that university didn't know about this are absurd, as half of a band out in Ohio Stadium marching and playing our instruments as loudly as we would in a performance could not go unnoticed.)

If memory serves, I did this three times out of my five years. I did not choose to do it my rookie year. Like any extracurricular tradition, it was absolutely not mandatory. Moreover, those who were not interested were not even at the stadium (unless they wanted to watch but not march, which was sometimes done). Nobody was forced to be in their underwear, and nobody was forced to see anybody in their underwear. I do know of members who never marched and never attended (at least one became a squad leader).

But I want to share with you why I think this is an important tradition, and why it is ludicrous that it has been called "sexual" in nature. As marching band members, there is, in fact one horribly difficult thing that we are forced to do by the band, and which our membership depends on. It is terrifying and uncomfortable and the source of great stress before any rookie doing it for the first time.

We have to march in front of 100,000 screaming fans, after only having one week to memorize new music, and learn new pregame and halftime shows. There is no optional tradition that I ever chose to participate in that ever made me remotely as uncomfortable as the fear of performing in Ohio Stadium.

This is why Midnight Ramp was important. It was EXACTLY about that fear. The dream we all have where we are in public and suddenly realize we are in our underwear, is a manifestation of this fear. And midnight ramp is one more way we can directly confront that fear. If we can march and play a pregame ramp in our underwear, surrounded by other people in their underwear, and do it correctly and professionally, it affirms our ability to do our jobs without distraction.

As ridiculous as this might sound to you, this is all I can ever associate this tradition with. I find it repugnant that anyone would ever call it "sexual".

It's my understanding that a hostile environment is one that prevents full access to participation in a school class or program. I never saw anything in my time in the band that looked remotely hostile enough to limit participation.

One of my fellow rookies was named was a fairly religious man. He didn't drink and didn't swear. He showed up and did his job. He was friendly and well-liked. He was deeply respected for his excellent work attitude. He would sometimes go to parties and sometimes not. He would not participate in the unofficial songs we sang at parties. As far as I know he never participated in midnight ramp.

And yet he was a squad leader for the last two years in the band. This is a leadership position that is nominated from within. There is no better testament to the health of our culture than the respect he earned, despite eschewing many of the informal and extracurricular traditions of the band.

I know that he did not approve of many extracurricular activities. And yet he was able to not merely participate, but to excel in this allegedly toxic and harassing environment.

My rookie class was unusually large, ten people across two rows. At the time, the row was all male, but there were two women in that came in with me my rookie year. (There had been female members in the past.) Over the years we gained additional women, but they were still a significant minority, just as they were in the average high school tuba section. Despite this ratio, and the alleged hostile environment, another one of our squad leaders in later years was one of the women that was a rookie with me.

These two examples were not at all noteworthy or unusual. The best people were chosen for the job. Only now, in the context of this report do these stories stand out in my mind as exceptional. The true culture of the band, springing from emphasis on the job, was one that was almost automatically respectful, without us even being aware of it.

When I first heard about all of this, I immediately shared an article on [medium.com](https://medium.com/@thomasafine/our-honor-defend-69d869011337) with a brief summary of my experiences in the band. It can be found here:

<https://medium.com/@thomasafine/our-honor-defend-69d869011337>

And I can provide you with the complete text directly upon request. Please use the information there as part of your investigation.

I urge you to look at this, and a large number of other unsolicited testimonials, many of which can be found at

<http://womenoftheosumb.blogspot.com/>

and take them seriously. They are representative of the real culture of the marching band, one that is serious, professional, respectful, and a place where everyone learns to excel and find their inner strength.

I'll probably write more articles on this topic, and will pass those along too when they are finished.

Thank you for your careful consideration on this important issue.

Thomas A. Fine

<Address redacted>

Cambridge Massachusetts

Cell

<Phone Number redacted>

Harvard Smithsonian Center for Astrophysics

<Email Address redacted>

<Work Phone redacted>

## Our Honor Defend

### The truth about the culture of the Ohio State marching band.

I had the privilege of spending five years in The Best Damn Band in the Land, The Ohio State University Marching Band. I was a bass (aka sousaphone or tuba) player from 1986 through 1990, and also had the privilege of dotting the "i" in the Script Ohio twice.

We now know that the investigation which cost Jon Waters his job was sparked by a sexual assault, perpetrated by one member of the band against another. This is a tragic occurrence, and one that is outside of anything that I'm aware of that happened in my time with the band.

This incident didn't lead directly to Jon Waters firing. Based on available reports, he handled the situation completely according to university policy. Connections I have within the band tell me that he also took quick and decisive action internally even before the University had held a hearing which lead to the student's expulsion. No one is alleging there was a problem in how this was handled. Instead, Jon Waters was fired based on an investigation that was triggered by this incident, which claimed that the bands' culture was so toxic that such incidents were inevitable.

A band like Ohio State's lives—and dies—on tradition. Traditions like the Script Ohio. Many of the traditions are formal, like our marching style, with a high-knee lift and sharp snap. We memorize all new music for new shows every home game, so we had no floppy charts bolted onto (and falling off of) our horns. We are kept on our toes through a system of extra marchers, called alternates, waiting to take the spot of anyone who has failed to memorize their music, or has let their marching skills slip. We've all been through a grueling tryout process every single year we've marched. This process kept me out of the band twice before I finally learned what hard work meant.

There are also informal traditions, things that are simply part of the culture that has grown up in the past 136 years. Like the running joke of "back when I was in the band", an irresistible phrase to all band alumni who lament how much the band has gone downhill in recent years, and how much better we used to do it. Right from the start, Jon Waters was one to both honor tradition and break with it, because when we look at the shows he's done, we find ourselves thinking, or even saying "back when I was in the band, our shows were never *that* good".

But because of the scandal that's erupted, many people have heard of some of our other, more private traditions.

Traditions like the Midnight Ramp, where the band takes the field at midnight and performs our standard pregame stadium entrance... in our underwear. This was not a mandatory event—out of my five years, I only did this three times, and skipped it my first (rookie) year.

This is not unlike a great many college traditions at a great many schools. A quick check on Google for "college streaking" or "undie run" yields a very long list of such things. Such traditions are standard fare now, and have been for at least 50 years, if not much much longer. Of course this is not to say it is no problem. Some campuses have cracked down on these traditions, seeking to eliminate them. However others have formalized them, and even turned them into fund raisers. Purdue *added* an official undie run only two years ago.

But we actually don't have to look past Ohio State to see how a university responds to such behavior. The Mirror Lake Jump at Ohio State is a tradition where students strip to varying degrees and jump in the freezing cold Mirror Lake before the game with the School Up North. Rather than firing anyone for this, or telling the students it had to end, in 2013 Ohio State issued wrist bands to allow attendance at this event.

(Between the two, Midnight Ramp is the much safer event, involving the possibility of neither drowning, nor hypothermia.)

This is an example of the real problem behind the firing of Jon Waters. At first glance, that report seems shocking. But when you take a closer look, the report is all flash and no substance.

For example, a big part of the report is dedicated to the nicknames. The report leaves you with a feeling of mean-spirited and degrading behavior. My nickname was given to me the day after I made it into the band. Like almost all nicknames, it was never used again. But in fact, some of the nicknames did make people truly uncomfortable. And in those cases, a new nickname was quickly chosen by the more senior members (and again, most of the time forgotten). This part of our culture is not described in the report: that behind the lowbrow humor, people were careful, because the goal was to unite us as an organization, not push people away.

The songbooks are another example of flash rather than substance. What the report shows is, again, the disturbing humor of young adults. It does not mention that these songbooks are standard fare at a great many university marching bands. In fact, several of the songs were written by other university bands and passed on to us.

These songs were important to me. I still know some of the lyrics by heart. However I'm fully aware that they were not important to everyone. One of the other bass players who came into the band the same year I did was fairly religious, didn't drink, and didn't swear. Ever. He did not participate in the singing.

Was he singled out? Well, eventually he would be nominated by the other bass players to be one of our squad leaders, so yes, he was singled out. Singled out for an honor many of us, including myself, wanted. He was singled out as being trusted by everyone. And he was singled out as someone who was deeply committed to our traditions, even among us. Seeing how he melded with what the report claims is a toxic culture, and which was definitely a tough fit for him, was for me an incredibly powerful life lesson about fitting in while maintaining your own identity. And about the value of remaining calm and confident. This is the the true culture I found in the marching band, a culture not described at all in the investigation report.

And something else from the songbook included in the report stands out to me:

Previous Edition

Compiled by [REDACTED] and [REDACTED]  
Revised and re-edited by [REDACTED]  
Addendum by [REDACTED]  
New Shit compiled by [REDACTED]  
Renovations by [REDACTED]  
Recycled by [REDACTED]  
Even More Shit compiled by [REDACTED]  
Final 20<sup>th</sup> Century Edition by [REDACTED] and [REDACTED]  
It's Not Annoying, Its Funny Edition by [REDACTED]  
Renewing the Tradition compiled by [REDACTED]

From the band songbook

If you treat this as a timeline and then mentally add the hiring of Jon Waters as band director (2012), and his subsequent firing (2014), it begins to seem a bit ridiculous that he is being held responsible for such long term cultural issues.

Yet another lurid detail from the report was the changing of clothes on the buses. This happened. It also happened in my high school band. And in countless other bands, and drama clubs in high schools and colleges where rapid costume changes are needed. It's just one more detail thrown in that makes our band sound like some bad fraternity movie. But again, it's flash rather than substance. The substance behind this bit of flash is important.

I was never the most comfortable guy getting undressed in front of anyone. But all I ever experienced in this practice was a sense of professionalism. This might sound crazy if you haven't been there. But we weren't stripping because it's fun, or humiliating, or even a rite of passage. We were stripping because we had a job, and bus rides were uncomfortable, and our uniforms were more uncomfortable, and the uniforms needed to be in the best condition possible, which doesn't happen if we're sweating in them for six hours on a bus.

This was a hugely important life lesson for me. The goal was the job. The goal was to do the best job you possibly could. We were all there to do a job, to uphold a tradition. There were jokes, sure. But my own experience was that I sat in the window seat in a high-backed bus chair, with another guy on the aisle, and I changed clothes, and pretty much nobody could see anything. And then we'd switch seats and he changed clothes. Some rows backwards or forwards there were women doing the same thing. The lessons I learned in this supposed culture of inevitable harassment were lessons of respect. Self-respect. Respect for others. Respect for the work ethic. Respect for the band and the tradition. This is all missing from the investigation report.

Was there hazing in my day? I suppose it depends on what you mean. I do remember things that were asked of me, things that would be considered hazing. And in every single case, I remember a squad leader or other senior member making sure we understand that these things were optional. And I remember that almost always, members opted out of various rituals, and sometimes I did. This was always ok. The band was always a safe place. This is central to what I remember about the culture of the marching band, and yet the report doesn't mention this at all. Member after member is stepping forward and describing the band in the same way.

The report lists a few tawdry details, which are more or less true, but presented completely out of context. I remember the culture of the marching band as one of the best functioning cultures of any institution with which I've been a member. And yet this is all missing from the report.

But of all the things that are missing from the report, the most important thing is any actual wrongdoing on the part of Jon Waters. The worst they can say is that he knew, or should have known, that college students enjoy crude humor. Or that college students go to parties and drink. Or that, tragically, young adults sometimes make what will be the worst mistake of their lives while in college.

There's no evidence of widespread student problems. There's no evidence of a cover-up. All the presented evidence in fact points in the opposite direction: Waters handled the incident at the start of this report quickly and decisively, and in full accordance with University policy. And Waters was taking reasonable steps even prior to this to address any potential issues that could arise from the relatively benign culture he inherited, to insure the safety of the students.

For example, in his very short tenure of two years, he had already taken significant steps to curb Midnight Ramp. It's hard to describe to an outsider how difficult this would be. The members of the band defend every tradition, and I'm sure the band was most displeased by Jon Waters' efforts. But he was defending the honor of the band and the university, a part of his job which he obviously took seriously.

It should be obvious based on the evidence in front of us that the firing had nothing to do with Jon Waters, or what he did or did not do.

President Michael V. Drake was not protecting the students in the marching band, because he had no evidence they were actually in danger. Instead, I believe he was worried that the report as it was written was a gift-wrapped package for the modern media. He had a report that was only

about flash, and the press lives for flash. He was simply trying to make the report disappear from the media, by throwing the press the nearest scapegoat that was handy.

To be fair, President Drake does not have an easy job. We are warned to "judge not, lest we be judged". Nevertheless, it is in fact the job of university presidents to pass judgement when needed, and to take quick and decisive action. Other universities have faced serious and even tragic issues where quick and decisive action was necessary.

However, such decisive action is necessary *only* when there is a real problem to be solved, such as the one Jon Waters actually faced and handled correctly. Passing judgement against a group based solely on the style in which they operate is decidedly not in the President's job description. In fact this form of judgement goes by a very different name: intolerance.

The title of this article, "Our Honor Defend", is a line from the Buckeye Battle Cry, the song played by the band during our ramp entrance at pregame, and sung by the band at the end of Script Ohio, while the bass player plays his part solo, as Jon Waters did at the Ohio State-Michigan game in 1998.

By all available evidence, Jon Waters, the most promising and influential marching band directory in the nation, has behaved honorably, and has worked to defend the honor of the The Ohio State University, and the band, and its members.

President Drake on the other hand has not defended the honor of the institution, and in fact has dishonored it. He has ended the career of a hard working innovator who has brought great honor to the institution, in the absence of any real signs of wrongdoing, solely in the hopes of avoiding embarrassment that from the beginning was based solely on flash and on intolerance, not on substance.

"Our Honor Defend" is clearly a phrase that is understood by Jon Waters, but is not understood by our President Drake.

In other words, Jon Waters is a Buckeye. Michael V. Drake, sadly, is not.

There are two paths we can go from here. In the most likely path, President Drake will continue with his posturing that the problem was real and the firing was necessary. That means he'll have to hire a replacement for Jon Waters, and he'll have to foist this posturing on the replacement. They will not be a Buckeye. They will be someone who does not understand or respect the tradition of the band. In short, their job will be to dismantle the organization and rebuild it from scratch.

What other choice is there? If you pretend that this culture was so toxic that it merited firing someone after only two years, then you have to pretend that the entire culture must be eliminated. This protectionist pretense can only mean the end of the band.

It is still possible to undo the wrong. The president can admit he overreacted, hire back Jon Waters, and closely monitor the situation, to make sure it is as benign as I and countless other

band alumni and current members are saying. This won't be an easy path, but it will allow the 136 year old band to continue. The only way this can happen is if the faculty, students, and alumni of the university are willing to make it happen. You have to be willing to defend our honor.

If you consider yourself a true Buckeye, below are a couple of ways you can help defend the honor of the band, the director, and the university.

**Petition to reinstate John Waters**

**Fundraiser campaign. #iStandWithJonWaters**

## **John Flesher, Current Band Member and Squad Leader**

Posted by WeStandWithJonWaters WebAdmin 32sc on August 13, 2014

This season will be my third year as a band member. I will be the assistant squad leader of H row. In my 22 years on this Earth, I have never met a kinder, more humble person than Jonathan Waters. From the first day I met Jon Waters, I knew I was in a safe environment managed by one of the greatest, if not the greatest person the university has ever had the pleasure of employing...

I began in athletic band in the spring of 2012. Through his guidance and assurance, and professionalism, I was able to improve as a member of the band and contribute to the band, the university, and the community. He taught me so much and I could not have asked for a better person to be under the direction of.

When I made the marching band, Jon Waters immediately welcomed all first year members with open arms. Not once did I feel unsafe. He put in place rules that all rows would live and operate by to ensure the safety of all members.

As a first year member, I was given a nickname and I was proud of that nickname. It was actually one of the nicknames listed in the initial investigative report. I have never once found it to be offensive or rude. I embraced the name as my own. I was asked to perform a "trick". My squad leaders asked me if I wanted to perform a song and, being a lover of music, I immediately said yes. I wrote my own song and loved performing it. I wish I could have performed it more! That being said, my squad leaders made it clear from the beginning that anything we did not wish to partake in, we did not have to.

Midnight ramp, my rookie "trick", my nickname, and the other things asked of me, I agreed to do all. I loved what they represented and I wasn't just desperate for acceptance. That had already happened when I made the band. There was nothing I had to do to win the respect of the rest of the band. I was respected and treated well. I never felt unsafe or harassed by any means.

My second year went just like my first but this time, I had younger members to take care of. Any time they expressed concern with anything, we took control of the situation and worked it out. If they had any questions, we answered them, and if they didn't want to do something, they didn't do it. We became a family last year, as a row, and not a single person wanted to leave the band due to any "hazing", "harassment", or anything else mentioned in that report.

This year, I was chosen as a squad leader of H row. I am so proud to have been selected by Jon Waters. I cannot remember a moment in my life when I was happier. I am an Eagle Scout, I have a degree from Ohio State, and I have won many awards and competitions with several musical groups I am a part of. And being chosen as a squad leader is the number one thing on my list of greatest achievements. I will forever hold that dear to my heart. But this position is not about me. Being a squad leader is about what Jon Waters preached and practiced: servant leadership, respect, and leading by example. Jon was never afraid to help somebody, tell the truth, or fix something himself. He taught us all so many lessons that we can use in band, in school, and in life. Without Jon, I would not be the person I am today. And I'd like to think that person is pretty incredible.

I am a masters student at Ohio State, having received my bachelors degree in city and regional planning; I am a dedicated member of Kappa Kappa Psi, national honorary fraternity for bandmen; I was a brother of Pi Kappa Alpha, one of the most successful Greek fraternities on

Ohio State's campus; I am the secretary of the A Cappella group, Buck That!, we are a group of college men that sing for competitions, charity, community, and university events; I graduated with honors and Cum Laude; I hold a wonderful internship position with the Ohio Department of Transportation, and previously the City of Columbus; and I am actively working to improve others lives by being a squad leader in the Ohio State University Marching Band, where I teach others skills in band and life through my actions and words.

I am not a sexualized, homophobic, anti-Semitic, racist, sexist, crazed college student like the university's report made it seem like.

I am a hardworking, dedicated, talented, mature, kind, trustworthy, chivalrous, active student. And this would not be the case had I not tried out for the marching band in 2012. And the only reason I have changed to be this person is because of the man the university recently fired.

Jonathan Waters.

I will always stand for that man and his words and actions. He has changed my life for the better just as hundreds, if not thousands of other students.

Please take the time to learn the true facts about who Jonathan Waters and the Ohio State University Marching Band are. I'm sure you will learn we are exactly who you've seen on YouTube and the international news the past two years.

God Bless and Go Bucks,

John Anthony Flesher  
H-12

President Michael Drake

The Ohio State University

205 Bricker Hall

190 North Oval Mall

Columbus, Oh 43210

Dear Dr. Drake,

I am writing today to state that terminating Jon Waters was a grave error. I strongly urge you and the Board of Trustees to reconsider your actions, and reinstate him as the Director of Marching and Athletic Bands.

I am a graduate of The Ohio State University, a 4 year member of the Ohio State University Marching Band, a wife, mother, and a teacher. My name is Nanci Francis, but you can call me Helga. I am proud to have received that nickname my first year from my squad leader. I am also proud of my education and career, but I am most proud to have been a member of TBDBITL, because if it weren't for The Ohio State University Marching Band, I may have never gone to college.

Although I received decent grades while in high school, I was not overly motivated to pursue higher education. I was, however, strongly motivated to try out for the marching band. My high school band director had been not only a member of TBDBITL, but he had also been a graduate assistant for the band while working on his master's degree, and so he knew that only those with high level skills would make the band. I remember very clearly the day I told him I was going to try out for TBDBITL. He looked quite surprised, and very politely explained to me that although I had excellent marching skills; my playing was not quite up to par for this fine band. He flat out told me I would not make the band based on my music audition. Luckily, my father raised a spunky girl. I took this as a personal challenge and made what might seem like an extreme action plan. I knew my marching skills were pretty good, but I wanted to be in the best shape of my life,

so I began running most days for 2-3 miles. I only had about 3 months to bring my trumpet playing skills to a higher level, so I practiced up to six hours a day. I had never been more determined. When my name was called on the day the band was announced, I was shocked that not only did I make a regular spot in the band, but I would be playing a first trumpet part. Not shabby for a girl whose "playing skills were not up to par." I was going to be attending Ohio State, not because I was impressed with their academics, but because I was impressed with their outstanding marching band..

Let me tell you about the TRUE culture of the Ohio State University Marching Band. The culture is one of mutual respect and admiration between members. It a culture that fosters hard work, drive, cooperation, and pride in one's performance and appearance. It is a culture where males and females from different ethnic and religious backgrounds can work together for a common goal. At no time while I was a member of the band, did I ever feel sexually harassed by any other member, staff member, or director. I never felt coerced to participate in any activities. My mom and dad would not have supported an organization that allowed its' members to be abused, and let me be clear,\* I would not\* \*have tolerated any sexual harassment\*. The male members of the band were some of the kindest, most respectful men I have ever had the privilege to know and work with. They became my family. One of them became my first boyfriend. They were supporters, mentors, protectors, and yes, sometimes jokesters. But they were NEVER harassers.

There is one other aspect of my story that may be a little bit unique. I have the honor of teaching at an elementary school that uses the 7 Habits Leadership model in all of our instruction. We help children develop the characteristics of good leaders. Last year, while on the bus travelling to a field trip, some of the children were looking at The Ohio State Marching Band on their iPad. One of the teachers had seen the amazing shows on YouTube, and wanted to share it with the students. When the children found out that I had been in the marching band, I suddenly became a rock star. They were so excited! When I wore my marching band jacket the next day, I can't tell you how many children wanted to talk to me about The Ohio State University Marching Band. It actually gave me a great opportunity to tell them about the leadership skills I developed during the year I was a squad leader. One little girl said, "I want to play an instrument so I can go to Ohio State and play in the band!" Another boy made me laugh when he said, "I don't think I have ever been to Ohio, but now I HAVE to go!" Dr. Drake, do you understand the significance of what I am telling you? These children live in Columbia, South Carolina, home of the University of South Carolina Gamecocks. They are die-hard Gamecock fans. I promise you, if it

weren't for Jon Waters and The Ohio State University Marching Band, they would have never even HEARD of Ohio State. I don't have a business degree sir, but it seems very counterproductive to fire a director who has played such an integral role in drawing positive international attention to the university.

In closing, I mentioned that I teach at a Leadership School for a very important reason. We tell our children that great leaders are never afraid to admit when they have made a mistake. Great leaders garner much more respect when they admit their errors, and when they take action to make restitution. I believe that you could still be seen as a great leader. If any of the children at my school ask me about negative things they have heard about the band, as I am sure they will, I will tell them the truth - NOT what the flawed Glaros report states. I will tell them that Jon Waters and the members of The Ohio State University Marching Band embody all the characteristics of great leaders. I will also explain to them that a man named Michael Drake, who has the wonderful privilege of being a leader at The Ohio State University, has made a great mistake; and that I have hope that he will right this wrong. Because sir, in doing so, you will not only clear the good name of Jon Waters and The Ohio State University Marching Band, but you will also help to clear you own name as well.

Please provide me with confirmation of your receipt of my letter, and I request feedback from the Board of Trustees.

Sincerely,

Nanci L. Francis "Heiða" – The Ohio State University Marching Band 1987-1991

**Sara Frankart Finn**

Dear Dr. Drake,

I am writing to you in response to the events of the past week. I hope that you will take the opinions of the many who are writing you to heart and consider reinstating Jon Waters as the director of the marching band.

I am an alumnus of The Ohio State University School of Music and a proud five-year member of the OSUMB. I am also a veteran of the US Army and Operation Enduring Freedom. I hold an MBA, I work for a large non-profit organization, and I am a parent. I, like my other fellow TBDBITL alumni, am an upstanding member of my community who has always been proud to share my Buckeye roots. However before attending Ohio State I was a student at a small Christian college in Ohio. While I was there I was a victim of a sexual assault. I transferred to OSU because as a result of that assault I no longer felt safe at my small, sheltered, morally upright school. I share this very personal part of my life with you not to elicit sympathy, or to sensationalize my story, but so you will understand the enormity of what I say next.

In my five years in the band I never felt coerced, harassed, or threatened in any manner, especially sexually. In fact it was quite the opposite. I found a place where I was accepted and respected because I worked hard and earned my spot in exactly the same way as everyone else. The only thing that could set me apart would be not doing my part to uphold the tradition of excellence that we had the honor to protect for a short time. I learned the true value of hard work and discipline. I became part of something greater than myself as I represented the other 224 members of the band, the band alumni from the 100+ years before me, and the great University I loved. We left our sweat, tears, and blood on the field and were rewarded with the pride earned in a job well done and knowing that we were among the best in the world. I found a family of brothers and sisters who I knew would support and protect me if I ever needed it. Maybe most importantly I found an atmosphere that empowered all its members to be the best that they could be, to transcend any perceived barriers and to become strong men and women regardless of race, creed, sexual orientation, or any other characteristics that might be a crutch in other areas of life. We carry that with us for our lifetimes, and even as I have traveled the world my band family remains some of my closest friends.

As much pride as I hold in my days in the band, it was with great awe and respect that I watched the transformation Jon Waters had begun to undertake in the past few years. I knew Jon as a young member of the band and in his various roles with it as a man who was kind and smart and always stood for the right things. I heard many stories through various venues of the changes Jon was attempting to bring to the culture of the band as head director, a culture that has been ingrained for more years than you or I have been on this planet and was resistant to change, but was coming around. I had no doubt that he was the right man to take the helm because of the accolades he was earning for the band and the incredible exposure his innovation was bringing to TBDBITL in particular and to marching bands as a whole. A quick search of YouTube shows the evidence of the wild popularity of his shows. Searching for videos of just three shows he wrote (the Hollywood Blockbuster show, the Michael Jackson show, and the one that started the viral sensation, the Video Game show) brings back 22 videos that have a combined 48 million views. Let that number sink in

for a minute. Forty-eight MILLION times that these three shows have been viewed. He was bringing marching band to people who never had an appreciation for it before, and raising incredible good will for the arts and for OSU.

Now in one fell swoop my alma mater, the place I love and cherish, has besmirched what I hold so dear. The name of the Marching Band has been dragged through the mud and the media has vilified us. We have been told that we should hang our heads in shame because we were once young adults who joked and ribbed each other and yes, maybe made some questionable decisions. But we did it in an environment where we were safe to be completely ourselves, to find out who we were and what we really believed about ourselves and the world. Perhaps worst of all, we collectively have been opened up to harassment and verbal assaults through the actions of the university we love so much who decided to release our secrets, our nicknames, our traditions to a world that has no context in which to understand our actions. A world that quivers in excitement at the upcoming release of a movie about bondage, that sensationalizes and normalizes sex at every turn, but yet makes young adults feel they should be criminalized for the actions they take in their own time and in their own homes. Worst of all I read all these things revealed in a one-sided report from a committee that spoke with a tiny percentage of the recent members of the band and in fact made no effort to speak to most of those who were allegedly coerced and harassed. A committee that ignored the numerous underwear 5k events sweeping the nation in an effort to make our Midnight Ramp something dirty, something it never was, while it apparently forgot that many university officials outside the band were aware of and sanctioned its existence. The sloppy, misguided, and premature release of this report has given a very real black eye to OSU and the OSUMB and could have very real negative personal and professional implications for people who have long been out of band. To say I am horrified and offended at the way this situation has been handled is a huge understatement. I will never be ashamed of my time in The Best Damn Band In The Land, but I now feel shame that my beloved Ohio State has turned its back on us. I hope this is not the atmosphere you wish to create in your time at the helm.

Sincerely,

Sara Frankart Finn

OSUMB E-Row 1992-96

## **Kristine Frey Tikson-Most Inspirational Bandsperson 2012**

Posted by WeStandWithJonWaters WebAdmin 32sc on August 04, 2014

Dr. Drake and the OSU Board of Trustees,

I am a proud member of The Ohio State University Marching Band. I am also a 53 year old woman.

I am a 1982 graduate of The Ohio State University. I graduated Summa Cum Laude, third in my class in the College of Administrative Science, with a BSBA degree. I became a certified public accountant, worked in the audit practice of an international accounting firm for 12 years, and then in the private sector as a member of senior management for a financial services company for 15 years. Upon retiring in 2010, I began to pursue my dream of becoming a member of the Ohio State Marching Band. I realized that dream in 2012 and have been a marching member of the band for the past two years...

I feel compelled to share my personal views of the recent investigation into the band and your decision to terminate Jon Waters. In my opinion, this decision was based on an investigative report that is seriously flawed in its scope and methodology. It is unfortunate that the leaders of our university did not have a true picture of the facts when this decision was made.

Only a handful of "witnesses" were interviewed during the investigation. Witness recommendations were made by the complainant and there appears to have been no attempt to interview anyone other than those predisposed to align with the views of the complainant. Further, the investigators relied on what amounts to "hearsay" with no attempt at verification. I find it particularly appalling that a personal conversation between two band members that occurred in 2007 as retold by one of those members is the basis for the "sexualized" culture reference ascribed to the entire band by the report. This reference has been widely sensationalized by the media. In addition, the report focuses on historical events and provides little information related to the many changes implemented by Jon Waters.

To be fair to Mr. Waters and the band, the author should have been required to complete a more representative and complete investigation which should have been presented to you before taking action or releasing the report.

As a 53 year old female member, my perspective of the band is somewhat unique. I would not describe the band "culture" as sexualized. I believe it is no more sexualized than the broader college environment in which it exists. We must remember that our society as a whole is sexualized and has continued to move in that direction at lightning speed since the issuance of Title IX in the early 1970's.

I would describe the band "culture" as: commitment, dedication, inclusivity, acceptance, hard work, integrity, and self-sacrifice. I have experienced it from the inside for two years. I have often said that the members of TBDBITL are the best the university has to offer. I continue to stand by that statement. You will not find better representatives of the university – academically

or morally. They are excellent young adults. Yes, they sometimes engage in immature activities and conversation that are reflective of their age and generational norms. Yes, as individuals they sometimes make poor decisions and those situations should be dealt with accordingly. However, it is unfair to characterize the OSU Marching Band "culture" in the way the report suggests.

I do not believe this situation was handled appropriately. The report should not have been released until it was a fair and complete assessment. I believe Jon Waters should have been retained as director and been given assistance and direction in his on-going efforts to eliminate or change some of the long-held traditions within the band.

I believe this action has caused unnecessary and irreparable harm to the university, the marching band, all university alumni, and to Jon Waters.

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

Sincerely,  
Kristine Frey Tikson  
BSBA 1982  
OSUMB 2012 – present

## **Jennifer Gold, Alli Gentile McGarry, Anne Will, Bill Miller**

Posted by WeStandWithJonWaters WebAdmin 32sc on August 12, 2014

To Whom It May Concern:

After careful consideration, we voice our collective opinion concerning the recent investigation of Mr. Jon Waters and The Ohio State University Marching Band. We are all proud alumni of the band, and representing the university through this organization from 1995 to 1999 was one of the most valuable experiences of our lives. It brought us together, and, almost twenty years later, we remain extraordinarily close...

The university's July 2014 report emphasizes the tradition known as "midnight ramp" along with other arguably run-of-the-mill college antics. Instead of myriad stunts taking place against a backdrop of a so-called "sexualized culture," what we remember most is how we supported one another through countless days of practice and countless nights of memorization, along with one early fall evening each year when the university allowed us to have Ohio Stadium to ourselves for a post-tryout celebration.

Imagine, after days of excruciating and competitive tryouts, you are selected as a member of the best marching band in the country. After the euphoria dies down, the realization of having to perform in front of 100,000 people in a mere two days is daunting and frightening. Legend has it that the midnight ramp tradition was borne out of readying new members for their first ramp entrance—because if you've done it in your underwear, you can do it under any circumstance. Realistically speaking, midnight ramp was an opportunity for the year's new band to come together in celebration of the organization and of one another.

In the report, this bonding experience has been made to look like an act of sex, initiation, and intimidation. We never considered it as such, and nor did anyone else we know. The midnight ramp was voluntary, not mandatory, and band members took part ONLY if they wanted to, wearing whatever they wanted. It was not a rehearsal of any kind as reported in the media. We cherished this experience and felt honored that the university allowed us to enter the Horseshoe as a group at midnight, partaking in one of the most memorable experiences of our lives. Ohio State and law enforcement officials let the band in, turned on the scoreboard, and watched in order to make sure all was safe. The idea that this was some secret that no one in the university knew about is not only false; it's absurd. Holding Mr. Waters solely responsible for what amounts to a university-sanctioned event is unjust and unwarranted.

Midnight ramp aside, the report is incomplete. It appears to center on the experience of very few members, with some of those experiences being reported secondhand. When finding facts about the entire "culture" of a large, well-known student organization and its thousands of alumni, it is important to take a reasonable sample. Furthermore, the investigation seems to lack focus—the university released an audio recording of Mr. Waters' interaction with a drum major to the media. What does this have to do with this purported "sexualized culture," and how is this behavior any different than a coach interacting with a student athlete? Take a look at footage of any Ohio State athletic practice. Are all of Ohio State's teams and clubs being held to the same

standards to which the band has been held over the last few weeks? Have short, secretly recorded snippets of audio been paraded on the evening news?

The July 2014 report is an insult to those of us who poured our hearts and souls into a fine organization. As a result of dubious research, a national mockery has been made of not only Mr. Waters, but also the integrity of those who proudly marched—and are still marching—in TBDBITL. The authors of this report seemed to draw a conclusion and then write a report in defense of it. We would guess that any Ohio State faculty member will tell you that this is not a legitimate way to investigate the truth. A seemingly biased, slanted report has detrimentally affected all those involved with the band and the university as a whole.

We believe that the band is associated with some of the university's finest students and graduates. We know that we've never worked harder for anything in our lives. The band taught us about commitment, dedication, teamwork, and leadership. The band represents the best that Ohio State has to offer, and its members are wonderful ambassadors for the university.

Please make things right. Reinstate Mr. Waters so that he can continue to move the band forward. Reinstatement would show that the university acted hastily based on an incomplete report and would go a long way towards beginning to heal the damage unfairly inflicted on the band, especially on its current and future band members. We want today's students to experience this organization's unmatched traditions of excellence and fellowship.

Respectfully,

Jennifer Gold (BA 00; MEd 01/B-Row), Alli Gentile McGarry (BA 99/A-Row), Anne Will (BA 99; JD 03/S-Row), and Bill Miller (BSBA 99; CPA/K-L Row)

### **Support from Mark Greenburg of Tresona**

From the petition to reinstate Jon Waters as Director.

<https://www.change.org/petitions/osu-board-of-trustees-reinstate-jon-waters-as-director-of-marching-athletic-bands>

- My name is Mark Greenburg and I am the President of Tresona. I have come to know Jon Waters in a work capacity, and he is someone I admire and someone I am lucky enough to call a friend. In fact, one of the great things about working with Jon was that he wanted to make sure that the opportunities that were offered to his band were opportunities that would be offered to all of the bands, or he would not even consider them. I find his generosity of spirit and his genuine nature to be exemplary.

One of the great things about growing up in the Watergate generation is that we have learned to question what we are being told, even when what we are being told is being told to us by people in positions of authority. Tresona's legal department reviewed the official video featuring the new President of The Ohio State University and listened to what he had to say about Jon Waters and his stewardship of The Ohio State University Marching Band. We then read, in great detail, the report that the University posted on their website about this whole affair. We have also listened to a surreptitiously made tape recording of Jon disciplining an adult student (over the age of 18).

Now, in the interest of full disclosure, I was accepted to matriculate at the Ohio State University Law School and I chose not to do this, and matriculated to another school. I would also like to disclose that based upon all the evidence that is out in the open, Tresona stands with Jon Waters and that the many executives in the music publishing industry with whom I have spoken to are simply astonished by the apparent rush-to-judgment in this matter. For them, like I, who have come to know Jon, we believe that there is no possible way Jon contributed to or supported a "sexualized" atmosphere in The Band.

I encourage everyone in the Marching Band community to read the University's report, which is filled with innuendo from a few unnamed student witnesses who were hand picked by the parent who complained to the university, and the infantile and perhaps salacious details of the songbook, a songbook written in the 60's and passed down amongst the students, but not by The Band or Jon Waters or Chris Hoch.

Jon has also been accused of witnessing and doing nothing about the notorious "ramp walk". Apparently this is some ridiculous event where the kids show up late at night and parade around in their underwear on the football field. This begs the question of who opened up the stadium late at night to let the kids in. I suppose that for some this juvenile procession in one's underwear is in poor taste, but the fact of the matter is that Jon, in his first year at the helm of The Band, went to the ramp

walk with his staff to witness what was going on, and then abolished the practice for the coming year.

Jon did not eliminate or order the students to stop using nicknames. How does one do that by the way? I have three kids, the oldest named Mark, and when people would call my house when he was younger, my younger sons would inquire, "Do you want to speak to small Mark or Big-fat Mark?" I couldn't even stop that from happening and I had a pretty good size advantage at the time. My mother refers to me as "Shamoo" in front of many people. Maybe I will tell her, in her 84th year, to knock it off, or else... Maybe I will write my kids out of my will.

Lastly, Jon is apparently not a master of the Title IX laws of the United States, laws that are so intricate that most Universities have Title IX compliance departments, filled with attorneys, to deal with this act.

What is it that The University President did not tell us? The University should be an arbiter of fairness and due process, and the music publishing executives with whom we work and who know Jon are looking very carefully at this and questioning whether they want to be supportive of a program where the cornerstones of our democratic process have been grossly overlooked.

I cannot say this enough: Tresóna believes there is absolutely no place for a hostile work or study environment for any student, male or female. However, there is nothing in the report other than the uncorroborated testimony of 2 unnamed students and a clearly disgruntled former trainer for the band who apparently and according to the report wanted to scream because she heard the proper words for the human anatomy too much for her personal taste (while riding on the band bus returning from games). Maybe this trainer asked Jon for a raise and the band turned her down and she was angry at that decision? The point is that none of us knows why these five people, organized and selected by the complaining parent, came forward, because Jon was not allowed to ask. Furthermore, to hold Jon responsible for the behavior of students over the age of consent for giving each other nicknames, for students drinking too much, or for students consuming too many drugs, while not in his presence, seems to be ridiculous and would require a type of monitoring that was absent in Russia during the heyday of the Soviet Union. It would literally not be possible.

The University's report clearly indicates that Jon had been reforming the behavior of the band, as his staff has attested to this in the report. However, even if that were not the case, in America, there is such a thing as due process, and there is no evidence against Jon where Jon was allowed to question the integrity of those making the accusations about his leadership.

I remember, not too long ago, the accusations that were made against members of the Duke lacrosse team by another authority figure, the District Attorney of Durham County, Mike Nifong. Mr. Nifong's false rush to judgment led to the destruction of the lives of the students, all of whom filed claims against Duke University and all of whom have been paid handsomely for their ill treatment by

Duke University. As for Mr. Nifong, who was disbarred and disgraced for bringing forward a claim that he knew was false, he has been disbarred, and the last time he spoke to anyone, it was to ask them if they wanted to supersize their fries.

I think we should hold The Ohio State University to a higher standard and ask their leaders, with grace and humility, to reverse what seems to be a rush-to-judgment against Jon Waters, to champion the democratic values and processes that every University should hold dear, and have a public hearing allowing Jon to defend his name and reputation. And while this proceeding takes place in an orderly fashion, Jon and his staff should be allowed to run The Band, with a Title IX compliance officer in attendance in the band office, and we should all wait until a jury of his peers returns with their judgment. It is only in this way will we know whether there is guilt or innocence, whether the punishment fits the crime or whether there was a rush to judgment as we suspect. That would be a University that I imagine we could all be proud of.

Mark Greenburg

President, Tresóna

July 27, 2014

Dear

My name is Doug Hall. I graduated from OhioState in 1985 with a BS in Math. In 1987, I earned an MS in Engineering Mechanics. I was a member of the Ohio State University Marching Band from 1982 through 1986 including two years as the head Squad Leader of Q-Row. My wife, Jenny, graduated with a BS in Computer and Information Science from the College of Engineering. We have three sons, Alex, Andy, and Greg.

I have been an analytical engineer in the aerospace industry for 27 years, currently representing Honeywell Aerospace on several industry committees, including chairing one. I also teach quality management and statistics for quality control at Purdue University College of Technology in South Bend, IN. In my free time, I am a member of the Edwardsburg Public Schools Board of Education. I know about reasoning, data analysis, management, and governance.

I cannot deny it. I sang the fight song for that school up north without using the word "Victors" even once. I learned the words as a freshman, living in LincolnTower, 10 months before I became a member of the OSU Marching Band. Almost every student on campus knew them. But as a member of the OSUMB I learned that rivalries can bring out the best from both sides.

I cannot deny it. On one or two occasions, I got so drunk I could not get myself into bed without help, while I was a freshman, living in LincolnTower, 10 months before I became a member of the OSU Marching Band. But as a member of the OSUMB, I learned that you cannot drink that much and still perform your job to the best of your ability.

I cannot deny it. I told a few gross, crude, sick jokes about minorities, gays, and women, while I was a freshman, living in LincolnTower, 10 months before I became a member of the OSU Marching Band. But as a member of the OSUMB, I met Dr. Willie Sullivan, an African-American, role model, Christian gentleman, and mentor from the time I met him until he left OSU. He was one of the finest people I ever met. Tony, a baritone player, was the first person I knew who was gay. His friends and I found out by accident, five years after we had met him. He died of AIDS 20 years ago and we all miss him. Sandy, Jeannie, Kari, and Stacey proved that they were stronger than alternates standing on the sidelines, stronger than men who had been cut from the band. I stopped telling gross, crude, sick jokes about minorities, gays, and women because as a member of the OSUMB I learned that many people I do not know deserve my respect.

I cannot deny it. I sometimes have a negative attitude and it used to be worse. I used to complain about how badly the Buckeyes were playing if they got behind. But as a member of the OSUMB, my friend and assistant squad leader, Rob, called me out during the Fiesta Bowl. Paraphrasing, he said, "I'm getting tired of hearing you complain. Our job is to cheer for the Buckeyes and help them win." He was right. Before finishing my years in the band, Earle Bruce, and even President Ed Jennings, visited the band room on more than one occasion to tell us that the team won because we were there for them. Teamwork and attitude matter. "The team and the band are one." Urban Meyer

I cannot deny it. I spent time alone in a hotel room with a woman while traveling with the OSUMB. My wife and I had been married for six months when she traveled with the band to the Citrus Bowl in 1985 and 18 months when we went to the Cotton Bowl in 1986. Twenty-nine years later, I still share hotel rooms with the same woman. Our sons, Alex and Andy, have five-

year OSUMB rings and will join me on the field as TBDBITL Alumni for the first time next month. Their brother Greg tries out for his third season this week. The Hall boys are only the second sibling trio to be in the OSUMB and the first to play the same instrument, march in the same row, and march together for two years. We all play trombone. Jenny asked me out. She learned I had been cut, refused to quit, and tried out again. She valued my perseverance. I met the woman I married because I was a member of the OSUMB.

My parents taught me these positive lessons at home but parts of campus life and Lincoln Tower encouraged the opposite type of behavior. Back when I was in the band, Paul Droste, Jon Woods, Willie Sullivan, and other leaders of the band reinforced the values my parents had taught me. Their positive leadership strengthened my ability to resist inappropriate behaviors found on just about every college campus in the country.

Jonathon Waters is the same type of leader, a positive force for change, a role model for students to follow, and a mentor to future professionals of every type. I've played under the batons of some fine directors, Droste, Woods, Sullivan, Bloomquist (MSU) and practically all the top band directors of the Big Ten. As a member of TBDBITL Alumni, I have played for Jon Waters, quite possibly the most exciting and dynamic of them all. I can't imagine you will find anyone as good as him to continue leading the OSUMB to new heights. Please revisit your decision. Consider the abundance of new information that has come to light since the release of the report. Given adequate resources and proper training, no one could do a better job than Jonathon Waters.

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

Sincerely,

Doug Hall, aka "Capt. Fun"  
Q-Row 1982-86

**Chris Haller**

[Editor's Note: I have removed all instances referencing Jonathan Waters as "Dr." as he has not yet achieved that designation.]

Originally found on <http://www.thebuckeyebattlecry.com/2014/08/another-tbbitl-alumnus-speaks/>

An open letter, concerning the Ohio State Marching Band and Jonathan Waters:

In an age where an ever critical eye has encouraged us to find and exploit even the smallest of faults in each other, long standing institutions are crumbling under shockwaves of judgment. As we strive to uncover weaknesses and errors in each other, our hypersensitivity has made us all but incapable of forgiveness and acceptance while camouflaging the truly unacceptable. We have nurtured such a paranoia of potentially offending someone that we ignore the individuals we supposedly seek to protect, placing our opinions before theirs in a fit of pure ego. Too often is the right to speak freely misperceived as a right to not be offended.

This is the case of the Ohio State University's gross mishandling of Mr. Jon Waters and the Ohio State University Marching Band. A prime news story in Ohio for the last week, the university's publishing of a 23 page admonishment of the band's conduct led to the firing of the most forward-thinking director in the band's 140 year history.

First, it should be made absolutely clear that sexual harassment and hazing are categorically unacceptable in any organization. This type of reprehensible behavior physically and psychologically damages individuals and should be treated with the utmost contempt. There is, however, a clear difference between the intentional harms suffered by sexual harassment and hazing, and pure-intentioned ribbing, devoid of malice. Our willingness to believe the worst in each other has rendered us incapable of understanding this difference.

As a five year member of the active band family at Ohio State and a ten year alumnus of the OSUMB, I observed the evolution of the band culture and the budding career of Mr. Waters, first hand. In the past week, numerous personal accounts have surfaced, disproving the university's 23 page indictment of the band, its directors, and its alumni. Character witnesses have voluntarily come out of the woodwork to praise Mr. Waters and his accomplishments with the band. I wholeheartedly echo their praise of Mr. Waters and equally support their acknowledgements that occasional misconduct occurred as it would in any other organization comprised of young people experiencing their first freedoms and beginning to learn the skill of adulthood.

So eager have we become to expose fault that we disassociate ourselves with those under scrutiny. An organization of people marching, scantily clad, through a stadium somehow seems

more depraved than group of college kids running around a pool in bathing suits or, heaven forbid, skinny dipping. We overlook the fact that multiple institutions share and promote a similar tradition, be it a naked mile or an underwear run. When members of an organization consume alcohol to excess in the privacy of their own homes and completely of their own accord, it reflects poorly on the organization while tailgates, block parties, and sporting events are not only sponsored by beer companies on university grounds but are considered the norm.

That an individual voluntarily participating in a group, without being singled out and without being stereotyped, may take offense from a conversation is a vile enough threat that it should shake an organization to its core. Surely sticks and stones now cause less hurt than words, and suffering mild, unintended offense is an injury so egregious as to merit taking a man's job. This is as clear an argument as can be found to illustrate the right to not be offended trumping the freedom to speak as one pleases.

How strangely must the lens of time distort our own pasts that we now expect perfection where our mistakes once educated us. Instead of considering ourselves fortunate enough to learn, consequence-free, from our errors, we now cry foul and assume mistakes to mask far darker intentions. A popular phrase among business professionals is assume the worst, hope for the best. Our eagerness to ignore the latter part of this phrase belies our rampant fear that we no longer possess the ability to differentiate between innocence and malice. We so strongly shore up our defenses against fear that we fail to leave room for hope, for forgiveness, for mistakes.

In the race to defend against this fear of depravity among our college students, simple truths have been cast aside. Testimonial after testimonial after testimonial that the OSUMB fosters relationships so close as to be called family have been ignored. The voice of a "victim" identified in the 23 page report has fallen on deaf ears as she refuted the claim that her time in the OSUMB was offensive, depraved, harassment because, surely we, the greater populace, know more of how she felt than she did. So easy has it been to write off Mr. Waters for perceived cultural issues that no one has registered the fact that, since his days as a student, Jon has relentlessly worked to negate objectionable behavior while simultaneously raising the group to new heights and national prominence.

Every group has its outliers and rule breakers. The OSUMB has not been immune to this. I have both born witness to and experienced firsthand, the processes in place to correct any infractions to the strict set of band rules. I am thankful to Mr. Waters for the opportunity to learn from my mistakes and I know that my character has been strengthened by those opportunities. My fellow students at the time were not so privileged and made far greater mistakes in order to learn the lessons the OSUMB afforded me. Despite their transgressions and despite a national spotlight on these transgressions, not a person identified the Ohio State University as a home of depravity. Many of these peers were allowed to learn from their mistakes without greater consequences and considered simply to have made the errors of youth.

Once, we were capable of differentiating between youthful transgressions, innocently made and learned from, and malicious actions, intentionally inflicting physical and psychological harm. Our fear has blurred this line so much so that all but perfection is considered a threat. An

extreme minority of misbehavior is being allowed to taint the overwhelming positivity of an organization that has produced a well-rounded family of upstanding citizens and world contributors. For a university that claims the world to be a lesser place "but for Ohio State," let us see the OSUMB as an organization making incredible headway in both pioneering performances and in upgrading its own culture under Mr. Waters "but for Ohio State."

The Ohio State University Marching band no more engenders a culture of depravity than does the university of which it is an extension. To learn is to make mistakes and the trespasses of the OSUMB as an organization should be seen in the context of a global university system comprised of young individuals learning adulthood by making, and learning from, mistakes. The more we continue to punish the mistakes of learning, the further we remove ourselves from each other and from the human experience.

Mr. Waters has moved mountains with the OSUMB. Allow him the privilege we have all benefitted from, the chance to learn, and afford him the opportunity to return an exceptional organization to its once sterling status.

I Stand with Jon.

Go Bucks.

Chris Haller  
E Row (2003-2004)  
Athletic Band (2000-2004)  
Ohio State Alumnus (Life)

Band culture has to change

Saturday August 2, 2014 5:01 AM

I am a big fan of TBDBITL. However, the facts that have surfaced from the university report concerning the Ohio State University marching band have significantly reduced the admiration that I have for the band.

I read most of the report. Some of the stuff was just silly. Most of it I couldn't believe would actually still go on in 2014. This is the sort of behavior I'd expect from junior-high students, not young adults who are part of arguably the most prestigious college organization in the country. What parent is going to want to send his son or daughter to Ohio State to be part of the marching band under those conditions? The worst part is that these practices were institutionalized as part of the band, not isolated incidents involving only a few band members.

Despite what has happened, I'd like to see Director Jonathan Waters reinstated with the proviso that he institute an immediate zero-tolerance policy. He knows what is going on and is probably in the best position to put an end to it. In the long run, I think he would serve Ohio State well.

More important, I'd also like to see the band leadership, especially the student squad leaders, man (and woman) up and say: "Yes, there have been problems. We're going to address those problems and see that nothing like this happens again. We will be a model for others to follow. We will be 'The Best Damn Band in the Land' on and off the field."

That would go a long way toward TBDBITL regaining its stature.

KARL HELLSTROM

Reynoldsburg

## Dr. Patrick Herak

Posted by WeStandWithJonWaters WebAdmin 32sc on August 04, 2014

As a former member of the Ohio State University Marching Band and a three-time graduate of The Ohio State University, I wanted to share with you how embarrassed I was by the investigation that was released last week, both by some of the findings of the investigation as well as the unscientific manner under which the investigation was carried out. The two major claims of the investigation are the hostility of the OSUMB culture and Jon Waters' failure to address these issues. I'll address some of the issues in the order of the report...

### Midnight Ramp

Midnight Ramp (MR) is a unique experience as it is the only opportunity for every current member of the marching band to march together; during a game day two alternates in each row do not march. It can be argued MR also gave students an opportunity to experience something quite scary—marching out of the tunnel in front of 110,000 people—in a less-threatening, more-relaxing environment. Given that participation is not forced and students are able to cover themselves to their level of comfort (e.g. pajamas rather than underwear), I have no problem with this event. The only potential concern I have is if students are completely naked, which I do not remember from my tenure in the marching band. Other students may feel uncomfortable seeing this, which would be unacceptable. Barring that, if MR is a problem, I am shocked that it took the university this long to address the concern. Even decades ago, scoreboards were on and even night-time security stood at the gates of the stadium.

### Nicknames

During my tenure in the band, not every rookie was given a nickname and very, very few would be considered sexually explicit. If students were given sexually explicit nicknames and did not want them, this behavior is totally unacceptable. However, I have always found it disturbing when people trying to promote tolerance are at the same time intolerant of the choices made by the people they claim to be protecting. In the news the past few days, the band members dubbed "Joobs," "Tulsa" and "Tiggles" have come out defending their nicknames as consensual and something that made them feel closer to the band family. It appears the investigators failed to follow-up with any of these students, but rather painted the broad-brush implication that they were all sexually harassed.

The other issue I have with the investigation is that it does not address the time frame of these nicknames. Without a time frame you cannot properly address the conclusions in the report. If these 24 nicknames were all given the same year, then the culture would certainly be VERY disturbing. If the nicknames were spread over an 18-year period, then it would appear these nicknames are either isolated exceptions or a sub-culture that needs to be addressed.

Furthermore, if it is found that no students were given nicknames that made them feel uncomfortable in the past two years than Waters has made a positive impact. I do not have the answers to these questions, but they are questions that should have been asked.

As far as nicknames being published in the alumni directory and on the back of "row" T-shirts, in my experience this practice has always been voluntary and is not so different from filling out your complete name and a preferred name on a survey. Some members embraced their nickname so much that other band members did not know their actual name. These alumni wanted their nickname in the roster so their fellow alumni could find them.

### **Tricks**

My recollection of tricks in band was finding out some talents members could have that facilitated getting to know others. ("Oh, you're the one that has the speech from the Millennium Force from memory," for somebody that worked at Cedar Point.) Many of the tricks listed in the report are disturbing and vulgar. Even if they were consensual, that does not mean people want to watch these behaviors. However, I would also go back to context. Without a time frame of these behaviors it is difficult to ascertain if this is a broad cultural issue or isolated sub-culture. I have heard from some alumni that many of these date back to the early to mid-2000s suggesting that this issue may have been dealt with. However, the investigators were very incomplete in their research.

### **Rookie Introductions/ Rookie Midterms & Physical Challenges/ Trip Tic**

My experience with these is very different than those described in the report. In fact, I am speechless with some of the behaviors described and appalled by the Rookie Test (Exhibit A). I believe there is no place for this. I remember Rookie Introductions as singing your high school fight song, to which the rest of the bus would often join in, and telling a joke. Midterms often consisted of marching band history (there is some of this in Exhibit A) and a Script Test (where you would have to complete a script chart with the required number of steps). In fact, I remember taking the script test in my later years in the band as well. Trip Tics often had some information about where we were going (much like a AAA Trip Tic) and a few jokes, but were never directed at individuals and nothing like in the report.

Regarding the investigation, buses have often been staffed by not only the three members of the OSUMB staff in the report, but also by members of the school of music (e.g. Richard Blatti and Russel Mikkelson). If this issue was so widespread, why are there no citations made in the report by Mr. Blatti? Furthermore, a documentary crew followed OSUMB for an the entire season (I believe the DVD release was entitled "The Pride of The Buckeyes"). Why have these journalists not been questioned, since they were not only there but impartial parties to the investigation? Once again the methods of this investigation are so poor it is impossible to conclude whether this is a broad cultural issue or an isolated sub-culture, nor to determine if things were improving under Waters.

### **Songbook**

As mentioned on many occasions, the song book was an underground publication by some band members. The song book was not endorsed by the OSUMB staff and, according to exhibit B, the last revision was 2006. I would argue the majority of the songs were outdated and never sung; if they were sung at all, it was certainly not in public. Moreover, a likely reason why the last revision was in 2006 was that the staff has clamped down. The other ignored fact is that many of the songs are more representative of a national band culture—you'll find the same fight song lyrics sung around the country—and part of a national pop culture sung at piano bars around the country. I even heard one song sung by a British band on a bus in the UK. In other words, they are not unique to OSUMB.

### **Summary**

In summary, I find some of the behaviors in the report unacceptable and hope they are isolated incidents and no longer occurring. I know many school districts in the area have training videos accompanied by quizzes for all their teachers in areas like safety, sexual harassment, tolerance, etc. I am amazed that a university of this size and resources has not implemented such a process for all students in groups that must be Title IX compliant.

However, I also find the investigation by the Office of University Compliance so poorly conducted that the conclusions reached are unjustified. Assumptions are made that students listed in the report were in a hostile environment, when the testimonies that have been released following the investigation state just the opposite. The sampling was not representative nor random, but rather focused on specific allegations and incidents that make it impossible to ascertain the overall culture of the band. In fact, the best tool for this Student Evaluation of Instructions (SEIs) were noticeably absent from the report. With no time frames, it is impossible to determine how things have changed under Waters. In fact, the report suggests he submitted a list of changes that he has implemented, but for some reason these are not included. It appears to me the goal of the investigation was to find Waters guilty and not actually determine the general culture of the band or whether Waters has made strides in improving some of the issues described in the report. Furthermore, I believe by releasing the nicknames and "tricks" to the media, the University may have violated FERPA and perhaps Title IX. The students can easily be identified and no less than two female students have come out at feeling harassed because of the report. Furthermore, by publicly releasing the contents of the songbook, now many OSU band members who never had access to the songbook (as well as high school students that look up the OSUMB) have access to every song. This action is socially irresponsible.

The poor quality of the Office of University Compliance investigation and President Drake's hasty and impulsive decision has arguably brought the public image of the university more harm and shame than the immature actions of some of the past band members. I am saddened that the original recommendation, to keep Waters at the helm, was ignored as I think Waters was/is uniquely qualified to continue to improve the deficiencies in the band culture due to his experience as a member. I stand with Jon.

Thank you for your time,

Dr. Patrick Herak  
OSUMB 1991-1995  
B.S.E. 1996, M.S. 2001, PhD 2010

As one member of a family that first set foot on the grounds of The Ohio State University in 1922 and as a former member of the OSUMB, I was floored by the abrupt termination of our director, Jon Waters, this summer. It is astonishing that a person's career could be so greatly affected by the flawed report that was presented to our newly installed President. As a prudent administrator, one would have thought that President Drake would have taken more time to fully assess the "standing and history" of the band and measured the depth and validity of the research in which the report was based on. Statements from two or three malcontents and their selected "witnesses" does not measure up to a fully comprehensive review of the band, its conduct, and its character; especially when a far greater pool of current and former band members are available within the Columbus Area willing to be interviewed. I am especially concerned about two aspects of the report and one divergence from written policy: 1. The Midnight Ramp in underwear which has been panned by the University and Media; 2. Ms. Bork's roll as a witness (a physical therapist /volunteer for 18 years); and, 3. Failure of the University to adhere to its own policy regarding personnel interviews First, I fail to see the difference between the "midnight ramp" and the "bi-annual undie run" conducted at the University of California - Irvine and other colleges around the country? By simply googling...undie run, numerous colleges come up! If OSU's Ramp is sexualized then why aren't. all the other runs which receive the blessing of their universities? Perhaps, President Drake would like to provide a supplemental report on the differences between OSU's undie ramp and Irvine's undie run, the latter of which it appears he condoned while servicing as its president? Second, as I understand it from the official report, a volunteer of 18 years (16 years of which were under Dr. Woods directorship) suddenly became repulsed by the Band's conduct? It took this individual 16 years to build up the courage to confront the University of the alleged sexualized conduct of the band? Her concern regarding the band trips and alcohol abuse only started

during the last two years of her 18 year involvement with the Band? Really? Therefore, is it logically to assume that during the initial 16 years, the band members were saints? Really? AND finally, hearing that the University did not follow its own policy in advising Mr. Water that he could have his attorney present while being interviewed by Title IX personnel is most distressing. It supports the public perception that the exercise was a rush to judgment and handled unprofessionally. I take heritage as a Buckeye, my years of serve in the band, and my estate gifting very seriously and feel that insufficient effort and professionalism went into this report resulting in an imprudent action having been taken by the President and supported by the Board of Trustees. Anyone and everyone can make a mistake (we are all human), the University leaders should not compound their mistake by becoming stubborn and not allowing the numerous flaws within the report to be further investigated and corrective action taken. Please pass this correspondence on to anyone of authority that you feel should hear (and will listen to) an opposing view.

Richard ("Rick") I. Johnson

Class of 1974

Daniel R. Kiracofe, Ph. D.  
3628 Burch Ave  
Cincinnati OH 45208

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

Dear President Drake,

I am writing you in regards to the recent termination of Jonathan Waters as OSU band director.

As a taxpayer of the State of Ohio, an alumni of OSU, a lifetime dues-paying member of the alumni association, and an alumni of the marching band, I am disappointed in how this situation has been handled. I have three main objections: First, the Glaros report was greatly exaggerated. Secondly, Jon was in fact actively working improve the band's culture. Finally, Jon was not afforded any due process.

First, the finding of the Glaros report were exaggerated. The report makes it sounds as if the marching band is a completely out-of-control fraternity from the movie *Animal House* or worse. From my personal experience as a member of the marching band from 2001-2002 I can state that this was simply not true. Many of the items mentioned were rare exceptions and not the norm: For example: My rookie name ("Gilligan") was not sexual offensive. I never witnessed any groping or anyone trying to remove articles of clothing during "rookie introductions". I cannot recall ever taking a "rookie midterm". I never received a copy of the "Songbook". I never witnessed a "flying 69" or a game of "roller bus" on a bus trip. Several of the witnesses interviewed in the report have already publicly stated that their comments were taken misrepresented (<http://www.nbc41.com/story/26249658/osu-band-witness-highlights-inaccuracies-omissions-in-report>).

Secondly, most if not all of the activities in the report that were reported accurately (as opposed to the ones that were exaggerated per my comments above) had been going on for many decades before Jon became director. For example, I participated in a Midnight Ramp in only my underwear in 2001 when I was in band, and it was a well-established tradition at that point. The only way to hold Jon Waters accountable for something that pre-dated him by decades is if he was not actively working to change it. In fact, Jon was working to change these traditions, as documented by Dr. Richard Blatti in his performance reviews (<http://www.dispatch.com/content/stories/local/2014/08/13/Ohio-State-releases-Waters-evaluations.html>):

"Jon is confronted with many years of 'tradition' and many well-meaning alumni whose proclivities and excesses need constant but gradual attitude adjustment. Jon has already begun to address these predispositions and is courageous in tackling some of the more- extreme views head-on." It seems inconsistent to me that his performance review would rate him as exceptional and praise him for doing the very thing that he was accused of not doing when he was fired.

To give a specific example of a positive change implement by Jon Waters: When I was in band in 2001, rookies (first year band members) were expected to purchase Gatorade and snacks for their entire section for each and every home game. I spend over \$100 out of my own pocket buying Gatorade for the rest of the percussion section. The older members of the section did not contribute any money towards these purchases. Jon has eliminate this "caste" system, making all members of each section contribute equally towards game-day refreshment purchases (<http://www.nbc4i.com/link/706939/pdf-osu-alumni-band-statement>). This may seem like a small thing, but the old system contributed to a culture where rookies were treated as second class citizens. Organizational culture is a hard thing to change. If you want to eliminate a culture of hazing, you have to start with the things like this that contribute to it. This is precisely what Jon Waters was doing.

Finally, Jon Waters was not afforded the due process that he should have been granted. As I understand it, the allegations contained in the University's Investigation Report were not presented in writing to Mr. Waters until after he was given the choice to either resign within eight hours or be terminated. Jon was not given the opportunity to respond to the allegations.

I knew Jon Waters personally when I was in the band in 2001-2002. As graduate assistant director, he was never anything less than completely professional. The current situation has greatly misrepresented his character.

Therefore, I believe that Jon Waters should be re-instated as the director of the marching band.

I would ask for your acknowledgment of receipt of this letter, and for your feedback on this matter. Thank you for your time,

Daniel R. Kiracofe, Ph. D.

2100 Perkins Drive  
Springfield, Ohio 45505

July 31, 2014

Mr. Archie Griffin  
President, The Ohio State University Alumni Association  
Longaberger Alumni House  
2200 Olentangy River Road  
Columbus, Ohio 43210

Dear Archie,

I understand that you were at yesterday's meeting with Brian Golden, president of the TBDBITL Alumni Club, and President Drake. I'm writing to you because I'm an alumnus of The Ohio State University, a former member of the marching band, and a current member of the Alumni Marching Band.

You and I have met a couple of times, most recently on the Buckeye Cruise for Cancer a year and a half ago. I played in the marching band during the years you were on the football team. You got to hear me play, and I got to see you play. I think I got the better end of that deal!

You know what it is to be the absolute best, Archie. Your two Heisman Trophies are a testament to that. I also know what it means to be the best, having earned a spot in the organization widely recognized as the best marching band in the world.

I'm sure you remember that Coach Hayes frequently talked about the importance of the marching band. He was very proud of us, and he understood how important a good band can be in motivating the football team and inspiring the fans. He referred to us as "the second-hardest-working group on campus."

You are no doubt aware that I'm writing in support of Jon Waters, and that he be reinstated as the Director of the marching band. I know Jon personally. I was in the Alumni Band during the years he was its assistant director. Sometimes when he wasn't directing, he would get his tuba and play along with us. Jon is an exceptional musician, an outstanding director, and a great leader. He has the knowledge, background, and ability necessary to be the band director. His imagination and innovation have gotten the marching band, and, consequently, the university, worldwide acclaim. He has the admiration and respect of the band members. Jon is absolutely the best-qualified person to lead the marching band, as well as to continue the efforts he has already implemented to fix its problems.

I believe that the firing of Jon Waters was unfair and unjustified. I urge you to represent the thousands of alumni who feel the same way as I do, and to help persuade President Drake that the proper thing to do is to reinstate Jon Waters immediately.

Thank you, Archie.

Sincerely,

Brian Lewis

B. Sc. Business Administration, The Ohio State University, 1976

The Ohio State University Marching Band, 1972-1976

"4" dotter, 1975, 1976

"1" dotter in the Alumni Band, 2006

## Brian C. Lewis

Posted by WeStandWithJonWaters WebAdmin 32sc on August 14, 2014

Dear President Drake: I am writing to express my grave concerns about the "Investigation Report" regarding the complaint against Jonathan Waters, and the action you have taken based on this report. No doubt you have heard the "Investigation Report" described as being "deeply flawed" and "biased." In this letter I prove those claims. I apologize in advance for its length, as the "report" has so many shortcomings that it will take several pages to document them. In the interest of brevity, I will only address the most egregious of those shortcomings. Please have the courage to read and understand this entire letter, and to send me an appropriate, non-automated response...

I realize that you do not know Jon Waters. I do know Jon; and because I do, the nature of the "Investigation Report" is more obvious to me than it might have been to you. Nevertheless, there are any number of errors which should have stood out to an educated man.

**The authors of this "report" have an agenda.** The slanted way in which it was written, the select few witnesses who were interviewed, the reliance on "evidence" from *six years* before Mr. Waters was named director of The OSU Marching Band to indict him, all of this tarnishes the reputation of The Ohio State University as one of the great research institutions in the world. Perhaps the biggest accomplishment of the investigators was to find as many as twelve people who would say negative things about Jon Waters. And even much of they said was reported inaccurately, as you would know if you've been watching the news lately.

Let's start with the Executive Summary, on the first page. **It contains what the authors want you to believe, regardless of whether it is substantiated in the report.** Note how it refers to "secrecy oaths," but when you read the report, only one witness ever mentions such a thing. **Furthermore, the authors imply that the Band's culture is "sexualized."** Conspicuously absent is any definition of "sexualized." **The term is thrown about as if we all agree on its meaning, and as if it means something horribly bad. Why wouldn't the authors define it?** Is it possible that a "sexualized" nature exists within our entire culture, not just the Marching Band?

If you look at Page 3 of the report, you see that the investigators claimed "Conclusions were made using a preponderance of the evidence standard [sic]." In Footnote 3, they say that they interviewed specific people recommended by the complainant and witnesses. The investigators even admit that they "did not randomly interview current Band members for this investigation." **When one only looks at a tiny, biased fraction of the evidence and refers to this as a "preponderance," the consequent report is unbefitting of an institution of higher education.** That the Marching Band Director would lose his job based on this report is a travesty.

On Pages 4 and 5, there is a discussion of the Midnight Ramp. No doubt you have seen references elsewhere to a fund-raising run done in underwear, and photographs of students in underwear jumping into Mirror Lake. So we must assume that the real issue wasn't underwear.

Furthermore, multiple witnesses "indicated that participation in Midnight Ramp was not required." (How often did the "report" cite "multiple witnesses?") Nevertheless, the authors attempt to paint Mr. Waters in a negative light because he was in attendance. **If you read further, you find that there had been an incident of alcohol poisoning at a Midnight Ramp in some year previous, and because of that, the staff committed to be there.** There can be little doubt that had Waters not been present, the investigators would have faulted him for that.

On Page 9, regarding the Trip Tic, the report says, "One student stated that the only reason Waters banned Trip Tic was because the percussion instructor asked him to ban it when it had cruelly disparaged the instructor's girlfriend." How would the student know Jon's reason for banning Trip Tic? Are we to believe the student is clairvoyant? Even if Waters had stated that this was his reason, the witness's statement is hearsay. **Note that only one student mentioned this. Nevertheless, in their attempt to disparage Waters, the authors use one person's statement as if it is undisputed fact.**

Before we leave the Trip Tic issue, note that on Page 9 the report states "Smith and Hoch were not aware of the Trip Tic still being published. [sic]" Two paragraphs previous to this, it states that staff members "were not supposed to see it [Trip Tic]." **Why were they asking people who weren't supposed to see something whether it still is being published? This is beyond mindless.**

On Page 10, the report states, "One witness indicated that students brought a box of pornography on the bus and shared these magazines with other students." **Again relying on the statement of a single witness (when it would have been easy enough to corroborate), the authors are attempting to paint Jon Waters as being willfully ignorant.** A standard Greyhound bus will hold 53 passengers. With a travelling party of 225 bandsmen plus staff, the Band travels with six busses. I assert that Jon Waters could not have been on all of them at the same time; nor could he have known everything that happens on all the busses. Evidently no student filed a complaint about the supposed pornography; if any complaint had been filed, it doubtlessly would have been included in the report. Citing that witness's statement in this report is entirely unjustifiable, and it is further evidence that the investigators had an agenda.

On Page 11: "One witness stated that Waters texted dirty limericks to students." Again, just a single witness is relied on for this claim. Furthermore, this would have been easy enough to verify with other witnesses or electronic records. **The investigators apparently didn't do very much investigation. They were content to damage the reputation of Waters with an unsubstantiated charge. They would include 69 pages of second- and third-hand "evidence," most from six years prior to Waters being named director, but not so much as a screen shot of texted dirty limericks?**

Also on Page 11: "One witness described the Band's long-term culture as 'sexualized.'" The witness then tells how an upperclassman described sex with his cheerleader girlfriend. **Even begging the question that we agree on what "sexualized" means, one witness's account of a single incident is hardly justification for characterizing the culture of the entire Band, much less "the Band's long-term culture."**

On Page 13, we find the answer to what you probably thought was a rhetorical question on the first page of my letter. **The writers of the report repeatedly refer to the “sexualized culture” of the band, without defining it, so that with verbal sleight of hand, they could morph “sexualized culture” into “sexual harassment.”** To quote the report, “The university’s Sexual Harassment Policy 1.15 makes clear that **such** “harassment....” In one cleverly worded sentence, the uninformed and uncritical reader is led to conclude that everything foregoing was, in fact, harassment. This is shameful. It’s almost as shameful as terminating someone’s employment based on this report.

On Page 17, the report includes allegations from Pam Bork, who, in any other circumstance, would be described as a “disgruntled former employee,” possibly followed by the phrase “with an ax to grind.” In this report, however, her words are treated as if they are undisputed truth. There are people who have been around the band far longer than 18 years who could have been interviewed, but weren’t. **Not only that, apparently the investigators could not find and interview any of the other “horrified” witnesses to which Pam Bork refers. This suggests very powerfully that such witnesses do not exist. Finding them and interviewing them would have strengthened this report, but it wasn’t done. Science, which is implied in the term “investigation,” is about repeatability, not about finding exceptions.**

“Bork then referenced a sexual assault that had occurred as what she feared would come to pass.” **So the writers of the report want us to conclude that because Pam Bork says there was (in her opinion) excess alcohol consumption in California, a sexual assault occurred somewhere. That’s quite a stretch.**

On Page 19, “The information provided by Bork demonstrates that the Marching Band’s physical therapist put Waters on notice of issues concerning alcohol consumption and the Band’s sexualized culture in September 2013.” **Again, a single witness.** Not to mention that sentence was written as if it were intended to be quoted out of context, given that Bork *was* the Marching Band’s physical therapist at the time.

“Given the nature and volume of the information available to Waters, he had knowledge of sexual harassment that created a hostile environment.”

Within the space of two sentences, the report’s authors have leapt from a “sexualized culture,” whatever that may mean, to “sexual harassment” as a proven fact. By now, I trust that you are seeing a pattern, President Drake. This was not an investigation. It was a hatchet job. A character assassination. Someone’s vendetta being implemented by the university. A professional lynching.

Also on Page 19, “On July 19, Waters provided a document describing his thoughts about the Band’s culture and his efforts to improve it; the document does not change the analysis in this report.” **Why not include the document so the reader can decide? Perhaps because it didn’t support the predetermined conclusion?**

One more thing I will point out as evidence that the report writers have an agenda: On Page 22, in the section entitled “Conclusion and Recommendations for Corrective Action,” one bullet

item is "Understand the connection between alcohol and drug abuse and sexual harassment or violence;". Drug abuse? Where did that come from? A computerized scan reveals that the word "drug" occurs nowhere else within the entire document. How, then, did this end up as a conclusion? Can anyone possibly believe that the writers did not have an agenda? Similarly for the word "violence." It is used once in the body of the report, on Page 10, "... one witness observed that some of the songs went so far as to glorify violence against women." But if you look at the Conclusion and Recommendations, the word "violence" occurs twelve times! Twelve times! It occurs three times in the expression "sexual harassment and violence" and nine times in the expression "sexual violence." So the investigators have gone from "sexualized culture" to "sexual harassment" to "sexual violence" based on no evidence! How much more obvious could it be that they have an agenda?

I hope by now, President Drake, you understand just how one-sided, unjust, deeply-flawed, and unjustifiable this "Investigation Report" is. The people who did this so-called "investigation" and this slander pretending to be a "report" should be disciplined. Jon Waters should be reinstated, with your profuse apologies.

It takes a big person to admit and correct his mistakes, especially a mistake of this magnitude. Thousands of Ohio State alumni are hoping that you are a big enough person, and will correct the horrendous mistake of firing Jon Waters.

Sincerely,

Brian C. Lewis

## Brian Metzger

#WestandwithJonWaters

I was a sousaphone player in the OSUMB from 1993-1997. I came into the band as a pretty naive kid, into a culture rooted in the military that was by anyone's account like any athletic team. The long history about where exactly the band belonged - in the Music School or in the Athletic Department - attests to this. It was not a classroom as much as a team.

Reading the report in the context of an athletic team or military unit can bring some perspective, helping to compare apples to apples. It doesn't change the facts. But it tempers one's rush to judgment.

Nevertheless, even among the athletic and military culture, I was never forced or required to engage in any behavior that I objected to. And I never suspected that my spot was in jeopardy if I refused. In truth, I was never even in a position to "refuse" publicly. I was protected - warned and sheltered by men and women who were like big brothers and sisters.

I became a Christian during my junior year at OSU - I was not one coming in - and am a missionary today. My own mores and sensitivities only increased during that time. But I suppose, like chaplains in the military, I felt that I would work toward the betterment of the organization from within - I had and still have much respect for TBDBITL - and that any other means would actually be destructive to the organization I had become so fond of and one that had given me so much.

Unfortunately, this is what President Drake's decision is doing.

Have the full extent of the changes come too slowly? Admittedly, yes. I was in the band 16 years ago. Changes have come. But a wholesale overnight change of the culture at the moment Jon Waters became director would have been an impossible task. Jon, as a man who was actually moving the band in the right direction, has been publicly embarrassed, shamed, and blackballed, yet he was uniquely the person to do the very thing the university desires.

I'm deeply grieved because there was a better possible outcome in all of this, a more redeemed outcome: a cleaned-up culture with the aid of the university, with Jon Waters still at the helm, and relationships restored. Instead, there's been deep embarrassment and destruction all the way around.

Reasonable possible outcomes could have included a Title IX compliance officer permanently attached to the band, an official visit from the President of the university and legal affairs warning the band of the pending consequences for Jon Waters, the associate staff members, and students themselves, along with a presidential (and parental) embrace that said, "This is unacceptable but we'll move forward together for your good and ours."

We unfortunately don't live in a world where wisdom can prevail, but in a litigious media saturated one that salivates on the salacious. The university has fed that hunger, hypocritically covered themselves (having turned a blind eye for decades - university police and stadium staff have been complicit in "midnight ramp" which bears the remarkable similarity of being as benign as jumping in mirror lake), and tarnished a man and his career.

All other athletic teams and marching bands across the country are now on notice. You get a do-over. It's nothing to laugh or joke about. You get a chance to clean things up. I wish Jon Waters had that chance. Don't waste it.

August 4, 2014

Mr. Chris Glaros  
The Ohio State University  
Assistant Vice President of Compliance Operations and Investigations  
1534 N High Street  
Columbus, OH 43201

Mr. Glaros,

I write to register my concern about your treatment of The Ohio State University Marching Band Director, Jon Waters. I am an alumnus of Ohio State (B.S. Actuarial Science, 1998) and a proud former member of TBDBITL (Sousaphone, 1993-1997). Your report, which precipitated the firing of Jon Waters, and its release to the media has soiled not only Waters' reputation, but the reputation of the Marching Band, Alumni, and the University.

At issue for me are the following:

1) The years associated with many of the details of the report (including nicknames, rookie tricks, etc.) are not included. The deliberate absence of these dates was necessary to paint the picture to prove the hypothesis, rather than discovering its validity. Many of the details predate Jon Waters' tenure as Director of the Marching Band. Indeed, there is no clear chronology in the report. A report seeking to communicate the truth would have included that. It reads as if all events happened in the same fall season, not spread out over multiple years and even in different bands. This was irresponsible and appears to be purposefully deceptive.

2) Exhibit B, an unofficial songbook, is also provided without context, again painting a picture that is entirely inaccurate. Once again it appears to be a deliberate attempt to shape opinion. The sheer shock value of the document ought to attest to the kind of work it is. It is intended as "off color," or "blue," "insult" comedy. While it is not comedy that I personally find entertaining, it is one that nevertheless exists, and it survives underground generation after generation - despite repeated crackdowns - precisely because it is so over-the-top. It survives in the hands of that small element that enjoys it. But the perception that it was widely distributed or extolled is patently absurd. Nevertheless, this assumption is now repeated by media outlets across the country - verifying the effect of the report on the opinion of the general public. Further, upon the irresponsible release of the book by the University to anyone with internet access - your floodgate far surpassing the trickle of viewers it previously had - you may have subjected Marching Band members to further verbal and physical abuse in away stadiums where our rivalry sometimes turns to hostility.

3) As has now been widely noted, only one of the students whose nicknames appeared in the report was actually interviewed, and the interviewer did not even ask for her opinion about the very thing for which she was mentioned. The number of interviewees was abysmal and only those suspected of corroborating the forgone conclusion were included. Furthermore, there was clearly no suspicion of motive on the part of the complainant or the hand-chosen witnesses. I do not suggest that motive should negate their concern, only that it should be considered, much as

my motive is inevitably being used as a filter for my comments. The inclusion of more interviewees in the process would have countered the very real possibility of bias and even revenge.

4) Sadly, Jon Water's own reply to the allegations listing in detail the changes he was making in the band, after full cooperation with the University investigation, were left out of your report. A truth-telling report would have included student behaviors and both Waters' preemptive and responsive actions.

5) There was no mention in the report of the ways in which the University was complicit - either by turning a blind eye, failing to provide resources, or by actually participating in the events mentioned. "Midnight Ramp," like the Mirror Lake jump, has been attended by University Police and Stadium officials have provided lighting, scoreboard entertainment, and access.

6) Mr. Waters' responses to actual allegations of sexual misconduct were handled appropriately, following procedure. The only mention of this again appears to be a deliberate distortion, with an explicit suggestion that Waters' botched his responsibility in this. Where was Athletic Director Gene Smith's responsibility in that decision noted? Even so, is it not the responsibility of your office to make sure not only that staff know protocol, but that their decisions comport? If faculty can expect to be assailed publicly for reporting, have you not discouraged them from fulfilling their responsibility?

7) That Mr. Waters was not given the resources for which he is being held accountable, nor given the time to finish the work, and is being held responsible for the totality of behavior of 225 marching members and additional student staff (not to mention the other bands) - both while in his presence and away - belies common sense. All faculty and staff should be on alert by the precedent set, a precedent of unfairness and heavy-handedness from an adversarial university administration which will neither afford due process nor proceed with integrity. Is your office not charged with both aid and compliance?

In all, the investigation was farcical and unworthy of the University stationery it was printed on.

My own experience in the Marching Band was not what was purported by this report. I became a Christian during my junior year at OSU - I was not one coming in - and am a missionary today. My own mores and sensitivities only increased during that time. I and others hosted a band Bible study attended by as many as 25. Like chaplains in the military, we worked toward the betterment of the organization from within, believing that other means would only serve to hurt the organization I had become so fond of and one that had given me so much. I offer this perspective not as a denial of any verifiable data but to express that the band 'culture' is not a monolith of sexual perversion, as has been so grossly portrayed. This is further attested by the volume of parents whose children and even grandchildren go on to participate with support and encouragement.

Let me make it clear: I do not condone and will not offer defense for sexual harassment or assault. Where they occur, violators should be punished and prosecuted appropriately. Surprising, Jon Waters is has been castigated for doing that very thing, and I write to defend him.

I do not deny that changes were needed, but Waters was changing an institution, arguably the single best group of ambassadors for Ohio State, from the inside, accomplishing both its preservation and reformation. Cultures do not change overnight. He was working persuasively with the students to inculcate lasting change for everyone's betterment. Jon Waters was making what was Best even Better and bringing further acclaim and money to the University in the process. He has been rewarded with character assassination.

Additionally, as far as one deems the Marching Band sexualized, that is a reflection of the culture at large, and the University shares the responsibility. Examples from society abound and need not be rehearsed, but permitting sponsored underwear runs at the very least sends a mixed message. Even the Student Wellness Center's Condom Club's videos available online refer to their wooden prop as "Woody" and the proper use of a "finger cot" (previously unknown to me) was demonstrated on the extended finger of the bronze Brutus Buckeye in the Ohio Union.

I recognize the responsibility of the University to protect students. I value that for my own child. But I agree with the TBDBITL Alumni Club Board of Governors when I say that the decision to fire Waters served no one. One can only assume that your deliberately untruthful report (for the reasons listed above) was written with the nefarious motive of offering up Jon Waters as a scapegoat.

I have always worn my Ohio State Alumnus status with pride, especially my association with TBDBITL. The latter continues, but I am for the first time embarrassed by my university, and I have removed my name from OSU solicitation rolls.

I have written a similar letter to the following parties: Governor John Kasich, Board of Trustees, Archie Griffin, Betty Montgomery, and David Axelrod. Please provide me with confirmation that you received my letter and I request feedback regarding this matter.

Sincerely,

Brian Metzger

## Analysis of Percentage of Women in OSUMB

Posted by WeStandWithJonWaters WebAdmin 32sc on August 04, 2014

Letter to the Dispatch Editor in response to "[Ohio State's marching band has few women compared to others in Big Ten](#)":

As a female alumna of the Ohio State University marching band, I feel compelled to clear up some details after reading Collin Binkley's article about the band on the front page of the Sunday paper. Over the past few days, several of my fellow alumni members have written wonderful letters to the Dispatch, President Drake and other news outlets. I am a very data driven person, so I have spent the last 48 hours gathering as much information as I can about two major issues I have with this article...

My first concern is Mr. Binkley's point that women are rarely selected to be squad leaders in the marching band. As a four year member of the band, I spent 2 years serving as a squad leader, an assistant in 2004 and a head squad leader in 2005. Feeling concerned that perhaps my perception of the number of female squad leaders was skewed by the 8 years that have passed since I was in the band, I posted a request on the official TBDBITL Alumni Facebook page asking that anyone who had or was a female squad leader in the band let me know their name, their row and what years they served as squad leaders. Within ten hours, I had the names of 195 women who have served as squad leaders since women joined the band in 1973. And this list is still growing. In fact, my row has had a woman serve as an assistant or head squad leader, and for 4 years both, for every year except one, since 2001. This number does not include the 51 women who have served as head managers, librarians and secretaries for the band starting as far back as 1947.

The other concern I have is the comment regarding the ratio between men and women in the OSUMB as opposed to other Big Ten bands. The author specifically mentioned our friendly band from that place up North, so I did some researching on my own. Using Michigan's 2013 roster that is posted online, I discovered that when looking at the entire band, 42.44% is made up of women. This is not quite the equal makeup that Mr. Binkley implies, but it is close. However, if you take into account that the OSUMB is made up of only brass and percussion, the picture changes quite a bit. Only 22.15% of Michigan's brass and percussion sections are made up of women. If we take away the woodwinds, flags and majorettes, something that OSU does not have, the percentage is actually LOWER than the 22.67% that represents the number of women in the 2013 OSUMB. Another Big Ten band, Penn State, has a similar issue. When looking at the Nittany Lion band only 22.22% of the brass and percussion sections are made up of women. Having a Bachelor's degree in Music Education from OSU, and having taught in a public school district for 4 years, I would love to believe that the stereotypes no longer exist that women play woodwinds and men play brass. And while ideas are changing, it is a fact that currently more men play brass and percussion instruments. To be honest, I'm okay with a band with a lower percentage of women, especially when an increase tends to mean the women are dressed in suggestive glittery attire, and twirl flags or dance provocatively on the field. I find those choices to be degrading to women.

I urge you to please look at the many stories being shared by the women alumni of the OSUMB. We were not abused or mistreated. In fact, the male members became our friends, teammates and brother-in-arms as we spent countless hours learning difficult drills and memorizing challenging songs. Rather than being sensitive and delicate girls, the women of the OSUMB, both past and present, are strong, confident and empowered members of society. And we owe much of that to what we learned and gained from the band. I am just as proud to be an alumnus of the OSUMB as I was after I marched my last game. And in my heart they have always been and will forever remain TBDBITL.

Jenna McCoy  
E-Row 2002-2005  
BME 2007

August 3, 2014

President Michael Drake

205 Bricker Hall

190 North Oval Mall

Columbus, OH 43210

Dear Dr. Drake:

Before I could even walk, I already loved The Ohio State University. My grandpa, my parents, my uncle, and countless family friends made it clear that their years at OSU were priceless. We made so many trips to campus that it has always felt like home to me, and I knew each time that those brick buildings and crisscrossing paths were hallowed ground. When it was finally time to apply for college, there was only one choice in my mind, and my most precious dream came true when Dr. Jon Woods read my name aloud as a member of "The Best Damn Band in the Land". Each time I put on my uniform, I proudly felt the weight of decades of Ohio State traditions and history: I was marching for Eugene Weigel, Tubby Essington, and the other pillars of band history I'd learned about. Moreover, I was marching for Woody, Archie, and the other heroes of my parents' stories, as well as the hundreds of thousands of current fans across the country. As a five-year member of the band and current active member of the Alumni Band, I know firsthand the band's true culture and Jon Waters' impact on it. I am incensed at how they have been portrayed, and I am devastated that the university I love so dearly has gathered, disseminated, and acted maliciously on a collection of misinformation to destroy my biggest source of pride and its best leader ever.

Although this issue is of the utmost urgency, I have taken my time in writing to you because I spent several days conducting a detailed analysis of the Investigation Report released by the university. Always a diligent student, I wanted to ensure that I was fully informed regarding the situation. After closely reading and annotating the report, I was astonished at the preponderance of inaccurate and outdated information included, as well as the minuscule scope of witnesses compared to the wide range of band members and recent alumni (including myself) who have relevant information about the cited incidents and Mr. Waters' actions as Assistant Director and Director. I have always been taught that investigations should seek information with an open mind and then analyze that information to arrive at a well-reasoned conclusion. Sadly, it is obvious from the multitude of errors, irrelevancies, and contradictions within this report that this

investigation began with a pre-determined conclusion in mind and sought only evidence that supported that (extremely inaccurate) conclusion. As a scientist, you must agree that such a one-sided, incomplete "investigation" is, at best, mediocre, and at worst, insidiously calculated to do maximum damage to Mr. Waters and the band.

While I am extremely concerned that one of the premier research institutions in the country would release, yet alone make high-stakes decisions upon, a "report" of this nature, I am even more disappointed that you, as a new President, would rely solely on this information without seeking to personally experience the true culture of the marching band or meet Mr. Waters. In this first letter (because, yes, I have so much to say on this topic that you'll be hearing from me several more times), I'd like to introduce you to the man whose upstanding character this "report" has so cruelly assassinated. He is an innovative educator, an admirable role model, a passionate Buckeye, and a caring man of integrity: Mr. Jonathan Waters.

Two days after I made the band for the first time, Jon Waters knew my name. Me, a random scrawny horn rookie! I knew then that this Assistant Director cared about students. The next year, he came up to me before the first practice after tryouts and said, "Show 'em how to march!" I was so proud that he'd noticed my high marching scores that I thought I'd fly right off the field! I knew then that he cared about individual students. My fifth year, when a sideline collision at Michigan State caused the bell of my mellophone to slice into my chin, sending blood running down my face and onto my tie and crossbelts, it was Jon that I ran to. I will never forget the expression of deep caring that registered on his face when I approached him. As he sprinted down the field in search of a trainer at a velocity that most people reserve for rescuing their firstborn child, band members unaware of the situation wondered who had collapsed or broken a bone! To this day, the small scar on my chin still reminds me of Jon's concern for me as a person. Later that year, as I sobbed uncontrollably after my last Gray Day practice, he hugged me and said, "I know how hard it is!" I knew then that if anyone loved the band more than me, it was Jon Waters.

Throughout my five years in the marching band and seven years in the Alumni Active Band, I've watched Jon work and fight to make the band better, on and off the field. Much of the evidence presented in the Investigation Report occurred before he was Director, yet some of the incidents were specifically addressed by him at the time, even as Assistant. The report's claim that he "did nothing" about such incidents is a blatant lie, because I watched for five years as he was the one staff member who most often stood up for what was right and took steps to curb inappropriate behavior. In fact, he often received pushback and ridicule from band members for his firm stance on such behavior, yet he continued to work tirelessly to make changes. Even as Assistant Director, he systematically planned specific procedures and actions to encourage responsible behavior and limit poor choices. For example, I recall disagreeing with him in squad leader meetings about trip itineraries, because I wanted more sleep but he wanted to avoid opportunitics

for students to get into mischief. Likewise, he was constantly admonishing the few students who made inappropriate jokes and reminding us all of our duty to represent the band with honor. Through his courageous, tireless leadership, the outdated vestiges of inappropriate subculture (and the simple misbehaviors of some ornery college kids with questionable senses of humor) were dramatically reduced from my first year in band to my 5th year. In the following years, countless more positive shifts occurred as Jon gained more and more power to enact change.

When Jon became Director, I had no doubt that his unique leadership would propel the band to new heights, in performance and in positive representation of the university. He proved me right with incredible innovations in show design, impressive new traditions that highlight the core of what it means to be a Buckeye, and a new range of training programs and service projects designed to help band members become better people. Since I am now an educator, I know how sensitive and volatile classroom culture is, even without the added complications of long-held traditions, extracurricular activities, an extremely large class size, and the burden of intense public scrutiny on young students who are legal adults but still working towards maturity. Furthermore, I know that the inappropriate behavior of a few individuals is not representative of a larger culture, but of the poor choices of those particular individuals. Thus, I especially admire Jon's expertise at building on the strengths of the band and cultivating caring relationships with students in order to create positive change. By using the pride and positive traditions of the band to get members to buy in to his leadership, he was able to enact far more drastic and sweeping changes than any of his predecessors, while maintaining the respect and admiration of 225 diverse college students still trying to figure out who they are.

As a teacher, I understand that Jon's intense concern for each student is the single most important trait of a life-changing educator. Jon doesn't just want to make the band better; he wants to help each student become a better person. I admire how carefully he has planned guest speakers and training sessions to instill leadership and responsibility in band members. I've noticed how his eyes sparkle while discussing his dreams of helping students become better citizens through service, and I've witnessed the impact of those projects on the community and the students. Because of Jon, being a member of TBDBITL now means giving back to the community who gives you so much honor and praise. Because of Jon, the Ohio State School for the Blind has a nationally acclaimed marching band. Because of Jon, the families of cancer victims cherish singular moments of honor and respect from the OSUMB. Because of Jon, the band members involved in these and other acts of service are now more empathetic, compassionate people as well as better musicians and marchers.

All in all, there is no one better suited to continue moving the marching band forward than Jon Waters. No one could be a better leader for the OSUMB than Jon, because no one else has his unique blend of a true Buckeye heart, an educator's soul, and a drive for excellence. I am so proud to be a TBDBITL alumna, and I am even more proud of Jon Waters' work to make "the

best" even better. Because of Jon, the band has become a more respectable organization internally, with new, more positive traditions, at the same time as it has achieved international acclaim on the field. As evidenced by his extensive transformations so far, firing Jon takes away the University's best tool for positive change. I shudder to imagine the band's future without his unprecedented "tradition through innovation", and I urge you to reinstate him immediately.

Now that you are discovering the poor quality of the Investigation Report and the true nature of Mr. Waters and the marching band, his reinstatement as Director is clearly the only acceptable course of action. Together, you and he can collaborate to continue ensuring that the Ohio State University Marching Band truly remains "The Pride of the Buckeyes".

Please provide me with specific, non-automated confirmation that you have received and read my letter. I request your feedback regarding this matter.

Sincerely,

Jennifer Mitchell

OSUMB E-Row 2002-2006, Squad Leader 2005-2006

B.A. with Honors, Spanish, 2006: Summa Cum Laude, Phi Beta Kappa

M.Ed., Foreign and Second Language Education, 2007

Teaching & Learning Endorsement, Teaching English to Speakers of Other Languages, 2009

Columbus Area Writing Project Summer Institute, 2013

Life Member, OSU Alumni Association

Member, TBDBITL Alumni Club Board of Governors

August 7, 2014

President Michael Drake

205 Bricker Hall

190 North Oval Mall

Columbus, OH 43210

Dear Dr. Drake:

As you'll recall from my first letter, I am extremely upset about the way my beloved university has attacked the proudest experience of my life and one of the most admirable men I know. Since I can personally attest to various examples of outdated, inaccurate, and exaggerated "evidence" in Mr. Glaros' Investigation Report, I am astonished that a widely respected research institution would continue to defend it while ignoring the testimony of so many individuals with deeper knowledge of the marching band and Jon Waters' extensive positive changes. I am disappointed that I have not yet received your personal feedback about my first letter, and I hope to hear from you soon, as you should now have a deeper understanding of Mr. Waters' admirable character and his extensive work to help all band members grow into better people.

This time, I'd like to introduce you to the true culture of The Ohio State University Marching Band. As a five-year member and two-year Squad Leader, I assure you that the "sexualized" and "hostile" culture depicted in Mr. Glaros' incomplete and biased "report" is absolutely NOT representative of the OSUMB. While some members did engage in inappropriate behavior, these were isolated incidents that are not reflective of the overall character of the band. Moreover, many of the examples cited in the report predated Mr. Waters' term as Director by at least several years, and he specifically dealt with the vast majority of those incidents, either as Assistant or Director. To discerning readers, the lack of years in Mr. Glaros' collection of "evidence" is extremely concerning; it is either very sloppy work or a deliberate attempt to misrepresent the culture of the band by shocking readers into believing that such incidents occurred much more often than they actually did. Likewise, Mr. Glaros' "report" misconstrues isolated anecdotes and outdated exhibits as prevalent and condoned, when they were actually rare, extreme, and prohibited. Most importantly, the "report" fails to include the numerous steps that Mr. Waters took to punish and eliminate such behavior and refuses to take note of the respectable actions of most band members.

What is the truly widespread, representative culture of the marching band embraced by all members? It is an honorable culture of perseverance and unity that inspires members to put aside personal exhaustion, pain, and challenges in order to achieve excellence for the glory of the band and the university.

I first experienced the culture of the marching band as a sophomore in high school, when one of my mom's colleagues brought me down on the floor of Skull Session. I soaked in the gleaming instruments, the rigid posture, the immaculate uniforms, and the resolute faces. I could see that each band member carried profound pride in a shared history mixed with a desire to innovate towards future greatness, and I knew, without a doubt, that I wanted to be a part of that tradition of excellence. That is the culture of the marching band.

When I began attending the OSUMB's optional summer practices, I found that the veteran band members leading the sessions shared a fierce drive for excellence to the point of perfection. I also found a welcoming, united family where members were eager to help, teach, and support everyone. For three months, these role models pushed me, encouraged me, and volunteered hours of their time to teach me individually. As I prepared for tryouts, I marched for two hours a day on my own, practiced my music, and often met veteran band members for additional practice or Summer Sessions, resulting in 2-5 hours of practice. Every day. For the entire summer. That's the culture of the marching band.

After persevering through two days of grueling tryouts, I was welcomed into a new family: E-Row. Through serious discussions and joyful celebrations, I learned that I was safe, I was valued, and I was responsible for pulling my own weight to keep the band great. I learned that some band members shared my core beliefs and others didn't, but we were all part of the same team, working toward the same goal. Veteran band members took me in as a little sister, teaching and supporting me just as they had when I was working to make the band. The third-year member who marched beside me took special care to take me under his wing, helping me learn to navigate the band and college life in general. His caring guidance helped me develop as a band member but also shaped my life philosophies, my major, and my career path. This summer, after learning about Jon Waters' termination and the unreasonable nature of Mr. Glaros' "report", he called me from Virginia because he knew I'd be upset and he wanted to check on me. That's the culture of the marching band.

Did some band members behave inappropriately? Sometimes. However, I didn't interpret those incidents as the culture of the band, but as the behavior of some college students who embraced prevalent societal norms encouraged in popular media. There was no more inappropriate behavior in the band than on the campus as a whole; rather, I felt safer and more respected with

band members than in other situations. Even in the rare case that an older band member was mean to me, another would immediately stick up for me. When I was stressed or upset (about band, school, or just college life), I knew where to look for hugs and encouragement: my band family. Even if we were years apart, even if we had little else in common, we shared an unbreakable bond. When I walked across campus and saw another student in a marching band t-shirt or jacket, we'd smile and say hi like best friends, even if we barely knew each other. As a tiny freshman on OSU's massive campus, there was nothing like a smile from a senior to make my day. That's the culture of the marching band.

We inspired each other. We defended each other. For five years, we challenged each other to be better marchers, musicians, and people. By embracing me without judgment as I stuck to my Christian values but allowing me to work with students who held other perspectives, the band taught me that diversity makes us all stronger. By giving me opportunities to mentor new members, the band helped me discover the joy of teaching. By showing me the power of leading by example, the band made me realize that even though I was introverted, I could be a leader. My fellow band members, directors, and experiences made me become my best possible self. I believed so much in the power of the band to change lives that I was constantly recruiting friends and acquaintances to join, and I still do. If the band was truly as Mr. Glaros' "report" depicted it, I would not have given countless hours in the hot sun and driving rain to help others become a part of it. As a squad leader, I sought to nurture, encourage, and challenge younger members just as my mentors had done for me. Determined to leave the band better than I found it, I worked passionately to ensure that each member of my row had a more positive experience, and I saw so many other squad leaders and veteran members doing the same. That's the culture of the marching band.

My last Saturday in uniform was one of the saddest days of my life. I still miss putting on those crossbelts and going out with my brothers and sisters to weave a history of excellence into a future of possibility. Fortunately, I now have an even bigger family: the Alumni Band. As an active member, I have gotten to truly embrace our proud history interacting with alumni of all decades. Again, these members have welcomed me, embraced me, and mentored me. We share a love of music, but we also share stories, advice, and wisdom. One night after practice, as we laughed and ate pizza, we realized that our table of friends spanned every decade from the 1930's to the 2000's. That's the culture of the marching band.

Above all, the culture of the band is an unwavering commitment to represent ourselves and The Ohio State University with honor and dignity. You can hear it in our deliberate chants. You can see it in our impeccable uniforms and spotless instruments. It flows through our crisp, precise movements and rumbles in the resounding beat of our music. Our backs are straight, our chins are held high, and our eyes are riveted forward with dignity and determination. Young or old, past or present, we are "The Pride of the Buckeyes", and we know it.

As a proud alumna of TBDBITL, I will not stand for the university's malicious and misleading attack on our collective character. I will not allow the most positive experience of my life to be vilified with a false focus on rare, extreme, and outdated incidents that Jon Waters specifically addressed. I know our culture is one of honor, and just as our fight song says, I will fight to the end to defend it. Once again, I urge you to reinstate Jon Waters as Director, since he is the embodiment of all the most positive aspects of the marching band's culture and the driving force behind innumerable positive changes. Moreover, I hope you will take it upon yourself to learn more about the marching band by visiting practices and performances in order to experience the true culture firsthand. Finally, I hope you will acknowledge that you acted without first obtaining accurate, balanced information so that you can support the TBDBITL Alumni and current students in our efforts to repair the falsely damaged reputations of Mr. Waters, the band, and its members.

Again, please provide me with your specific, non-automated confirmation that you received my letter. I am still awaiting your previous response and I request your further feedback regarding this matter.

Sincerely,

Jennifer Mitchell

OSUMB E-Row 2002-2006, Squad Leader 2005-2006

B.A. with Honors, Spanish, 2006: Summa Cum Laude, Phi Beta Kappa

M.Ed., Foreign and Second Language Education, 2007

Teaching & Learning Endorsement, Teaching English to Speakers of Other Languages, 2009

Columbus Area Writing Project Summer Institute, 2013

Life Member, OSU Alumni Association

Member, TBDBITL Alumni Club Board of Governors

Band director didn't deserve to be fired

Sunday July 27, 2014 7:45 AM

Who knew Ohio State University had the Softest Damn Band in the Land? The internal report issued last week in support of dismissing marching band director Jonathan Waters reads like satire.

It is apparent that the problem at OSU is not the band culture, but the bureaucratic and politically correct culture that could allow a report like that to see the light of day.

OSU terminated a respected director because band members acted like college kids.

They gave nicknames; they played around on bus rides. They even had a tradition of marching into the stadium in underwear.

What any of us would call hijinks, pranks, practical jokes, Ohio State University called grounds for termination. The report is a frightening bit of political correctness run amok and a chilling lesson to all current and future Buckeyes: Don't dare act like you're in college.

ANDREW MOODY Columbus

---

To All This May Concern:

As I sat on the stage of a recent TBDBITL alumni concert, in front of over 2,000 people at Lakeside, Ohio, I felt embarrassed and humiliated. These feelings were coupled with sorrow for what Jon Waters, his family, and the entire OSU marching band community.

While answering my patients' questions the following week about "sexual culture", I wondered how the university could be so wrong in slandering Jon Waters and the entire OSU marching band alumni. Doctors, lawyers, preachers, teachers, farmers, engineers, I first met Jon Waters when he joined the alumni band for its concert tour of Oregon and Alaska. He has been a director with the alumni band ever since. My wife, daughter and I got to know him better when we toured northern England with the band.

Since the firing, my many conversations with current band members and recent graduates have confirmed my good opinion of Jon. This sudden firing has shaken my confidence in the judgment of the administration of The Ohio State University.

Sincerely,

Brice R. Musser, O.D.

Dr. Drake,

I graduated in Social Work from The Ohio State University in 1969. The student culture has certainly changed over the years. The first big change came when 18 year olds were declared to be adults; if they had to go to war they should be able to vote on those sending them there. The position of dorm mother was done away with along with restricted hours. Co-ed dorms became the norm, instead of no visitors of the opposite sex permitted beyond the lobby, they can now stay overnight. I had to put a skirt on over my cut-offs to eat the evening meal in the dorm as it was evidently not appropriate for a girl (we weren't women then) to wear shorts to dinner. Times have changed. These are young adults now, free to choose their lifestyle.

If the band members will be chastised and their leaders fired for having access to lewd lyrics (no one was forced to sing them), the football team and other groups must be prohibited from listening to and singing today's rap music with its explicitly, misogynistic and violent lyrics. My husband was in the band in 1964 and he said they had some "dirty" lyrics to songs but nothing as bad as the ones he learned on the play-ground growing up in Lima, Ohio.

I have spoken to many alumni in the past week and all feel this has been blown out of proportion and is no more than a reflection of college life in general. One acquaintance is a recent graduate and now in charge of religious music for a large church in Texas. His wife, also a marching band alum, is a teacher there. When this tabloid rendition of the University appeared on national news it was an embarrassment to them especially since it painted all band members with the same brush.

Finally, I am a property owner at the Lakeside, Ohio Chautauqua where Jon oversaw the youth recreation program for years helping them to grow in mind, body, and spirit. He is beloved here. I have also known Jon through the alumni band activities including a week tour of Alaska and ten days in England when he guided band members and their families through a number of parades and performances, always checking on everybody's wellbeing. Where will you find another of such creative, musical abilities who cares so much for the youth and has such strong moral fiber?

Sincerely,  
Carolyn Schlub Musser  
B.S. 1969 O.S.U.

## Thomas A. Myers

---

7 August 2014

Michael Drake, President  
The Ohio State University  
205 Bricker Hall  
190 North Oval Mall  
Columbus, Ohio 43210-1357

*Copies to*  
TBDBITL Alumni Club, Inc., Brian Golden, President  
Attorney David Axelrod  
Attorney Gary Leppia  
Archie Griffin  
Betty Montgomery

Secretary for the Board of Trustees  
210 Bricker Hall  
190 North Oval Mall  
Columbus, Ohio 43210-1388

### *Trustees*

Jeffery Wadsworth, Chair  
Ronald Ratner, Vice Chair  
Alex Shumate, Vice Chair  
G. Gilbert Cloyd  
Alex Fisher  
Michael Gasser  
Erin Hoeflinger

W.G. Jurgensen  
Linda Kass  
Clark C. Kellogg  
Cheryl Krueger  
Steven Loborec  
Algenon Marbley  
Brent Porteus

Corbett A. Price  
Janet Reid  
Stacie Seger  
Timothy Smucker  
Alan VanderMolen  
Abigail Wexner

Dear President Michael Drake and Trustees,

The most challenging acid test for a leader is admitting his or her mistake, apologizing, and taking immediate corrective action, especially when new facts clearly show the mistake was made. A great leader has no difficulty doing this.

Given the fatal flaws in the Glaros Investigative Report and the collective rush to the misjudgment of Jonathan Waters, I believe it is now time for you to admit your mistake in firing Jonathan Waters, apologize to him and to the Trustees, University, and Alumni, and reinstate him, effective the date of his firing, without penalty or probation.

I believe being innocent until proven guilty, based on all facts, still applies in the United States of America. Correct?

I ask that the office of President Drake confirm that he has received this letter. Email is fine.

Best regards,



Thomas A. Myers  
OSUMB 1963-1968

## Thomas A. Myers

### Summary Chronology

- Member of the O.S.U. Marching Band, 1963-1968.
- B.S.B.A. (finance) (music major during the first two years), O.S.U., 1968.
- Commission as a U.S. Army Officer, 1968.  
(O.S.U. R.O.T.C. Cadet Brigadier General. Distinguished Military Graduate.)
- M.B.A. (finance), University of Cincinnati, 1970.
- U.S. Army officer, mostly in the Adjutant General's Office, VII Corps Headquarters, Stuttgart, Germany, 1970-1973. Served as Top Secret Control Officer, including nuclear weapons information and control points, and Chief of Administrative Services.
- Post M.B.A. courses at the University of Akron.
- Financial analyst (financial analysis, financing, financial planning & forecasting, and investor relations support), Mid-Continent Telephone Corporation, Hudson, Ohio, 1973-1978.
- Investor relations consultant at Edward Howard in Cleveland, 1978-1979.
- Investor relations Manager and Director, TRW Inc. in Cleveland, 1979-1997. Industries included aerospace, defense, automotive, industrial, energy, and information. Led the company's global investor relations program for 17 years.
- Director on the Board of the National Investor Relations Institute, four years. U.S. representative on the Board of the International Investor Relations Federation (global organization), three years.
- President, Firestone High School Instrumental Music Association (Akron, Ohio), four years, and band camp counselor (includes counseling students and staff in musical performance, marching, behavior, and harassment), seven years.
- President, North American Brass Band Association, two years. Lifetime member.
- V.P., Investor relations, ICO Global Communications in London, U.K. (emerging satellite telephone services), 1998-2000. During that time, once I became aware of it, I counseled the acting Chief Financial Officer on his serial sexual harassment of employees.
- Created the publication *Investor Relations Strategy, Staffing, and Structure* for the National Investor Relations Institute, 2002 and subsequent updates.
- Subject matter expert, University of California, Irvine, 2003. Created the introductory and capstone online courses for the professional certificate program in investor relations, sanctioned by the National Investor Relations Institute.
- Management and investor relations consulting, Christensen in Scottsdale, Arizona, 2005 to today, including six years in Beijing, China (2008-2013). Teaching and assisting client chairmen, chief executives, chief financial officers, investor relations officers, staff, and employees in a wide range of strategic, planning, operating, technical, financial, investor relations, legal, accounting, and regulatory subjects. Clients were listed or planned to list on a U.S. stock exchange.

7 August 2014

**Victoria Nolte**

President Drake,

I marched my fourth and final season with the OSUMB this past year and as a female I feel that I need to speak out. The media and university have dragged a wonderful man and organization through the mud, with very little facts and context. This was not an investigation, it was a witch-hunt.

My nickname appeared in the report, but I was not contacted whatsoever. Ohio State did not conduct a proper investigation, but rather took hearsay to victimize and slander me. I was absolutely not made to feel inferior during my time in band, and these claims of misogyny are way off base. Using this false report, my own university was the FIRST to make me feel like a frail, helpless, inferior, sexual object. I reject any insinuation that I was coerced or pressured into doing ANYTHING. If they had taken the time to talk to me, a more complete narrative would have emerged.

From the time you make band, you are a part of the TBDBITL family and everyone takes care of one another. During my time in the band the older members were constantly making sure I was okay, and it was ALWAYS made clear to me that I did not have to participate in anything that I did not feel comfortable doing. That being said, "midnight ramp" was absolutely all in good fun, the point of it being, "If you can march ramp in your underwear in front of your closest friends, you'll be able to march ramp in front of 105,000 fans". Many people chose not to march in their undergarments, but wore as much clothes as made them feel comfortable. Many didn't even participate. I would like to make it very clear that Jon understood this lighthearted tradition, and was present to make sure we were all safe. He single-handedly changed this to a sober and safe event, and even completely cancelled the event for years following his inaugural year as head director.

Quite a few traditions have been done-away with by Jon and his staff over the past two years. The things we could get away with drastically changed, like night and day, from the beginning of my band career to the end. The band frequently referred to Jon and his staff as the "fun police", making siren noises whenever he cracked down on us, or changed something. Jon always would have talks with the entire band and squad leaders, feeling it was important to consult the band to get feedback in finding a solution to the awkward, deeply rooted traditions. He coined the phrases, "Do we need this? Is this necessary?" The answer, of course, was "No." Jon was passionate about bringing forth change in our culture, and was a very disciplinary leader. Any other report that says otherwise is absolutely false and fabricated. Jon Waters was TBDBITL's instrument of change. (Pun intended)

I am very sure about one thing. Without the support of Jon Waters and this band, I don't know how I could have gotten through my mother's cancer, or even my undergraduate chemistry classes. I have served as the former vice president and president of the band's service sorority, Tau Beta Sigma, working closely with Jon to provide service to the whole band. We supported the bands at OSU through recruitment, financial support, and especially welcoming the new members of the marching band and helping them in various ways throughout their first season, among other things. Jon is a stand up man, who cares not only about his own students, but all students involved in music. A few years ago, a tragedy occurred where another Big Ten marching band member lost their life. Although our fiercest of rivals, Jon quickly organized a few TBDBITL members to drive up to the university the next day to speak to their band in support, attend a memorial service, and give the band one of our prized possessions, a grey baton. I could speak all day about the respect I have for Jon Waters as a leader.

For the first time, I am very disappointed in my university. If you want more change, the only person who understands this band and knows how to do that is Jon Waters. As a female member of The Ohio State University Marching Band Alumni- I stand with Jon.

Sincerely,

Victoria "Tulsa" Nolte  
Q-Row 2010-2013  
Past Tau Beta Sigma President  
Biology B.S. 2014 graduate"

Letter to The Ohio State University President - Michael V. Drake

I write this to stand with Jon Waters in deep gratitude for all he has done for my daughter Victoria Nolte as a teacher, mentor, and life coach. My greatest hope is that Victoria continues to surround herself with many people who have Jon's work ethic, character and humility. You only get one life.

Aug 4, 2014

Dear President Drake,

My name is Mark Nolte and my daughter is Victoria Nolte, a recent OSUMB alumni having matriculated on May 4, 2014 earning her B.S. in Biology. She is continuing her education, working on her Masters, at a college in Philadelphia while also preparing to take the MCAT. I tell you this so you know that she is still covered under Title IX which became effective on June 23, 1972.

After the annual marching band tryout process in 2010, she earned her position in OSUMB and marched in both F-Row and Q-Row. She marched under both Jon Woods and Jon Waters. Her mother and I have hosted two row dinners for Q-Row in 2012 and 2013. We have been friends of the band since 2008 when Victoria attended a Concert Band Camp at The Ohio State University and earned first chair. For the parent's concert at the end of camp, she was given the lead trombone part in "Fantasy on a Theme by Sousa". She and I met Jon Waters and he invited her to come sit with the band as 'friends of the band' for the October 25, 2008 game vs. Penn State. We sat with TBDBITL during the game, stood on the field during half time when OSUMB performed Script Ohio and the 1812 Overture. Mr. Archie Griffin stood 10 feet to our left as he waited to honor John Cooper during the halftime celebration. Only my marriage to Tina and the birth of my daughters ranks higher in excitement and satisfaction. Number 4 is the Purdue game victory led by Kenny G but that is another story for another time. After the game, Victoria applied for admission and nervously waited to be accepted, she made it, attended the 2009 summer sessions, tried out for the band in 2009, didn't make it, tried out again in 2010 and made it each of the following years, 2010 to 2013.

So you understand how her mother and I have raised our two girls, we do not accept bullying. We do not like bullies, both individuals and institutions. There is a strong smell to your report that insinuates, implies there was rampant coercion, hazing and sexual harassment in the band. Hmm. Not concerning Victoria, this I can assure you. Victoria is an 'alpha female', she doesn't do the 'victim, sexual harassment, hazing, bullying things'. So you know her better, a funny story from her youth. She was in 4th grade, learning about the Presidents. I forget what I was trying to get her to do, clean her room, something like that, she got very angry and yelled at me, "YOU ARE NOT THE GEORGE WASHINGTON OF ME!" To this day, as I offer her fatherly advice, many times I preface my statements with, "Now I know, Victoria, that I am not the George Washington of you but here is my advice to you ..."

Victoria's personality and character is such that she leads. In high school she was the only female trombone player in her 250 piece high school marching band. Her senior year she was both the section leader of a dozen or so male trombone players and was elected band Vice President. At University, she was elected first Vice President and then President of The Ohio State University chapter of the National Band Service Sorority Tau Beta Sigma (TBS). So we are clear, it is a sober, dry sorority that promotes marching bands on a national level. As President of that organization, she and her other elected officials and members worked closely with Jon Waters and his staff on a number of big events sponsored by the University. Their work is a matter of documented record by their secretary and TBS historian. Victoria knows Jon Waters and Jon Waters knows Victoria both as a band member and I think Victoria would call him a colleague during her volunteer work with TBS. He made her feel like she was part of the planning and execution process in what OSUMB does for the larger community. The list of pep bands alone, to shine the University reputation is too long to list.

I tell you this because these young adults have done amazing things and have carried a lot of water for the University on a volunteer basis. To be identified in your scurrilous report, riddled with errors, many say slanderous, I guess they learned a great lesson about the fickleness of the University. Your report is ridiculous and has set your administration up for ridicule. Ridicule duly deserved. I heard the leadership was in agreement to fire Jon Waters. I guess the 'emperor has no clothes' is not spoken in the

Letter to The Ohio State University President - Michael V. Drake

upper levels of your administration. Sad there is not more robust debate within the ranks. It makes a team weak.

Not all fun and games in college for Victoria, 30 hours a week devoted to band, TBS, rigorous classes to achieve a B.S. in Biology. She could not have made it without her band friends helping her with all the chemistry classes amid all the other math, science and biology classes. Her final two years, she attended classes each semester and during the summer. During band summer sessions she is looking for tryouts for her marching skill and along with her band mates, they teach the high school kids readying for tryouts to march. Band members, who while part of the band's prior season, with their place in the band at risk to be lost during tryouts, they teach candidates how to march. Hmm. Character. Victoria lived in Columbus full time since she left high school. She bleeds scarlet and gray.

Concerning women in marching bands and the instruments they play, I briefly read a news story that The Ohio State University has only 21% women in their band and Indiana has 58%. This reporting is an excellent example of what happens when one doesn't know the facts and either willingly distorts information or it happens they are just ignorant and not well trained. These type statistics are very misleading. Let me tell you why. The Ohio State University Marching Band is a brass band. Indiana's band is not a brass band. Their band contains woodwind instruments. I have been closely observing marching bands since Victoria first played the trombone as an eleven year old child. I was also her high school's band videographer for 10 years. I saw hundreds of marching band performances. There are many less female brass players than female woodwind players. Not having the exact numbers, I would venture to guess that 21% female brass players is the national average if not higher. Most young ladies choose a woodwind instrument. When Vic was in your marching band her last college year, she was one of 4 women in 28 trombone positions. It is not an instrument many girls chose in 5th grade. Big case, heavy, who would wish to lug that thing to school and then home to practice every day?

I have read your report concerning the complaint against Jonathan Waters, Director of the OSU Marching Band. Note the word 'your' since it was released after you took your position, President Drake, it is your report, you own it and all that comes in the future. Harry Truman understood this when he said "The Buck Stops Here".

Being an expert in my job performing problem analysis called Root Cause Corrective Action (RCCA), using the "5 Why's", making Cause Chains and such, after my first quick pass at the report details, I jumped to the 'Corrective Actions'. This area is obviously not your Investigative Team's strength. No 'root cause' listed. Unless "Jon Waters" is the root cause and the RC corrective action not listed is to "Fire Jon Waters" but that can't be, firing people in place of fixing processes is never workable in achieving lasting change.

Having read the list of corrective actions, did it occur to you President Drake the list exonerates Jon Waters? It reads like a blue print for actions that should have been put in place decades ago, not by Jon Waters, by persons responsible and hopefully accountable by you for instituting policy and procedures at your University. Take a moment and think about what I am saying to you. Your own investigative team directly incriminated the policies and procedures that are some other person's responsibility higher up the responsibility/accountability ladder than the Marching Band Director. So you know, you have not been served well by your staff and advisors. You are on the weak ground. President Drake. Jon Waters, the Marching Band members and the band Alumni (specifically those who did not participate in any events reported) are on the 'high ground'. Your report admits that above Jon Waters area of responsibility, accountability and purview, there were policies, procedures, training and other items that should have already been in place. If your administration had the high ground, your report would have said policy and procedure X, Y and Z has been in place for years A through Z (there are not enough letters in the alphabet since Title IX has been in place since 1972) and Jon Waters ignored them, violated them and the culture became sexualized. Please pause your further reading of this letter and consider this paragraph. It's important to know. I'm pretty sure any cause chain other experts in RCCA analysis perform, University Policies and Procedures will be the 'root cause'.

Letter to The Ohio State University President - Michael V. Drake

Concerning the report and issues involving my daughter Victoria, having read your report, I noticed that the person who brought the complaint and some witnesses were not named in the report. There is probably a legal reason to keep some people's names from being reported. I understand why you can name Jon Waters and also those of which you have administrative authority. Can you answer a question President Drake?

Why was my daughter identified and named in your report?

I know you are scratching your head right now, let me explain. Do you know who Gordon Matthew Thomas Sumner and Stefani Joanne Angelina Germanotta are? They are both entertainers, Gordon is most famously known as "Sting" and Stefani is most famously known as "Lady Gaga". You may know this one. Who is Jorge Mario Bergoglio? He is known across the planet as Pope Francis.

Now, you may not know this person but she is well known among her friends, family, and professional associates; while not nearly as famous as Lady Gaga, she is still known to many people as "Tulsa". Her birth name is Victoria Marie Nolte. She is my adult daughter. You get my meaning right? Noms de guerre have been around since the 18th century. Your Investigative Team identified 21 current students and or alumni using the word in your report "nicknames". According to Wikipedia, the compound word *ekename*, literally meaning "additional name" was attested as early as 1303. This means your report named 21 people. Good people, each and every one. The majority of these people were not provided any opportunity to comment on your findings before you released your report to the press after firing a good man.

Her mother and I are hoping, since your report slanders our daughter, more on that later, you have been having meetings trying to figure out how to unwind your mistake. The report paints the University in to a corner and reinstating Jon Waters and writing letters of apology are the only course of action I would recommend. Hopefully, for the sake of a University that both Victoria and I care about, your naming her in your report and publicly, for the witness and rookie "investigator" rhetoric is not a violation of Title IX. Her of me hopes that it is, a part hopes it so jams up the University you have to spend millions to make it right. That is the dark side of me and the part I keep hidden. I am by nature a really nice guy, not vindictive. Not like those you have so closely associated yourself with concerning this issue.

You may wish to task your legal department to make sure the University is in on solid legal ground concerning their naming of students and alumni who are in the process of continuing their education. If I complain that your report violates Title IX with respect to Tulsa, does the University have to give me standing? Does the University need to further investigate itself for a violation of Title IX? Hmm.

Let us place that aside for a moment so I may illuminate some areas of the report in which I take issue. I read Jonathan Waters as the target of the investigation, yet there is a ridiculous amount of 'testimony' ... hopefully persons were placed under oath, the complainer(s) provided sworn affidavits, that sort of thing. It reads like a full blown investigation of the Marching Band and seems to me like you tacked on Jon's name as the target after a decision was made to fire Mr. Waters. A simple question for you President Drake, was the investigation always concerning a complaint about Jon Waters or was the complaint about the Marching Band culture and the investigators just 'backed in to it' and slapped his name on it once a decision was made to fire him?

A brief aside before I continue. Hopefully your attorneys have made sure to lock down all prior revisions of your report, all notes and any and all associated material, emails, etc. concerning this case. Make it so President Drake so the University is not accused in the future of destroying evidence with regard to this case and future cases.

Usually a complaint is made, an individual identified and the scope of the investigation researched and produces the findings related to the complaint and whether or not the individual did what they were accused of doing. Your report is more an investigation of an 'inanimate object', an institution, the Marching Band. The report's major flaw is it sweeps up everyone and paints it slanders many people, a biased narrative designed to fire Jon Waters and a second consequence is it slanders many people

Letter to The Ohio State University President - Michael V. Drake

associated with the institution who had nothing to do with anything in the report. How do you make right their good names your report sullies? How do you make them 'whole' again?

Your new compliance department, to be frank with you, they do not know what they are doing. Your report is evidence that the persons who did the interviews and wrote the report are not professional investigators. The scope of the report is written like it was written after a grab bag of information was collected, much of it not true. Your report saying the information was "corroborated" is not true. I'm not sure your "investigators" know the meaning of the word. If corroborated, why is there so much factual error? Not only did your "investigators" fail to control the scope, it reads to me like the parent of the band person complaining was allowed to drive the investigation.

I get that a band member may have had a complaint related to some issue, sexual harassment, hazing, an alleged sexual assault off campus, something ... the part I do not get is the "band parent" piece. Do parents of adult band members have standing to get the university to investigate issues? Your report identified the band person as the band parents' "Child". Progeny Yes, Child No, Adult Yes. Is your report trying to misrepresent the person as being UNDER 18 years of age?

When I read the name Tulsa and the description of her trick from misremembering witness testimony, you can imagine my confusion? Under the Tricks section, I read:

"A female student would sing sexually explicit songs about someone. Her nickname was "Tulsa."

Now here is where it gets messy. Is your report accusing Tulsa of sexual harassment and or hazing of "someone" because she wrote songs with "sexually explicit" lyrics? Does the vagary of the word "someone" lead one to assume it was a band member? By what measure were they sexual and by what measure were they explicit?

So we are crystal clear. I believe your reports' inference was her songs were 'sexual harassment' and or 'hazing' of 'someone'. Since the report is about Jon Waters and the Marching Band, by implication, that someone is a band member. One minor point for your next report revision, tell your "investigators" and your misremembering witness, 'song', she wrote a 'song', singular. Who has time to write songs?

If we are given a fair hearing by a jury in a civil proceeding and we demonstrate that the conclusion your report published to the media was in fact a strong implication that Tulsa sexually harassed a "someone", a band member by implication, because she sang 'sexually explicit' songs, we can easily prove your report is false and some even say slander. The song was not about a band member. It may or may not have been about "someone" yet there are 7.25 billion "someone's" on the planet as a result of ALL cultures being not only described as but point of fact, are a "sexualized culture". Pretty sure Jon Waters does not have to carry the weight for that fact which escaped your "investigator's" thinking.

Hopefully you have kept all notes and any and all materials related to your investigation regarding Tulsa for my counselor's review.

Entertainers continue to write songs about sex. It is all protected speech according to an Amendment to The Constitution of The United States that trumps Title IX. Many entertainers make a lot of money writing 'sexually explicit' songs. What of it? Your report is nothing but yellow journalism. No dots connected, no evidence of Title IX violations concerning Tulsa's song.

How about this? Say Tulsa's rookie trick when she was 'tapped off' was to sing the following:

"Gotta get that! Gotta get that! Gotta get that! Gotta get that! Gotta get that Boom Boom..."

You recognize the song. "Boom Boom Pow" by The Black Eyed Peas.

Letter to The Ohio State University President - Michael V. Drake

did all the same things you and your friend have done, possibly worse. Fact of the matter, Title IX did not come in to existence because times were good.

President Drake, Did It occur to your Investigative Team that what they have before them is one person with a complaint? OSUMB has been in existence since 1878. Does it give you pause that you have a large organization, thousands of alumni, hundreds of current band members and one complaint before you?

Your report assuages the one while slandering the many. Me personally, yes, some of the names are bawdry, in poor taste, but you know what? It isn't any of my business. My grandma, when I used to pry for some types of information would say to me, "Mind your own Beeswax, Mark". Isn't there enough to accomplish in one's own life without going about sticky one's nose in other people's affairs? Don't get me wrong, a charge was brought forward and duty required action. I get it. What you may or may not get is your investigation as a train, it wrecked as soon as it left the station, went off the rails when there was no control of the 'scope'.

Your investigators went off like a bunch of college kids to their first party. Why stop with the Marching Band? Interpretations dressed up as claims of sexual harassment or hazing is systemic across all your campus organizations. Even in your science classrooms, if you must know, when women are underrepresented as a matter of fact. "Oh, you are not asking the right question Victoria" ... "You are not studying correctly Victoria". Everyone has a grievance these days. So you know, as parents, we would never complain about such probable examples of sexual harassment or professorial hazing in a classroom setting. Do you know why? Because it pissed Victoria off and provided the fuel for her to work harder. Victoria loves people who doubt her. Her high school band director, a great man, gave her a talk before she left for University telling her how difficult it would be to make OSUMB. When I heard that, I didn't march down to the high school office and complain. I went "YES!" in my mind. More fuel for Victoria. There is a picture you should see of Victoria's high school band director standing after Skull Session with Victoria and two other former SMFHS band members also in OSUMB. You should see the smile on his face. Total pride knowing he had 3 former band kids in OSUMB. He knew he was a part of making Victoria the person she became. He gave Victoria her first trombone lesson.

It gives me pause now. I wonder what he is thinking. Does he know the report is slander? How will Victoria get back her reputation?

I read some of the 'songbook' exhibit. The only crime I see is poor writing. The world is full of bawdry limericks, dirty jokes, etc. many are better written than your exhibit. Any English major would read the lyrics and wonder about the level of English instruction in America today, weak use of double entendre, anagram, simile and metaphor. Why can't these kids write a good dirty ditty these days that pretends to be one thing but has a second intended meaning like Katy Perry's "Firework"? 'Make 'em go 'Aah aah aah'. Indeed. Bravo, Katy, one of the best song writers in our American sexualized culture. The English majors are shocked by the quality of the 'songbook' like professional investigators are with your report. Note my good use of simile in that last sentence. My high school English teacher would be so proud.

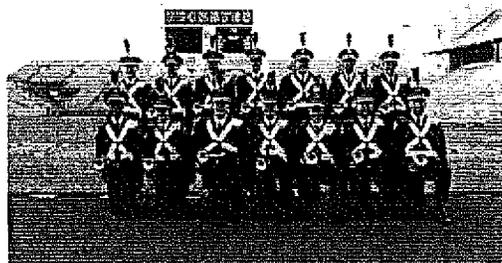
I also noticed, no police involved, no drugs, no federal investigators, no handcuffs, no 'Perp Walk'. Are you sure the University has not been misled by the people who filed the complaint? Pressured to be a puppet with the person(s) making the complaint pulling the strings? You have outsourced 'further investigation' by a company no longer associated with law enforcement. Why not call the police? Everyone knows the answer. This is a political witch hunt and Jon Waters the scapegoat. To this point, no laws have been broken. The use of Title IX as justification looks like a 'straw man' to me. Keeping it real, you had to toss in every detail, many weak or false corroboration, since your primary case is weak. I'm pretty sure the federal government is busy looking in to real cases of sexual harassment and will not be visiting campus any time soon.

You should have looked to the Duke Lacrosse Case as a "Warning" sign. Internal Investigations by a University with few trained experts yield poor results. Study it carefully. It should have been looked at

## Life with The OSUMB... and my support of Jon Waters

My name is Allison Pallard and I am a 1998 graduate with 3 degrees from The Ohio State University. I am also a 5 year member of The Ohio State University Marching Band from 1993-1997. I am writing today to not only express my support for Jonathan Waters, but to also share my very special experience in the OSUMB as well as in my friendship with Jon.

Let me take you back to 1992. I was a 17 year old naïve freshman at OSU who came from a very small town. I graduated with 63 people and played in a high school band of 30. I was told I was too quiet, too anxious, too inexperienced and too overweight to even consider making The OSUMB by many people in my hometown. I drove 3 hours one way every Tuesday and Thursday to attend summer sessions in order to learn the techniques necessary to make the band. Tryouts came and went and I returned home cut from the band. Much like every other experience in my life, I refused to give up and came back for a second time in 1993. I again drove 3 hours one way every Tuesday and Thursday for summer sessions and again I was cut from the band. A month later I was literally packing my things to return home and transfer to a new school as the ONLY reason I wanted to attend The Ohio State University was to fulfill my dream of becoming a member of The OSUMB. On that same day I was packing, I received a phone call. On the other end of the phone was a staff member of The OSUMB. She informed me that someone had been released from the band and they would like me to join the band as his replacement. I made one call to my mom and dad to inform them and then literally ran to the stadium as my dream had finally come true... I was a member of TBDBITL! Reality set in very quickly though... I was in a room full of strangers, I had just replaced one of their friends, I was still quiet, naïve, anxious, and overweight. Would these people even accept me for who I was? The answer to that question is a resounding YES. I was welcomed with open arms into a row of 11 men and 2 women. Each person went out of his/her way to help me understand the new part I was playing, how to read charts, where to get my uniform, what I needed to buy to complete my uniform, where I needed to be and when, how to memorize my music, and many other little things I never would have considered as a naïve rookie. It very quickly became apparent to me that for the first time in my life I wasn't being judged by my peers because I was quiet and overweight. For the first time in my life I was immediately accepted as one of them and they didn't care where I was from or what I looked like... I was simply a member of their family. My new family never made me feel like an outsider, they never made fun of me, and they always looked out for me.



There are two very distinct experiences I remember where my new family made sure I felt supported, protected and cared about. The first of which was my very first Michigan game which occurred in Michigan. I remember as we marched into the stadium and down their ramp and a member of my row turned around and looked at me and said "hold on to your hat, and don't let anyone touch you". With my eyes wide and fear in my chest I trudged down that ramp as my row mates kept an extra eye on me to ensure I was ok and untouched. Fast forward to my very first bowl game trip which occurred at the Holiday Bowl in San Diego. I had the time of my life exploring the San Diego Zoo with my row, going out to dinner, laughing and joking in our hotel rooms and exploring Tijuana together. Again, naïve Allison was about to enter Tijuana without a clue in the world what to expect. Why were these band veterans even allowing me to hang out with them? It just didn't matter to them what class I was, they wanted me there. One row member assisted me in buying a blanket and another one pulled me away from someone who was trying to take my money. Such little things to most, but huge and meaningful to me. These guys didn't have to watch out for me, they didn't have to care... but they did. And with that I finished my first year of TBDBITL as a whole new person with hope in my heart.



I made the band the next 4 years after that. With each new year came new friends, roommates, and memories that will last a lifetime. That small town girl was eventually voted by her peers to be their squad leader for her final 2 years in band. That overweight, quiet, naïve girl was accepted as a leader and no one cared about her past. My personality blossomed, my self esteem raised to new levels, and most importantly I had friends I knew would be in my life forever. One of those friends is Mr. Jonathan Waters. Jon was a few years behind me in school and I didn't even know him as he was trying out. But one day he approached me and an instant friendship was formed. Jon shared that he knew instantly that we would be friends forever simply by

seeing the smile on my face and knowing it was meant to be. We were inseparable from that day on. Jon was someone I knew I could trust, someone I knew would always have my back, and someone I knew would always protect me and care about me as a person. I can say without a doubt that Jon is a man of integrity, respect, honesty and amazing loyalty to his family, friends, students, etc. Let me take you to a day in 1998 when I was preparing to graduate from The Ohio State University. I planned to engage in a senior ritual (unrelated to anything marching band) and Jon made sure I knew that if I needed anything during that ritual that I was to call him and he'd be there to get me or to help me through it. Unfortunately, on that night I did need Jon. That night I became acquainted with a man who felt it was necessary to put me in an extremely uncomfortable and scary situation. After being told "NO", this man felt it necessary to push the issue and I found myself the near victim of a sexual assault. Scared and feeling alone, I remembered the words of my friend who said "call me if you need me". Freeing myself from his hold I was able to lock myself in a bathroom and call my friend Jon Waters for help. He was able to talk me through things, calm me down and assure me I would be ok. The very next day there was a knock on my door and there stood Jon Waters with his arms stretched out ready to hug me and let me know I was ok. We sat for a long time in silence that day, but I knew that I had someone to rely on and someone who came through on his promise that he would make sure I was safe. Yet today that same man is being accused of allowing sexualized behaviors and assaults to occur in his band. Anyone who knows this man, takes the time to know this man, or even hears stories about this man knows that this is a far cry from the truth.



My life would not be what it is today had it not been for the acceptance, support, positive experiences, laughter, and friendships I gained while a member of The OSUMB. Never once did I feel threatened, harassed, forced or degraded during my time with the marching band. I can say this with confidence as I came from a place prior to college where those things did happen. They happened on a daily basis. The Ohio State University Marching Band was MY safe haven. The

band was my platform for growth, happiness, self esteem, and a collection of friendships that will never end. I know that without a doubt if I ever need anything that a member of my band family is only a phone call away... we protect each other, we support each other, and we care about one another without reservation or hesitation. Jonathan Waters is without a doubt the best person to build our band and to take it to higher levels. His dedication, his passion, his loyalty, and his respect for The OSUMB is of the highest level possible. He has my full support as a person, as a leader, as a friend and as a "family" member and I truly believe that not for one minute Jon ever tolerated anything negative, demeaning or illegal within OUR band.

The Ohio State University Marching Band is a place where dreams are fulfilled, personalities are developed, friendships are made and lives are changed. My life changed the moment I walked into that band room as an official member of TBDBITL. I experienced things I never would have had the chance to experience had I not been a member of the band. I made friends of all cultures, religions, races and beliefs whom I would have never met had I not been a member of the band. To say that The Ohio State University Marching Band changed my life is an understatement... The Ohio State University Marching Band is a place where growth is encouraged, demanded, and accepted. I am a better person for being a member of The Ohio State University Marching Band. I am a changed person, I am a confident person, and I am a person who is blessed with the largest "family" in the world. The Ohio State University Marching Band MADE my life.



I Stand With Jon Waters

Allison "DOLT" Pallard  
A-Row 1993-1997 (Assistant Squad Leader 1996 & 1997)

## Letter to the editor: Ohio State Marching Band investigation report a farce

August 26, 2014  
Jonathan Picking  
picking.2@osu.edu

### **Letter to the editor:**

Beginning two weeks ago, the university administration began to publicly state that it “stands behind” the marching band culture report released by Ohio State compliance official Chris Glaros and his team. The chairman of the Board of Trustees, Jeffrey Wadsworth, specifically wrote, “We consider the matter closed and we are moving forward as a university.” Unfortunately for Wadsworth, OSU is not exclusively composed of a board of trustees and a president — it is a vibrant community of students, researchers and educators.

As a current OSU student, researcher and educator myself, I write to make it clear that Wadsworth does not speak for me.

To be clear — if the Glaros report was accurate, I would not disagree with the administration’s recent actions. I do not support sexual harassment or assault (though neither do former marching band director Jon Waters nor the members of TBDBITL). I have no issue with our fledgling president’s response to the dishonest report handed to him so early in his tenure. However, the administration has lost the moral high ground with its condescending, tone-deaf response to the significant and deserved backlash.

The Glaros report is a farce. Among the report’s significant failures, which a lack of space prevents me from detailing, several of those interviewed have publicly stated their testimony was ignored or misrepresented. OSU has a term for this. If I received such a report from a student, or if I attempted to publish a manuscript with this type of data manipulation, it would be considered academic misconduct. In undergraduate science, we teach students to critically examine data and we warn against making unsupported claims. Students intuitively grasp these concepts even before they are taught. This makes it all the more embarrassing that the so-called leaders of our great research institution would accept the unsubstantiated conclusions of the Glaros report at face value. In spite of overwhelming evidence, the administration refuses to acknowledge even a single flaw in the Glaros report (though the formation of a second investigation is a tacit admission that the first was flawed). Given that this report directly accuses me and thousands more of facilitating sexual harassment and assault, such a flippant dismissal of truth is unacceptable.

If the administration truly desires to protect and serve students, the firing of Waters and the continued slander of current and former band members directly oppose this outcome. Perhaps the underlying motivation for this charade is to convince the world (and federal government) that OSU takes sexual assault seriously — without the inconvenience of making real university-wide

improvements. Sadly, in specific cases of alleged sexual assault, the administration has prevented true justice both for the accused and accuser by circumventing the legal system and the due process it guarantees.

If your only source of information is taking this report at face value, then please consider the foundation on which you have built your opinion. At best, you have read a twisted interpretation of someone else's firsthand account. If you honestly desire truth, and not just righteous posturing, consider communicating with the thousands of current and former band members who will happily share their firsthand experience.

If you are interested in specific ways to stand with us, you can start at [westandwithjonwaters.com](http://westandwithjonwaters.com). Even if you don't personally know Waters, you might be dissatisfied with the mishandling of this situation. Please share these feelings with the administration and those in your community. If you are a donor, consider redirecting funds from OSU to other important causes. Many worthy foundations directly support cutting-edge research or student scholarships without going to the OSU general fund. If you make this choice, be sure to let the university know exactly why.

I invite the administration and OSU community to communicate with me regarding these issues. Let me describe the true culture of TBDBITL. Let me share the ways I have personally seen OSU fail to protect and serve students — including survivors of sexual assault. The time has come to stop posturing and to treat students with respect. The process of "moving forward" will begin when the administration takes the necessary steps to do so, beginning with an apology and an open dialogue.

**Jonathan W. Picking**  
Graduate teaching associate, Ohio State  
B.S., M.S., Ohio State  
TBDBITL, T-row 2005-08  
Assistant and head squad leader, 2007 and 2008, respectively  
[picking.2@osu.edu](mailto:picking.2@osu.edu)

Dear Steven,

Hello, my name is Joseph Plattenburg. I am a graduate student at The Ohio State University and a former member of the Ohio State Marching Band (2009-2013). I am writing to express my sincere reservations with the recent investigation of the marching band and the dismissal of Jonathan Waters as the director.

First, much of the report and its conclusions are based on hearsay or blatantly false information. For example, one member's "trick" was reported to be "pretending to be a vibrating sex toy," a claim which that member has since denied on the news. The report also claims that "X row members would typically give a copy [of a certain document] to Waters." I was in X-row and I know every member of X-row from the last five years and I can personally attest to the fact that none of them ever gave the document in question to Mr. Waters. These are just two examples of false information in the report.

Furthermore, the investigation in question listed interviews by less than 2% of the marching band's current membership. Those interviewed were hand-chosen by the investigator or complainant, not randomly sampled. Based largely on hearsay from this small sample of the total membership witnesses, the report comes to sweeping generalizations about the overall culture of the band. I feel that had I, or any number of my colleagues whom I know personally, been interviewed, that the investigators would have had no choice but to come to a very different conclusion about the overall culture of the band. They most certainly would have realized that the "sexualized culture" described was the opinion of a small minority of the organization.

I also feel that my reputation, as well that of hundreds of my peers, has been damaged by this report due to our association with the marching band. The investigation released to the public an "unofficial" document from 2006 (as explicitly stated in that document) containing very graphic language, and implied that this document was routinely distributed to all band members with full knowledge of the staff. Not only was this before Mr. Waters' time as director, this conclusion is simply not true. I feel personally offended that the band has been painted in this light.

I concede, however, that if even one member of the organization felt harassed, this is one too many. I also concede that there is truth to many of the events and practices that are described in the report and that some of those practices needed to be reformed or removed. I can say unequivocally that Jonathan Waters was the person who, more than any other, worked for culture change in the areas where it was needed. I can personally attest to many of his efforts including: organizing squad leader retreats to discuss avenues for culture change, discontinuing a student publication that contained explicit language, and inviting the Title IX Compliance Office to a rehearsal to discuss potential areas of sexual inequality and how those issues could be addressed. These among other actions are detailed in a seven page statement released by Mr. Waters' lawyer. These were all actions initiated by Mr. Waters that never existed under previous leadership. Some of these actions were included in the report; however the investigators still concluded that Waters did not do enough for change.

I can personally say that during my time, the culture of the organization changed tremendously and that change was directly due to the efforts of Jonathan Waters. I feel that the University has made a profound mistake in his dismissal and their actions have had a strong influence on my decision not to contribute monetarily (unless it is directly to the marching band). I implore the Board of Trustees to take action to reinstate Jonathan Waters as director of the marching band and to make a formal statement about the inherent inaccuracy and bias of the report that was released.

*Please provide me with confirmation that you received my letter and I request feedback from the Board of Trustees regarding this matter. I can be reached at 2306 Heathergrove Dr. Hilliard, OH 43026.*

Sincerely,

Joseph Plattenburg

### Steven "Jim" Poast

Like many of you, I have been through a whirlwind of emotions, trying to make sense of a situation so complex, it seems almost impossible to comprehend what has happened and what is still to come. I was Jon's squad leader (K-1) his first two years (my last two years) in the band. We marched together and I watched him grow from a wide-eyed "rookie" to a not-so-wide-eyed second year. I would like to think his enthusiasm for the iPad project came from the need to eliminate charts, since he carried mine most of the season. The enthusiasm and energy Jon shows for the band, the fans, and OSU in general has been there from the beginning; being cut from the band the year before made him stronger and stoked the fire he has within. I have enjoyed watching Jon work his way through the ranks to director. I will admit I beam with pride watching him direct the band as if he is my little brother and I get the privilege of seeing him achieve his dream. He is my brother, my row-mate and my friend.

I am heartbroken for my friend.

Ever since 2 pm last Thursday, I am trying to understand the entire situation. I know I don't have all of the facts, and that seems to be a common thread as the investigation continues. I know what being a part of this organization means to Jon, what it means to me, what it means to all of us.

I am heartbroken for my fellow alumni.

The world we knew is gone. There is no going back in time. We have to deal with the situation the best way we know how, with determination, dedication and drive. Things will change and that is unsettling and scary. But the change is already in motion and we can't stop it. We can only prepare, adapt and conduct ourselves in a positive and professional manner. What I loved about being in the band, specifically KL row, was that for the time you were there, you could be considered one of the best of the best in the world at what you do. "I'm one of the best at marching and playing the Sousaphone!" How many people can say that? I bring this point up because now is the time to get back that mentality. Be the best of the best. The best alumni band, the best alumni organization, the best support system for Jon and for each other.

I am heartbroken for the current band.

The 2014 band will be faced with challenges most of us have never seen. The experiences and stories we have shared and used to motivate student musicians to come to OSU may seem like tales from an era time has forgotten. The media coverage will be as intense as ever and not all for the right reasons. My hope is that through this struggle, this year's band becomes one of the strongest ever to perform at Ohio State. As we work to defend our image, our brand and our reputations, we need to keep in mind this group of students will be paying the price for things beyond their control. We must support them throughout the season, so they can have positive stories to share on the social media of 2020, maybe it will all be holograms by then!

I am optimistic.

We have an outstanding network of people who are stepping up to offer help, raise awareness and educate, as well set the record straight. The example set by this group shows everyone we are truly a family. We are a family, like many, who don't always agree, sometimes fight, and don't always get to see each other, but when push comes to shove...well let's just say no one pushes us around!

I am optimistic.

Because while ramp lead outs, Skull Session entrances and i-dots only last for a few moments at a time, the stories of late night music memorization, early morning trips for donuts and game-day row traditions endure. These are the stories we share even as we fight to save our reputation. These are the stories that truly make the OSUMB a successful and world class organization.

I am optimistic.

If an organization like the OSUMB can take a skinny, smart-mouthed, farm boy like me, and give him a chance to be successful in school, entrust him with the bands traditions as well as be an ambassador of the university and become a leader within the band, then that is an organization worth fighting for.

Pick up your feet, turn your corners square, and DRIVE, DRIVE, DRIVE!

Steven "Jim" Poast  
KL Row '92 - '96

OSU incidents mild in light of action taken

Sunday July 27, 2014 7:48 AM

As a former member of TBDBITL, an active member of the TBDBITL Alumni Band, and a former high-school and college marching-band director, I am stunned that any such action has been taken against Jonathan Waters, the director of the Ohio State University Marching Band.

I view this in light of the recent sanctions against two other Big Ten university marching bands, and especially those at Florida A & M, in which actual physical harm came to members of these bands — as a matter of tradition (?) when no such dangerous “traditional” incidents have ever occurred at OSU. Those bands deserved the punishment they received.

I have always taken pride in the fact that the members of TBDBITL work so hard at maintaining their excellence and, recently, bringing pride and international fame to the university, that they never have the energy, need or notion to ever purposely impose further physical actions on each other. The band has always been an especially close group, with good-natured competition between ranks, including nicknames not purposely invented to be disrespectful or mean.

After viewing both the exam and song book “exhibits” presented by the university, I am more inclined to be embarrassed by the poor examples of literacy than I am of supposedly pointed harassment.

Poor taste, yes. But, really, quite tame in light of activities still practiced by social groups everywhere, and especially in departmental classrooms on campus. One has to wonder what the result would be if all university academic classes had to demonstrate their competency before a 100,000-plus observers each week. Stupid songs and silly names seem to be an awfully calm, if not a creative, release of pressure from the constant defense of quality at OSU, to say nothing of the definite threats to one’s humanity waiting in the real world outside and after graduation.

IAN POLSTER Springfield

---

## Tyler Provo

Posted by WeStandWithJonWaters WebAdmin 32sc on August 12, 2014

First and foremost I am a proud alumnus of The Ohio State University Marching Band, and no one will ever be able to take that away from me. Plainly, I believe that the recently released investigative report on OSUMB has done more harm than good. It is my opinion that the report is inaccurate, painting an incomplete and misleading portrait of OSUMB culture and its students. The report, unfortunately, lacks a robust perspective representing the opinions, thoughts, and feelings of thousands of current and former students in the band...

The portrait that it painted is laced with fallacies, subjectivity, and has caused irreversible damage to thousands of people. The board of trustees has lacked the foresight to see the consequences of your actions and have created a world-wide slanderous campaign that will affect every single members personal lives and careers. I am concerned about the impact of the actions of the university.

I feel personally labeled as a homophobe, alcoholic, pervert, degenerate, abusive, bigot, and sexual deviant among other things as a result of this report. I earned two bachelors degrees in anthropology and history from Ohio State with minors in Jewish studies and music in four and a half years, and graduated Cum Laude. I also worked at least 20 hours a week while attending school alongside participating in the marching band. I have always worked hard for what I believe in and take nothing for granted. For as long as I can remember I wanted to be a member of The Best Damn Band In The Land and worked my entire life to do so. When I had the privilege of seeing the band in person for the first time in 1998 my life was changed profoundly.

For ten years I never lost sight of that goal and when it came time to apply for colleges my only choice was ever Ohio State. However, Ohio State did not choose me. I received my letter of deferment to a branch campus in the early spring and I was devastated. When I thought I had lost all hope, it was Jon Waters who gave me the encouragement to try again and let my application and letters of recommendation be sent to a committee for reconsideration. I waited with bated breath until I received news that the decision had been overturned and I was one step closer to realizing my dream. I trained relentlessly to be in the best physical and mental shape I had been in my entire life in preparation for tryouts. When the day came and my name was read on the list that I had made the band, I wept. And as we left the room to meet our new family there was a man standing in the doorway holding a cell phone and he handed it to me. Jon had called my mother for me so I could tell her that the goal I worked towards for nearly a decade had been realized. As I hung up the phone I began to cry - I embraced Jon and he was the first to welcome me to the band family.

From day one that is what this organization has been to me; these people are my family. You spend countless hours working and rehearsing together and when you finally have free time you spend it with the same people because they're the ones you love. They're your future husbands, wives, groomsmen, bridesmaids, godparents, and life long best friends.

Some reporters and journalists have been quick to point out homophobic and sexist tendencies, most often referring to lyrics in the songbook. I entered in to what some think is a traditionally male-oriented instrument – snare drum. My first year in band both of my squad leaders were females. My second year in band both of my squad leaders were females. These women are elected to their positions through a democratic vote of the row's members and an ensuing interview process with the staff. These women were undoubtedly some of the strongest and fiercest people I had ever met and they were treated as equals and leaders among their peers. These songbooks, which are made to seem like an item that every band member carries on them at all times, were seemingly non-existent in my tenure and I was not even aware of their existence until my third year in band. Seeing countless articles and comments online calling me homophobic and sexist are disgusting and I personally feel violated. Some of my best friends are gay, lesbian, bisexual, and transgender. I proudly shared the field with all of them, and have shared my home with an openly gay male whom I call one of my best friends. To me and many others the band has always been a community of acceptance and tolerance. We all understood that the moment you put on that uniform and step on the field, no one knows or cares about your sexual orientation and likely can't even tell if you're male or female.

In regards to some of these first year names, the list mentioned in the report contained exclusively names that could be construed as vulgar and offensive without consent of those parties. It did not include any of the hundreds of other nick names in existence that are fun, respectable, and loved. For instance, my nickname was Quasimodo and my trick was to "ring the bell" when "Hells Bells" was played in the stadium on third downs. There was not one single time where I was forced in any way to do this, and it was merely a creative suggestion that I found fun and loved to do. As a fan at football games last year, I would still participate proudly while wearing a jersey with the name "Quasi" on the back.

In my five years in the marching band, not once did I ever feel that I was in an unsafe environment. My tenure in the band came in a time of transition and change. The band that I joined and the band that I left were different and these changes were the direct result of actions that Jon Waters and the rest of the band staff had taken. Many of these changes caused opposition from the students but staff remained firm. To some members of the band – especially those who were more resistant to change – referred to Jon as the "fun police". This was because Jon worked tirelessly as an advocate for respect of students and had little tolerance for negative or disrespectful behavior.

I was elected to the position of Assistant Squad Leader during Mr. Waters' inaugural season as director. During that season, we saw many changes instituted to the way things had previously been run in an effort to create a safe, productive, and inclusive environment for all members and there are two instances that stand out in my mind, both of which are mentioned in the investigative report.

The first is in regards to one of the rookie nicknames known as "Dr. Faggot." I believe it is a safe assumption to make that the staff and many other members of the band know about this name because the person was referred to simply as "Dr. F." Personally, I had no idea that this is what stood for and never thought twice about it, until someone uttered what it was aloud. The directing staff caught wind of this and I can very vividly remember swift action being taken and

us spending long hours in squad leader meetings to address issues like this as constructively as possible. Jon would often ask the question "Do we need this?" so we could view these situations objectively, and make the change that was so desperately needed. We did need to change, and we did change

There are instances of Midnight Ramp mentioned as well, which chronicle its details along with a particular incident involving alcohol poisoning. This event during my first few years of band would take place late at night, was entirely unsupervised and solely student led. This left time for students of age to over-consume alcohol thus leading to this persons poisoning. After this occurred, staff took measures to ensure the safety of each and every student who willingly participated creating an event that lasted several hours before hand and immediately segued into Midnight Ramp. This policy, instituted by the directing staff, curbed both issues of alcohol consumption and student safety, as well as providing on hand support for anyone who wished to not participate. The event was entirely voluntary and several people did not join nor was anyone coerced into joining. Also, I specifically remember there being police on hand as well for support to ensure the safety of everyone involved as well as many gates inside the stadium being open. This was far from the drunken sex-fest that the report, along with every single media outlet covering this investigation, is making it turn out to be.

If I recall this is incredibly similar to an act that students participate in every year, though not officially sanctioned by the university, where administration has taken steps to not stop it but make it a safe place for consenting adults. I am of course referring to the Mirror Lake Jump which takes place every year. Where thousands of intoxicated students are scantily clad in bathing suits and underwear jump into a freezing cold lake in the middle of winter, for the sake of tradition. I consistently felt less safe at this event than I ever did during any midnight ramp. During midnight ramp there is no chance of hypothermia and you are surrounded by 225 of your closest friends and family rather than complete strangers. Is Mirror Lake only acceptable because you simply stop 50,000 students from participating and the fact that it's made public? Why is something like this not considered over-sexualized (because underwear is no different than a bathing suit, you just wear it all the time) and it is littered with alcohol (which our staff was able to get rid of). Also, women are legally allowed to be topless in the city of Columbus – anyone who has been to Comfest before can attest to this.

As I'm sure you are aware by now from the hundreds, if not thousands, of letters you have received imploring you to reinstate Mr. Jon Waters to the helm of the band, you must realize that he has been your biggest ally in change. The band was clearly on a track for success both from it's public persona, but internally. Changes were being made and every single one was for the benefit of the students. As any single cultural anthropologist at this university can tell you that you cannot change a culture overnight. Things deeply ingrained take time, and I implore you to allow a little more time for him to finish the job he so clearly started. It's time for you to ask yourself the question "Do we need this?" and for you to come to the right conclusion.

All My Best

-Tyler "Quasi" Provo

## PUTMAN – NOCERA

---

July 28, 2014

President Michael V. Drake  
The Ohio State University  
Office of the President  
205 Bricker Hall  
190 North Oval Mall  
Columbus, Ohio 43210

Dear President Drake,

I am writing as an Ohio State Alumnus and a former female member of the Ohio State University Marching Band from 1993-1997. The handling of the Investigation Report provided by the Office of University Compliance and Integrity, which ultimately caused the firing of Jon Waters, has been a complete embarrassment and disgrace to my beloved university. I have never been so disappointed in my school leadership.

It is clear in reading the report that the complaint was not thoroughly investigated nor written by an impartial party. The report appears to have been written simply to justify the goal of firing Jon Waters as Director of the band. Those investigating the complaint should have spoken to a much larger percentage of current and past band members to get a full and accurate picture of the band's (off-the-field) atmosphere and how it has changed for the better within the last several years, not just the complainant and their witnesses.

In addition, the report attempts to diminish the role of females in the band and implies that women do not hold leadership roles. Every woman that has been in the band worked very hard to earn their spot. I suggest you, your staff and the authors of this report attend this years try-outs to get a better understanding of the blood, sweat and tears that each person puts forth to be in this band, then maybe you'll understand that each position is well earned, regardless of sex. To give you a better understanding of the female presence in the years I marched, my particular row of trumpets consisted of almost half the membership being female. Also, two of those women were voted by peers to be placed in leadership roles as squad leaders. At no time, did I feel the female presence was under or poorly represented.

Being a former member of the band, each year I, along with a few of my alumni friends, host a current row from band for dinner, commonly known as adopt-a-row dinner. We have hosted this dinner for the past six years and have gotten to know the current members during those times. At every one of those meals, the band members have spoken of how the band environment has significantly changed from the days of my youth. They speak of the bus trips being boring and the other formerly fun events disappearing.

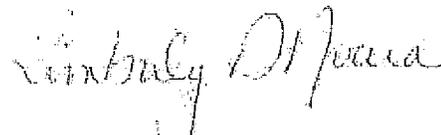
President Michael V. Drake  
July 28, 2014  
Page 2

I personally marched with Jon Waters and know that he is an upstanding citizen, a true Buckeye and a wonderful educator. He was heading in the right direction in changing or ceasing the decades old traditions. This administration, under your new leadership, jumped the gun by firing Jon Waters and handled this situation very poorly.

Therefore, I respectfully request you reconsider your position, return Mr. Waters to the front of the band and offer him the guidance that he and the band deserve in complying with these Title IX expectations.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly D. Pulnan-Nocera".

Kimberly D. Pulnan-Nocera  
OSUMB Alumni 1993 - 1997

cc: Betty Montgomery, Esq.  
OSU Board of Trustees

225 South Clay Street  
Millersburg, Ohio 44654

August 15, 2014

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

Dear Ms. Montgomery:

My name is Robyn Ramseyer. I was a member of the Ohio State University Marching Band from 1984 to 1987 and 1989. In 1987 I was the Assistant Squad Leader of H-Row. I received a degree in Visual Communication Design in 1987 and in Occupational Therapy in 1993. I have been practicing Occupational Therapy for over 21 years. I don't recall the last time I was this upset about a situation, but I recognize it as a deep belief that an injustice has occurred.

As a medical professional, Evidence Based Practice has become the norm. This entails learning how to read a research article to determine if the results are meaningful and valid to apply to practice. In reading the report that was presented to Dr. Drake, I immediately noticed five issues that would invalidate a comparable study in my field.

- Inappropriate sample size – only 9 current or previous band members were interviewed out of 225 current members and hundreds of past members
- Poor sample selection that does not accurately reflect the population - names of witnesses were provided by complainant and her witnesses, "The complainant and witnesses recommended specific people to interview", "we did not randomly interview current Band members for this investigation". (direct quotes from the report) By interviewing only those recommended by the complainant the task force created a bias in the study.
- Inability to be duplicated - most of what was cited has already been refuted many times by current and past members who have written letters describing their own experiences in the band
- Informed consent was not obtained - nicknames were cited and described without input from the person to whom they belonged
- Results were published prior to receiving all relevant data - "As of July 15, 2014, we were still receiving information from some of the witnesses interviewed." (quote from media coverage online)

For a university touted for its research, this is a poor example.

I feel that this newly coined term "sexualized culture" is being unfairly used as a basis for condemnation. In reading the definition of "sexualize" as a verb, "to endow with a sexual character or cast," (Merriam-Webster online) it is clear that our entire country's culture has become sexualized. One has only to watch television sitcoms or advertisements or music videos or print advertising to see that this is not unique to the OSUMB, or marching bands or college students in general. I feel that the outrageous misrepresentation publicized in the report by the Office of University Compliance and Integrity is a personal affront to the integrity of every OSUMB member, past, present and future. I have never felt so insulted, and to come from The Ohio State University makes it all the more intolerable.

Specific issues mentioned in the report:

Nicknames - "Each new Band member (traditionally called a "Rookie") is assigned a nickname by upperclassmen. Assistant Director Smith stated that everyone gets a nickname and acknowledged that they are often "pretty dirty" or involve sexual innuendo". (direct quote from the report) I did not receive a

nickname when I was a rookie. When I was the Assistant Squad Leader, I did not participate in giving the rookies nicknames.

Changing Clothes on Buses - Athletes and members of student organizations who travel, including marching band and corp band members, change clothes on buses. This happens in high school as well as college. I never witnessed anyone intentionally displaying themselves or attempting to prevent someone from having a modicum of privacy while necessarily changing on a bus.

"made to swear secrecy oaths" (direct quote from the report) - I never swore to anything. As is tradition with many organizations including student athletic teams, adult and student fraternal organizations, there was information that was exclusive to members. This was not sexual or harassing in nature, just something special for those who earned the right to be included by making the band.

Forced participation - I was never forced to do anything. A midnight ramp was not required. I did not participate in assigning "tricks" for the rookies to perform. Was there any consideration given to the idea that some of the evidence was a unique occurrence, limited to a few and designed by a member who incorrectly thought he was being funny? In the example of the "rookie test", was this actually given to any rookies, or was it a distasteful joke composed by one individual?

Let me try to explain how my experience in the band has contributed positively to who I am today. Self confidence - I can't count how many times, when faced with a difficult situation, I've thought to myself, "You can do this. You were in the band." After performing in front of 105,000 people, speaking to a professional or casual group doesn't unnerve me.

Leadership - Being a student leader was one of the first opportunities to practice management skills.

Time management - Organizing my time for hours of memorizing music weekly, completing homework and studying for exams in other courses was excellent preparation for a job with deadlines to meet or demands for efficiency and productivity.

Team work and pride in a job well done - I've never worked so hard and received such great satisfaction in the result, and no matter where I go in this world, I will always be welcomed by fellow TBDBITL members, because a timeless bond has been formed between us.

To be early is to be on time, to be on time is to be late, and to be late is to be left - Punctuality is a very positive attribute in the professional world.

Pick up your feet, turn your corners square, and DRIVE, DRIVE, DRIVE! - Give everything your all, and do it right the first time.

I will defend my reputation. I will support the fight for our honor. I will stand with Jon Waters. I hope justice will be served.

Sincerely,

Robyn Ramseyer

### **My Own Experiences in the OSUMB**

I am writing to express my disappointment over the dismissal of Jon Waters as Director of the Ohio State University Marching Band and to counter the misinformation and mis-characterizations made by the media.

I was a member of the OSUMB in 1989 and 1992-93. I have read the complete university Report and have seen the attached Exhibits. While I agree that much about the student culture of the marching band needs to be updated, it is important to keep in mind that the traditions and activities mentioned in the report existed long before even I made the band. I personally never felt forced, coerced, or otherwise made to feel uncomfortable in any situation during band activities. I was never forced to strip or change on a band bus. I was never forced to participate in Midnight Ramp – in fact as a rookie I was informed about it ahead of time and had ample opportunity to decide if I wanted to participate or not. I have never heard from any other band member, male or female, that their experience differed markedly from mine in those regards. Furthermore, the songbook (Exhibit B in the Report) has existed for decades as you can see from the credits in the beginning. It started being published when Mr. Waters was still an infant, two directors ago. When I came out as a Lesbian my fellow row members were nothing but supportive. I never felt discriminated against because of the song lyrics, and my row mates and band mates never harassed me in any way as a woman nor as a Lesbian nor made me feel less of a person or that I did not belong in band. I was and still am a sister in this large family. Never did I observe or hear about sexual harassment or sexual assault occurring between band members during my time in band; but I sure knew about it in the general university community.



1990 Citrus Bowl (1989 season)

The “culture of sexualization”, as it has been dubbed, has been long embedded and is not due to the negligence of this one man or one directing staff. Despite its long history in our band, Mr. Waters was attempting to eliminate much of the raunchiness we see reflected in the report. But that cannot be done overnight and it cannot be done in one season. As a former band member himself, Jon Waters is uniquely qualified, more than anyone else, to help bring the OSUMB into a new era. At the very least, he should be granted a public apology, reinstated, and given the support and direction he should have had in the first place to make the changes needed.

Marching band taught me perseverance, time management, respect for different cultures and viewpoints, tolerance for personality differences in order to achieve a common goal, absolute excellence in doing anything, and it taught me to never give up. Ask any one of today's band members what they are learning and you will get a similar answer. The funny nicknames and inappropriate song lyrics will be a smirk and a shared laugh among friends, but the real life lessons will endure.

Sherri Rapp  
OSU, B.A. 1994  
OSUMB 1989, 1992-93

Sherri Rapp  
616 Casey Lane  
Mebane, NC 27302  
(336) 253-5549

Mr. Blake Thompson & OSU Board of Trustees  
210 Bricker Hall  
190 North Oval Mall  
Columbus, Ohio 43210

Mr. Thompson, et al.,

I am writing to express my outrage over the Office of University Compliance and Integrity handling the investigation of the Ohio State Marching Band, its "culture", and Jon Waters. As I am a graduate of the University, a Life Member of the OSU Alumni Club, a three-year member of the OSUMB, a member of the TBDBITL Alumni Club, and a concerned citizen, I expect a response addressing these specific points rather than a canned response that all others are receiving.

- 1) The investigation was flawed. Several of the people whose nicknames were mentioned in the report were never interviewed to discover who gave those nicknames and when and under what conditions and if the person with the nickname felt offended or sexually harassed. Only 5 members of the current 225-member band were interviewed, and at the direction of the complainant – hardly a valid sample size to determine any sort of culture. That's like saying my Uncle Ernie is a criminal so my entire family endorses criminal activity – it is poor research methodology.
- 2) The report being released to the public with the nicknames of several band members has caused more embarrassment and harassment to those members now than when they were in band. Specific people who have spoken out about this mistreatment from the University, media, and the public can be found here <http://womenoftheosumb.blogspot.com/2014/07/alex-clark-letter-to-president-drake.html> and here <http://womenoftheosumb.blogspot.com/2014/07/former-osu-marching-band-member.html>. The Office of University Compliance and Integrity and The Ohio State University were irresponsible for releasing these names.
- 3) Releasing to the public the "Unofficial Songbook" was exceptionally and unconscionably irresponsible. So much so that it reeks of a willful and orchestrated destruction of the marching band and all those associated with it. While I do not endorse the songs and much of the language in the songbook and outright reject others, it is clear from discussions with current and recent band members that it was rare, discouraged, very difficult to get one's hands on it, and taken away by band staff it is was discovered. In fact, 2006 was the last year in which it was published, which is well before Jon Waters became the director. Furthermore, many of the bawdy songs come from John Valby (known as Dr. Dirty - [http://www.johnvalbynation.com/home.html#\\_U9kMW\\_ldXT0](http://www.johnvalbynation.com/home.html#_U9kMW_ldXT0)) and are known in other segments of our society. While I personally heard some of these songs sung on buses to performances when I was in the band, it was rare. They

were mainly sung at private gatherings when we could act like the regular college students we were.

- 4) Exhibit A, the Rookie Midterm. I never took one of those nor ever saw one while I was in band. I heard about them and thought they were stupid. I do believe those are unnecessary and should not even be handed out. Regardless, it was unnecessary for the Office of University Compliance and Integrity to release the document to the public.
- 5) Midnight Ramp is much less prurient as the University of California – Irvine Undie Run (UCI, as you may know, is President Drake's most recent post before coming to Ohio State). <http://www.ocregister.com/video/y/16531382001/irvine-uci-drew> Midnight Ramp has always been completely voluntary and participants may choose how much or how little clothing to wear (within legal boundaries). Furthermore, in recent years Midnight Ramp has been officially sanctioned by the University. Scoreboard staff showed up to run the scoreboard. University police were present. Maintenance warned students to not mess up the turf too badly. Besides... WHO unlocked the gates for the band members so they could enter the stadium?
- 6) Much has been made of the lopsided male-to-female ratio in the marching band. I will remind you that the band is all brass and percussion. While we'd like to think that we live in a new era of sex equality in musical instrument choice that is absolutely not the case. More men than women play brass and percussion instruments at both the high school and college levels. In fact, the OSUMB has a slight advantage in the female percentage when compared to other collegiate marching bands when the analysis controls for specific instrumentation. <http://womenoftheosumb.blogspot.com/2014/07/analysis-of-percentage-of-women-in-osumb.html>
- 7) It is absolutely unacceptable that Mr. Waters' response was not included in the Investigation Report. You gave a good man no way to defend himself.
- 8) President Drake never bothered to even meet a university and state treasure - who has dedicated his life and work to The Ohio State University and the Marching Band - and find out his side of the story and if by any chance the investigator(s) perhaps did not dig deep enough or conduct the investigation properly.
- 9) As part of the Athletic Department and twice the size of the football team, why does the marching band not already have permanent Title IX coordinators assigned to it?

I would like to share with you my own experience being in the marching band:

I was a member of the OSUMB in 1989 and 1992-93. I have read the complete university Report and have seen the attached Exhibits. While I agree that much about the student culture of the marching band needs to be updated, it is important to keep in mind that the traditions and activities mentioned in the report existed long before even I made the band. I personally never felt forced, coerced, or otherwise made to feel uncomfortable in any situation during band activities. I was never forced to strip or change on a band bus. I was never forced to participate in Midnight Ramp – in fact as a rookie I was informed about it ahead of time and had ample opportunity to decide if I wanted to participate or not. I have never heard from any other band member, male or female, that their experience differed

markedly from mine in those regards. Furthermore, the songbook (Exhibit B in the Report) has existed for decades as you can see from the credits in the beginning. It started being published "underground" when Mr. Waters was still an infant, two directors ago. When I came out as a Lesbian my fellow row members were nothing but supportive. I never felt discriminated against because of the song lyrics, and my row mates and band mates never harassed me in any way as a woman nor as a Lesbian. Neither did they make me feel less of a person nor that I did not belong in band. I was and still am a sister in this large family. Never did I observe or hear about sexual harassment or sexual assault occurring between band members during my time in band; but I sure knew about it in the general university community. I saw dorm mates with cuts and bruises from domestic abuse, but never friends in band.

The "culture of sexualization", as it has been dubbed (otherwise known as "college"), has been long embedded and is not due to the negligence of this one man or one directing staff. Despite its long history in our band, Mr. Waters was attempting to eliminate much of the raunchiness we see reflected in the report. But that cannot be done overnight and it cannot be done in one season. As a former band member himself, Jon Waters is uniquely qualified, more than anyone else, to help bring the OSUMB into a new era. At the very least, he should be granted a public apology, reinstated, and given the support and direction he should have had in the first place to make the changes needed.

Marching band taught me perseverance, time management, respect for different cultures and viewpoints, tolerance for personality differences in order to achieve a common goal, absolute excellence in doing anything, and it taught me to never give up. Ask any one of today's band members what they are learning and you will get a similar answer. The funny nicknames and inappropriate song lyrics will be a smirk and a shared laugh among friends, but the real life lessons will endure.

The refusal of the Office of University Compliance and Integrity, The Board of Trustees, and President to publically address the several questions posed by concerned alumni such as myself regarding the ineptness of the investigators and the overreaction by the university in firing Mr. Jon Waters is disturbing. **Please provide me with confirmation that you received my letter and I request feedback from the Board of Trustees regarding this matter.**

Sherri Rapp

OSU, B.A. 1994  
OSUMB 1989, 1992-93  
Life Member, OSU Alumni Club

CC: OSU Board of Trustees, Mr. Gates Garrity-Rokous

**Tuesday, August 12, 2014**

**The "Oath of Secrecy"**

On July 24, 2014, a report released by the Ohio State University's Office of University Compliance and Integrity (now known as the Glaros Report, named for Chris Glaros, the Assistant Vice President of Compliance Operations and Investigations for the Office of University Compliance and Integrity) charged, among several other things that are now proving to be false, that members of the Ohio State University Marching Band were forced to swear oaths to secrecy about "inappropriate" goings-on in the organization. The Glaros Report mentions secrecy oaths three times in the report:

"On May 23, 2014 a parent of a Marching Band member visited the Office of University Compliance and Integrity and reported that she had concerns about whether the Marching Band's culture was sexualized, and stated that its members were made to swear secrecy oaths about objectionable traditions and customs." -Page 3, The Glaros Investigation Report

"The complainant reported concerns about whether the Marching Band's culture was sexualized. The parent further stated that the Band's members were made to swear secrecy oaths concealing objectionable traditions and customs. ... take oaths not to tell about Fesler" -Page 4, The Glaros Investigation Report

It's true. We were sworn to secrecy over the most horrendous, sexual, abusive, and harassing things one could dream up. (That was sarcasm in case you missed it.)

Until yesterday (8/11/14), I was perplexed that a written "secrecy oath" had even surfaced. *How ridiculous!* I thought. *I never swore an oath to secrecy.* It turns out I was wrong. I honestly had forgotten about this because it was so innocuous. See for yourself.

Fesler Night 2013  
Todd ██████████ - SL  
Drew ██████████ - ASL

Todd: All rookies now rise.

Drew: Are you excited?

Todd: Scared stiff?

Drew: Well maybe you should be,

Todd and Drew: Because Fesler has arrived

Todd: Fesler would like to extend a welcome to everyone, especially rookies

Drew: But first , rookies: raise your right hand and repeat after us

Todd: I will keep the events of this evening / from reaching anyone / outside of this band room, or the band family.

Drew: I will keep a good public image.

Todd: I will obey the directors of the OSU Marching Band.

Drew: I will respect and obey my squad leaders.

Todd: I will not hesitate through a cross-over.

Drew: I will pick up my feet / turn my corners square / and Drive, Drive, Drive!

Todd: And I will never...

Drew: Ever...

Todd: Cross the street without looking both ways.

Drew: You may be seated.

This "oath" was given at the start of "Fesler Night" which is a casual gathering of the newly assembled band, held in the band room, at which skits are performed and the squad leaders play a couple school songs for everyone. Truth be told, I personally found many of the skits boring, uninspired, or just downright lame. Others were rather creative. Some were crude, using language we wouldn't use in public. Then again...we weren't in public. We were friends trying to make each other laugh in our own unique and quirky ways in order to hasten the bonding, and therefore, the effectiveness of how well we worked together in getting a job done that requires both individual effort and teamwork.

Will I tell you the specifics of the skits at Fesler Night? No, I will not. And it's not because I am

ashamed or have anything to hide or that I think other alumni will be mad at me. I choose not to tell you because those are my memories. They are things that I experienced that not everyone can, and to me that means something. To you they are a curiosity. To you, they are a glimpse into a world in which you can't be a part. You may be looking for prurient details that simply aren't there. To you, my stories are mere hoped-for pornography. No, my memories and my experiences are mine.

-Sherri Rapp

### **Christina Regule**

My name is Christina Regule, and I was the first female I-Row Squadleader in 1986 (Assistant Squadleader in 1985). Nothing prepared me more in this life to become a U.S. Army Active Duty Chaplain than my five years in THE Ohio State University Band! When the news broke for me here in Germany, I was stunned, outraged, conflicted, and convicted regarding parts of the report; however, the research methodology and its subsequent results are extremely inaccurate and seemingly intentionally misleading. I never did or saw a midnight ramp. I never laid my eyes on the infamous songbook. I've never been to the Varsity Club. Furthermore, I was given my nickname, because it was so incongruent with my life, and I received that honorably, as a core value compliment. Yet, my OSUMB Family was there for me through band tryout preparations, the death of my "Buni" (Grandmother), and the establishment of a "For God and Country" foundation to become an Active Duty Army Chaplain. The culture of the Ohio State University Marching Band, not only prepared me for the U.S. Army, it also prepared me for year-long deployment in Afghanistan: Family-bonding, Trust, Resiliency, and Survival!

For God and Country, and "Our Honor Defend, We will Fight To The End for O-HI-O!"

Christina

## Brianne Reiss

Posted by WeStandWithJonWaters WebAdmin 32sc on August 04, 2014

To President Drake and Whom It May Concern:

Hello. My name is Brianne Reiss. I am a 2010 graduate of The Ohio State University and a four year alumna of The Ohio State University Marching Band. A few quick facts up front: I am female. I played the snare drum. In my four years as a member of the band including one as a squad leader, my twenty-nine member row was consistently male dominated. Considering just the snare line alone, over my career the greatest number of females to earn positions in the snare line during one season was a whopping five out of fourteen members. It is fair to say that I am one of the supposed victims of the sexual harassment culture this investigation is propagating. I am here to say that is simply not the case...

The current slander debacle that is taking place is offensive to me on many levels and that is saying something because as I'm sure you've heard, it takes a lot to offend a member of The Ohio State University Marching Band. As a woman and an alumna, I'm taken aback by the ease in which society has seemingly assumed that this type of behavior would ever be acceptable; that without having met me or many of the alumni that have had the privilege of moving this great organization forward, it has somehow been determined that we would allow this type of behavior to continue without question. I don't know if I could pick exactly which assumption angers me most: that I would submit myself to that kind of treatment or that I would permeate an atmosphere of sexual harassment for other people. Are changes necessary to some of the traditions that have spanned decades within our band? Absolutely. But in the same breath, the band I made in 2006 was a completely different animal from the band I left at the beginning of 2010 due to steady effort. Although firmly-footed progress can take time to create, it has been happening and is in many ways due to the direction of Jon Waters. I'll touch more on him later [not literally, Columbus Dispatch, put down your pens], but I'd like to start with the Title IX aspect first.

Women may number in the minority of the band, but to suggest that we are or were in any way minimized or forced to be submissive to the male members of the band is laughable. Have you met a girl in the marching band? Rock stars should write sonnets about these women. They are strong and driven, they are spirited, and by God, they are loud. I can promise you they wouldn't take being systematically overlooked or waved aside sitting down. These are women that create change. These are women that push for more. They number among the best I have known in my life and I am proud to stand among them. I could only hope to have daughters some day who carry themselves the same way.

The last few days have been tough to stomach. Not only am I offended as a woman of the band by the idea that this type of culture has been allowed to run rampant through the halls of Steinbrenner Band Center, but to state matter of factly that the men of the band-- whom I count among my chosen family, who have been in my home, have met my blood relatives, and have shared more time, more memories, and more tender moments with me in the OSUMB than any other individuals in my life-- that they would ever treat a female as less than equal is repellent. I am five foot two inches tall on a good day. When I made the band I was 98 pounds. Even at my best, I continue to be a wisp of a girl. And yet, there was never a time in my career as a band member that I felt in any way threatened, that I felt unsafe, or that I felt persecuted. There were many moments on The Ohio State campus in Columbus when I was afraid. Not once was that ever in the presence of another person from the marching band.

As an independent adult engaging in my own life, at no point had I ever felt my hand was forced while in the marching band. I was fully aware of my decisions as I made them and honestly, I can't think of any moments I regret from my time or would do again in a different way. Growing up can be a bumpy road for anyone. Being in a high pressure, incredibly public position of power in your early 20's proffers terrible possibilities. While there are always a few bad apples in any bunch, I don't feel that the great majority of the band took that position for granted. In fact, that yoke is worn with great

care and with the sense of responsibility that comes with being a representative, at least for a short time, of something far greater than anything we could ever accomplish alone. It hurts my heart to see the character of these people called into question; that this world that we live in is so quick to assume the worst in everything. There continues to be changes that need to be made with the culture of the marching band, but that culture is not unique to us. Lewd humor and alcohol consumption are not traits of Buckeyes alone, and while the time and place for such things are certainly not in the band hall, trying to rid college students of these vices is not a battle I would wish upon anyone.

As a member of the supposed persecuted party in this ongoing investigation, I stand with Jon Waters. I feel the decision to fire him from his place as director of The Ohio State University marching band is short-sighted and unjust. Yes, we live in a litigious society. Yes, we have seen the university make terrible mistakes in an effort to protect their own skin in the past. I'm asking that you take into consideration the great number of individuals who are willing to bear witness to Jon's personal character and his actions as both assistant and director of this band and that you change the tide. This investigation continues to suggest that victims are waiting in the wings for the call to come forward and yet the one man who has been committed to its members and the organization's name for half his life is being overlooked and a victim is exactly what he is.

Full disclosure: I don't think Jon has handled this investigation well. I do think he is still the best person to lead the band into the future and the only person who has successfully curbed ill-fitted tradition to date. There is a livelihood at stake here, one that has made some mistakes but has proven over time to be the driving force behind necessary change: the type of changes that are still needed in other organizations on this campus. At what point does the face of the university become more important than the individuals it serves? What volume must our voices reach before they will be heard?

There will always be work to be done to create safe environments, to grow kindness and patience, to fulfill the potential that each of us carry within ourselves to do good as we make decisions each day. When it comes to bureaucracy, I'm not the person who makes fists and stands in the rain to make sure my opinion is heard. I'm not even the person who would stand in line for free ice cream. But I'm sitting at my computer and I'm typing this note to you because sitting in silence is acquiescing that the way this has been handled is acceptable. I chose to write to you because as an alumna of this fine university established in excellence and as a person whose life has been greatly enriched by the OSUMB, I want better for both organizations from you than what you're currently offering. I chose to write to you because Jonathan Waters deserves more.

Thank you for taking the time to consider my thoughts and, formally, welcome to the Buckeye family. Here's wishing your experiences with Ohio State are as wonderful as mine.

Sincerely,

Brianne Reiss

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

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

Dear President Drake and Board of Trustees,

I would like to introduce myself. I am an alumna of the Ohio State University, having earned two degrees: a Bachelor of Science degree in Nursing (1984) and a Master of Science degree (2006), practicing as an Adult Nurse Practitioner. I made a personal choice to become a Life Member of the OSU Alumni Association several years ago. I am a proud 5 year member of the OSU Marching Band, having been a Squad Leader for my last two years and I was the first female from Sandusky, Ohio to make the band. I'm sure you have received many letters over the past few weeks, but I ask that you take the time to please read mine. My focus is unique, sharing in our background of medicine and ethics, a topic that you know well.

I'd like to briefly discuss the four values of medical ethics and apply them to the decision to fire Jonathan Waters. They are: autonomy, beneficence, nonmaleficence and justice.

*Autonomy.* This is respect for an individual. We know that in reference to a patient, we are not to coax or coerce someone into decision making. Education about risks and benefits are to be explained and he then makes his choice about a treatment or a decision. President Drake and Board- did you have **all** the facts and education about this decision to fire Jon? How could you make such a drastic decision when this report has been proven to not be scientifically sound? You, as a physician, understand about sample size, lack of data, reliability, etc. Were you coerced into a hasty decision? What pressure was

placed on you, our University President of less than one month?

*Beneficence.* This is the principle of providing good, of a benefit. The firing of Jon did not promote the well being of others, including the new 2014 OSU Marching Band. Also, the public sharing of items in the nonfactual Glaros report invoked humiliation and shame to thousands of band alumni who now have to explain "we weren't like that." I was never sexually offended while in the band, but **now** have to defend myself as a respected medical professional- and not as a sexualized, harassed female band member.

*Non-maleficence.* Many recognize this as "do no harm." However, great harm has been committed to the band alumni, and most severely, to Jon Waters. Instead of firing him, I believe a different solution could have been enforced. Jon could have remained the director, while incorporating the steps you are currently using: additional staff support and additional education. The well being of our current band is at risk. Their respected and beloved leader has been yanked from their lives. They are being forced to endure lengthy Title IX lectures (which could have been an on-line, mandatory course to complete before the first day of school and not during time to learn music and a show for next week). These young students were learning many life skills from Jon beside music-he was teaching them to give back to their community. He was modeling an 'attitude of gratitude' and to 'pay forward.' Jon was teaching and molding these students for their future as adults.

The last value of ethics that I'd like to discuss is *Justice*. One needs to be fair with all the people involved. President Drake, you have an opportunity and the ability to make things right and to provide justice. I know that you have received a plethora of information in disproving many facts of the Glaros report. The University did not thoroughly review and assess the situation before making their decision. I would like to restate your quote from August 13<sup>th</sup> to the Columbus Metropolitan Club: "I have always been a person who did my best to find the facts and to act accordingly and appropriately on those facts and to move forward. And I will always do that."

I would like to request the reinstatement of Jonathan Waters as the Director of the Ohio State University Marching Band. This would be the best step in moving forward.

In conclusion, I'd like to provide a passage you might recognize from Sir William Osler (1907):

"You are in this profession as a calling, not as a business, as a calling which exacts you at every turn self-sacrifice, devotion, love, and tenderness to your fellow-men. Once you get down to a purely business level, your influence is gone and the true light of your life is dimmed." From: The reserves of life. St. Mary's Hospital Gazette 13:95-98.

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

Sincerely,

Michelle P. Ruess Jackson  
Adult Nurse Practitioner, Grant Medical Center  
Former OSU Marching Band Member 1980-1984  
Current TBDBITL Board of Governors member  
Email: [osurooster@aol.com](mailto:osurooster@aol.com)  
#westandwithjonwaters  
#ourhonordefend

**Allison Schaffer**

President Drake,

First and foremost, welcome to The Ohio State University, the best university in the country as far as myself and many others are concerned. In fact, I loved it so much, I took a full 5 years to graduate. My name is Allison Schaffer, a.k.a. Princess, to those who affectionately called me that. I was Hall Council President of Baker Hall, played in the University Band, sang in Women's Glee and was heavily involved in the Theatre Department. I was a manager for The Ohio State University Marching Band and the Athletic Bands from 1992-1994 and Head Manager for the 1993 Athletic Band season and 1994 football season.

Being a manager was an amazing experience for me from the get go. I was a 19 year old woman trying to figure out where I belonged in a campus full of very different people. I came from New Jersey and really didn't know the history of Ohio State or the marching band; I just knew that, as soon as I found that organization and the amazing people that were part of it, I found the place I wanted to be. I took responsibility for my actions as an adult. I was never forced to drink, forced to take place in Midnight Ramp and NEVER hazed as implied in your report. I CHOSE to do these things, after all I was living the college experience, right? Yes, my nickname, Princess, was because I am an East Coast Jewish woman and the nickname is short for Jewish American Princess, but this was an affectionate term and not hateful by any means. As a matter of fact, I found that being a Jewish woman was great, I was able to educate those people who never met a Jew, or never had Jewish friends before, making them more diverse. I would have never had these experiences had I joined a social sorority, instead I would be paying to have friends which I got for free the minute I became a part of the band. Better yet, I call these people family ... because we all get it! We have all been there and shared these experiences with each other ... to me, that's invaluable. I would never have gone to bowl games, loaded airplanes, met celebrities, participated in traditions and most of all met some of the closest friends that I have TO THIS DAY!

I was shocked to learn about the investigation into the band and the firing of Jon Waters. Jon is a stand up man who has nothing but the best intentions and actions. He has been trying to change that culture but, unfairly, you only gave him a year! One season! Thanks to your decision, the media has made all of the organization past, present and future sound like a bunch of animals. I assure you that this is not the truth and I feel you and all of those involved in this decision, didn't take the time to speak to those of us who were there. I am saddened by the actions of the university that I proudly (usually) represent as an alumnus. Thanks to your actions, I have had to spend the last few days defending myself, my humility, my friend Jon Waters and most of all MY University!

Allison "Princess" Schaffer  
OSU Marching Band  
Manager/Head Manger 1992-1994

8/1/2014

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

**President Drake,**

By now I am sure you have received tens if not hundreds of letters from disappointed or upset former members and friends of the Ohio State University Marching Band containing impassioned pleas for the reinstatement of Jonathan Waters. It has taken me some time to compose my version of such a letter because, frankly, I have had to regain my composure first.

My name is Joseph Sekel. I am a proud alumnus of the Ohio State Marching Band. (On my third tryout attempt, I made it into the band as a snare drummer in the early 1980s.) Prior to July 24, I would have said that I was a proud engineering alumnus of the Ohio State University as well. But, after three weeks on the job and with one swift and misguided action, you have put me in a position of having to choose between an allegiance to my alma mater or a loyalty to my beloved marching band, its current members and to thousands of its alumni brothers and sisters. Given no other choice, my allegiance will always be to the OSUMB and my OSUMB family. I hope you have the capacity to redress your actions of July 24 by reinstating Jonathan Waters so I can again claim to be a proud alumnus of the Ohio State University.

It is said that a well-written alma mater (song) can evoke a profound connection between one's spirit and his or her school. I cannot help but to think about Carmen Ohio, a song that I sang and played many times, somewhat differently right now...perhaps, much like a soldier who would fly the flag upside down to signal distress to anyone in a position to help. At risk of being disrespectful to Carmen Ohio, which is not my intent, I would like to use it to assist me in conveying my feelings:

"Oh come, let's sing Ohio's praise, and songs to Alma Mater raise." Praise is an expression of admiration or approval. I do NOT approve of the manner in which your investigation of Jon and the band was conducted. Too many opposing testimonials are coming forth from those who were referenced in the report, but were curiously not interviewed with any context, if they were interviewed at all. To me, this suggests that the report was prepared in a way to justify a predetermined outcome or rush to judgment.

"While our hearts rebounding thrill, with joy which death alone can still." There is no joy, sir, in effectively being labeled a homophobic, anti-Semitic, sexist and sexual deviant. But, with your administration's careless handling and publishing of this report and its claims, you have effectively done just that, tarnishing the reputations of thousands of us. We are professionals, grandparents,

parents, sons, daughters, soldiers, church laity and so on. You have offended and insulted all of us with your administration's false claims and amateurish handling of this issue. As a side note, I do not make a habit of donating to institutions that insult me.

"Summer's heat or winter's cold, the seasons pass the years will roll." The so-called "two month investigation" was conducted earlier this summer during the marching band's offseason. During this period, am I to understand that the investigators could only manage to interview a handful of marching band members? I find it completely incredulous that the administration's investigators could only track down that small subset of members and, somehow, could not draw on the university's vast recording-keeping resources to track down and interview a larger, random sampling of members with pertinent information (to form a more complete account). How can you possibly make any just determination based on such a limited sampling of data? To support a more complete, accurate and fair investigation, **I request to be interviewed because I have relevant information regarding this investigation.**

"Time and change will surely show, how firm thy friendship ... OHIO!" I stand with my OSUMB family. Our friendship is as firm as it has ever been. We are resolute. We will never give up. We will fight to defend our honor and the honor that belongs to this band and to Jonathan Waters. Please do the right thing. Please reinstate Jonathan Waters as the Director of the Ohio State University Marching Band without further delay. I am proud to stand with Jon!

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

Sincerely,

Joseph M. Sekel  
TBDBITL, I-Row, 1981-83  
BSEE 1984

Cc: Board of Trustees (Jeffrey Wadsworth, Chair)  
Archie Griffin, President/CEO, The Ohio State Alumni Association  
Betty Montgomery  
David Axelrod, Esq.

8/10/2014

Mr. Archie Griffin  
Longaberger Alumni House  
2200 Olentangy River Rd.  
Columbus, Ohio 43210

Archie,

My name is Joseph Sekel. I am a proud alumnus of the Ohio State Marching Band. You are no doubt receiving tens if not hundreds of letters from upset former members and friends of the Ohio State University Marching Band asking for your support of Jonathan Waters. I can only hope that my letter is found within your stack of letters and read by you.

My father's name was also Joseph Sekel. He played football as a freshman for Woody Hayes at the Ohio State University in the late-1950's. He would have loved to play longer, but with his wife pregnant with me, he decided that he needed to go to college part-time so he could work and have money to take care of his budding family. But, boy, did he love Woody! He would describe Woody as the ultimate field general who was hell on the field but the nicest, most caring father-like figure off the field. As an aside, I had the pleasure of meeting Mrs. Hayes not long after Woody's passing. When I told her my dad's name, she responded with the years that my dad played and his position. Needless to say, I was astounded. She said that the football players were family to she and Woody, and that they made it a point to remember each and every player year after year. Clearly this confirmed by dad's sentiment.

I rarely saw my father cry. In fact, I can only recall three instances of it: when his father died, when Woody passed away and when the Gator Bowl incident resulted in Woody's dismissal from the university. Although my dad understood the gravity of the Gator Bowl circumstances, he often said that "it was a tragedy" and that "no one, especially someone that so loved the university and its students, should have to go out that way."

I too had very memorable encounters with Woody. But my encounters with him came as a result of being in the band. You see, when I approached my teen years, my father wanted me to follow in his footsteps by playing football, a game he loved. But, not having his size and overall physique, I instead became drawn into music and playing the drums. I could tell that this disappointed my father. But, being a great dad, he held that disappointment deep within and managed to support my music and band activities one hundred percent. When I told him that I was choosing Ohio State for college over the University of Cincinnati or the Air Force Academy because I wanted to be in the Ohio State Marching Band, I could see his eyes light up as if I was indeed following in his footsteps.

When I made the band, my dad drove four hours round trip for every home game to see the band...and of course to watch the game. He would make sure he arrived in Columbus early enough to see the band's dress rehearsal, on the stadium parking lot, and the Skull Session in St. John Arena. Of the Saturday morning marching rehearsals, he would say that without our instruments we looked like a rag-tag bunch of goof-ups from his seat on the bank of the Olentangy. But, he would go on to say, as soon as we started marching AND playing, the discipline and the precision returned and was overwhelming. It was then clear to him that we were the best of the best. We WERE that band which Woody often heralded as the only group on campus that worked harder than his beloved football team.

The last day I enjoyed with my dad was a few years after my graduation from Ohio State. We watched a televised Saturday afternoon OSU football game together from the comfort of his favorite sofa. They showed the band on the television. My dad looked at me and told me how proud he was that I had been in the marching band. Later that night, he passed away in his sleep. I know deep in my heart that it would make him even more proud that I was reaching out to you, on behalf of all my TBDBITL brothers and sisters, imploring you for your help. Because, simply stated, you were my dad's hero.

As mentioned above, the band afforded me opportunities to experience Woody between his departure from coaching and his passing. At a senior tackle night in Ohio Stadium, Woody was handed the baton. He ascended the director's ladder and conducted us during the playing of "Fight the Team." Woody was waving the baton frantically and not in rhythm. It didn't matter. We were glued to him as we played our fight song better than ever. After the song, Woody addressed us with an outpouring of his love for tOSU, the band and its traditions. I don't recall what he said but I do remember that there wasn't a dry eye in the place. At that moment, I could understand why that man was so loved.

My most-lasting memory from being in the band was marching in Script Ohio on the day that Woody dotted the "i." Being at the opposite end of the script, I could still tell when Bruce Hart, our drum major, led Woody onto the field. Ohio Stadium exploded with cheer and applause. That was the only time that I could NOT hear the drum that I was playing. I clipped a photo of Woody and Bruce from the local newspaper. A couple of years later, when I learned that Woody Hayes was going to be in my small Ohio hometown's Memorial Day parade, I found that clipping and asked Woody to sign it. He did. I have attached it to the end of this letter.

In closing, Archie, I understand and respect that you have many pressures and constituencies in your role as President of the Ohio State Alumni Association as well as your role of Sr. Vice President for Alumni Relations. I, along with my fellow OSUMB brothers and sisters, only ask for the complete consideration of all the facts and fairness for Jonathan Waters and the band. Like Woody, I know that you hold the band, its members and the alumni in the highest regard. The university's questionable handling of this situation and the firing of Jon has broken our collective hearts.

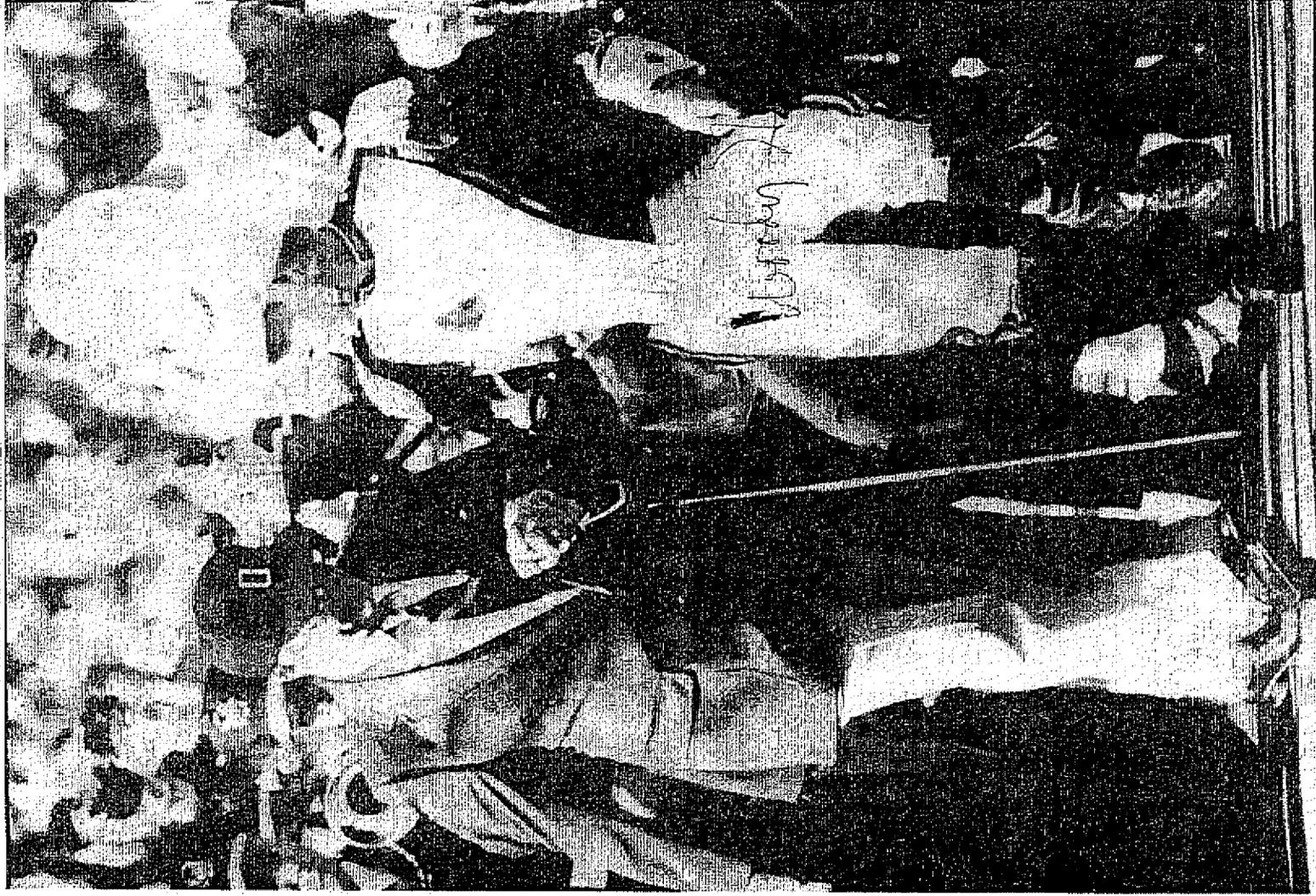
But, make no mistake, it has brought us closer together and strengthened our bond as well as our resolve. Please, I beg of you. Please use your considerable influence within the university and the OSU Alumni Association to right this wrong. Let's together honor Woody's memory by making sure that Jon does not have to further endure a similar tragic end to his OSU career. Please strongly encourage the Ohio State University administration to immediately reinstate Jon (with back pay). Please stand with us as we stand with Jon.

Sincerely,

Joseph M. Sekel  
TBDBITL, I-Row, 1981-83  
BSEE 1984

cc: Urban Meyer

Enclosure: Photo of Woody Hayes and Bruce Hart



Joseph M. Sekel \* 4

## Damian Sheets

### O' Captain my Captain

The past couple of days have weighed heavily on my heart as I have witnessed an organization (and individual) that I have held so dear to my heart be exposed, insulted, mocked, persecuted, misrepresented, and finally dismantled by the very alma mater that I believed was dedicated to the betterment of that same organization, its members and the community around it.

What I have witnessed over these past couple of days has led me down a path I never thought possible, questioning my allegiance to a University that has been in my heart since I can remember even having the ability to remember. While I did not grow up in Ohio, my parents (both Ohioans) raised me on the core values that I believe were instilled in them by such a great state and its leading university: discipline, loyalty, scholarship, benevolence, family (actual and metaphorical), and empathy. I emphasize the latter two core values because I believe they are especially important in the context of these recent events.

My first true encounter with The Ohio State University Marching Band is undoubtedly similar to many others. I was five or six years old, travelling from Las Vegas to Columbus to go to my first Ohio State game with my father and grandfather. Times were different back then. I learned that my grandfather had never attended college because of his need to support his family and play a role in World War II. Similarly, my father, whom I thought had graduated from Ohio State, was forced to graduate at another institution due to his required military service at the time. Nonetheless, their allegiance to this great university was unwavering, and had been impressed upon me from minute one of my existence.

Upon arriving in Columbus, it was a typical grey and dreary fall day with the leaves changing, the clouds hanging over and rain looming. Our first stop was high street, where they took me to Buckeye Donuts to drink hot chocolate and play connect four before walking around campus and showing me where my mother attended her classes as a student some twenty years earlier. The trees and buildings were beautiful and nothing like I had seen in Las Vegas. All of the fans and students were so excited just to be alive, engaging in another great Saturday of college football and festivities. It didn't feel like it was about winning or losing, or being number one, but just being a part of a great institution during truly great activities on such a great day. As I continued around campus, this pride echoed through the hallways of every building and resonated in the tone of every voice.

The next stop was St. John's Arena, where my father began to tell me stories about the band. I remember him saying "If you listen real close, you can hear the band coming. Listen for the drums." I sat and listened, eager to be the one that heard the band first. The fans would start to clap and die down, and clap some more. Then, out of nowhere, the entire Arena erupted into screams and applause, and with a quick exit, the band came out, so crisp, so clean, so pristine. The quickness of the steps and movements, I remember, were so precise that I could barely contain myself. And then they played

And I knew....

The music, the fight songs, the pride, all so overwhelmingly strong, that I couldn't imagine any better place in the world to be on any football Saturday. I knew that this was something I wanted to be a part of. I saw the effect it had on the fans around me, the inspiration they drew from it and the sheer fun each member was having. I didn't see depression, coercion, or harassment, but instead pure happiness and joy from the sons and daughters who were laughing, dancing with one another and visiting their families up in the stands. Once called to order, their professionalism and discipline was distinct, each member working together to accomplish one task...greatness.

And I knew...

Fast forward twelve years (and past an immeasurable number of return visits to watch TBDBITL) to my arrival on Ohio State's campus as an entering freshman. For the past twelve years, I had been practicing my trumpet, attending music camps, and taking instruction from local TBDBITL alum in preparation for this moment. As with most freshman auditioning for the band, I was forced to move-in two weeks early into an empty dorm suite. Tryouts began and I quickly learned that, while I could play, I was in over my head from a physical standpoint.

And I was cut....

First cut.... (4.5 average marching score for those who know what that means...ouch)

For those of you who have never experienced first cuts, it is a spirit crushing ordeal, one that makes you feel worthless and want to give up on your dreams. They read off the numbers and ask you to go to the other room. At first, you hope that they are just providing you or reassigning you, or that you are going in to another "extra session" where they will provide additional assistance, but then you hear the director start talking to the larger group in your absence, and you know that, notwithstanding how hard you've tried, you've failed.

Enter Jonathan Waters, then a graduate assistant, and many other band staff. They walk into to room to give you the bad news, however, instead of simply thanking you and sending you on your way, they tell you war stories about how they got cut, or even first cut, and were able to overcome it to become band members and even squad leaders. They encourage you to engage in the athletic band program, participate in spring band, attend summer sessions, and come back the next year better than ever. They tell you how valuable you are to the organization and to never give up on the music. They instill hope.

And you try again...

Over the next year, I came to know Dr. Woods, Jonathan Waters, and Chris Hoch quite well. As directors and staff, they constantly encouraged me to push myself to the limit and learn from those who had been a part of the organization for some time ("vets" as I would learn they were called). They let me travel, as a freshman, on tournament trips, which only motivated me more. When Spring Band came about, Jon was always there, encouraging me to pick up my feet and turn my corners square. Finally, Jon and Dr. Woods offered me the opportunity of a lifetime, a spot in volunteer band, actually marching in a script.

And I failed again...

Some of you have seen a video of the Script Ohio performance on August 24, 2002. For those of you who have but can't remember it, let me remind you. It is the one where a bozo collides with a trombone player at the "h" crossover and has to run back to his script spot, in front of 106,000 people. I was that bozo, who had finally been given this opportunity to prove that I should be a member of the greatest marching band in the world, and I blew it (in front of my parents no less) on its biggest stage. That was me, and as heart crushing as being first cut the year earlier, there was no comparison between that and this.

With tryouts only two days later, I returned to my grandmother's home, only to sulk and consider if I was worth of even trying out at this point. There I stayed until three hours before candidate tryouts were to begin, when I got a call from my father. "No, I don't think I'm going to tryout this year. I got the opportunity to march, that's all I ever wanted." I said to him. "Are you crazy," he said, "If you don't go to these tryouts because of one mistake, after having spent your entire life pursuing this dream, I've truly overestimated you as my son." For the next hour, I sat and thought back to the words of encouragement that Jon Waters and other band staff had given me throughout the prior year, and my father was right. I needed to go back and do this. Otherwise, I was ignoring the very thing that TBDBITL was about: figuring out a way to learn from your mistakes and driving through them in order to be a part of something truly great.

And I drove through it....

Tryouts were tough, but I made it, as a regular no less. My squad leaders, Henry Lee and Nick Strickling, two of the most supportive and instructive band members I have ever met, were nothing short of encouraging and positive every step of the way. Along with some fourth and fifth year members in the row, Henry and Nick made it clear that all of the senior members in the band were there to help us with any problems we may have. This included help with marching, music, and even more personal issues, like studies, jobs, relationships, or problems within the band. It became apparent that being a member of this organization was more than just being a number ("T10" and later "T9" in my case), it was being part of a family. This is a sentiment that was reflected every step of the way by every member, and echoed by band leadership. There was never a moment where directors or staff made us feel like we could not talk to them if we needed help.

Throughout my two years in the Ohio State University Marching Band, I witnessed many things, both on and off the field. Some were positive and some might be construed by others as negative, but one thing I never saw was leadership condoning any activity which acted to harass any other member, or place them in such an uncomfortable position that they felt they had no recourse. In fact, that leadership, which included Jonathan Waters, always made it clear that if there was anything that you (as a student) felt wasn't right, you should immediately bring that to the attention of your squad leader, and if that got you nowhere, you should bring it to them directly. I had such a moment, and brought it to the attention of a senior member of my row (not even a squad leader). With great concern, the senior member took care of it immediately, and within a couple of days, things were much more positive and the problem completely resolved.

There has been a lot of talk recently about students being "forced" to engage in activities like taking oaths of secrecy, marching in their underwear, engaging in "derogatory" song singing, performing "rookie tricks," performing "physical" challenges, completing rookie "midterms", engaging in "sexual" and allegedly "derogatory" activities on busses, and creating/reading derogatory publications. What the university and news outlets fail to discuss, likely because of their decision to act with haste instead of reserve and thoroughness, is that so many of these alleged "events" are misrepresented and so many positive aspects of the band have been outright ignored.

First and foremost, directorship and student leadership never forced anyone to do anything in TBDBITL, except give 110% on the field when practicing and performing. From your initial summer session until your last day in band, there are only a few statements that can sum up the position said directorship/leadership: "Enthusiasm", "Pick up your feet", "Turn your corners square," "Drive, Drive, Drive", and "Drive through it". These are the bedrock principles of what we are all taught by this leadership core from the moment we become members. We are taught to work hard, push through the pain, and give everything we have to our performances and our lives. As long as we do that, we have earned the right to call ourselves members and alumni of The Best Damn Band in the Land.

Leadership and directorship always made it known that they were there to help the students in any way possible. Whether it be trouble with classes, family problems, or trouble within the organization, this leadership core always encouraged communication with both squad leaders and the directors so that assistance and the appropriate steps could be offered in making the experience the best it could possibly be. In fact, to my knowledge, never did a director, squad leader, or senior member fail to meet with anyone who had a concern about the band, its actions (on and off the field), or its direction. On many occasions members were honored to have directors write letters of recommendation for medical school, law school, and the like.

With regards to the alleged "activities" as represented (more misrepresented) in the University's "report", band leadership did not condone any activity which acted to discriminate or harass any other individual, and such was made clear IMMEDIATELY after every member's inception into the organization. As an example, each year band directorship arranged a meeting with the newly selected band to go over certain rules, policies and procedures. These policies and procedures were deeply rooted in the same TITLE IX that the University now claims Jonathan Waters did not take steps to enforce. During this meeting, Directors, including Jonathan Waters, explained how hazing, sexual discrimination, sexual harassment and inappropriate conduct would be inexcusable, and if

such were to occur, it should be brought to the attention of the Directors immediately. Every student was required to sign an acknowledgement to these policies. That being said, it cannot be denied that some of the alleged activities did occur, however, under very different circumstances than portrayed in the University's report, and certainly without the knowledge of the Directors, who were very much dedicated to the process of eliminating such alleged behavior.

While the University has chosen to take an unnecessarily negative approach towards Jonathan Waters and the Ohio State University Marching Band, as a whole, for these alleged "activities", what is more disheartening is its attempts to misconvey the facts surrounding such and its further attempts to now vilify Former Director Jonathan Waters in its efforts to justify its almost unilateral and knee-jerk reaction. It is important to note that, the report, which purports to have talked with five current and five former marching band members, was prepared during a time period when the band is effectively dormant and while many students are away for the summer. This, in and of itself, acts to question the integrity of a report which, if taken in its entirety as true, would lead every reader to believe that every man and woman, gay or straight, white or minority, believes themselves to be "victims" of this "horridly offensive" organization. The inconvenient timing of and quick-to-act decision making in this report has, in essence forced the silence of hundreds, if not thousands of current and past members of this organization who might share opinions contrary to those depicted in the report. This includes many who are women, minorities, and those with alternative sexual preferences.

Had the University thoroughly interviewed current and past members of the band, they would have seen that several of its highest ranking members are and have been both women and minorities. This includes, but is not limited to:

- Dwight Hudson and Oliver McGee, both African American drum majors, and integral parts of OSUMB history. During Mr. Hudson's tenure, then Director Dr. Paul Droste changed band rules so that Mr. Hudson could return for a third consecutive year because, to quote Mike Harden from the September 1979 issue of Ohio Magazine, "DWIGHT – At halftime, he owns the house that Woody built." This is an honor that only three other drum majors have had in OSUMB history, and is the only time a drum major has had that honor since 1930. Both Dwight and Oliver were also elected "Most Inspirational Bandsmen" in 1978 and 1980, respectively, an honor based entirely on the votes and support of fellow band members.
- Michelle Graf, the first female drum major in the Ohio State University Marching Band, and Kathryn Mitchell, 2003 Drum Major and 2002 Assistant Drum Major.
- Willie Sullivan, an African American male who served as Assistant Director for 12 years.
- Erica Neidlinger, the first female Assistant Director (1998-1999), and Lisa Galvin (2005). Lisa Galvin also served as a Squad Leader of R-Row and, in 2008, joined the staff as a Music Arranger.
- Marcia Lareau, the first female member of the Ohio State University Marching Band Arranging staff, with her first show on November 8th, 1986, receiving a standing ovation.
- Wilson Murray, the first African American OSUMB member elected as "Most Inspirational Bandsmen" in 1965.
- Marcel Reeder, an African American who was elected "Most Inspirational Bandsmen" in 1985.
- Colleen Nutter, the first female band member who was elected "Most Inspirational Bandsmen" in 1986.
- Pamela Bork, a female who was elected "Most inspirational Bandsmen" in 1996. (As a side note, it is interesting that Ms. Bork expressed no issues with the alleged "sexualized culture" of the organization when she was receiving this award and during her no less than 16 year tenure thereafter, but only conveyed her alleged concerns after leaving the band in a disputed fashion).
- Erin Klingbeil, a female who was elected "Most Inspirational Bandsmen" in 1998.
- Amanda Howenstine, a female who was elected "Most Inspirational Bandsmen" in 2001.
- Wesley Clark, an African American and the only person in OSUMB history to be elected "Most Inspirational Bandsmen" twice. (2003, 2005).
- Aaron Bell, an African American who was elected "Most Inspirational Bandsmen" in 2006.
- Cara Ricci, a female who was elected "Most Inspirational Bandsmen" in 2008.
- 53 woman who have held the position of Head Manager, Head Secretary, and Head Librarian

within the organization.

- The uncountable list of women and minority "I" dotters.
- The uncountable list of women, minority, and LGBT Squad Leaders and Assistant Squad Leaders that have been in the band over the past forty years.

Finally, there is Kristine Tikson, who I believe represents the essence of what the Ohio State University Marching Band is all about. Kristine originally enrolled at the Ohio State University in 1979, majoring in Accounting. Graduating Summa Cum Laude in 1982, Kristine spent the next 28 years of her life pursuing her career, but always regretted not having tried out for the band. In 2010, Kristine retired at 48 years old and decided to pursue her dream yet again. Although she had been a clarinet player originally, she began taking lessons, practicing the mellophone and attending summer sessions in order to prepare for what would certainly be a rigorous tryout.

Early on that following summer, however, disaster struck, and an MCL injury would make it impossible for her to audition. This wouldn't stop Kristine, however, who instead of quitting, continued attending summer sessions, simply to watch and learn. After allowing her body to recover, Kristine started an intense training regimen, which included intense cardio, interval cardio, muscle strengthening exercises, and daily music practices. In order to gain playing and marching experience, Kristine enrolled in Spring Athletic Band and actively performed at the Ohio State Spring Football Game. After attending summer sessions through the summer of 2011, Kristine finally tried out, only to be cut.

Initially planning not to try out again, Kristine changed her mind, crediting the "positive feedback" she received from the directors and some students on "Make the Band Night." Using this positive energy, Kristine pushed herself even harder, and was given a spot within the 2012 band. When asked about her experience, Kristine stated "The members of the band have accepted me and have not made a big deal of my age difference. They provide me with daily inspiration – they are so dedicated and talented. Membership in the OSUMB has been rewarding in so many ways. I consider it an honor and a privilege to wear the uniform." Because of her inspiring story and her dedication to core principles of the Ohio State University Marching Band, Kristine became the only first year OSUMB member to ever be elected "Most Inspirational Bandsmen" by her fellow peers. It should be noted that Director Jonathan Waters presented that award.

It is stories like these, and many others that are now being shared all over the social platform, that the University's quick-to-act and ill-timed report acted to suppress. Certainly, if one were to look at the University's report in a bubble, with no knowledge of the OSUMB, its history, its values, its leadership, or its traditions, one could be outraged, but to do so would create such an injustice against the thousands of past and present members who know otherwise. We have no choice but to act now, united and strong.

"Membership in the OSUMB has been rewarding in so many ways. I consider it an honor and a privilege to wear the uniform."

This is a sentiment that is reflected by most current and past members of the Ohio State University Marching Band, not a select few with individual axes to grind and personal vendettas (those whom the University conveniently chose to interview). This is an organization that has been dedicated to treating everyone equally, whether they be male, female, gay, straight, transsexual, white, or minority. It has been one to honor, rather than discriminate against those who are different, it has always strived to expand its horizons and it has frequently celebrated that diversity and expansion.

For example, just this past season, the TBDBITL Alumni dedicated part of their halftime show to celebrating "40 Years of Women in the Band." The relevant portion of the show, which was performed on September 7, 2013, can be seen at <http://youtu.be/VziAMzzjH0I?t=11m>, and featured the five "pioneer" women who took that first step of removing a long standing tradition of TBDBITL being an all-male institution. The band, in honor of these women, played Hang on Sloopy. Surely these are not the actions of an organization that would celebrate a culture of discrimination or sexual harassment.

When watching the performance, the announcer says something which rang true forty years ago and rings true now, "Change is not easy!" Change is never easy, and when a group as large as the Ohio State University Marching Band has been practicing a certain way and following certain traditions for decades, any attempts to change such will be met a fiery resistance like none other. On one hand, it is that dedication and heart that has made TBDBITL what it is. On the other, it means that things cannot change overnight, and those who seek that change must have the courage and strength of a thousand warriors. Only one who has been deeply rooted in that tradition can truly understand the intricacies and difficulties of making those changes which are necessary to make the organization a better place for all students.

There is no man or woman more qualified to make that stand than Jonathan Waters himself. As a member of the band from 1995-1999, as Graduate Assistant Director from 2001-2002, as the Assistant Director from 2002-2011, and as Director from 2012-2014, Jonathan has dedicated his career to instituting that change when given the opportunity.

Below is a short, non-exhaustive list, of just some of the things Jonathan Waters has done in his 21 months as director to ensure change, and some of the things the University Report Seriously Misconstrues:

- As Director, Jonathan Waters did, in fact, prohibit the consumption of alcohol while attending any away games. This topic is completely neglected in the report, and instead, the University completely relies on the statement of Pam Bork, who claims to have left the band because of alleged alcohol abuse and sexual conduct. Instead of interviewing others, the University takes her statements as true, and neglects to entertain the notion that there is quite possibly an ulterior motive for her conveniently timed statements, considering she had no public complaints about the band during the prior 18 years she "volunteered" there, or when she received her "Most Inspirational Bandsman" award. Had the University elected to engage in a more thorough and proper investigation, or given other band members an opportunity to be heard, it would have discovered that Mr. Waters did, in fact, institute policies to protect against these issues.
- As Director, Jonathan Waters did, in fact, end "Midnight Ramp" in June 2014, and addressed it with squad leaders prior to that. While the University's report conveys "Midnight Ramp" as an event where students were forced to march down the ramp in their underwear, had the University interviewed more aggregate sample of members, it would have learned two things. First, no student was forced to participate in any activity. If a student did not want to do it, they were not required. Second, "Underwear" was a figurative term. For some, underwear meant a pair of gym shorts and a tee shirt. For others it was, well....a birthday suit. A student specifically described (inaccurately so) in the University report as having an offensive nickname recently told the media, "I certainly never witnessed or experienced pressure from anybody in the band to do anything I was not comfortable with at all...It's a tradition meant to welcome people into the family and into the band. I did my first Midnight Ramp wearing a tank top and shorts that provided full coverage." Her interview can be seen here:<http://abc6onyourside.com/news/features/top-stories/stories/band-scandal-former-osu-marching-band-member-named-investigation-talks-33668.shtml#.U9bXQJV0yUk> Even Assistant Director Smith stated, "some students wore pajamas or shorts instead of underwear." This serves as clear evidence that no one was forced to do anything. Nonetheless, in the face of years of tradition, Director Waters ordered such an event ended effective this coming year. (As a side note, the University's report curiously fails to investigate whether other University officials "knew, or should have known" of "Midnight Ramp", but simply places the blame solely on Mr. Waters. It is possible that a more thorough investigation of these concerns could leave the University with an egg on its face?).
- As Director, Jonathan Waters did, in fact, inform students that they needed to "go easy on the nicknames" and, as an Assistant Director, Mr. Waters actually disciplined a student for a highly offensive nickname. The University presents the thought that Mr. Waters had the authority to ban "nicknames" all together, but such would be ignorant of the fact that the nicknames were given from students to students outside of band, and such a policy would have no effect on the students in that situation. All Mr. Waters could do was try to control their use inside and outside of band, but as the

report indicated, most offensive nicknames were kept away from band leadership. The report also embarrassingly misstates facts regarding these nicknames. While it speaks of "Jewboobs" being a nickname given to a Jewish girl with big boobs, the University never actually made an effort to interview the woman who was given that name. Once interviewed by the media, she explained her nickname was actually "Joobs", the Jewish faith had nothing to do with it, and she consented to the nickname. She said investigators never contacted her and, if they had done so, she would have set the record straight. Her interview can be seen here: <http://abc6onyourside.com/news/features/top-stories/stories/band-scandal-former-osu-marching-band-member-named-investigation-talks-33668.shtml#.U9bXQJv0yUk>

- As Director, Jonathan Waters removed the term "Rookie" and replaced it with "First Year Member" in an effort to ensure that no student felt demeaned by the term.
- As a Director, Jonathan Waters ended the publication of the so called "Trip Tic." This was another long standing tradition that Mr. Waters eliminated virtually as soon as he became director. The fact that the University report holds it against him for knowing of its existence when he ended its publication at the beginning of his reign is somewhat nonsensical. To quote one band member not interviewed by the University, "When he became director it was ended very forcefully."
- As Director, Jonathan Waters had speakers come in to talk about alcohol and to discuss discrimination against women. This occurred during the 2013 season and was completely absent from the University report. Had the University interviewed additional students from that season, it likely would have discovered such.
- The University report publishes a "2006 Unofficial Songbook" as evidence that Jonathan Waters failed to take steps necessary to stop a sexualized culture, but failed to interview any reliable students regarding when and how often the book was referred to, or whether it was ever present at band functions. It also fails entirely to account for the fact that, by its own credits, it is created by students, for students. It also draws attention away from the fact that its newest "version" is eight years old, six years prior to Mr. Waters being named director, and there is no indication that leadership played any role in its creation. Had the University interviewed a larger collection of members, it would have been revealed that, anytime such publication was found by leadership, past and present, it was immediately confiscated, the student disciplined, and the document destroyed.

In essence, when the University chose to conduct its report at a time when so many individuals were not available and in a fashion that was designed to act quickly at the expense of thoroughness, the opinions of so many, including some un-interviewed persons who were actually represented in said report, had their stories of positivity, enthusiasm and "daily inspiration" silenced. Even if you take these few possibly misrepresented "worst cases" as true, the University cannot hide behind the fact that, these individuals and now hundreds, if not thousands of others, make it clear that now Former Director Jonathan Waters was actively taking steps to correct situations.

We, past and present members of the OSUMB, are a family. That is what we asked for, and that is promised each other, maybe not through an oath, maybe not in writing, but through our hard work and dedication to the same goals. We are committed to our music, our marching, our traditions, and to each other, and when one who we have so believed in and has been with us on that path for almost twenty years is shot down, mutilated, and embarrassed, in the blink of an eye, without due process, and without even the most remedial efforts to interview the very subjects of some of the allegations, we must stand up to defend him.

Interestingly enough, this is not the first time Ohio State's new president has engaged upon such a quick-to-act hiring/firing path. He has already been forced to apologize to one prior institution for the sudden hiring, firing, and rehiring of a dean "without consulting senior faculty early enough or often enough", and now it appears he may have done it again. While last time, he claimed to have "learned a painful lesson", it seems to be more and more apparent that the lesson wasn't strong enough. His story can be found here: <http://www.oregister.com/articles/faculty-77613-drake-chemerinsky.html>. It's time to make a stand.

Jonathan Waters, you've been a wonderful leader, and brought about much needed change. You are an inspiration to us all, and we will not let you be the scapegoat for our actions, inactions, or misdeeds, whatever they may be.

O' Captain my Captain.....WB

Damian R. Sheets

T Row 2002-2003.

## Jay Sheridan

This is a long post, mainly for those that are not part of my OSUMB family. One of the most important lessons that I learned from Dr. Jon Woods is to live by the 24 hour rule before commenting. This has taken longer. Since the new Ohio State President Drake and this report has essentially called all of us drunken perverts, it has taken me a while to be able to complete thoughts together. After reading comments on the official OSUMB page, it truly upsets me how we are all now being judged. I played trombone in F Row from 1991-95. Still very PROUD.

Who are the members of The Ohio State University Marching Band?

We come from Anytown, USA. From small towns like Elmore, OH to the suburbs like Dublin, or the city. We cover about every geographic, economic, political, religious, ethnic, racial, sexual orientation realm of the spectrum. We have all grown up being called names like "band geek" "band nerd" etc. We all still worked hard on this one thing we all loved- marching band. How can such a uniquely diverse group work so well together on the field?

We all simply wanted to be the best. We wanted to be part of the Best band. And, we had to earn it.

Tryouts

Each member has spent many hours preparing for the tryout process. Trips to Columbus a couple times a week, practice at regional summer sessions, practice at home, alone. We each spent two days in the heat of summer being drilled over and over and over again to the point where, at dinner, you try to pick up your fork, and your brain says "Left Flank, Right Flank". We did this so much, it was easier than walking. Finally, Wednesday evening came when we were selected. Hey, you made the band! Time to relax! WRONG. This is when we got our music. Oh, you tried out on 2nd trombone, well, you will now play 1st trombone, and you will now need to re-learn all the school songs...by Friday. AND, here are the charts to the first show, pregame and halftime...And did I mention that we perform Friday night at a high school game? Time to work. This is about how we all started. And we wouldn't have traded it for ANYTHING. Some of us took one year, two years, even three years to get here. But, we all did. Some stayed one year, two years, five years, it doesn't matter- we are all the same- members of The Ohio State University Marching Band.

Trust

This is a very, very important factor for marching band members. Although, to an outsider, the formations on the field look like they flow effortlessly, that is often NOT the case. I wanted to be able to trust those around me to be able to march their part perfectly. I had the opportunity to march near a baritone squad leader during a star formation. Right after we turned at the top of the star, we turned and went back around. I trusted Nate to turn correctly so that I did not hit him with my slide. On Friday, during Squad Leader music checks, Nate was not in his spot and an alternate filled in. At the turn, she did not turn and my slide smacked down on the top of her baritone. Bent slide. Chipped tooth. Spitting blood. We trust our fellow band members. This is what makes the OSUMB one large family. We trust each other. On the field, the OSUMB marches as one. No distinction between individuals. We look the same from a distance. Why? Because we are a group, not a bunch of individuals.

Work/Play

This is who we are. We work hard. Endless hours of work. We were expected to be on time (aka 10 minutes early) and to work hard. Basic expectations. On the quarter system, I received 5 credits for my Math 116 class. 5 hours a week, one midterm, one final- that was about it. (Bill Knight, remember this class?). Marching band with 10 hours class a week, plus several hours memorizing music, plus cleaning and polishing instrument, plus ALL day Saturday game days...2 credits. We didn't do this to pad our GPA. We did this to be the best. We worked everyday to be the best. Our directors expected the best, everyday- especially when he asked for "one more time" at 6:10 and practice ends at 6, it is dark, and cold. He wanted us to be better. And always better. We had/have the best music arrangers allowing us to play good music every week. We worked hard, and when it was time to play...we played hard. We had our share of fun. Was too much alcohol consumed. Probably. Any different than any other college students? Probably not.

#### Hazing/Harassment

Have I ever been hazed in the marching band? NO. Have I ever been harassed? NO. Never. Period. Have I ever taken part in hazing or harassing? Not a chance. No way. We knew the University defined rules. Never crossed them. Period. There was an incident at Michigan State during this time, and we were educated on hazing rituals, etc. Let me shed some light on some of the issues brought out in the report.

Nicknames- I am proud of my nickname. During my first tryout year (91) an upperclassman must have seen some promise in my marching and started to shout encouragement to me. However, as we were only referred to as a tryout number and I didn't talk to very many people, he started calling my Little Buddy. Most nicknames don't stick. A few do. Most are normal names. Sputnik. Tater. Little Buddy. Trigger. Mumbles. What. Harmless names given to individuals of a group. Not ashamed. Period.

Midnight ramp. We were never forced to go. My first year, I did not. Didn't want to. I didn't know what to expect and just didn't want to go. I was told the next day that I was missed. Most people wore boxers, shorts, tank tops, etc. Not much different than going to the beach.

Changing on the bus. Really? This was an issue? This is common among high school bands. Amazingly enough, changing facilities for 250 college students aren't available on every street corner. Sometimes, we just have to do what we have to do. We expected it. We prepared for it. We found out what happens when we dropped the band off at an Ohio Turnpike rest stop Raxx Restaurant late at night. With 3 workers. Do I need to explain what happened? Again, most of the guys wore shorts/boxers the women wore shorts/tanks. It was never a big deal. Ever.

Song lyrics. Maybe 20 years ago, "obscene" lyrics would be shocking. But in 2014? Ever hear anything recent? Is President Drake going to fire Coach Meyer if the team plays music with obscene lyrics? Guaranteed those lyrics are worse than anything in a marching band songbook.

Verbal abuse? Did we get yelled at? Of course. And we deserved it. Dr. Jon Woods only yelled when he needed to. And he meant it. However, afterwards, it was fixed and he never held a grudge to anyone. Sometimes, we screw up and we need someone to put us back on track. Abuse, no.

Do many things of the past need to change? As we are in the age of digital media and camera phones, it is imperative that ALL groups be more careful in questionable areas. Jon is the right choice. Jon is the best choice. This is who we are. This is why #westandforjon.

## Jocelyn Smallwood - "A Letter from Donk"

Posted by WeStandWithJonWaters WebAdmin 32sc on August 03, 2014

"A Letter from Donk."

Dear Dr. Drake, Dr. Steinmetz and Dr. J,

I have spent a great amount of time the past few days weighing whether or not I should write to you. I ultimately chose to do so only because I felt my comments would add a unique and valuable perspective to the conversation regarding the recent dismissal of Jonathan Waters. Like several of my female colleagues in the band, my name was included in the 23-page report released last week. However, so far as I know, I was one of the few who were actually interviewed during the investigation...

While I take issue with much of the report that was compiled by the university, my greatest concern was echoed recently by several of my female colleagues in the band. Many of us were surprised to find ourselves included in a list of "sexually explicit" nicknames. Even more surprising to me was that at no time during my interview can I remember being asked about the details of my nickname, the circumstances under which it was given to me, or, perhaps most important, my feelings about my nickname. While the authors of the report may feel confident in their ability to draw their own conclusions about the feelings, opinions and intentions of others without asking them, I would argue that in this case, their clairvoyance has failed them miserably. Thus, I feel it is my right and duty to clear up several issues about the fourth name listed in the report: Donk.

Donk is not a malicious or offensive nickname. Donk is a person. Donk is a five-year member of the band, a former i-dotter, and a two-time squad leader of KL-Row, which also happens to be a predominately male row. Donk is a daughter, sister, friend, a woman and, most importantly, an independent, clear-minded person. Donk is not a moniker that was placed upon me without my consent, and it is most certainly not something of which I am ashamed.

What angers me the most is that, in spite of my feelings, I along with several others on the list have been mischaracterized as victims of "sexual harassment" without being asked directly for our input. Never in my life have I felt uncomfortable being known as Donk. It has appeared on shirts, social media, in papers for classes; in the label I stuck in my band hat and on a piece of duct tape in my raincoat not because it is a joke, but because it is my name. It is who I am.

Although when I say "never in my life," what I really mean is never before last Thursday. I now find my nickname listed in myriad news reports as proof of the alleged horrible, sexually aggressive culture of the OSUMB. While I am just as disappointed in the media for not bothering to do their homework, I would hope that a report dealing with an issue as serious as terminating the employment of one of the university's most visible, respected figures would have been undertaken with more care. In my five years in the band and since my graduation, I've discussed my nickname and where it came from with my friends, family, coworkers, bosses, alumni and random people passing me on the street. Odd then, that seemingly the only people who were

uninterested in learning more about my nickname were those responsible for putting together a report about sexual harassment in the band.

But, at the center of this issue is an investigation that I feel was deeply flawed and executed with great carelessness and little concern for finding the truth. As someone with a deep understanding of the band, I would think that the hour I spent in the interview would have been used to gather the information I have about these issues and experiences. But as I recall, I was asked only a few general questions about the majority of the content in this report. Had you asked me, I could have told you that many of the examples in the report occurred long before Jonathan Waters was director. I could have told you that before we name rookies, we speak to each of them individually to ensure that nothing in their name touches upon any area they might find offensive. Had you bothered to ask, I could have told you that a large amount of the evidence on which the report relies is outdated or inaccurate. Or, perhaps, that is why they didn't ask me?

I am well aware of the fact that the opinions of individuals often differ greatly. And I would guess that few people are making the argument that there is nothing in the culture of the band that needed to change. I am also certain that you have heard numerous examples of how the man you fired last week was the fiercest advocate for culture change in the band, joined in his efforts by Chris Hoch and Mike Smith and the majority of the band members. And had I been asked, I also could have offered numerous examples.

The truth is that this band makes strong women. It makes strong, smart, witty, confident and, therefore, beautiful women. As I have said before publicly, this band creates strong women because it treats us as equals. To make the band, individuals must be proficient in two areas: they must play well and march well. Gender, race, sexual orientation, religion, political view and socioeconomic status do not matter. In November, 2012, an African-American woman named Donk dotted-the-i against Michigan. It wasn't because the men in my section decided to let me. It was because I worked hard and emerged on top. And on November 24th, when I realized my dream in front of more than 105,000 screaming fans, my fellow band members celebrated alongside me, not because I had broken a gender/racial barrier, but because we're family and that's what we do. Appropriately, last Thursday night, I once again found myself being supported by those same people. They are not nicknames on a list. They are not details in an investigation. They are not examples of harassment. They are my family. And the report does little justice to the truth that this band supports and nurtures women.

Please do not insult me as an individual by suggesting that I am so ignorant and so helpless that I somehow have managed to spend five years being consistently sexually harassed and not realize it. Do not treat my name as something that should be condemned when it is something I will continue to wear as a badge of pride.

There are negative things in our world—this is a fact of life. That does not mean that nothing can or should be done about them. However, it seems a shortsighted response to paint an entire organization with a broad brush when you only bothered to interview a handful of people about what has happened. The characterization of my name is simply one facet of this carelessness.

In closing, I still care deeply not only for the band, but for my university. That is why I write to you. The manner in which this report was put together is alarming. And if it is alarming to a twenty-three year old recent college graduate, I would hope that after hearing my story you as leaders, would, at the very least, look at this report and the manner in which it was produced with more scrutiny than you have up to the present time. Good management decisions must be based on accurate, well-researched, timely information. The report produced by the University's compliance office, which served as the basis for the decision to fire Jonathan Waters, was none of those things.

I hope that in the future I can continue to serve my band, my university and community with pride and honor, and I will do so as a proud alumna both of this institution and of its band. Someday, if I am lucky enough to have children, I hope that I can share a love for Ohio State with them, just as my parents did with me. To echo the sentiment of another band alum I heard recently, I am certain with every fiber of my being, that if I have a daughter who wants to try out for this band, I will drive her across the country to try out. Moreover, when I do, I will make sure that she knows her value is not determined by what is said in a report, or in the news, or behind closed doors in a meeting. For that, I will tell her, look within yourself.

Respectfully yours,

Donk  
Jocelyn Smallwood  
TBDBITL, 2009-2013

Janet Reid  
Board of Trustees  
210 Bricker Hall  
190 North Oval Mall  
Columbus, OH 43210

August 6, 2014

Dear Ms. Reid,

I am a graduate of The Ohio State University College of Arts and Sciences (1985, B. S.) and The Ohio State University College of Medicine (1989, M. D.). I completed a residency in internal medicine and a second residency in anesthesiology. I now practice anesthesiology.

I played trumpet in X-Row in the OSU Marching Band from 1981 to 1984.

I have been an active OSU Marching Band alumnus for decades. I participate in concerts, parades, alumni reunion games, and even have traveled to underprivileged high school band rooms to encourage minority and underprivileged students to participate in music programs at The Ohio State University. I am fiercely proud of our university and would do anything to uphold the honor of the institution and promote its mission. I mentor undergraduate and medical school students and host students from The Ohio State University College of Medicine for clinical rotations in anesthesiology.

Two of my sons are currently trumpet players in the Ohio State University Marching Band. I know of no other organization that offers so much and provides such a safe environment as that of the OSU Marching Band. If my 17-year-old daughter played a brass or percussion instrument, I would not think twice about encouraging her try out and become a member of The Ohio State University Marching Band.

I understand that The Ohio State University is looking for facts that support Jonathan Waters' case to be reinstated. There are scores of facts available starting with several hundred current marching band members. Then there are the thousands of marching band alumni. They should all be given the chance to be interviewed just as the extremely few number of individuals who complained were given the chance to speak.

As a band parent of four years and a band alumnus, I have spent countless hours over the past two decades at the stadium band room and with the band at home and on the road. I personally witnessed Jonathan Waters' improvements in the band culture even during the short time he has been director.

I wholeheartedly believe that Jonathan Waters should be reinstated as director of The Ohio State University Marching Band. He is most assuredly the right person for the job and is part of the solution, not the problem.

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

I request to be interviewed because I have relevant information regarding this investigation.

Respectfully,

Norman A. Smyke, Jr., M.D.  
1636 Roundwyck Lane  
Powell, Ohio 43065  
614-557-3520  
nsmyke@me.com

John R. Kasich  
Governor, State of Ohio  
77 South High Street  
30<sup>th</sup> Floor  
Columbus, Ohio 43215

August 18, 2014

Dear Mr. Kasich,

The current Ohio State University Marching Band Director scandal has affected my family and myself. Two of my sons are in the Ohio State University Marching Band this year. I am an active marching band alumnus.

As a taxpayer of the State of Ohio, I feel very disappointed by the actions of the President of The Ohio State University and by the Board of Trustees in the firing of the band director, Jonathan Waters. The flawed Glaros Report and the refusal of the president and the trustees to even consider a fair defense of Mr. Waters is deplorable.

My sons and I have been made to feel humiliated and harassed because of the negativity of the situation. Colleagues and coworkers asking personal questions about the situation in public has affected me professionally.

I feel that the Governor's office needs to be aware of the impact of this situation upon loyal Ohio taxpayers and OSU alumni as well as current students of our renown state university. I have included below text from my letters that were sent to Betty Montgomery, Chris Glaros, Archie Griffin, Dr. Michael Drake, and the OSU Board of Trustees. Thus far, the only response I have received has been a form letter from Archie Griffin.

Dear \_\_\_\_\_,

***I am a graduate of The Ohio State University College of Arts and Sciences (1985, B. S.) and The Ohio State University College of Medicine (1989, M. D.). I completed a residency in internal medicine and a second residency in anesthesiology. I now practice anesthesiology.***

***I played trumpet in X-Row in the OSU Marching Band from 1981 to 1984. I give the marching band a huge amount of credit for helping me get into medical school. The band taught me how to manage my time and showed me value of pushing oneself to the limit in order to succeed! I studied alongside friends who went into medicine themselves and remain good friends with them to this day.***

***I have multiple administrative, clinical, and research duties as part of my practice and I am well trained and very experienced in diversity and inclusion as well as respect and tolerance not just for patients but for all associates in health systems. I am very outspoken and would aggressively target any infringement upon these essential ideals.***

*I have been an active OSU Marching Band alumnus for decades. I participate in concerts, parades, alumni reunion games, and even have traveled to underprivileged high school band rooms to recruit minority and underprivileged students to participate in music programs at The Ohio State University. I am fiercely proud of our university and would do anything to uphold the honor of the institution and promote its mission. I mentor undergraduate and medical school students and host students from The Ohio State University College of Medicine for clinical rotations in anesthesiology.*

*For the past four years, my wife (an OB/Gyn physician) and I have traveled with the band as parents. We have seen the band members "behind the scenes" on buses, in hotels, in restaurants, and in other places. We have witnessed nothing but the respectful, dignified behavior that is seen when the musicians are in full uniform in public. Jon Waters has a very effective agenda of diversity and inclusion and is more successful than leaders of many other organizations of all sizes. He is a man of integrity, honesty, and a burning desire to achieve perfection in all aspects of the marching band; individual student success, positive representation of the university, as well as performance. If Jon were an anesthesiologist, I would welcome him to be one of my partners without hesitation.*

*Two of my sons are currently trumpet players in the Ohio State University Marching Band. I know of no other organization that offers so much and provides such a safe environment as that of the OSU Marching Band. If my 17-year-old daughter played a brass or percussion instrument, I would not think twice about encouraging her try out and become a member of The Ohio State University Marching Band.*

*I wholeheartedly believe that Jonathan Waters should be reinstated as director of The Ohio State University Marching Band.*

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

*I request to be interviewed because I have relevant information regarding the investigation.*

*Respectfully,*

*Norman A. Smyke, Jr., M.D.  
1636 Roundwyck Lane  
Powell, Ohio 43065  
614-557-3520  
nsmyke@me.com*

Thank you so very much for your time, Mr. Kasich

Sincerely,

Norman Smyke

## **Charles David Spohn (Son of Former OSUMB Director Charles Spohn)**

Posted by WeStandWithJonWaters WebAdmin 32sc on August 04, 2014

Letter to the Editor, Columbus Dispatch CHARLES DAVID SPOHN (CDSPOHN)

While I was never a member of the marching band, I enjoyed the gift of being raised around the band while my father served as both the Assistant Director and Director of the OSUMB. While there are clearly issues that must be addressed within the culture of the organization, I do NOT support the firing of Director Waters...

In many respects, I think Director Waters has already proven to have a commitment to improving the organization...as has been easily seen and heard in the tremendous results during the OSUMB's performances while he has served as director. I also firmly trust the opinions expressed by many current and former bandmembers that Director Waters was beginning to make headway in regards to improvements behind the scenes. I respectfully ask that the university reconsider the dismissal of Director Waters in favor of allowing him a probationary period during which he can fully institute the changes that are deemed appropriate by The Ohio State University. While I realize there are likely elements which would prefer to see a wholesale cleaning of the house within the leadership of the band, I am of the firm belief that because there are many honored traditions and cultural elements of the band which are worth preserving...as well as those which have no place in ANY organization at Ohio State...the best possible instrument for change is the former bandmember and most recent director who has devoted nearly two decades of his life to the OSUMB, the university, and to those of us who hold both organizations quite dear.

To whom it may concern:

> I am writing on behalf of my good friend and colleague Jon Waters, and the students, both past and present, of the Ohio State University Marching Band..

>

> I want you to be mindful that my association with the band dates back to 1974. At that time, I was hired as a musical arranger and I have remained on the staff until present day. I have served under Paul Droste, Jon Woods and Jon Waters. I consider all three gentlemen to be outstanding educators and, because of their great leadership, the band has always been recognized as one of the premiere programs in the country. Certainly, under the direction of Jon Waters and his staff, the popularity of the band has risen to an all-time high. Jon's innovations regarding animated show design is an accomplishment that has received worldwide attention and his appointment as the director of the band was well justified and richly deserved.

>

> Another attribute of great leadership is the responsibility of the staff and its director to serve as role-models while instilling behavioral attitudes that promote group success. When Jon Waters took over, I was impressed at how quickly he had established an exemplary pattern of behavior in the band with regard to group pride in a positive context. It was apparent from the beginning, and it has continued to blossom under his leadership.

>

> I, like many others associated with the band, am insulted and deeply hurt over recent accusations of negative conduct within the band program. Furthermore, as we are all discovering, the allegations are proving to be a gross misrepresentation of facts. Jon Waters is a good man that deserves better treatment. An entire nation of Ohio State Alumni are questioning the wisdom - and motivation - that is being displayed by our newly appointed President and his administrative associates. The sooner this is fixed, the better! Reinstating Jon Waters would be the right thing for Ohio State to do.

>

> James Swearingen

> OSUMB

> Arranging Staff

> 1974-2014

Jeanette Town  
[REDACTED]  
[REDACTED]  
[REDACTED]

August 13, 2014

Mr. Chris Glaros  
Assistant Vice President of Compliance Operations and Investigations  
The Office of University Compliance and Integrity  
1534 N. High Street  
Columbus, OH 43201

Dear Mr. Glaros:

I'm sure that you have been receiving several letters and emails over the last several days, some of which are multiple pages long. I understand that you are very busy and reading through all of this correspondence is certainly extremely difficult. I hope, however, that you will take a few moments to read and consider what I have to say; In fact if I may be so bold, I believe you owe me a few minutes of your time. This is in consideration of the fact that you cited my experiences in your report regarding the culture of The Ohio State University Marching Band without first allowing me the opportunity to confirm, deny, or clarify any of the information pertaining to me. Even so, I will try to be respectful of your time by keeping this as brief as possible. Despite the rollercoaster of emotions this whole ordeal has put me through, my primary objective in writing you this letter is to clear up some factual inaccuracies that were included in your final report. The specific statements I would like to focus on and my accompanying commentary are as follows:

- Your report claimed that the meaning behind my "sexually explicit" nickname could be found on websites like UrbanDictionary.com (footnote on page 5). This is not true. I have read through every definition of this word on Urban Dictionary and not one of them comes close to the actual meaning behind my nickname. In actuality the first definition listed, which I'm assuming is the one you believed to be correct, is far more explicit than the real meaning behind my name. This is troubling to me because the majority of my social network knows me by this nickname, and most of those people did not know there was a meaning behind it at all - not because I'm ashamed or embarrassed but because it simply never came up as a question. But now that this report has been published without my input I have been forced to busy myself with damage control by explaining to friends and family that the name I have used proudly for the last 5 years does *not* actually refer to a sex position. They were misled by the report to believe otherwise, which was completely unnecessary and very much unappreciated.
- To try and prove that Jonathan Waters was enabling a "sexualized culture" within the marching band your report claimed that he regularly used my nickname to address me, especially when he was upset (page 6). This is also inaccurate. He regularly referred to me only as Jeanette, which was typical of the way he addressed all of his students. Additionally, I struggle to remember a time he was ever

Mr. Chris Glaros  
August 13, 2014  
Page 2

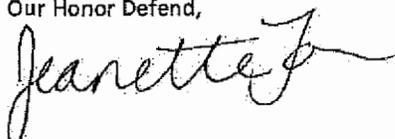
outwardly upset with me; so the notion that he used my nickname as some form of discipline is simply untrue.

- Lastly, your report claimed that as a "rookie trick" the upperclassmen forced me to rub chests with another female member of the band (page 7). This is yet another inaccuracy. First and foremost, this was not a rookie trick. At no time were we asked or told by the senior members of the band to perform this action. This anecdote was presented in such a way that made it sound sexual and degrading, when in reality it was no more than a goofy shimmy done by two girls standing side by side, often to comedic effect due to our vastly different body types. It was two friends acting silly with one another, with the sole intent of making others laugh. Most importantly, it was done off-campus and of our own accord. Because of how this was portrayed in your report, the media (and as a result the public) is now under the impression that female rookies were made to perform similar "sexual acts" in order to "earn" rookie names. This couldn't be further from our actual experience. In fact it has become glaringly apparent that the individual who described this to the investigators did not have an understanding of the close and trusting relationships we maintained with our rows, or who we are as people for that matter. Anyone with any knowledge of Alexandra and myself would know that we would never tolerate being subjected to harassment of any kind, sexual or otherwise; and luckily for us, we never had to.

Mr. Glaros, I understand that you had a job to do and I'm willing to believe that you had good intentions in writing and submitting this report. As a young professional who is early into a career in Human Resources, I understand this responsibility and I do not take lightly that my decisions and actions can have an influence on the decision to terminate a person's employment. When assisting with investigations it is my job to be as objective as possible, thoughtfully consider all sides, and make a recommendation based on the information I have; and if it ever comes to light that my information was incomplete and resulted in the wrong decision being made, I like to think that I would have the courage and integrity to take responsibility for that and do everything in my power to right those wrongs. I sincerely hope that you are willing to do the same.

I formally request written confirmation that you received my letter, as well as specific feedback regarding its contents. My email address is provided above if that is your preferred method of communication.

Our Honor Defend,



Jeanette "Tiggles" Town  
S-Row, 2009-2011

## **Former OSU Marching Band Member Mentioned in Report Speaks Out**

BAND SCANDAL: Former OSU Marching Band Member Mentioned in Report Speaks Out - WSYX - Columbus, Ohio Top Stories - Breaking News, Weather, and Traffic

DOWNTOWN COLUMBUS (James Jackson) -- We're hearing from a former member of The Ohio State University's marching band. Former band director, Jon Waters, was terminated earlier this week, after a report saying he allowed a culture of sexual harassment.

ABC 6/FOX 28 talked to a woman, who is identified with a sexually explicit nickname in the university's 23 page report. She did not want to be identified. "The people who gave me this name were the same people who taught me and coached me for a whole summer, who gave me pep talks when I thought I just wasn't going to cut it, who became and still are my best friends and a family to me," the woman said.

She goes on to say the name was not shameful or sexist, but a preferred name. Now, she says she feels objectified and sexualized from the way the university and media handled the situation. "And despite being mentioned several times in this report, not once was an attempt made by any on the investigating team to contact me and find out if anything that was being written about me was accurate," the woman said.

The woman adds, Waters never referred to her as her nickname, only her first name.

OSU's marching band and the Columbus Symphony Orchestra performed at Picnic with the Pops, Saturday night, in the Columbus Commons. As the crowd gathered, a plane flew a banner over the event, saying, "We Stand With Jon." Kyle Hudson started a campaign on the website, indiegogo.com, taking donations for the banner. He says they met their financial goal in two hours.

As the plane flew the banner over the event, the crowd clapped. ABC 6/FOX 28 talked to band members parents in the crowd. Scott Mills says this year will mark his son's third year in the band. "I thought it was great. We saw everybody pointing and we looked up there and it was like, Jon's a great guy and the kids are devastated," Mills said.

Mills says Waters was a good band director and made the group better. "With Jon, the last two years have been so different. That it is getting better. That sure, you know. They're college kids for God sakes," Mills said.

Also at Picnic with the Pops, Waters' supporters passed around signs saying, "We Stand With Jon," while the bands played.

**Leigh VanHandel, Ph.D.**

As a female alumna of the Ohio State Marching Band (1989-1991), I find myself compelled to join what I'm sure is a large chorus of voices you have heard recently regarding the firing of Jon Waters. I find his dismissal to be a short-sighted decision, and one made based on a sensationalized and one-sided view of an organization.

I'm saddened by all of the conclusions that people and the media are jumping to. In an effort to sensationalize the story, the band is being referred to as "hypersexualized" and "misogynistic". There are implications, if not outright assertions, that female students were routinely made to do things they felt uncomfortable doing, and that they were treated poorly by other ensemble members and by the staff. That was absolutely not my experience in the marching band.

In my three years in the marching band, I never once felt pressured to do anything I was not comfortable with. The first year I made the band, I was told about the Midnight Ramp tradition, and told that if I chose to attend, I could wear whatever I was comfortable with. What I chose to wear provided as much coverage as if I was wearing a tank top and loose-fitting shorts. It was a celebration and bonding experience with the 224 other people with whom I had just spent two grueling tryout days. Nobody forced me to go, and there were members of my row who, for their own reasons, did not attend. I also never felt as though the environment was anything other than what would normally happen if you put 225 healthy, intelligent, and creative 18-22 year olds together in a group.

I enjoyed my time in TBDBITL immensely; I learned discipline, teamwork, and responsibility in that band. I was given the opportunity to work on arrangements for the band, and for some of the small ensembles, and that helped to foster a love of music in me that led me to eventually get my Ph.D degree in music theory from Stanford University. (I now am an Associate Professor of Music Theory at Michigan State University.) I have said many times that I am actually prouder of trying out for and making the OSU marching band than I am of my Ph.D. degree.

A culture cannot be changed overnight; it takes time, and most importantly it takes the members of the culture having respect for the leadership. It is my understanding that Jon Waters was successfully addressing some of the elements within the band culture. The band members respect Jon Waters, and given time and the proper support from the university, I believe he would have been able to enact changes in the band culture that would have preserved the unique character of the ensemble and brought it into line with 21<sup>st</sup> century sensibilities. Instead, Jon is being punished for a culture that was in place far before he was even a member of the ensemble, much less its director, and is not being given the opportunity to continue to raise the level of excellence of the ensemble. I believe the decision to fire him was short-sighted, and is not in the best interest of the ensemble or of the university.

Respectfully,

Leigh VanHandel, Ph.D.  
Associate Professor of Music Theory, Michigan State University

H-Row, 1989-1991

July 30, 2014

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

Dear Mr. Wadsworth:

I can honestly say that the five years I spent as a member of the Ohio State University Marching Band made me the person that I am today. I first became aware of the band when I was about nine years old. My older brother had just graduated from high school and subsequently became a member of this organization. I would listen to all of the band's albums and memorized the words to Across the Field, Buckeye Battle Cry, Hang On Sloopy, and Carmen Ohio.

When my brother would come home for a visit, if he happened to have his OSUMB uniform with him, I would always try on the hat, the spats, and the crossbelts. I also thought it was kind of cool when my brother, a music major who played tuba and Sousaphone, got to dot the I in Script Ohio. By that time I was almost 13 years old and understood a little more about what the band meant to the University and so many Buckeye fans around the world.

Despite my knowledge of the band, I had no aspirations to be a part of it. At that age, the thought of going to college was the furthest thing from my mind. It stayed that way for many years. I was a decent student in high school. I rarely brought home any homework, put little effort into studying, and was regularly pulling grades of B or C in core classes. I was in my school music program and participated in orchestra, jazz band, concert band, symphonic band, wind ensemble, and marching band. I earned straight A's in all of those classes. I played the tuba and Sousaphone, just like my brother.

As a past member of the OSU marching band, my brother obtained tickets for the September 10, 1983, football game against Oregon. This also was the game at which the alumni band would be performing. My brother was marching that day, so he gave the tickets to me and my father so we could enjoy the game. I remember my brother telling us, "Whatever you do, don't miss the band's Skull Session."

I'm sure you've been to a Skull Session and are familiar with the format. Following the band's entrance into the arena and a few activities to pump up the audience, the band begins its session with a warm up. In keeping with tradition, the first song they play is the school fight song, Across the Field. They begin the piece slowly and quietly. They performed the music at this reduced tempo and volume "one time through" until it's time to repeat the song. At this point, the band kicks into full tempo and volume. With the playing of a single note (a B-flat for the Sousaphones), my life changed forever.

My God. What just happened? I was hit by an incredible wall of sound that transformed me from a directionless, 17-year-old kid starting his senior year of high school into someone who had to be part of that band. The football game was secondary. It was that moment -- that note -- that caused me to set a challenging goal for myself. I wanted to go to Ohio State and try out for the band the following fall.

Besides getting accepted to OSU, the most important thing I had to do was convince my mom that I could do it. My track record as a student said otherwise. I shared my plan with my mom as soon as I returned home from the game. She said, "Are you sure? I always saw you attending somewhere like Cuyahoga Community College."

Ouch. "Tri C" as it was known didn't have the best reputation as a challenging place to learn. Kids in school called it "Tri High" because of its perception as nothing more than a continuation of high school. This is where the bargaining with mom started. I promised to work harder than ever my senior year of high school, and then we'd see about applying to OSU. With a little extra effort, I nearly pulled straight A's my entire senior year. Seems a B or two snuck in there along the way, but I at least proved to my mom that I could put forth the effort to get good grades. She agreed that I could apply to OSU and, assuming I'd be accepted, try out for the marching band. Then came the ultimatum. "You can go, but if you don't make the band next year, you're coming back home to attend Tri C." Panic and motivation set in simultaneously.

Making the band as a freshman isn't easy. Each year there are more than 400 students who try out for one of the 225 spots. Even veteran members must try out annually to retain their place in the band. Now, even though returning members have to try out each year to retain their membership in the band, it's almost a given that they'll be marching the next year. However, there are no guarantees; I've witnessed veteran members lose their spot in the band during tryouts.

I don't recall exactly how the numbers worked out, but I remember my odds of making the band weren't very good. In addition to freshman trying out for the first time, there were older students returning who hadn't made the band in prior attempts. Assuming all of the returning Sousaphone players would retain their spot, there was something like 20 people competing for four or five open positions. The two days of tryouts were grueling. They always have been and I hope they always will be. The days are filled with marching drills, practicing music, conditioning, and memory busters in which long sequences of marching steps are shared once, maybe twice, before you must perform them from memory.

The second day of tryouts is when cuts begin. After the morning session, the first round of cuts occurs. I was as nervous as I'd ever felt. All of the candidates gathered in the band room and the list of those not making the cut was read. During tryouts you're a number, not a name. My heart sank as I heard, or at least thought I heard, my number called. I went into the room where those who are cut receive a brief message of consolation and encouragement to come back next year. I gave them my number to get my walking papers, and it turns out I wasn't on the list. I had actually made it past first cuts. I remember it plain as yesterday: "Get back out there...you're not on the list...hustle!"

Following afternoon tryouts on day two, members break for dinner and to get cleaned up before returning that night for the announcement of who made the band. Everyone gathered again in the band room and the director began reading the numbers of those who had earned a spot in what many believe to be the greatest college marching band in the country. It was finally time to read the numbers of the Sousaphone rows. Little by little my confidence wavered as the numbers were called. Halfway through and my number still had not been called. I started preparing myself for the inevitable. Goodbye TBDBITL, hello Tri High. Out of 28 numbers called for the Sousaphone row, mine was the very last to be read. Relief and elation set in. I called my brother first, then I called my mom. Those are two conversations I will never forget.

I started as an alternate and eventually earned a regular spot in the band. I marched five seasons, the maximum allowed, and graduated six months after my final ramp entrance into Ohio Stadium. I memorized hundreds of pieces of music and drills. I went to the Rose Bowl, Citrus Bowl and Cotton Bowl. I played for presidents. I played with a pep band at Earl Bruce's house when he was fired as the head football coach. I performed in countless parades and concerts for fans around the country. I marched up the 18th fairway of Muirfield Village Golf Club and played the national anthems of every country represented during opening ceremonies of the 1987 Ryder Cup golf matches. I was named a Squad Leader by my peers and proudly served in that role my last two years in the band. I got to "Dot the I" three times in Script Ohio, one of the greatest honors in the band and the greatest of all traditions in college football. I had a new group of brothers and sisters who cared about each other, watched out for one another and worked together toward a common goal. I learned leadership skills. I learned to respect authority. I learned humility. I learned graciousness. I learned punctuality. I learned how important it was to become involved. I learned that hard work is the way to get what you desire in life. I've been to weddings of bandmates, smiled at birth announcements and learned just how much it hurts when one of your former bandmates is taken from this world far too young.

The OSU Marching Band began in 1878 as a military band and consisted entirely of males until 1973. Did some of the reported "culture" exist when I was in band from 1984-88? Sure (my nickname was "Bob Hope," by the way), but it was not the predominant culture. If I didn't want to participate in something, I simply said "no" and my decision was honored. I was never forced to do anything I didn't want to do. I was never "sworn to secrecy" or forced to take such an oath. Here's the thing that perhaps some people don't understand. I and every one of my band brothers and sisters reserve the right to choose what we share about our respective band experience with anyone, be they family, friend or stranger. Those experiences are what give us a special bond. When we meet someone who we discover also was in the band, we introduce ourselves by name and, more importantly, by row number. Through this commonality we treat each other as though we've been lifelong friends. How firm thy friendship.

Many of our alumni hold amazing credentials and lead distinguished careers in their chosen profession. The band repeatedly has proven itself capable of transforming young men and women into responsible adults and leaders in our society. Clearly it is capable of transforming itself, but deep-rooted traditions do not change overnight, and they do not change simply because someone says they have to. The change must be organic.

Though some traditions are a century old, we're in a different day and age. Just because a tradition has existed for a long time doesn't mean it's right by the standards of the day. If anything, more should be done to help young, impressionable students – regardless of the organization in which they are involved – understand what those standards are. I guarantee the vast majority wouldn't have a clue because that's not what 18, 19 and 20-somethings are tuned into at this age.

Traditions have come and gone from the organization. As I understand it, work was being done to eliminate some of the more questionable ones and build that culture of understanding when news of Jon Waters' firing broke. To me, it's somewhat ironic that the man who was trying to make this change, and whom the students trusted and respected to lead them through this change, is now gone. The positive, international reputation earned by the band last year was erased in a matter of seconds. Many of us alumni are watching and waiting to see what happens next.

Members of the TBDBITL Alumni Club are proud of their involvement with the OSUMB. If the University deems that it is time for a change in the culture of the band, then engage us. We are the individuals who paved the way for current members. We are no longer college students. We are adults with an understanding of the need for change and the skill sets to help make it happen. You will not find a group of individuals more interested and willing to do what is necessary to maintain the integrity of the band's reputation and tradition of excellence.

The Ohio State University Marching Band is not the organization being portrayed in national headlines, radio sound bites or TV reports. It's an organization that sets high expectations, prides itself on excellence, and gives students an opportunity to grow as musicians and young adults. Without it, I wouldn't be the person I am today. I wish the same experience for everyone who decides to pursue their dream of one day becoming part of it. It has been and will remain The Best Damn Band In The Land.

Thank you for your time. I request confirmation that this letter was received and I request feedback from the Board of Trustees on this letter.

Sincerely,

Gregory D. Viebranz  
KL Row 1984-88

CC: Ronald Ratner, Vice Chair; Alex Shumate, Vice Chair; Algenon Marbley; Linda Kass; Janet Reid; W. G. Jurgensen; Clark C. Kellogg; Timothy Smucker; Cheryl Krueger; Michael Gasser; Brent Porteus; Erin Hoeflinger; Alex Fisher; Abigail Wexner; G. Gilbert Cloyd; Corbett A. Price; Alan VanderMolen; Stacie Seger; Steven Loborec

Robert L. Windle  
17100 Van Aken Boulevard, #406  
Shaker Heights, OH 44120-3647  
windle39@sbcglobal.net

August 16, 2014

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

President Drake:

At this point, I am certain that you and your office have been showered with letters in support of Jon Waters and his reinstatement as Director of the Ohio State University Marching Band (OSUMB). Having seen many of these letters, I am impressed with the analysis, the depth and the passion that has gone into them. I am not sure what I can add that distinguishes my thoughts from others.

My first Saturday to march into Ohio Stadium was as a freshman Sousaphone player on my 18<sup>th</sup> birthday, September 28<sup>th</sup>, 1957. Next month I will be 75 years old and I am as proud of the OSUMB today as I was on that distant day in 1957. I spent four years in the OSUMB, served as a Squad Leader in 1960, served as President of Kappa Kappa Psi, Eta Chapter (the national band honorary fraternity) in 1960-61, and was one of three Sousaphone players featured on the October 13, 1958 issue of *Sports Illustrated*. I am a charter member of TBDBITL Alumni Club, Life Member of the OSU Alumni Association, and served two three year periods since 2005 on the Board of Directors of the OSU Alumni Club of Greater Cleveland.

Sadness and disappointment were my initial reactions when I read the Glaros Report and learned of the decision to fire Jon Waters. Then, anger came after that as more information surfaced. I feel as though I have made several rounds through the grief cycle since July 24<sup>th</sup>, but the one thing I cannot accommodate is acceptance. I feel the Glaros Report is deeply flawed and that the absence of any sense of due process for Jon Waters is totally lacking. As I begin to write this letter, I hear that the Board of Trustees will not consider Jon Waters' request to consider reinstatement. The University's handling of this is sad beyond words. If the goal was to get rid of Jon Waters at all costs for stated or unstated reasons, there are several ways it could have been done without dragging his name through the mud and stripping him of his dignity. I have worked in higher education for several years and am no stranger to the machinations and the power plays that can occur in academe. Sadly, my alma mater has taken human resource management to a new depth.

President Michael Drake

Page Two

I'm not sure what I can add to the one-way dialogue that has occurred. I seriously doubt anyone will actually "read" what I have said or that these words will make any difference. I will assume, though, that maybe somewhere in the bowels of OSU, an administrative assistant just might tally these letters and to that degree I want my voice to be counted. At least I can rest knowing I tried to make myself heard.

When my 75<sup>th</sup> birthday rolls around next month, I will fondly recall marching that first football game on my 18<sup>th</sup> birthday and the pride of being a member of the OSUMB that I will carry to my last day. Unfortunately, my pride in The Ohio State University has diminished because of its refusal to acknowledge the possibility that perhaps it acted in haste. I have always defended OSU when it is accused of being "too big"; the handling of the Glaros Report leads me to realize just how really "small" it has become.

Our honor defend,

Robert L. Windle, MA, LPC, GCDF  
Bachelor of Science in Business Administration, 1961 – The Ohio State University  
OSUMB 1957-1960; Squad Leader, 1960  
Kappa Kappa Psi, Eta Chapter, 1958-1961, President 1960-1961

Copies:

Mr. Blake Thompson, Secretary of the Board of Trustees  
Mr. Chris Glaros, Esq.  
Ms. Betty Montgomery, Esq.  
Mr. David Axelrod, Esq.

### **General Letter from Some of the Women Alumnae of the OSUMB**

[http://www.dispatch.com/content/stories/local/2014/07/28/Ohio\\_State\\_band\\_alumni\\_march\\_for\\_Jon\\_Waters.html](http://www.dispatch.com/content/stories/local/2014/07/28/Ohio_State_band_alumni_march_for_Jon_Waters.html)

As female alumnae of the Ohio State Marching Band, we would like to speak out against recent allegations against Jon Waters, the Director, and the organization of the marching band as a whole. We find the report on which his dismissal was based to be a sensationalized and one-sided view of an organization, and would like to contribute our views, as women and former bandmembers, to the conversation.

The official report consistently referred to a "sexualized" culture within the band, saying that the culture "facilitated acts of sexual harassment, creating a hostile environment for students." The report also implied, if not outright asserted, that female students were routinely made to do things they felt uncomfortable doing, and that they were treated poorly by other ensemble members and by the staff. If the report had spoken with other female members of the band, or former members, the picture painted of interactions with band members and staff would have been strikingly different. The vast majority of female alumni did not have the experience described in the report; for us, the male members of the marching treated us as the equals we were. As strong, intelligent, athletic women, we did not need nor want to be treated in any other way; we did not need to be coddled or protected. And just like the male members, we were all told that we did not have to participate in any activities that made us feel uncomfortable.

A common thread running through many of the female alumnae's recent comments regarding the band is that we are stronger, independent and more successful women because of our time in the band. We learned the value of hard work to make the band and maintain our spots, of teamwork in working with others, and learned to respect ourselves and others in conflicts to work things out when necessary.

The university's report focused on the use of nicknames for first-year members of the band, highlighting twenty-one nicknames they deemed as "sexual." What the report fails to consider and acknowledge, however, is that these nicknames are given to both males and females, are generally given with the consent of the nicknameee, and that the nicknames are not used in a derogatory fashion.

The report highlights two nicknames in particular: Tiggles and Joobs, erroneously cited in the report as "Jewoobs (given to a Jewish student with large breasts)". It is surprising, given the report's in-depth discussion of these nicknames and whether or not they were offensive, that nobody conducting the investigation contacted either of these women to inquire whether they took offense to the nicknames given to them, or whether any of the events reported by the complainants ever actually occurred.

Both women (Jeanette "Tiggles" Town and Alexandra "Joobs" Clark) have since penned eloquent responses to the report. Both ladies had the same reaction: their nicknames were given to them with their consent and approval, they were never offended by the names, the names were never used in a derogatory manner, and they were never (as was suggested in the report) used by

Jon Waters or the band staff. Most importantly, it was not until the publication of their nicknames in the university report that they felt objectified, sexualized, depersonalized, and violated – by the university itself, and by the general public. Why the author of the report felt the need to comment both on Alexandra’s religion and breast size, and why that information needed to be included in the public report, is beyond comprehension.

The Ohio State marching band is one of the very few organizations anywhere where men and women are held to the same exacting standards, both in terms of musical and physical performance. The use of Title IX to argue that Waters did not take actions to eliminate what the report deems “harassment” is a misapplication of Title IX, the goal of which appears to have been an attempt at a legal justification for the immediate dismissal of Waters.

The report states, “... only one witness stated that there had been transition in the culture of any kind.” The authors of the report interviewed a small number of people, all of whom apparently had some connection to the original complainant or were referred by other witnesses. That is not a representative sample, and is certainly not representative of the opinions of numerous band members, both male and female, who state that Jon Waters was making efforts to change the culture of the band from the time he was appointed as Assistant Director under Jon Woods. These opinions have been expressed to the media, on social networks, and in letters written to President Drake and others involved, and would have been available to the authors of the university report had anyone asked.

The report later states: “Intending to eliminate sexual harassment over a period of years does not constitute sufficiently prompt or effective action.” As any leader can tell you, it is impossible to change a culture immediately, and it is also impossible to change a culture by simply changing the leader. In order to change a culture, you have to have the respect of the culture, and to work within the culture to educate and reform practices. Jon Waters had the respect of the band members, and he was in a unique position to be able to effect change; however, he was not given the time or the institutional support from the university necessary to enact the changes in the band culture that would have preserved the character of the ensemble and brought it into line with 21<sup>st</sup> century sensibilities.

The manner in which he was fired, the release of the university report and the supporting material, and the media sensationalism that has followed, has destroyed not only Jon Waters’ reputation, but that of the band itself, its current and former members, and of the university. The decision to fire Jon Waters was short-sighted; it was not warranted, it was not what was best for the organization, and it was not what was best for the university.

We are female alumnae of The Ohio State Marching Band, and we Stand With Jon.

Columbus, Ohio • Sep 10, 2014 • 78° Partly Cloudy

# The Columbus Dispatch

Hot Links:

## Act of kindness had lasting impact on lifetime Buckeyes

### LETTERS POLICY

The Dispatch welcomes letters to the editor from readers. Typed letters of 200 words or fewer are preferred; all might be edited. Each letter must include name, home address and daytime phone number. Dispatch.com also posts letters that don't make it to print in *The Dispatch*.

### SUBMIT YOUR LETTER

### ONLINE FORM

Use our Letters Contact Form to send your letter to the editor. (No attachments, please)

### MAIL

Letters to the Editor  
The Dispatch  
34 S. 3rd St.  
Columbus, OH. 43215

### FAX

614-461-8793

### ALSO IN OPINION

- Editorials
- Op-Ed Columns

### SUBSCRIBE TO THE DISPATCH



Sign up for home delivery of *The Columbus Dispatch* and find out What's In It for You.

**SUBSCRIBE**

Already a subscriber?

Saturday August 2, 2014 5:02 AM

Comments: 2      535      91      669

Last August, Jonathan Waters, then-director of the Ohio State University Marching Band, honored my wife, Phyllis Kaldor.

As she was dying of cancer, the band made her an honorary member of TBDBITL.

Gray Day is the band's traditional final practice before the first home game. Last year on Gray Day, Waters let Phyllis dot the "i" in Script Ohio and then gathered the band around her and led the singing of *Carmen Ohio*.

In my 50 years at OSU, I have never experienced a more moving moment; even band members were crying.

At Phyllis' funeral, marching-band members surprised us by showing up in uniform, together with Jon, who led them in closing the service with *Carmen Ohio* and the OSU fight song.

Their appearance was a surprise; we did not ask them to come, thinking that if we asked, there would be many more Buckeye fans who would love to have the band at their funerals.

Both Phyllis and I received all our degrees from OSU and worked at OSU since graduating more than 30 years ago. I was director of biostatistics for the OSU Comprehensive Cancer Center and Phyllis was Director of Nursing for the James Cancer Hospital and Solove Research Institute.

To our family, Waters always has been caring and compassionate, a wonderful representative of our university. The image of him with Phyllis wielding his baton will forever be in our home and our hearts.

DONN C. YOUNG

*Columbus*

Favorite    Print Story    3

### WEEKLY ADS



REQUEST TO BUY THIS PHOTO  
COURTESY DONN C. YOUNG

Jon Waters and Phyllis Kaldor, front, and Kaldor's friend, Mary Ann Kimbro.

9/11/2014

Letter to the editor: Ohio State Marching Band supports its LGBT members - The Lantern : The Lantern

80

# thelantern



## Letter to the editor: Ohio State Marching Band supports its LGBT members

July 30, 2014  
 Brian Gill  
 brian.gill.176@gmail.com

### Letter to the editor:

As a five-year member of the Ohio State Marching Band (2005-09), I have been deeply upset by the recent events. I am writing, not to only show support for Jon Waters, but to address the overall culture of the group. Jon has been one of the main driving forces of change and inclusion for the band. I feel so strongly about the marching band and Jon Waters that I feel the need to step out of my comfort zone to show my support. As most of my close friends know, the issues I wish to address are not something I bring up in conversation or when I introduce myself to others. 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.

I graduated from a small high school, in a conservative town in Ohio. I didn't have much support before coming to OSU and didn't really accept who I was until I was a member of the band. It was then when I found support and acceptance through members in the band. My row (J1-Row/Percussion Section) became my closest friends and allies and, as stated by many others this weekend, my family. They supported me when I needed it, teased me as their brother when I did something stupid, and I did the same for them. I knew that I could count on any of them for guidance, support and acceptance. I could be who I was and it was perfectly fine; I felt safe.

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, as well as the variety of its members' academic studies, ranging from accounting to zoology and everything in between. 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.

There have been many "traditions" that have been brought up, but the one 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. It was always passed between student members with the purpose of ensuring that the directing staff didn't know about it. If the staff did find one, they confiscated it immediately. While I'm not justifying the lyrics or even the fact that these books existed, because I know how offensive they are, 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.

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. Most of these lyrics and songs were written many decades ago, when acceptance and inclusion were nowhere near where they are today. The band has even helped grow allies for the LGBT community. Many of the members also come from small towns and first meet and become friends with LGBT students during their time in the band. We are able to have open conversations with each other and answer any questions to help all parties feel more comfortable and included.

9/11/2014

Letter to the editor: Ohio State Marching Band supports its LGBT members - The Lantern : The Lantern

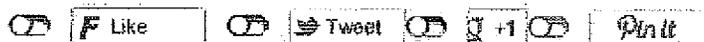
I want to ensure that future members and those interested in becoming a member of TBDBITL know they will be entering a safe environment, where they will be accepted and supported for who they are. I am speaking out to show support for this organization that has given me so much, as well as for Jon Waters, who has always been supportive of me and someone I call a good friend. I cherished each and every moment I had in band, from my first ramp entrance, my last game, and never, ever losing to "that school up north." I have never missed an opportunity to march with the TBDBITL Alumni because I loved every moment I had with my band family. I am extremely proud to call myself a TBDBITL Alumni and will continue to work as an alumnus to ensure that it remains a safe place for all its members.

Go Bucks!

Brian Gill  
Class of 2009  
OSU Marching Band member 2005-09  
brian.gill.176@gmail.com

 Like 25 people like this. Sign Up to see what your friends like.

The Lantern uses two-click social media buttons to protect your privacy. Click once to load the button, then again to share!



« Opinion: College traditions can become dangerous  
Letter to the editor: Former Ohio State Marching Band director Jonathan Waters entitled to a public hearing »



© 2014 The Lantern. All rights reserved.

*COLUMBUS, Ohio - A former Ohio State University Marching Band member, who is gay, said he never felt discriminated against during his years on the band.*

*Brian Gill was a member from 2005 to 2009 when Jon Waters was an assistant director.*

*Waters was fired on July 24 after a two-month investigation revealed a sexually-charged environment in the band and inappropriate rituals.*

*Among the accusations was the unofficial songbook with several songs that have anti-gay lyrics.*

*Gill said he only saw the songbook once or twice in his five years on the band. He said it was never handed out by the directing staff. It was only passed between the more senior members of the band.*

*Gill wrote an article supporting Waters that was published on the website Outsports.*

*He said other people have reached out to him since it was published, sharing the same sentiments.*

*"People who were in the band in the 80's and they've said the same thing, that the band has always been that melting pot of different cultures and religions and interests and hobbies and all of that stuff and it all comes together and we have always felt supported and we always have each other's back," said Gill.*

*Gill said he wants future members to know they are entering a safe environment where they will be welcomed for who they are.*

*Stay with 10TV and refresh [10TV.com](http://10TV.com) for continuing coverage.*

# **ATTACHMENT 8**

## **Squad Leader Responsibilities On and Off the Field 2006**

### **ON THE FIELD**

- Teach marching fundamentals and drill; help alternates to improve
- Teach music and musicianship- dynamics, rhythms, articulation, balance and blend
- Provide individual help to row members
- Have a positive attitude
- Evaluate challenges fairly
- Explain in detail and specificity why person loses a challenge
- Support other squad leaders' decisions and decision
- Work with OSUMB Directing staff and sign-off on challenges
- Problem Solving within row and band- Communication is the key
- Be a role model: in marching and playing, learning drill charts, teaching by example
- Rehearsal discipline: Help, listen, and stay on task

### **OFF THE FIELD:**

- Know, understand, and support policies and procedures
  - No peer pressure, no hazing, be sensitive to rookies
  - Time management: Be on time for game days and rehearsals
  - Support the Director's decisions
  - Speak up when you see or hear inappropriate behavior or an activity that can be harmful to the band
  - When in doubt, DON'T!
-

## **XIX. TRIP POLICIES**

- A. Alcohol is not allowed on or under band buses at any time. The use of drugs or other illegal narcotics is strictly prohibited. Alcohol and drugs are not permitted to be stored or consumed on hotel/motel premises. This includes individual rooms, hotel/motel bars, and all other public areas on the hotel/motel property. Students found in violation of this policy will be subject to band disciplinary procedures and/or University legal action. Band members are to respect the property of other schools, hotels, restaurants, and public or private facilities. When in a recognizable group, whether in uniform or not, band members are responsible for appropriate behavior, being in control of their actions, and showing respect for outsiders and other band members. **ALL DAMAGES TO PROPERTY WILL BE PAID FOR BY THE OFFENDER(S).**
- B. Any student found to be under the influence of alcohol, or cannot participate in a rehearsal or performance due to consumption, will result in disciplinary action. Penalties could include suspension or expulsion from the band, as well as the University.
- C. Specifically forbidden are row initiations, hazing, excessive drinking, excessive noise, and curfew violations. Band members who do not follow these policies and squad leaders who are lax to enforcement or who do not report problems promptly to the Band Staff will be subject to disciplinary action, including loss of position.
- D. When curfew is in effect, all squad leaders must take row attendance and accurately report to the Band Staff at the appointed time and location.
- E. Traveling behavior is as follows: Inappropriate bus or airplane behavior including excessive noise, offensive language, hazing, or any activity creating an unsafe or socially uncomfortable environment could result in disciplinary action, including suspension or expulsion from the band. Respect for the bus driver, the bus, guests, and property of any transportation company is expected.

## **XX. INITIATIONS**

- A. There will be no initiations or hazing of any type permitted in this band. Band members taking part in any actions of this type will appear before the Band Staff and the appropriate University Officials. Penalties could include suspension and expulsion from the band, as well as University or legal sanctions. State law and University rules and regulations strictly forbid hazing of any form.

## **XXI. SOCIAL BEHAVIOR**

- A. Any behavior or activity that could be interpreted as demeaning or harassing to band members or outsiders (sexual or otherwise) is strictly forbidden. Consumption of alcohol is limited to those individuals who are of the legal drinking age (in approved areas). Smoking is not permitted in any band uniform, including greys, blazers, and full dress uniform. Proper behavior and respect for the rights of others will occur in all band activities, including buses and motels, rehearsals, performances, football games, and social events. Penalties could include suspension and expulsion from the band. In accordance with University and band department mandates, smoking and alcohol use, either while in University facilities or while in uniform (including Blazer, Grays, and Full Dress Uniform) is strictly prohibited.

## **XXII. MEDICAL COVERAGE**

- A. The Band, Athletic Department, or University does not provide free medical insurance coverage. It is the responsibility of each student to pay for their own medical insurance and/or medical expenses. All students must sign a release of claims before being permitted to participate in band. This policy includes rehearsals, performances, trips, official band functions, and bowl games.

# **ATTACHMENT 9**

We, the 2012 and 2013 student squad leadership of The Ohio State University Marching Band, know that the allegations reported in the Investigative Report produced in July by the Office of University Compliance and Integrity, the Glaros report, which directly led to the firing of OSUMB Director Jonathan Waters, are false and misleading. As a group of squad leaders in the OSUMB, who served under Mr. Waters, we have unique and valuable insight into how Mr. Waters instituted widespread cultural change through the band staff to the students as well as a well-received and effective cultural grassroots movement. Jon Waters is more than a director of halftime shows. He is an advocate for student safety, equality, and respect between all members. The groundswell of support for Jon would never have occurred if this was not the case.

First and foremost, sexual harassment and hazing of any kind was not tolerated by the marching band staff. Such conduct was met with a zero tolerance policy. Obviously, with a faculty to student ratio of nearly 50 to 1, it is nearly impossible for the staff through limited resources to wholly police the organization both on and off marching band time. It was up to the student leadership to act as stewards in enforcing the policies instituted by Jonathan Waters and to oversee their respective sections in addition to enforcing band policy and procedures.

We know that the "investigation" is severely flawed for many reasons, based upon our own personal knowledge and experiences. No one knows the truth better than those who saw it themselves. The lack of a representative sample size coupled with interviews of only a few witnesses, several of whom have directly and publicly refuted the Report's conclusions, undermines the findings and conclusions of the Report itself. Individually and as a collective group we have attached specific examples of cultural changes, sexual harassment training, and hazing training. None of this was considered by the university during their investigation. We have also included specific examples of how sexual harassment, hazing, and improper behavior were handled by the marching band staff under the leadership and direction of Jonathan Waters.

The culture of The Ohio State University Marching Band is one of determination, respect, community and volunteerism. The evidence of this positive culture is revealed in the experiences and first hand accounts of current and former band members. Our goal is to provide detailed evidence of these cultural policies ignored in the Report which directly led to the University Administration's uninformed reaction and dismissal of Mr. Waters. We ask that the University issue public apologies to the current band, its alumni, and Mr. Waters and immediately reinstate him as the Director of The Ohio State University Marching Band. We hereby submit ourselves to be interviewed by the task force and have relevant information pertaining to this investigation. Please review the attached documents. We believe the truth is paramount.

OSUMB Squad Leaders 2012-2013

Tyler Provo: ASL, I-Row 2012

Ben Hyun: ASL, A-Row 2012

Zachary G. Naughton: ASL, K-Row 2012, HSL K-Row 2013-2014

Jacob Evans: ASL, T-Row 2012  
Jocelyn C. Smallwood: ASL L-Row 2012, HSL L-Row 2013  
Chris Wiet: HSL, E-Row 2011-2012  
Mike Johnson: HSL, L-Row 2012  
Allen Sun: HSL, Q-Row 2012  
David Lee: ASL, HSL B-Row 2010-2012  
Andy Hall: ASL, F-Row 2012  
Joshua C. Clasen, HSL, T-Row 2012-2013  
Alexander Jones: HSL, S-Row 2012-2013  
Nickolas S. Ater: HSL, K-Row 2012

Jaclyn Schilling: ASL, HSL, E-Row 2011-2013  
Joseph Plattenburg: ASL, X-Row 2013  
Matt Engle: ASL, E-Row 2013  
Ross Runyan: HSL, X-Row 2012-2013  
Davidson Sacofick: SL M-Row 2012-2013  
George Farris: HSL, C-Row 2012-2013  
Phil Kirkendall: HSL, X-Row 2012  
Evan Greene: ASL, A-row 2011, HSL A-row 2012  
John Joyce: HSL, R-Row 2012-14  
Kelton Rieske: ASL, R-Row 2012-14  
Tyler Russell: ASL, HSL H-Row 2010-2012  
Jarrod Maynard: HSL, I-Row 2012  
Tyler Johnson ASL, F-Row 2013  
Austin Willman: HSL, I-Row 2013  
Brett Samsen: ASL, J-Row 2012  
Tyler York: HSL, M-Row 2012  
Andrew Giljahn: ASL, C-Row 2013

## OSUMB 2012-2013 Leadership Follow Up

### ***Treatment of First Year Members***

We could not publicly (or in front of Jon Waters or any staff) refer to first year band members as "rookies". We were required to refer to them as first years in order to reinforce equality among ranks. Jon stressed that even a reference such as first years was a form of hazing, and not something that was supported by the OSUMB.

Beginning in 2010 directly after the band was announced, Jon and the other directors would clear the rehearsal hall of everyone except for people who had just made band and squad leaders. He would congratulate the new members and then inform them that many members of the band who were of age would likely be throwing parties that night. He would then tell them they were not at all required or even expected to consume alcohol. He noted that many of them were underage, so they they were obviously prohibited from doing so, but that NO ONE regardless of their age should feel pressured to do anything they didn't want to do. He then encouraged them to talk to either the staff or the squad leaders if they ever had any problems. At the first practice, Jon would have all older members who abstain from alcohol stand up in their seats to show that you do not need to partake in order to gain acceptance. He then would tell of how he himself did not drink during his time in band, and said that younger members who felt peer pressure could reach out to anyone they saw standing or the directing staff for support.

### **All Leadership - Rookie Food and Drink Purchases**

- Fall 2008 – For most rows, including my own, it was expected of all rookies to purchase snacks, meats, fruits and vegetables, sandwiches, sodas, and ice for all 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> year members of the row to put in coolers during all home football games and bus trips. This was to provide much needed food and drink for members of the row for 10+ hour long game days, where time would sometimes only permit consumption of food and refreshments in the stands. Or on long bus trips with minimal stops.
- Each rookie was expected to pay for food out of their own pocket.
- Fall 2012 – When Waters became director he made the squad leaders take up a collection fund from all the members in their rows to assist in the purchasing of snacks and refreshments. This was an example of having the "students own the problem." In an entrenched culture with senior member's stating "I paid my dues, but now I'm a senior member so I don't have to pay" this was a critical step to solving a problem to rookies paying more than other members of the row. This was a deep tradition within certain rows in the band that could not be turned on a dime, or without the students "owning the problem." Jon pushed for this change when he was assistant but mandated it as director with suspension from the band for those who did not follow this rule. Huge progress was made for this in just one year.

Directors were aggressively opposed to performance of inappropriate rookie tricks. These were not idle threats

Tyler Provo, Jarrod Maynard, Brett Samsen JI-Row 2012 - Members who refused to pay either did not eat the provided snacks, brought their own snacks, or the Squad Leaders made up the cost to provide funding from entire row. It was made clear by Waters that any row that made their first-year members pay more than an equal share would be punished.

David Lee - In addition to having everyone in the row contribute money towards snacks, in 2011 and 2012, B-Row implemented a policy that everyone (including squad leaders) had to take a turn to go out and purchase the snacks and prepare the cooler on gameday morning.

Allen Sun - 2009 moments after the band roster was announced, Jon Waters quietly pulled me aside as the rest of the rows gathered in their meeting places. He mentioned that I would have to have a permission form signed by my parents, as I was 17 at the time, and also that whatever happened on that night or any other, if I felt uncomfortable or pressured in any way I could speak with him at any time.

Allen Sun - 2012 spring, initial squad leader meeting after positions were announced, Jon mentioned the treatment of rookies and rookie names specifically. He mentioned that the squad leaders should use good judgement so that when on the field, we're not yelling things like "HEY, \_\_\_\_\_! GET OVER HERE!"

David Sacolick - M-Row's midterm explicitly stated that it was not required, "COMPLETELY VOLUNTARY". And all of the questions were related to the band (history, P&P, script counts, etc.). There was nothing sexual in our exam.

David Sacolick - Rookie introductions on the bus did not exist after my first year. There was no marching to the back of the bus as stated in the report. Additionally it was clear that anyone could change in the bathroom if they wanted extra privacy. Entering bus by rank was discontinued after my first year. Additionally it was clear that anyone could change in the bathroom if they wanted extra privacy.

John Joyce - I am in the unique position of being the squad leader of a 53-year old woman in the marching band. As a student leader, it was difficult to imagine a 51-year old woman being part of my row socially, and I appreciated Jon's objectivity in overseeing the matter, and ensuring that I was treating her equally among the college-aged candidates. He sat me down and discussed the matter of having a 51-year old woman in my row. He was very intent on preventing any situations where well-meaning college students may do or say something around someone who doesn't feel comfortable with it. He explained that she was placed in R-Row because we were a young row and didn't have any older members left who may attempt to hold back our progress in eliminating negative traditions. Jon was proactive in identifying a band member who may have found aspects of the band offensive, responsible in placing her in a situation where she would be safe among her peers, and effective in eliminating any behavior that may have created a negative environment for her. Jon handled this situation with the utmost respect and integrity for a mutually beneficial experience between 18-20-year old college students and a 51-year old band member.

### ***Midnight Ramp and F-Night***

Frequently, squad leaders, who are voted into their position by their peers, were elected regardless of their stance on alcohol consumption or participation in Midnight Ramp - meaning they did not consume alcohol or participate in Midnight Ramp . Examples: Chris Wiet (E-Row 2012) and David Ga-Yiu Lee (B-Row 2012).

The "Secret Oath" made by all members on F-Night has been released to the public. Its main points include respect for other members, the directing staff, the university, and hard work. It also concludes with a tongue-in-cheek line stating that "...I will never, ever, cross the street without looking both ways."

MR was emphatically NOT required. Members were not required to strip down, it was far from unusual for people to wear tank tops and cargo shorts. From 2008 and back, MR was more of a secret event with minimal lighting and supervision. The directing staff took initiative to make the event a more inclusive and safe event by having lights on and providing direct supervision. This not only discouraged alcohol and substance consumption (which members would be immediately punished without question), but also decreased unsafe activity and accidents due to low visibility.

Brett Samsen - The directors, and Jon in particular, were adamant about removing alcohol from MR. One of the changes to make MR safer involved placing it on "Fesler Night," an evening where band members introduce new members to their rows via short video clips and talk about the history of their rows and instruments, and how they fit into the history of the band. This is an extremely long meeting that typically runs about 3 hours. MR occurred at the end of this meeting. During this time Jon Waters and the directing staff looked attentively for signs of intoxication. Showing up with so much as an empty flask was enough to warrant a full disciplinary meeting with Waters and the other directors.

Tyler Provo - During "F-Night" of the 2011 season I was caught by a graduate assistant with a flask. Luckily, for my sake, this flask had a broken top so it could and did not carry any alcohol so I was not punished. However, I was taken aside by all the directing staff as well as individually by Mr. Waters and questioned why I had it, and if I was drinking alcohol. I was informed that if I had been I would have been suspended for two games. These incidents were not taken lightly, especially in light of the events of recent years involving the incident of alcohol poisoning. I was treated in a completely professional manner.

Jarrold Maynard and Tyler Provo - From 2009-2012, I never saw someone participate in midnight ramp not wearing clothing, and without question 2012 was the best and most appropriate version of the event that I witnessed.

### ***Bus/Trip Behavior***

Inappropriate singing, including singing of ANY kind, was prohibited on bus trips. Directors did not tolerate even the singing of band fight songs. Direct quote "we are trying to change the culture of the band." The "songbook" existed in decades prior with a much greater frequency than existed in 2012 and 2013. Jon found one by accident during a 2012 bus trip and proceeded to shut it down - if you were found in possession of or distributing songbooks you would be suspended or terminated from the program.

In the 2013 season, at the squad leader meeting after the California trip we had a long discussion about behavior on busses. Jon was extremely upset that there had been flying 69s and games of roller bus going on. While he did not swear or scream at us, but stated that we were better than this type of behavior and needed to start acting like it. He said that if he saw or heard about that type of behavior again, there would be serious consequences.

Jocelyn Smallwood - Throughout my 5 years in band, I saw the behavior on busses change dramatically. Much of this change was a direct effect of the leadership and influence of Jon. During the entire 2013 season, I may have seen one (attempted) flying 69. The single game of rollerbus I witnessed occurred in California. When Jon heard that the game had taken place, he informed the squad leaders that this behavior would not be tolerated, and that violating those rules would result in punishment. However, he did not simply disallow these behaviors. He discussed his rationale with the squad leaders, listened to our feedback and encouraged us to take ownership of these changes so that they could truly take root. His intention was not only to change behavior, but to change attitudes as well. The report makes it sound as if these behaviors were commonplace. By the time Jon took over in 2012, many of these antics had already begun to die out naturally. His influence as head director only served to eradicate them even more quickly and efficiently.

Tyler Provo - In 2012 I remember writing and working on a research paper on the bus when a game of rollerbus was attempted. I was taking up two seats with my laptop and several books and papers and was not touched nor disturbed during this game, which ended as quickly as it began.

Jarrold Maynard - Rollerbus was an improvised game that occasionally was played among friends during the bus trips, but it was common for more than half of the bus to choose not to participate. The times that it was played were fun and safe. There were rules that the students had made up to ensure that we all were safe and having fun. To hear that the University's report states people were allegedly groped or harassed in any way is alarming and concerning to me, as it was always a fun and positive experience for myself and the people who I played with. Regardless of if it was fun or not, Jon and the staff made it quite clear before the first bus trip of the 2012 season that we would not play rollerbus in 2012. The occasional game would start up from students, only to be quickly shot down by the directors. The staff was in no way supportive of the game, and by the end of 2012 it was all but gone.

Brett Samsen - I never once participated in Rollerbus in four years in the marching band. I was never made to feel like less of a band member and it was not something which affected my band experience in any way.

David Lee - I never once participated in-singing songs out of the songbook during my five years in the marching band. Like Brett, I was never made to feel like less of a band member and in no way was my band experience affected in any way. Additionally, being on Jon's bus for most of my career, I can personally attest to the fact that Jon did not tolerate inappropriate behavior on the bus. "Rookie introductions" were reduced to a simple question and answer with questions usually pertaining to the first year member's high school and their fight song. Jon stopped the practice of having the first year members march to the back of the bus. He deemed it unsafe and made sure we realized that it was unnecessary.

### *Trip Tic*

Mike Johnson (L-Row 2012) - The trip tic was a marching band publication that would be distributed amongst members of the band on one of the bus rides once a year. This was an unedited, uncensored publication put together by band members and for band member's eyes only. We did not share this with the directing staff at all and were as discrete as possible about distributing and reading it. The articles in this publication could range anything from a ranking of the most attractive members in the band to commenting on other students personalities and marching abilities.

- Every year, a couple of weeks before one of the bus trips, a senior sousaphone player would create a fake email account and send out a message to all squad leaders of the band with instructions on how to submit articles for the publication. Some squad leaders then cascaded these instructions down to the members of their row via email. Members of the band would submit articles anonymously to this fake email address. The senior sousaphone player would compile everything together into 15-20 page printed publications and discretely distribute them to senior members (other rows) on each bus before the band departed. Members of the band would read these articles on the bus ride, some members completely shocked to read something that was written about themselves.
- Jon Waters had intercepted a copy of the 2012 edition of the Trip Tic. One article in particular involved one percussion player singling out another percussion player within their row. Waters took immediate action to stop all future publications of the annual Trip Tic. He investigated to find out which senior sousaphone player produced the printed copies and threatened to expel that player from band if he didn't give the name of percussion player who submitted the article. The senior sousaphone player handed over the name.
- The percussion player was required to give a formal apology to the other percussion player in front of the entire band and was put on probation within the band for several weeks.

- Waters had the senior sousaphone player and myself meet in his office and made clear to both of us that the tradition of the Trip Tic needed to end immediately or we would both be expelled from the band. He wanted the "students to own the problem" and he knew that the other members of the sousaphone section would listen to us to stop the tradition from happening on future bus trips.
- Both times that myself, and the senior sousaphone player, were in his office he was both stern and to the point, but never raised his voice or used explicit language.

### ***Positive Culture***

Jon worked to get buy-in from student leaders. He did not lead by fiat but convinced us that changes were necessary. "Do we need this?" This ensured that students were more accepting of his changes. Prevented these cultural aspects from going underground. Concern that traditions would continue outside of staff surveillance, and lead to issues, ie, triptik, band dance/make the band night ambulance called, needed to get squad leaders and vets to agree that change was necessary. This grassroots policy is evident in the current iteration of the marching band.

Often veteran members (4th and 5th years) were most resistant to change. Whenever Jon tried to make a changes we would call him the "fun police" because members wanted to keep some of the outdated traditions. Jon did not waver but needed time to adapt culture in order to prevent students from continuing these traditions in an unsupervised environment to which they had no control over.

Jon maintained what he liked to call an "open door policy." He would frequently tell the band that if people had problems with anything, they should feel free to come talk to him. This included everything from opinions on changing various traditions to opinions on the music we were playing that week. He mentioned this "open door policy" so frequently that some band members would poke fun at the interest he showed in hearing everyone's opinions on things. This is just one example of how he was attentive to the needs of students

Jon was committed to helping the band give back to others and these were some of the most impactful experiences that we had in the band. These experiences include but are not limited to: playing for cancer patients, playing at childrens hospital, performing a charity event for the Gladden Community House, and honor flights. This was a positive culture of helping others and giving back. This type of attitude could not have existed with the negative culture that was inaccurately portrayed. Jon often quoted Woody Hayes and the 'Pay-it-Forward' philosophy, encouraging students to be the positive impact on our societies.

Jon believed true culture change had to be student driven (otherwise traditions would continue in alternate ways) so he devoted practice time for squad leaders and their rows to review new additions to P&P as well as set goals for the year. This helped create an atmosphere of

welcoming should any issues arise. The expectations were clear that anyone could bring forward concerns to their squad leaders or to the staff.

Jarrold Maynard - In my squad leader interview prior to the 2012 season, Jon and I discussed his vision for the band going forward. One of his biggest goals in his first year was to directly impact the existing culture. Looking back, almost everything we talked about involved how to change things for the better. 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: "The band that I entered as a freshman was home to a far different culture than what exists today."

Brett Samsen - Jon's 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 Consumption***

Excessive alcohol consumption prior to the band dance was highly penalized. Jon involved the squad leaders in follow-up conversations and necessary punishments. In a specific instance, a member was removed from their squad leadership for this reason, and that their squad leader interview the next season was entirely about the student's alcohol consumption.

If we were on band time we had to be sober. There were already rules about not drinking in uniform or on hotel property when on away trips, but we added a rule that you could not report while being intoxicated, even if we were not performing or in uniform. Added to that was that if a squad leader did not report someone being inebriated at report time, that squad leader would be punished too.

Brett Samsen - Excessive alcohol consumption was absolutely on the radar of the directing staff. In 2012 several band members showed up drunk at the annual band dance. Jon noted who these individuals were and denied them entrance. These members were subsequently held responsible, as well as their squad leaders. Members received punishment such as cleaning the band center following game days. It was understood that this behavior would not be tolerated and that repeated alcohol abuse was cause for removal from the band.

When the directing staff became aware of alcohol use during band functions, their reaction was swift and effective. Members caught drinking on buses or during rehearsal were automatically removed from their field position. Depending on the severity of the offense some were not even allowed to attend the next home game in any capacity. Jon did not turn a blind eye to alcohol abuse and confronted it head on.

Andy Hall - During one bowl game, a band member was caught drinking in a hotel room. The student was removed from his spot in the performance, and an alternate was put in his place with only two rehearsals until the performance at halftime. The bowl game was supposed to be the punished student's final game and no preferential treatment was given.

David Lee - I was a witness to the alcohol poisoning incident in 2009 that was pointed out in the initial report. The subject involved was a member of my row. At the time I was a second-year. Following that season, I was awarded a squad leader interview. During my interview, knowing I was one of the members of the band that did/does not consume alcohol, Jon asked me if there was a drinking problem. He wanted to know what we could do to fix the problem if there was one.

### ***Sexual Harassment and Hazing***

During the 2012 Squad Leader Retreat, there included over two hours of discussion on band culture, sexual harassment, alcohol consumption, and a word for word overview of the Policies and Procedures manual - which every single band member must read and sign. Jon talked extensively to the 2012 leadership about the importance of 'buying in' to a positive change. Once the students had made the band, Jon had the squad leaders go through Policies and Procedures with their individual rows, explaining things in detail. This was to show that the squad leaders not only knew the policies, but they supported them in full. After this, Jon and the staff reviewed the manual with the entire band present. Sexual harassment and hazing easily had the most time devoted to them. Jon made it clear that the band would not tolerate aspects of hazing and harassment that still lingered, and that we were better than that.

Jarrold Maynard - In 2012, there had been an incident where some senior members tried to enforce an outdated tradition that required first-years to wear their uniforms on the bus instead of changing into comfortable clothes. The tradition was challenged by some of the squad leaders and the staff on the bus (Jon was not on our bus), and the first-years were allowed to change. When Jon received word about this in the following squad leader meeting, he was extremely disappointed. He asked us if that sounded like something that we would want to be a part of as a first-year member. After some silence, during which all of us realized the truth behind this type of behavior, Jon explained that this was not who we are, and not what we were about. We were about giving young people some of the greatest experiences of their life - all of which should be positive. This was one of the countless examples of Jon working to instill change from the top down by having us 'buy in' to his change.

Another long-standing tradition in band was to have the first-year members go and get the water bottles filled during practice. During one of the first practices in 2012, Jon stopped rehearsal after he saw someone make a rookie fall out of formation to go get water. Jon said that, "...this stops now." and that all members would be filling up the water equally from that point forward. All of these little things were crucial in bringing about full-scale change to the organization. As new members entered the band without experiencing the old culture and ideas, they had no way

to pass them on to the new members who came after them. This was made apparent to me upon returning in 2013 and talking with the band. Since we had chosen to give out lighthearted nicknames in 2012, my row had decided to not give out nicknames for the 2013 season. This would have been unheard of for any year I was ever in band, and was surprising for me to hear, but is a testament to the positive success of Jon Waters.

Brett Samsen - In four years in the marching band program I cannot recall a single instance of Jon Waters addressing an individual by an inappropriate nickname. In fact it was unusual for him to use nicknames at all. He had an excellent memory and he remembered the proper names of his students. If he did address a student by their nickname this only occurred if the nickname was benign and inoffensive.

John Joyce - I can corroborate the previous statement with a personal account: On my first day of rehearsal as a first-year member, Jon Waters knew my name. He called my name out from the top of the teaching tower for being the first one to get to my spot on the field. I was so impressed that he knew my name and I immediately felt included in the community. Conversely, this summer, going into my fifth year in the band, I was walking in front of Jon Waters wearing a jersey with my nickname "Billingsley" on the back. Jon said "Hey John, what does 'Billingsley' mean?" I told him it was my nickname and he responded "Oh, okay. I had never heard that."

Co-ed Changing on band buses is not a symptom of a sexualized climate, it is only a natural consequence of having a mixed gender band. At this time the Athletic Department has not authorized funds to pay for drivable locker rooms. If members wish to change in private they have the option of utilizing the single bathroom at the end of their bus. Given that each bus houses at a minimum 42 students each wearing a complicated uniform, it is small wonder that many individuals would rather change quickly in the open and considerably better ventilated cabin of the bus. The alternative is sit for hours upon hours in a filthy and sweat soaked uniform until the band returns to Columbus. Given that the band can and does perform in all sorts of weather, from searing heat to driving rain, it is beyond unreasonable to expect students to sit in their uncomfortable and wet uniform for hours on end instead of changing immediately into more comfortable attire.

### ***Comments and Concerns***

- Among other protections, FERPA requires redaction or other protection of any information that is "linked or linkable" to students in any way that "would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty."

- Working with the leadership team is a clear indicator that the changes were to be made for the betterment of the band, and not just as a cover for Jon's reputation. The topic of squad leader discipline for the actions of others in the row shows just how adamant the staff was in striving for a more mature culture.

- Student leadership and accountability is a long-standing tradition of the band. These student leaders were responsible for the well being and development of their respective row's members. Part of their duties included reporting any misconduct to staff. If misconduct reports made it to the band staff and the squad leaders did not immediately report it, they were punished accordingly along with those involved since they did not comply with the policies and procedures of the band - a lengthy document which every member must read at length and sign.



# The Ohio State University Marching Band

## Squad Leader Retreat

Cedar Point  
May 10, 2013

---

### Session 1: 2:30 pm to 4:15 pm

- 2:30 pm      **Welcome & Introductions**
- 2:35 pm      **Group Activity (Ice-breaker)**
- 2:45 pm      **Outline of Squad Leader Manual**
- 3:00 pm      **The 2013 Season Mission Statement**  
Who are we?  
The Band Culture: Open discussions on hazing, alcohol and social behavior
- 3:45 pm      **Summer Sessions**  
Redesign of 3-Hour Schedule  
Leadership  
Syllabus  
Teaching  
Carpool  
Social Media
- 4:15 pm      **Session 1 Ends**

### Session 2: 7:30 pm to 10:00 pm

- 7:30 pm      **Fundamentals Session**  
Review of marching fundamentals for consistency and continuity
- 8:00 pm      **Recruiting Session**  
Car Pool  
Technology  
Social Media  
Recruitment PowerPoint  
E.News  
Row Recruiters
- 8:30 pm      **Goal Setting Session**  
Brainstorm, identify, and set goals for your row  
Group Discussion
- 9:00 pm      **Policies & Procedures Session**  
Review of Policies and Procedures
- 10:00 pm     **Session 2 Ends**



# The Ohio State University Marching Band

## Squad Leader Retreat

Steinbrenner Band Center

June 9, 2012

### The NEW Generation!

- 10:00 am **Welcome & Introductions**
- |                  |                       |
|------------------|-----------------------|
| Jonathan Waters  | Interim Director      |
| Christopher Hoch | Graduate Assistant    |
| Joshua Laux      | Graduate Assistant    |
| John Brennan     | Graduate Assistant    |
| Aaron Bell       | Percussion Instructor |
- 10:05 am **Group Activity (Ice-breaker)**
- 10:15 am **Outline of Squad Leader Manual**
- 10:20 am **The Mission Statement**  
Who are we?
- 10:45 am **Summer Sessions**
- Redesign of 3-Hour Schedule
  - Leadership
  - Syllabus
  - Teaching
  - Carpool
  - Social Media
- 11:15 am **Fundamentals Video Session**  
Review of marching fundamentals for consistency and continuity
- 12:00 pm **Lunch (provided)**
- 12:30 pm **Recruiting Session**
- Car Pool
  - Technology
  - Social Media
  - Recruitment PowerPoint
  - E.News
  - Row Recruiters
- 1:00 pm **Goal Setting Session**  
Brainstorm, identify, and set goals for your row  
Group Discussion
- 1:30 am **The Band Culture**  
Open discussions on hazing, alcohol and social behavior
- 2:10 pm **Policies & Procedures Session**  
Review of Policies and Procedures
- 3:00 pm **Go to Woody Hayes Center**



## The Ohio State University Marching Band

### Squad Leader Responsibilities On & Off the Field 2012 Season

---

#### ON THE FIELD

- Teach marching fundamentals and drill, help alternates improve
- Help to teach music and musicianship- dynamics, rhythms, articulation, and blend
- Provide individual help
- Always have a positive attitude
- Challenges:
  - \*Evaluate challenges firmly but fairly
  - \*Explain why person loses a challenge
  - \*Support each others' decisions
  - \*Work with OSUMB Directing staff and sign-off on challenges
- Problem Solving within row and band- Communication is the key
- Be a Role Model: marching and playing, knowing charts, teaching by example.
- Have positive rehearsal discipline: Help, listen, and stay on task

#### OFF THE FIELD:

- Know, understand, and support Policies & Procedures
- No peer pressure, no hazing, be sensitive to rookies
- Time management: Be on time for game days and rehearsals
- Support the Directing Staff's decisions
- Speak up when you see or hear inappropriate behavior or an activity that can be harmful to the band



# The Ohio State University Marching Band

Statement of Policies & Procedures  
Autumn Semester, 2012

## I. MEMBERSHIP

- A. Membership in The Ohio State University Marching Band is earned on a competitive basis during tryout week. Candidates must be enrolled on the Columbus campus or branch campuses, or an area University with a "reciprocal agreement" with Ohio State, to be eligible for tryouts and membership. All band members and candidates must be in good academic standing with the Ohio State University. Any student dismissed from The Ohio State University is not eligible to try out for nor participate in Marching Band. All candidates, including returning members and squad leaders, are tested and evaluated before the membership of the band is selected and announced. Tryout week takes place in late August or early September, before the start of Autumn Semester classes. Participation is a requirement for membership in the band. Rehearsals begin the day following tryouts, and continue daily until the Autumn Semester schedule commences.
- B. The Marching Band is operated by the School of Music, which is a part of the College of the Arts. The Directing Staff consists of School of Music faculty and graduate teaching associates. The Marching Band is listed in the Official Course Offerings as a course offered by the School of Music (Music 2205.01 for undergraduates, Music 7780.04 (Woods) for graduate students, and Music 2205.01 for student staff and the drum major squad). All band members are required to register for this course. Students in any curriculum or major area, including Continuing Education, may register for Music 2205.01. A prerequisite requirement for tryouts and membership is that a student must commit to attendance at tryout week, all before school rehearsals, and participation in the entire performance schedule including a post-season bowl game and related activities. All band members and student staff must be registered for Music 2205.01/7780.04 by the first Friday of Autumn Semester. Membership as a marching and playing member is limited to five years.
- C. All candidates for marching membership must demonstrate musical performance ability on a brass or percussion instrument, as evaluated by a faculty member of the School of Music or a graduate teaching assistant. All candidates must also demonstrate a high level of physical coordination and endurance, and an ability to adapt quickly to the OSU style of marching. The candidate's ability to learn and memorize music and specific marching routines is also evaluated, along with his or her level of enthusiasm, willingness to work hard and improve, and ability to accept criticism. Student squad leaders teach the marching fundamentals and evaluate the candidates. The membership decision is made by the Director, with input from the other members of the Directing Staff and the squad leaders.
- D. Membership is an honor and privilege, and involves the sacrifice of time and effort. Members need to place a high priority on their responsibilities. Since the band is a voluntary organization, a high level of performance and cooperation is expected.
- E. All tryout information (the list of Marching Band Fundamentals, the music to the OSU School Songs, audition sheet, and schedules) is sent to registered candidates in mid July.
- F. The OSU Marching Band does not discriminate membership on the basis of gender, religion, race, national origin, or any other area covered under Title IX of the Federal Law.
- H. All students MUST be registered for Marching Band through the University Registrar by no later than the first Friday of Autumn Semester.

## II. MEMBERSHIP BREAKDOWN

- A. The block band consists of 192 marchers (16 rows of 12 each), all of whom are called "regulars." In addition to the regulars, there are 33 alternates (two per row and one extra percussion), a drum major, an assistant drum major, and a student staff of managers, librarians, and technicians.
- B. Regulars perform at pre-game and halftime. They are joined by the alternates for post-game shows, parades, and other performances as needed. The regulars must perform at a consistently high level to retain their positions. They may be removed from their positions by losing a challenge to an alternate, by poor performance in the judgment of the Directing Staff, or for an offense against band rules or policies. The Directing Staff will make all final decisions concerning personnel.
- C. The alternates are expected to learn all music and marching routines each week. They are to be ready to substitute for regulars on short notice. One of the Directing Staff will be assigned the responsibility for the alternates. All alternates are expected to challenge for a regular position every week (see section on "Challenges").
- D. Each year, a drum major and an assistant drum major are selected at a tryout held during the spring semester. These individuals must be enrolled as a student at The Ohio State University and must have been a member of the drum major squad for a minimum of one year. Drum majors are bound by the same five-year membership limit as the other band members, with membership in the drum major squad included in this limit. The head drum major position has a two-year limit in this capacity.
- E. A drum major squad consisting of up to seven members is selected during Band tryouts. The drum major squad is a voluntary group, not having the same roles or privileges of Band members and Student Support Staff. These students are required to attend designated sessions throughout the fall in order to qualify for drum major tryouts in the spring. Participation in the drum major squad is limited to two years. Attendance of these students at Band performances is limited to home football games and one road game. The drum major squad may not participate in post-season Bowl travel. Members of the drum major squad must be registered for Music 2205.01 (1 or 2 credit hours).
- F. The Marching Band has no outside organizations or auxiliary groups connected with it. Outsiders are used only when a show idea creates a need for special talents not found within the band proper.

## III. AREAS OF SUPPORT

- A. The Department of Athletics provides an operating budget for the Marching Band. This covers musical instruments, musical arrangements, uniforms, equipment, and a paid staff of student assistants. The Athletic Department is a part of the Office of Student Services.
- B. The Athletic Council and the Director of Athletics control all events connected with OSU Football games. The Director of the Marching Band is delegated the responsibility for all show content and the Assistant Support Staff is in charge of timing for pre-game, halftime, and post-game shows.
- C. The TBDBITL Alumni Club, including the Script Ohio Club, provides financial and logistical support. The Alumni Association provides assistance in scheduling out-of-town concerts, working through local alumni chapters.
- D. The School of Music provides a Director, who is a faculty member assigned to the Marching Band, and may also provide an Assistant Director. The School of Music provides Graduate Teaching Assistants to work with the Director in the operation of the Marching Band. Marching Band funds are used to provide a Percussion Instructor.

## IV. CHAIN OF COMMAND

- A. The Ohio State Marching Band's organizational structure reflects its roots in the military tradition. The band's conducting staff consists of one director, one graduate assistant director, and a percussion instructor. This group represents the core power structure of the organization.

- B. Each row in the band has two student leaders, a squad leader and an assistant squad leader. Those people are in charge of their row and report directly to the directing staff. Students are expected to work cooperatively with squad leaders as the final step in the chain of command. Longevity adds another important band tradition. Each year adds experience and leadership expectation.

#### **V. BAND CONDUCTING STAFF**

- A. The role of the Band Conducting Staff includes writing and preparing the shows, selecting the members of the band, formulating and implementing band policy, setting rehearsal and performance schedules, and formulating trip logistics and off campus performances. Some responsibilities are delegated to the Student Support Staff.

#### **VI. STUDENT SUPPORT STAFF**

- A. Members of the Student Support Staff are appointed by the Band Directing Staff and serve at the discretion of the Directing Staff. All duties are assigned and delegated by the Band Director. Student Support Staff members are considered full members of the band, receiving credit for Music 2205.01 for their work during normal rehearsal times, and receiving payment for time spent before and after rehearsals to complete their duties.
- B. The Head student Secretary serves as secretary to the Directing Staff and supervises a student support staff of librarians and copyists. The Head student Manager oversees all equipment (issuing, repair, and maintenance), and supervises a student staff of managers, a seamstress, audio-visual technicians, and instrument repair people. The Head Treasurer oversees all merchandise sales and bookkeeping.

#### **VII. SQUAD LEADERS**

- A. Squad Leaders are appointed by the Director. Criteria for selection include a favorable vote from the members of the row, and an interview with the Band Director. Each row will have a Squad Leader and an assistant squad leader.
- B. The Squad Leader group, consisting of all squad leaders and assistants, the head band secretary, the head manager, head treasurer, the drum major and assistant drum major, will serve, as requested by the Directing Staff, in an advisory capacity, discussing band policy and special situations.
- C. Specific duties delegated to Squad Leaders include: assisting the Directing Staff in conducting marching drills and grading candidates during tryout week; assisting with the weekly challenges and music checks; uniform and instrument inspections; recruiting; facilitate with row communications; providing on-the-field and off-the-field leadership to members of the row; and assuming responsibility for the actions of the row during all rehearsals, performances, and trips. An effective squad leader is a superb role model for the highest effort and accomplishment in marching, playing, discipline, and attendance.

#### **VIII. SCHEDULE**

- A. The band rehearses from 4pm to 6pm, Monday through Friday during Autumn Semester. Rehearsal times for games occurring prior to the start of autumn semester will be determined and announced by the Director. These rehearsals are required for participation in the Marching Band. Extra rehearsals during the semester are occasionally necessary, and are announced well in advance. On home game Saturdays there is a marching rehearsal in the Stadium several hours before the game and the Skull Session performance (rehearsal/concert/rally) in St. John Arena follows this rehearsal. The band performs at all home football games and at least one out-of-town game per season. Off campus performances may include concerts, field shows, and parades. The Marching Band also participates in any post-season bowl games that may result from a successful football season.

## IX. GRADING

- A. Grading for the Marching Band is based on the following criteria:
1. music checks
  2. attendance
  3. adherence to the course syllabus, band policy, and uniform and instrument inspections.
- B. Marching band offers two hours of credit for the autumn semester only. Marching band members who are dismissed from the university or are deemed academically ineligible at the end of fall semester will immediately become ineligible to participate in any band performances. This includes post-season bowl games and pep band events.

## X. ABSENCE AND TARDINESS

- A. All absences will be cleared through the Director in advance. Last minute illnesses and emergency situations will be reported to the Director or Secretary by telephone (614) 292-2598 or e-mail (osumb@osu.edu) before the rehearsal begins. No standing class or work conflicts will be permitted. Individual problems will be handled by the director on an individual basis where no policy covers the situation.
- B. Any absence or tardiness will result in an alternate replacing a regular. The regular, upon his or her return to rehearsal, must report to the Director for assignment. The decision for reassignment will be based upon past absences and tardiness, the validity of the excuse, and the progress of the show in relation to the performance date. Student Staff must adhere to the same policy.
- C. Early dismissals from any rehearsal, though discouraged, must be cleared in advance by the Director in writing; the student must check out with a member of the Directing Staff prior to leaving the day of the early dismissal.
- D. If a regular is absent on the Friday afternoon or Saturday morning rehearsal before a game, the Director, after consulting with the row's Squad Leader, may replace that regular with a qualified alternate.
- E. The Directing Staff may suspend or dismiss a band member or replace a regular at any time, for reasons to include but not limited to: poor marching and/or playing performance, breaking band rules or violating established university policy, illness, injury, rehearsal attitude, or overall improper behavior.
- F. Unexcused absences are not permitted. Any member missing a rehearsal, without permission, will forfeit his or her regular position for one week and must challenge to regain it. Alternates will lose their right to challenge for one week. Excused absence requests must be submitted **THE NEXT DAY OF ATTENDANCE** following the date in question. Failure to do so will result in an automatic unexcused absence.
- G. Any band member who misses a performance without permission will be suspended and will lose his or her position in the band for a period of time to be determined by the Director. Suspended members may not wear the uniform or perform with the band. An interview with the Director or the entire Directing Staff is necessary in order to have the suspension lifted. Any band member who is late for role call for a performance will forfeit right to march ramp and will have to challenge the next week to regain their position. Any band member late for field rehearsal will not march pre-game or halftime that day and must challenge to gain a regular position. Disciplinary action will be at the discretion of the Director.
- H. Squad Leaders will communicate any attendance problems to the Director on a daily basis at the beginning of rehearsal (4:00 PM). Band members must be seated in the rehearsal hall at the time of attendance to be counted present. Only student staff members performing official duties may remain in the instrument room, manager's office or secretaries' office at the time of attendance. Communication between the Squad Leaders and Director is necessary to make this system work efficiently. Failure to communicate attendance problems will result in disciplinary action at the discretion of the director.

## XI. CHALLENGES

- A. Challenges will be held before the first rehearsal of a new show or subsequent performance of the same show.
  1. As in the circumstance where a show may be repeated 2 weeks later, challenges should be held the Monday following the original performance so that if a personnel change is made, the maximum amount of practice time is afforded to that person. (This is an effort to avoid giving a new person only one week to prepare for a drill when two weeks are available.)
- B. Alternates must challenge regulars who play the same instrument and part. Part change consideration must be approved by the director prior to Marching Band try-outs. Final approval will be determined by audition. A challenger can only challenge one position per week. All challenges will be one-on-one; however, two alternates may challenge any open position. There will be no ties. The challenger must be better than the regular in order to win the challenge. Cross-row or sister-row challenges may occur only when an open position or extenuating circumstance exists.
- C. The Directing Staff and the Squad Leaders will conduct the challenges. A staff member will lead the challengers and challengees in the following routines: marching fundamentals; School Songs (as selected by the Director) — marching and playing; the Ramp Entrance — marching and playing; and the Tryout Block Drill — marching and playing. The Squad Leaders will observe these routines and evaluate the challenge by means of a written form. Squad Leaders may also have a short period of time at the end for their own routines or tests (marching only, no playing).
- D. During the challenge, the Directing Staff will be assigned to specific rows and will observe the entire process. Squad Leaders will present their recommendations for approval to a Directing Staff member. The final decisions will be made by the Directing Staff. Once approved, the results will stand and a Directing Staff member will handle all problems and appeals. The written forms used for evaluation, signed by the Squad Leader and a Directing Staff member, will be filed by the Band Secretary for future reference. Squad Leaders are to make written comments so that shortcomings can be noted and encouragement given for future challenges. Comments are to be shared with the challenger and challengee, along with an explanation of the reasoning that led to the final decision.
- E. If a regular or alternate involved in a challenge is absent on Monday, they forfeit their ability to win or wage a challenge, respectively. If a regular or alternate is absent due to extreme circumstances on the challenge day, the Director will consider the validity of the excuse and may, at his discretion, reschedule the challenge for the following day. When in extreme cases, a written medical excuse or equivalent must accompany the excuse form. The challenge must be rescheduled before the next rehearsal.
- F. If a band member feels they are being treated unfairly by a squad leader a director can sit in on a challenge.

## XII. OPEN POSITIONS

- A. An open position will be declared by the Director on the basis of a regular's illness, personal emergency, or disciplinary action. Whenever a regular is removed for disciplinary action, that band member must participate in the challenge procedure to regain his/her position as a regular. Open positions will be posted on Monday. Any alternate playing that instrument and that part may challenge for the open position. Positions that become open later than Monday will be filled by the Director.
- B. At the end of each week, the band member that has taken over an open position has two options: 1) Remain the regular in that position for the next weeks challenge; or 2) May challenge for any other position for which s/he is qualified. The vacated spot will be declared open again.
- C. The returning regular must pass the previous week's music check before they may participate in the normal challenge system. If there is an excused absence on Friday, the regular must play and pass the music check on the following Monday in order to be eligible to challenge that day.

- D. The music check may be rescheduled by the Director in case of extenuating circumstances. Band members removed for disciplinary reasons can regain a regular position in the band only through the following procedure:
1. The band member must pass the previous week's music check. If the music check has been rescheduled because of extenuating circumstances, the music check must be completed before practice on Monday. If the music check has not been passed prior for the beginning of practice, that position will be declared open and that band member will not be eligible to participate in challenges for that week.
  2. The returning band member may only challenge for his/her previously held position. If s/he is unable to win their challenge in the first eligible week, then s/he may challenge for any spot the following week.
  3. If there are no other band members challenging for his/her previously held position, the returning band member still must participate in the challenge. The returning band member will be added to a challenge in another row on the same part and must not finish last to regain his/her regular position. If s/he is unable to regain a regular position, s/he will become an alternate for the next week and will be placed in a row by the Director. The open position will be filled by the band member that finished second in the challenge.

### **XIII. MUSIC CHECKS**

- A. All playing members of the band are required to memorize all music assigned by the Directing Staff. Music checks will be held on the day before a game or performance, unless otherwise announced. Squad Leaders will be checked by the Directing Staff at 4 o'clock, and then Squad Leaders will check their rows. The Squad Leaders will make the initial determination of who does or does not pass the check. Squad Leaders must report the results of music checks to the assigned Secretary. Failed music selections should be identified at that time. Band members who fail music checks will lose their regular position for the following week. Any alternate who fails a music check will lose his right to challenge for one week.
- B. Failing music checks during the regular season will lower the semester grade by one-half a letter for each failure. Any person failing three music checks during the season will be dismissed from active participation in the band for the remainder of the season. Members failing a music check may appeal to a designated Directing Staff member. Only one appeal will be given and the decision of the Directing Staff will be final.
- C. Members holding a regular position who are excused from band during the time of a music check must make up that check on the Monday following the absence in order to retain their position.

### **XIV. REHEARSAL PROCEDURE/ATTITUDE**

- A. PROPER COURTESY AND RESPECT TO OTHER BAND MEMBERS AND BAND STAFF IS EXPECTED AT ALL TIMES. INAPPROPRIATE TALKING DURING REHEARSALS, NOT PAYING ATTENTION, OR NEGATIVE ATTITUDE DURING REHEARSALS OR PERFORMANCES COULD RESULT IN LOSS OF POSITION. A POSITIVE REHEARSAL ATTITUDE REFLECTS CONSISTENT WORK ETHIC AND APPROPRIATE REHEARSAL DISCIPLINE AT ALL TIMES.
- B. ALL MEMBERS ARE REQUIRED TO CARRY CHARTS ON THE FIELD ON MONDAY THROUGH THURSDAY. Failure to comply could result in the loss of position. No charts or music will be carried on the designated day. "Gray Day" rehearsals require all members to wear matching clothing. Marching clothing includes: band hats with old plumes and official matching gray sweat clothes.
- C. Any student found to be under the influence of alcohol or drugs during a rehearsal or performance will result in disciplinary action, which could include suspension or expulsion from the band, as well as the University.

## XV. SHOW EVALUATIONS

- A. After seeing the game films on Monday, the Squad Leaders will evaluate themselves and their individual row members' performances. Members who are guilty of a mistake will march a penalty drill. Below is the criteria upon which individuals' performances will be evaluated.
1. **Major mistake/100 yards** – playing in a rest, losing a hat, going the wrong way, losing a uniform part or instrument, noticeably sticking out of formation, false start, stops (marking time), missing horns up or down, failed inspections, not having charts when required/asked Monday-Thursdays.
  2. **Minor mistake/50 yards** – any self inflicted mistake not listed above; all alternates
- \*A penalty drill may also be assigned by directors for disciplinary actions (tardiness, etc.) at his/her own discretion.

## XVI. APPEARANCE

- A. The band uniform is to be worn in its entirety, never in an incomplete manner. A band hat or beret is to be worn with the uniform while outside. Band members are responsible for keeping the uniform clean and pressed, (shoes, whites, and brass) properly cleaned and shined; and all other accessories in good condition. Inspections will be conducted before each performance.
- B. Members will supply their own black shoes (plain-toed military oxford shoe designed to be polished to a high shine (perma-shine preferred), black socks, white short-sleeved shirts (plain standard collar: no button-down, tab, or fancy design), long black tie, red beret, spats, plume, and white gloves. Berets, spats, plumes, gloves, black suspenders, and ties (double Windsor knot) may be purchased from OSUMB. A matching set of gray sweat clothes is required for dress rehearsals and may also be purchased from Kappa Kappa Psi. Other items for wear, such as jackets, t-shirts, etc. are optional. Only official grays are to be visible while in the gray uniform. The gray uniform must be clean and free from stains. There is to be no jewelry worn (aside from wedding, engagement, and 5<sup>th</sup> year rings) and the proper grooming rules should be followed (SEE BELOW).
- C. A belt or suspenders are to be worn with the uniform at all times. Trousers length for the uniform is four inches off of the ground while wearing marching shoes. It is the responsibility for each member to ensure that this measurement is accurate. Failure to wear either will result in a failing of the uniform inspection. If the trousers are damaged due to improper wearing the band member will pay out of pocket to replace. Suspenders are available in the Manager's Office. Long sleeved shirts are to be rolled up so the sleeves do not show. No jewelry is to be worn above the neck while in uniform.
- D. Good grooming is essential with a military uniform. All hair is to be off of the ears and collars (cut, pinned, or greased), and underneath the band hat. Hair must remain in place whether the hat is on or off. Sideburns are to be trimmed no lower than the bottom of the ear and may not be bushy. Hair must be of a natural looking color. No odd or crazy hair cuts are permitted. Mustaches are to be neatly trimmed, and may extend no further than the corners of the mouth. Beards, extended mustaches, and goatees are not permitted at any time including while in Blazer dress. Make-up, jewelry, sunglasses, and other "non-uniform" items are not permitted. The use of tinted prescription sunglasses is discouraged unless medically necessary or required. Wrist watches (black, silver, or brown band) are permitted. The only jewelry permitted to be worn are wedding, engagement, or 5<sup>th</sup> year rings.
- E. Inspections will be held on Saturday mornings. Members who do not pass the inspection of their instrument and accessories (including drum keys, sticks, mallets, pennants, and bits) uniform or grooming, or who report late will be required to perform a penalty drill. Two or more violations of inspection will result in the lowering of the students' grade one half letter for every infraction thereafter.
- F. A plain black blazer is required for trips and pep bands, and is to be supplied by the band member. A blazer patch must be purchased from KKV and affixed to the blazer pocket in an appropriate manner; this does not include, staples, safety pins, etc.

- G. Appropriate attire when wearing Blazers includes: white dress shirt or blouse and OSUMB tie; medium heather gray dress slacks; black socks or black hosiery; and black dress shoes. All grooming requirements apply as well. No hats of any kind are to be worn while in blazer uniform, however, sunglasses are acceptable. Jewelry is permitted in the Blazer uniform.

## **XVII. EQUIPMENT**

- A. All band members will assume responsibility for University-owned equipment and musical instruments issued to them. All equipment must be properly signed out by a student staff or Directing Staff member. **THE REPAIR OR REPLACEMENT COST OF ANY LOST, STOLEN, DAMAGED, OR MISSING INVENTORY SHALL BE THE SOLE RESPONSIBILITY OF THE STUDENT TO WHICH IT WAS ORIGINALLY ISSUED.** All equipment is to be returned to the band upon request, or following the last performance of the football season. This includes: instruments, instrument parts, uniforms, uniform parts, straps, sticks, mallets, slings, flip folders, music, etc. Failure to do so could result in a grade report of "incomplete" or a hold placed on student records.
- B. Lockers are provided for musical instruments (except sousaphones and some percussion), uniforms, and personal items. **SECURITY IS A CONSTANT CONCERN. LOCKERS MUST REMAIN LOCKED!** The mailboxes in the band room are to be used for music and charts only. Music will be cleared daily from stands, chairs, etc. Do not store bits, valve oil, raincoats, or old charts in the boxes — this space is needed daily for new music, charts, etc. **THE STAFF RESERVES THE RIGHT TO CLEAR STANDS AND STUFFED MUSIC BOXES!** It is the responsibility of every band member to see that the rehearsal room is kept clean and presentable. **PLEASE SEE THAT YOUR AREA IS SPOTLESS EACH DAY AS YOU LEAVE REHEARSAL.**
- C. **NO FOOD OR DRINK IS PERMITTED IN THE BANDROOM AT ANY TIME (THIS INCLUDES ROW COOLERS).** Row coolers should be brought in and out of the stadium through the main band room entrance and not through the band room. Row coolers are to be stored in the locker rooms.
- D. All public and private areas are to be kept clean in conjunction with staff assigned cleaning areas. Needed equipment (window cleaner, paper towels, vacuums, etc.) can be requested from the secretaries. Plastic trash bags are located under the sink in the snack area.
- E. Any band member who fails to turn their equipment in on time will have their grades withheld. After all means for recovery of that equipment have been exhausted, the matter will be turned over to the police.

## **XVIII. PEP BANDS**

- A. **ALL PEP BANDS REPRESENT THE UNIVERSITY IN AN OFFICIAL CAPACITY AND MUST BE APPROVED BY THE DIRECTOR.** All requests are to be submitted in writing (by completion of the Pep Band Request Packet, available in the Band Office), to the Director for his approval. Criteria for approval will include: availability of members on a voluntary basis, scheduling, transportation, and appropriateness. Permission will not be granted for political events or obvious commercial promotions.
- B. Pep bands playing at approved events may wear uniforms (if appropriate) or band blazers and be identified as Ohio State students and band members. University-owned musical instruments and music may also be used. Band members playing for any non-approved event should not attempt to identify themselves as part of the OSU Marching Band. This includes the wearing of band uniforms, band jackets or blazers, or clothing representing the OSUMB. The use of University-owned musical instruments or music at such events is also prohibited. Members are strongly urged to avoid a potential compromise of their position by not accepting invitations for, or participating in, any non-approved events.

- C. Pep bands are not to be used on a regular basis by a non-university organization as this would be in conflict with the activities of the American Federation of Musicians, a program extension of the AFL-CIO. Pep band approved events will be posted by a Graduate Assistant and either a staff member or student leader will be appointed and be held accountable to see that the groups' performance and behavior is conducted in an exemplary manner. The leader must submit a report to the Director at the conclusion of the event. **BAND MEMBERS WHO DO NOT ADHERE TO THIS POLICY WILL BE SUSPENDED AND WILL LOSE THEIR POSITION IN THE BAND FOR A PERIOD OF TIME TO BE DETERMINED BY THE DIRECTOR.**
- D. Band members will be assigned to perform at various events throughout the season. It is the responsibility of those selected to the pep band to arrive on time and represent The Ohio State University Marching Band in an appropriate manner. In the event that an assigned performer can not attend the designated pep band, it is up to that individual to find a replacement on the same part and inform the director that is organizing the pep band. Failure to participate or find an adequate replacement will result in an unexcused absence.
- E. Files will be selected for certain pep band events – these are required performances. Any time a conflict arises where a substitute may be necessary, the individual must make up the event and replace themselves for that specific event.
- F. Drinking is prohibited at all pep band events where the band is in any of the official band uniforms.

#### **XIX. TRIP POLICIES**

- A. Alcohol is not allowed on or under band buses at any time. The use of drugs or other illegal narcotics is strictly prohibited. **ALCOHOL AND DRUGS ARE NOT PERMITTED TO BE STORED OR CONSUMED ON HOTEL/MOTEL PREMISES. THIS INCLUDES INDIVIDUAL ROOMS, HOTEL/MOTEL BARS, AND ALL OTHER PUBLIC AREAS ON THE HOTEL/MOTEL PROPERTY. STUDENTS FOUND IN VIOLATION OF THIS POLICY WILL BE SUBJECT TO BAND DISCIPLINARY PROCEDURES AND/OR UNIVERSITY LEGAL ACTION.** Band members are to respect the property of other schools, hotels, restaurants, and public or private facilities. When in a recognizable group, whether in uniform or not, band members are responsible for appropriate behavior, being in control of their actions, and showing respect for outsiders and other band members. **ALL DAMAGES TO PROPERTY WILL BE PAID FOR BY THE OFFENDER(S).**
- B. Any student found to be under the influence of alcohol, or cannot participate in a rehearsal or performance due to consumption, will result in disciplinary action. Penalties could include suspension or expulsion from the band, as well as the University.
- C. Specifically forbidden are row initiations, hazing, excessive drinking, excessive noise, and curfew violations. Band members who do not follow these policies and squad leaders who are lax to enforcement or who do not report problems promptly to the Directing Staff will be subject to disciplinary action; including loss of position.
- D. When curfew is in effect, all squad leaders must take row attendance and accurately report to the Directing Staff at the appointed time and location. Those found in violation of curfew will be subject to disciplinary action. Squad Leaders who fail to report accurate attendance will also be subject to disciplinary action.
- E. Travelling behavior is as follows: Inappropriate bus or airplane behavior including excessive noise, offensive language, hazing, or any activity creating an unsafe or socially uncomfortable environment could result in disciplinary action, including suspension or expulsion from the band. Respect for the bus driver, the bus, guests, and property of any transportation company is expected.
- F. Any band member who misses a band departure time must provide their own transportation to the next event. Discipline will be at the discretion of the Director.

## **XX. INITIATIONS**

- A. ALL INITIATIONS OR HAZING OF ANY TYPE ARE PROHIBITED IN THE BAND. Band members taking part in any actions of this type will appear before the Directing Staff and the appropriate University Officials. Penalties could include suspension and expulsion from the band, as well as University or legal sanctions. State law and University rules and regulations strictly forbid hazing of any form.

## **XXI. SOCIAL BEHAVIOR**

- A. Any behavior or activity that could be interpreted as demeaning or harassing to band members or outsiders (sexual or otherwise) is strictly forbidden. Consumption of alcohol is limited to those individuals who are of the legal drinking age, and in approved areas. Smoking is not permitted in any band uniform, including greys, blazers, and full dress uniform. Proper behavior and respect for the rights of others will occur in all band activities, including buses and motels, rehearsals, performances, football games, and social events. Penalties could include suspension and expulsion from the band. In accordance with University and band department mandates, smoking and alcohol use, either while in University facilities or while in uniform (including Blazer, Grays, and Full Dress Uniform) is strictly prohibited.
- B. Any band member(s) found to be representing the band inappropriately in a public or private form, including, but not limited to: online forums, web sites, and social media and networks, will be subject to the disciplinary action at the discretion of the directing staff. Students may not engage in a media interview with regard to the band without the permission of the director.
- C. Appropriate discussion with bus leader should be instituted when showing videos on busses.

## **XXII. MEDICAL COVERAGE**

- A. The Band, Athletic Department, or University does not provide free medical insurance coverage. It is the responsibility of each student to pay for their own medical insurance and/or medical expenses. All students must sign a release of claims before being permitted to participate in band. This policy includes rehearsals, performances; trips, official band functions, and bowl games.

## **XXIII. BAND WEBSITE**

- A. The Website of The Ohio State University Marching & Athletic Bands is designed as a convenience for members of the band program and the staff. The website is also used by the public for promotional purposes, informational purposes, and for recruitment of new students to the program. The use of any material, including, but not limited to, photographs and music on the website is for educational use solely by current students enrolled in The Ohio State University Marching & Athletic Band Program. Content and material on the website may not be used by students or the public for financial gain, resale, or any other such purposes. Students MAY NOT share publicly, online or otherwise, any material in the password-protected "Members Only" section of the website. Violators of this policy are subject to disciplinary action by the band staff and by the University Legal and Judicial Affairs systems.

**THE OHIO STATE UNIVERSITY MARCHING BAND  
STATEMENT OF POLICIES AND PROCEDURES  
August, 2012**

**I have read and I fully understand the policies and procedures of The Ohio State University Marching Band.**

**Print Name** \_\_\_\_\_

**Row** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**\*Membership In The Ohio State University Marching Band is official only when this form is signed and submitted.**

## **"THE VOICE OF EXPERIENCE"**

- 1. Negativity spreads; those who don't know may believe what they hear instead of what they see.**
- 2. The band doesn't change as much as you do. The most impressionable year is the first one.**
- 3. The band is an emotional group; expect some ups and downs.**
- 4. Everybody has feelings, even the Squad Leaders and Band Staff; when the band is criticized, everyone feels it.**
- 5. There is always room for improvement; constructive suggestions should be welcomed, even if they hurt a bit.**
- 6. Anybody can be a critic — this takes no skill or background, and bears no responsibility.**
- 7. More drive and spirit in rehearsals means a better performance with fewer mistakes.**
- 8. For the benefits received, expect some sacrifice. All for one, and one for all — or, know what is best for the band and do it.**
- 9. When in doubt, DON'T. When problems exist, ask yourself whether you're part of that problem or the solution.**
- 10. Poor rehearsal discipline negatively affects the performance level of the entire band.**
- 11. No pain, no gain.**
- 12. Adjust to the situation. Be flexible and agreeable to change.**

# **ATTACHMENT 10**

# the lantern

## Former Title IX coordinator: Ohio State mishandled band probe

August 27, 2014  
Logan Hickman  
Hickman.201@osu.edu

Roughly a month after Ohio State's marching band director was fired for not doing enough to change a "sexualized culture" within the band, a former OSU Title IX coordinator came forward to say that the university has fallen short on its end as well.

Andrea Goldblum served as OSU's Title IX coordinator from April 2013 until resigning in December. She came to OSU in 2005 as the director of student conduct.

She said she chose to leave because of internal problems with the Office of Compliance and Integrity, where her position was based. Goldblum said she felt the office wasn't doing enough to support her in a way that fulfilled the university's obligations to Title IX. Title IX says schools that receive federal funding can't discriminate based on sex.

Former marching band director Jonathan Waters was fired July 24 after a two-month investigation into the marching band found a culture conducive to sexual harassment. It was determined Waters was aware or reasonably should have been aware of that culture but didn't do enough to change it.

Goldblum spoke with *The Lantern* about the office's handling of that investigation as well as a meeting with her, Waters and vice president and chief compliance officer of the Office of Compliance and Integrity, Gates Garrity-Rokous. She said things could have ended differently if Garrity-Rokous had let her do her job during that meeting.

"If somebody doesn't stand up and say something, nothing's going to change," Goldblum said. "My interactions with the university thus far, it's been about protecting people in power."

In particular, Goldblum recalled a meeting with Waters that the former director said Tuesday he also remembers. But while Goldblum saw it as an opportunity to tackle Title IX issues, Waters said it was essentially a formality.

Later, Garrity-Rokous was not named among those who supervised the report that led to Waters' dismissal, despite the fact that it was conducted by his office. When asked what role he played in the investigation, he said he "oversaw it" in responses emailed to *The Lantern* on Tuesday through OSU spokesman Chris Davey.

Garrity-Rokous oversees all compliance activity across the university and reports to senior management and the OSU Board of Trustees, according to the compliance office's website. His experience in Title IX mostly comes from experience in general civil rights law, he said, as Title IX was an amendment to the Civil Rights Act of 1964.

"I have worked fairly extensively with these non-discrimination statutes, as a compliance officer, as a compliance attorney, and as a federal prosecutor," Garrity-Rokous said in the responses through Davey.



Former OSU Title IX coordinator Andrea Goldblum said the investigation into the marching band's culture could have been avoided had she been given proper support from the university to fulfill her Title IX duties.

Credit: Mark Batke / Photo editor

Former Title IX coordinator: Ohio State mishandled band probe - Th... <http://thelantern.com/2014/08/former-title-ix-coordinator-ohio-state-...>

Goldblum said she filed a complaint with the university about Garrity-Rokous earlier this year. *The Lantern* did not immediately receive that report after filing a public records request for it Monday. It has also not received Garrity-Rokous' employment file after initially requesting it on Aug. 14 or Goldblum's employment file after requesting it Friday.

Goldblum was not part of the investigation that led to the termination of Waters. The investigation took place after she resigned. She said, however, the probe could have been avoided if Garrity-Rokous had let her intervene earlier.

Still, she said the investigation's conclusion that the band contained a sexualized culture was accurate based on what she had experienced and heard.

Goldblum said the investigation could have been conducted in a more "defensible" way.

Goldblum also said Garrity-Rokous stood in the way of starting real progress on Title IX issues within the band, as he sometimes criticized her for being "too aggressive" with sexual harassment issues, including those within the marching band, she said.

In one instance, Goldblum said she and Garrity-Rokous met with Waters to discuss sexual harassment issues and the marching band shortly after she started as the Title IX coordinator in 2013. She said Garrity-Rokous dominated the conversation.

Waters said Tuesday he remembered that meeting, which was the only time he ever interacted with Garrity-Rokous, as more of a meet-and-greet with Garrity-Rokous and Goldblum.

"The meeting with Gates, it was like, 'We're here, we have a compliance office, let us know if you need anything,'" Waters said. "There were no directives given in that meeting, there was no training offer, there was no anything. It was more of just a formal introductory meeting."

Waters said his interaction with the OSU's Office of Compliance and Integrity prior to his firing was "minimal" with little guidance.

"If I wanted training for the band, I sought it. If I wanted training for the leaders, I sought it. If I wanted to know who to report an issue to, I sought it. No one from compliance taught me how to do these things," Waters said. "We were left to fend for ourselves with the rules and regulations the compliance office had."

But despite her complaints about the compliance office, Goldblum said there are people doing quality work on Title IX issues across campus.

"There are some really, really good people on the ground working on sexual violence issues and they're really good and they are really caring and they do it because it's right for the students and because it's right for the community," she said.

*This is part one of a two-part series The Lantern is running about how the band investigation was handled and how the Office of Compliance and Integrity operates.*

---

The Lantern uses two-click social media buttons to protect your privacy. Click once to load the button, then again to share!

« Week 1 starting jobs still available for Ohio State football team  
Jonathan Waters still vying to get his Ohio State job back »



© 2014 The Lantern. All rights reserved.

Meeting about band culture draws discord - The Lantern : The Lantern <http://thelantern.com/2014/08/meeting-about-band-culture-draws-dis...>



**LOVE IT**  
OUR YOUR FIRST PAIR IS ON US.  
MADE WITH LOVE IN OHIO



the**lantern**

**LAWYER.COM** Call Now!  
LAWYER SEARCH EXPERTS 800-620-0900

## Meeting about band culture draws discord

August 28, 2014  
Logan Hickman  
Hickman.201@osu.edu

After weeks of back-and-forth allegations between Ohio State and ousted marching band director Jonathan Waters, there seems to be disagreement about how hard the university pushed to change a "sexualized" culture within the band prior to Waters' firing.

For one, records and interviews indicate former Title IX coordinator Andrea Goldblum and compliance chief Gates Garrity-Rokous didn't agree on what actually happened during a meeting they had with Waters to address a sexual harassment complaint within the band.

Title IX is a section of the Education Amendments of 1972 that aims to protect against discrimination based on sex in education programs that receive federal funding.

Garrity-Rokous, Goldblum — who resigned in December — and Waters met in spring 2013 after allegations of inappropriate sexual conduct in the band surfaced. While all parties have since agreed on what spurred that meeting, each seems to have a different perspective on what actually happened when they were together.

The meeting was scheduled to ensure Waters understood his Title IX responsibilities in light of an allegation of sexual misconduct within the OSU Athletic Band, Garrity-Rokous said in a statement emailed to The Lantern Wednesday by OSU spokesman Chris Davey. Garrity-Rokous said he was at the meeting to ensure Waters understood he had to listen to Goldblum's direction.

"The very purpose of the meeting was to support Ms. Goldblum, as the Title IX coordinator, in ensuring that Title IX requirements were followed," Garrity-Rokous said.

Goldblum, however, said Garrity-Rokous constantly spoke over her during the meeting, preventing any real Title IX progress from happening. That kind of behavior was common for Garrity-Rokous, she said.

"I started to ask questions to get down into figuring out what had happened from their (band director's) perspective, why it had happened and to start investigating. That's why I was there," Goldblum told The Lantern. "Gates just spoke over me and wouldn't allow me to continue."

After the meeting, Goldblum said Garrity-Rokous spoke down to her and told her she had been too aggressive.



Former OSU Title IX coordinator Andrea Goldblum said the investigation into the marching band's culture could have been avoided had she been given proper support from the university to fulfill her Title IX duties.

Credit: Mark Batke / Photo editor

Meeting about band culture draws discord - The Lantern : The Lantern <http://thelantern.com/2014/08/meeting-about-band-culture-draws-dis...>

"Gates said to me in a very condescending tone, 'Andrea, you've never been a federal prosecutor like I was, so you don't understand how to do these things,'" she said.

But Garrity-Rokous said those weren't his words.

"I did not use the quoted language, and my tone was consistent with my intent to help her improve her effectiveness in her new role," he said.

And Waters said Tuesday he remembered the meeting as more of a meet-and-greet with Garrity-Rokous and Goldblum, rather than a chance to address any major sexual harassment concerns.

"The meeting with Gates, it was like, 'We're here, we have a compliance office, let us know if you need anything,'" Waters said. "There were no directives given in that meeting, there was no training offer, there was no anything. It was more of just a formal introductory meeting."

Waters said his interaction with the OSU's Office of Compliance and Integrity prior to his firing was minimal with little guidance.

"If I wanted training for the band, I sought it. If I wanted training for the leaders, I sought it. If I wanted to know who to report an issue to, I sought it. No one from compliance taught me how to do these things," Waters said. "We were left to fend for ourselves with the rules and regulations the compliance office had."

Garrity-Rokous said Waters never informed the compliance office of any instances of the band's sexualized culture that were found in the OSU investigation the following year. That investigation report was what led to his firing July 24, and it listed examples of issues like sexualized nicknames, mistreatment of younger band members and inappropriate behavior on band buses.

Goldblum said instances like the meeting with Waters and other internal problems within the Office of Compliance and Integrity — where her position was based — prevented her from executing proper Title IX reform within the band and across the university.

Earlier this year, a third-party attorney was assigned by the Ohio Attorney General's Office to investigate complaints of gender and disability discrimination made by Goldblum. An investigative report based on those complaints concluded there was insufficient evidence to support Goldblum's claims. The Lantern obtained that investigation report Wednesday to fill a public records request filed Monday.

The Lantern has not received Garrity-Rokous' employment file after initially requesting it on Aug. 14 or Goldblum's employment file after requesting it Friday.

Waters was fired because the report found he was aware, or reasonably should have been aware, of that culture but didn't do enough to change it.

This is part two of a two-part series The Lantern is running about how the band investigation was handled and how the Office of Compliance and Integrity operates.

**Like** Cornell Hopkins, Marty Jenkins and 164 others like this.



---

The Lantern uses two-click social media buttons to protect your privacy. Click once to load the button, then again to share!

« All eyes on J.T. Barrett for Ohio State season opener against Navy  
Crime brief: 5 underage offenses reported in 1 week »



© 2014 The Lantern. All rights reserved.

# **ATTACHMENT 11**

### **Script Ohio ...Droste Pages 5-7**

Thirty positions were added to the block band for the 1972 season. All of the additional instruments were added from the middle of the band down, giving the band a much fuller sound. Ten tromboniums, eight sousaphones, five alto horns, five flugelhorns, and two snare drums increased the band size to 150 pieces with 15 rows and 10 files.

The 50<sup>th</sup> Anniversary of the dedication of Ohio Stadium was observed October 21, 1972. A "50" was floated from the south end zone while the band played "Proud Century," dubbed "Proud Half-Century" for the day. On the same afternoon, Douglas Paul Droste was born in University Hospital. Assistant Director Chuck Temple led the band at Skull Session and in pregame, while Droste arrived just in time for the halftime show.

The Rose Bowl game of January 1, 1973 was the first of four Rose Bowls in a row. The opposition was a highly touted USC Trojan football team and band. The halftime show had a drill routine ending in a salute to Coach Woody Hayes, who predicted a return trip in 1974.

The band was invited to represent the State of Ohio in the Presidential Inaugural Parade on January 20, 1973. Announcer Tom Johnson and the Ohio Republican Party provided the funding, as they did four years earlier. Once again, the band experienced very cold weather, but was honored to participate.

Two days before the 1973 Inaugural Trip, the 1972 band had its last rehearsal. A letter from Director Paul Droste was released to the band, and to the media.

The letter explained that, due to Title IX of The Higher Education Act of 1972, sex discrimination was banned in all aspects of higher education, and it was clearly stated that future auditions would be open to all students regardless of sex. Droste described the moment: "I had just finished reading a letter from President Nixon to Woody Hayes in which he had complimented the band's halftime performance at the Rose Bowl. As my letter to the band was being passed out, the cheers changed, row-by-row, to silence, then to various utterances of disbelief."

To the media this was a significant event, and Droste and several of the band members were interviewed. The wire services picked up the story and clippings were received from as far away as Philadelphia, Los Angeles and Hawaii. From the lively discussion that followed the announcement to the band, three major points came out clearly:

1. The ruling opening the band to any OSU student, male or female, was official. No appeals or legal action would change it.
2. It was up to the band staff and the band members to implement the decision, fairly and openly.
3. All women candidates would go through the same tryouts and be subject to the same standards as the male candidates. There would be no minimum number or quota of women students. All women would be admitted to band strictly on the basis of marching and playing abilities.

Thus, during the 1972 season, two long-standing traditions came to an end and some new traditions began. First the band was expanded in size for the first time in forty-two years. Second, women students would be permitted to participate in the band, starting in the 1973 season. In addition, a policy against playing at professional athletic events was amended as the band played for two non-OSU football games; one in Ohio Stadium at a Cincinnati Bengals v. Cleveland Browns exhibition game in September, then later a Bengals game in Cincinnati on October 29. Two weeks earlier, on October 15, the band made its first appearance at a World Series game as the Cincinnati Reds hosted the Oakland A's. The season would conclude with another trip to the Rose Bowl and with an appearance in the Presidential Inaugural Parade.

The Ohio State University Marching Band made its last appearance as an all-male organization at the Minnesota game on September 15, 1973 (OSU 56-7). Volunteers from the 1972 band performed along with the Alumni Band.

When Tryout Week began September 16, 1973 there were eighteen women candidates; five were selected for membership. The first women members of the band were:

Lisa Bauman, trumpet, Worthington, Ohio;  
Rachel Fauser, trombonium, Lakewood, Ohio;  
Karen Griffith, trumpet, Pomeroy, Ohio;  
Susan Johnson, snare drum, Pickerington, Ohio;  
Becky Parker, trumpet, Denison, Ohio.

After the tryouts, Griffith was selected for a regular spot and the other women became alternates. However, challenges were held before the next home game with Texas Christian University on September 29, (OSU 37-3), and Griffith lost her challenge. Bauman and Parker won theirs, becoming the first women to march with the band.

The theme of the TCU halftime show was, appropriately enough, "Time and Change" – a look at six Buckeye traditions. The traditions were: first women in the band, the Doughboy statue, the TGIF – High Street tradition, the Victory Bell, *Hang On Sloopy*, and Script Ohio.

The Michigan game ended in a 10-10 tie with OSU being selected for the Rose Bowl by a vote of the Big Ten Athletic Directors. The band trip had a rocky start. A last minute change of airline departure time created a mad rush at 5 A.M. resulting in two of the band members missing the flight.

The second major expansion of the band took place in 1974 when the size of the percussion section was doubled from that of the old 120-piece band. I-Row now became a row of ten snare drums and J-Row, the new row, now had two cymbals, four bass drums, and four tenor duos. The addition of the tenor duos gave a new voice to the section and was especially useful in contemporary arrangements.

Dr. Charles Temple left Ohio State in the summer of 1974 to become the Fine Arts Supervisor in the Hamilton (Ohio) Public Schools. Jon Woods, who came directly to OSU from graduate study at the University of Michigan, replaced him.

ject:

Women in OSUMB

If members of the OSUMB saw it coming, no one had discussed it or contemplated the change in advance. When Dr. Droste stood at the podium and announced that women would be given the equal opportunity to become members of the tradition rich organization, I recall stunned silence. Silence was followed by immediately by vigorous protests by several, but most of us were lost in our thoughts concerning the impact of the change. Incredibly as we look back, we truly had probably never considered how inappropriate it was that half of the students at The Ohio State University were barred from the opportunity to march in the greatest college marching band. Regardless of our other beliefs, frankly (and remarkably) we probably never questioned the fact...until Title IX came along.

Given the bitter protests by some of the longest serving members of the Band (a Band where no limit on years of participation then existed), it was apparent that there would be internal strife, and perhaps public strife, as a result.

My enduring memory is of Paul Droste telling the Band, older and newer members alike, **"..this is the way it will be. The University will follow the law, and there will be no more discussion. Period."** He shut down the nonsense and tolerated no dissent. It was a done deal.

In the days that followed, and during the forthcoming try-out week, we were swarmed with media. All the while Dr. Droste and others reminded us that the reputation of this organization was on the line. I can recall one reporter from Cleveland, from Channel 8, cornering Band members leaving the blacktop practice field, with camera in tow. I can remember his look of shock and disappointment when he was told on camera that Band members supported the change. Letters to the Dispatch and Lantern from band members followed, on both sides of the issue.

All the while Dr. Droste was the Rock. An unwavering commitment to the OSUMB and its product, to discipline in our approach internally and externally, and it became business as usual. Eventually the "old" members were sent on their way with the institution of the 5 year rule in short order. With a less than strong and focused director, the history of the OSUMB may have been embarrassing and far different. Paul held us together and kept our focus on fairness, performance and quality. The 70's were a time of pressure and change, and Dr. Droste's uncompromised focus, coupled with open-mindedness and fairness, whether it be on issues of hair length, political performances or the events of the day, was critical. What was unfairly viewed by some as an ultra-conservative organization never missed a beat.

# **ATTACHMENT 12**



# The Ohio State University Alumni Association, Inc.

## Diversity Programming Award for Ohio State Alumni Clubs and Societies

*"We are strengthened by nurturing and embracing individual differences."*

The Ohio State University Alumni Association, Inc. has embraced diversity as one of its core values. In keeping with this idea, we have created a diversity programming award for alumni groups. Our diversity efforts focus on gender, racial /ethnic differences, and sexual orientation.

A wide range of programs will be considered for the diversity programming award, but your proposal should reflect at least one of these ideas:

- 1) Fosters the elimination of discrimination
- 2) Celebrates diversity and a variety of ethnic traditions
- 3) Connects your alumni and the community through education and/or interactive activities that promote a more culturally diverse or inclusive community

The Association's goal in allocating these awards is that members of the alumni clubs and societies will have the opportunity to become actively engaged in the project selected. We want to see alumni participating and learning from (or with) the groups they are seeking to benefit. Please review the sample projects and feel free to contact our office if you have questions about the project you want to submit.

The Association welcomes applications from active, constituted alumni clubs and chartered societies.

**Group name:** TBDBITL Alumni Club, Inc.  
**Club/society president:** Ryan Rupp  
**Project manager/responsible party:**  
**Project Title:** Outreach Recruitment Initiative

**Application Elements**

To complete this application, please compile the following information.

1. Attach a statement signed by your officers authorizing your request and agreeing to carry it out if funded.
  
2. Program Narrative limited to three or fewer pages and no less than 12-point type.
  - a) Describe the project in detail - define your target audience and project timeline. When applicable use measurable goals and objectives, such as: host an event for 150 attendees, take 50 members to tour a cultural exhibit...
  
  - b) Why did you select this project?
  
  - c) Will your club/society be working with another group to implement this initiative?
  
  - d) What are the expected outcomes or benefits of this project for your club/society?
  
  - e) How will you measure the success of this program? *Your results must be reported to O&E so we can measure the success of our diversity award program and share your activities with other groups.*
  
3. Submit a detailed budget for this program. If the total cost is more than \$1,000, please identify the additional income sources.

I certify that the information is true to the best of my knowledge.

\_\_\_\_\_ Date  
Club/Society President

\_\_\_\_\_ Date  
Project Manager (if different)

**Program Narrative:**

The Ohio State University Marching Band lacks diversity. Prior Director, Dr. Paul Droste has commented the "we have waited too long" to engage in an outreach program directed at minority students. Current Director, Dr. Jon Woods has stated his "full support" for this "terrific idea". Both know that the issue has been discussed for decades, but no specific initiative has been developed.

While members of the TBDBITL Alumni Club Board of Governors have engaged in individual efforts over the last few months as the program has been developed, the responsible committee seeks to proceed in an organized fashion identifying particular urban school districts seeking direct contact to students as well as music faculty and administrative personnel. Often the challenge in creating an opportunity to have direct contact with the student is to trigger enthusiastic support from local band directors. The committee contemplates preparation of materials, including a brochure, as well as substantial mailings to targeted schools. Subsequent materials will be developed to assist in the program with additional materials reflecting the nature and goals of the marching band distributed to various individuals and schools, The costs will be associated with the development of the materials as well as the mailing.

The following describes the pipeline initiative and its specific charge:

1. **Goals:** To reach out to middle school/high school students in underserved communities in Ohio to cultivate the interest and skills necessary to allow an opportunity for membership in the Ohio State University Marching Band. In the belief that many communities and school programs do not provide potential marching band members with the training, support, encouragement, and facilities to develop the skills needed to enter the marching band, a standing committee will be formed to create an agenda, plan, and manner of implementation of the program to identify candidates through schools officials. The committee will develop strategies to reach out through school visits and creation of opportunities for volunteers, among the alumni and current members of The Ohio State University Marching Band, to work with interested identified candidates. The dominant goal is to increase diversity among the potential candidates for membership in The Ohio State University Marching Band. WE WISH TO PRINT THE BROCHURE WHICH IS ATTACHED FOR DISTRIBUTION THROUGHOUT OHIO SCHOOLS WHICH WE WILL TARGET.
2. **Committee:** A standing committee would be formed as appointed by the president of TBDBITL Alumni Club, Inc. consisting of not less than three no more than seven members, who would be charged with creating and implementing an outreach program, and the recruiting of members of the TBDBITL alumni and OSUMB students to engage in designated

activities addressed to underserved communities.

3. **Duration:** As a standing committee the effort would be ongoing in its duration, however, the committee would be charged with reporting to the full Board on a regular basis as the TBDBITL Board of Governors meetings.

Members of the Board of Governors, by comments from past directors of the band, have contemplated the creation of an outreach project over an extended period of time. The Club president, the current and past director, and other involved individuals have developed the project which has been unanimously endorsed and approved by the Board of Governors.

The alumni band will be working with the current membership of the Ohio State University Marching Band to involve them in this initiative.

The goal is to increase the diversity among the pool of candidates, and the membership, of The Ohio State University Marching Band. Historically the marching band has lacked diversity. We will know change when we see it, and we can expect to bring about that change.

**Proposed Budget:**

Brochure printing: \$1000

The process has being successfully undertaken, and the goal is hopefully in sight. Pilot programs have been undertaken in Columbus Northland High School, with multiple contacts occurring at East Cleveland Shaw High School. Due to individual contacts with minority candidates occur on an ongoing basis, and a specific program for contact has been initiated. Funds obtained following application in 2009 were used to increase communication with students, fund conference calls, and undertake initial development of a recruiting pamphlet. Funds sought in the current application would be used to complete and print that recruiting brochure. Brochure will include imagery provided by the university, photographs of actual members of the band, interviews, quotes, and photographs of former band members explaining their experience as minority members of the band and related activities.

Enthusiasm is very high and the committee has been very active. We seek the opportunity to complete full color printing of our brochure. The details of our initiative have been shared at the Alumni Association's annual seminars in 2009 as a featured program.

### Diversity Survey

Your answers do not impact the status of your award application. These questions will provide valuable information that will allow the Alumni Association to evaluate the success of future diversity programming.

1. **Is this your Club/Society's first diversity program? If its is not, briefly describe what you've done in the past.**  
This is the TBDBITL Alumni Club/OSUMB's first diversity initiative, and it commenced 2 years ago, although uncoordinated efforts have been undertaken over a period of time. In fact, the minority population of the band was at its highest in the 1970s, largely due to an influx of students from Columbus West High School. We continue to study that issue in order to develop strategies for the current time.
2. **How do you recruit new members to your group?**  
We recruit new members to our group by spreading the word at meetings and through the OSUMB Alumni. We have attracted members to our group who have worked very hard in the initiative, for example, national Kappa Kappa Psi President Derrick Mills, who
3. **Do you use special tactics to recruit minority members? If so, what do you do?**  
Our special tact include direct outreach, skill training a model high school program, individual skill training, and an effort to make candidates feel that they would "belong" in the OSUMB.
4. **Has your group identified any barriers in implementing diversity programming and/or recruiting diverse members?**  
History is a barrier to implementing diversity programming in the OSUMB. Background and the style of the OSUMB is a barrier. We attempt to overcome these barriers by direct outreach, and through training.

# **ATTACHMENT 13**



**THE OHIO STATE UNIVERSITY**

Office of the President

705 Baker Hall  
150 North Oval Drive  
Columbus, OH 43210-1257

614.292.2424 Phone  
614.292.4731 Fax

osu.edu

August 4, 2014

Ms. Betty Montgomery  
6530 West Campus Oval  
Suite 210  
New Albany, Ohio 43054

Re: Appointment to the Marching Band Task Force

Dear Ms. Montgomery:

As you are aware, the University recently completed a Title IX investigation that revealed serious cultural issues and an environment conducive to sexual harassment within the University's Marching Band. Such an environment is unacceptable and counter to the University's mission of advancing the well-being of the people of Ohio and the global community through the creation and dissemination of knowledge. Incidents of harassment and hostility are not tolerated at this University and, in light of our recent investigation, we must do better to make our campus an open and welcoming environment for all students.

To that end, the University Board of Trustees and I have asked you to lead an independent task force of nationally-recognized experts to review the matter. Specifically, we ask the Marching Band Culture Task Force to:

- Conduct an assessment of the Marching Band's culture;
- Review University administrative processes and oversight;
- Provide counsel on relevant Title IX compliance issues.

The Task Force will not be asked to reopen any aspect of the recently completed Title IX investigation.

As a former Ohio Attorney General, Auditor of State, lawmaker and prosecutor, you are uniquely qualified to lead this task force and provide additional guidance to the University moving forward. The Trustees and I are confident that the work to be performed by you and the task force will result in strengthening the University Marching Band and helping to preserve its legacy as a proud and enduring representative of Ohio State.

This important work will not only involve surveying the band culture, but also, providing a process and forum for other affected parties to be heard by the University. In your capacity as the Chair of the Task Force, you will report directly to me and the Chairman of the Board

{00240717-2}

Ms. Betty Montgomery  
August 4, 2014  
Re: Appointment to the Marching Band Task Force

of Trustees, Dr. Jeffrey Wadsworth. The University has engaged the nationally-recognized law firm Arent Fox to assist with the task force's investigation into the band's culture and to provide needed investigative support and resources.

I urge all members of the Ohio State community to cooperatively support the task force's work and provide any relevant information. We look forward to receiving a report from you in the next 45 to 60 days.

With these principles in mind, I hereby appoint you, Betty Montgomery, to serve as a Chair of the Marching Band Task Force.

When you act in your capacity as a chair in accordance with the scope of authority defined in this letter, you shall be entitled to any immunity, insurance, or indemnity protection to which officers and employees of the University are or hereafter may become entitled.

Thank you for serving in this capacity.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael V. Drake", with a large, stylized flourish at the end.

Michael V. Drake  
President

cc: Dr. Jeffrey Wadsworth, Chairman, Ohio State University Board of Trustees

# **ATTACHMENT 14**

### Ohio State Surveys Band Members On Current Culture

Posted: Aug 28, 2014 6:22 PM EDT Updated: Aug 28, 2014 6:23 PM EDT  
By: Denise Yost, Multimedia Content Manager - [email](#)

<http://www.nbc41.com/story/26392353/ohio-state-surveys-band-members-on-current-culture>

COLUMBUS, Ohio -Ohio State officials sent a survey to current band members, as alumni band members continue to send letters urging the university to reinstate fired director Jonathan Waters.

Waters was fired on July 23 after a two-month investigation by the university.

The Ohio State investigation allegedly revealed cultural issues that Waters was allegedly aware of or should have been aware of. It was further alleged that Waters failed to eliminate the "sexualized culture" and prevent it from reoccurring.

The Ohio State University Board of Trustees met Thursday, but Waters' firing was not referenced during their day of meetings.

However, in a survey presented to band members, university officials including the board of trustees and President Dr. Michael Drake are looking for responses on the marching band culture.

According to Drake's office, the task force that is investigating the culture is focused on the present and future, rather than the past. **But mixed into the questionnaire are questions regarding events since 2009.**

---

#### The survey asks band members:

What is your current student status?

Please indicate your current residence.

Which Band row are/were you in?

What sex were you assigned at birth, meaning on your original birth certificate?

What is your current gender identity?

Which term best describes your sexual orientation?

What is your ethnicity?

What is your race? *(Select all that apply)*

*(Using a scale of how strongly band members agree or disagree)*

Please indicate how often since 2009 you have been involved in situations with the Band where one or more individuals engaged in the following:

I feel a sense of belonging within the Band.

Band Leaders are genuinely concerned about my welfare.

Band Leaders respect what students within the Band think.

Within the Band, students are supportive of other people regardless of their heritage, background or sexual orientation.

Prior to the trainings of the last two weeks, I clearly understood the University's formal policies and procedures to address complaints of sexual harassment and sexual assault.

Band Leaders take reasonable steps to provide a safe and secure environment for Band Members.

*(Using a scale of how often)*

Please indicate how often since 2009 you have been involved in situations with the Band where one or more individuals engaged in the following:

Told sexual stories or jokes that were offensive to you.

Made unwelcome attempts to draw you into a discussion of sexual matters (e.g. attempted to discuss or comment on your sex life).

Treated you differently because of your gender (e.g. mistreated, slighted or ignored you).

Made remarks about your body or sexual activities.

Made gestures or used body language of a sexual nature that embarrassed or offended you.

Made offensive sexist remarks.

Put you down or was condescending to you because of your gender.

Put you down or was condescending to you because of your sexual orientation.

Made you feel threatened with some sort of retaliation for not being sexually cooperative.

Touched you in a way that made you feel uncomfortable.

*(Using a scale of how strongly band members agree or disagree)*

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) demonstrate and model the Ohio State values.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) hold others accountable for their conduct.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) promote and safeguard the welfare of students.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) create a climate in which sexual harassment and sexual assault are not tolerated.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) create a climate in which students are encouraged to report sexual harassment and sexual assault.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) ensure those who have reported sexual harassment/sexual assault are treated with dignity and respect.

Within the Band, Band Leaders (Director, Associate Director, Assistant Director) respond promptly and effectively to complaints.

Within the Band, Squad Leaders and Assistant Squad Leaders demonstrate and model the Ohio State values.

Within the Band, Squad Leaders and Assistant Squad Leaders hold others accountable for their conduct.

Within the Band, Squad Leaders and Assistant Squad Leaders promote and safeguard the welfare of students.

Within the Band, Squad Leaders and Assistant Squad Leaders create a climate in which sexual harassment and sexual assault are not tolerated.

Within the Band, Squad Leaders and Assistant Squad Leaders create a climate in which students are encouraged to report sexual harassment and sexual assault.

Within the Band, Squad Leaders and Assistant Squad Leaders ensure those who have reported sexual harassment/sexual assault are treated with dignity and respect.

Within the Band, Squad Leaders and Assistant Squad Leaders respond promptly and effectively to complaints.

In your opinion, has alcohol use become more or less prevalent within the Band since you joined?

In your opinion, how often does alcohol use occur within the Band compared to other organizations at Ohio State?

How much of a problem is alcohol abuse within the Band?

In your opinion, has sexual harassment become more or less prevalent within the Band since you joined?

In your opinion, how often does sexual harassment occur within the Band compared to other organizations at Ohio State?

In your opinion, has sexual assault become more or less prevalent within the Band since you joined?

In your opinion, how often does sexual assault occur within the Band compared to other organizations at Ohio State?

Have you ever been asked to swear a secrecy oath to conceal offensive, embarrassing or sexually explicit Band traditions and customs?

Have you been assigned a nickname by Band members that is offensive, embarrassing or sexually explicit?

Have you ever participated in any Band-related activity in which you stripped off most of your clothing for the activity (i.e., marching naked or wearing only underwear)?

Have you ever been asked to participate in any Band-related activity in which you were asked to repeat offensive language that made you uncomfortable (e.g., repeat jokes of a sexual nature, participate in songs containing offensive or demeaning language)?

New members of the Band are asked to perform initiation activities that require offensive, embarrassing, or sexually explicit behaviors.

Have you been provided or seen written materials circulated within the Band that contain disparaging information about individual Band Members?

Have you witnessed activities that involve offensive, embarrassing or sexually explicit behaviors?

Have you been exposed to any sexual harassment-specific training with the Band prior to this band year?

Have you been exposed to any sexual assault-specific training with the Band prior to this band year?

Have you had any training with the Band pertaining to alcohol abuse prior to this band year?

Have you received reference materials about sexual harassment and violence?

Do you understand the following:

The difference between sexual harassment and sexual assault

How to report sexual harassment (self or friend)

How to report sexual assault (self or friend)

How to avoid situations that might increase the risk of sexual assault

How to obtain medical care following a sexual assault (self or friend)

How to obtain counseling after sexual harassment (self or friend)

How to obtain counseling after a sexual assault (self or friend)

The general responsibilities of law enforcement and criminal investigative agencies in response to sexual assault

Please indicate the degree of likelihood for each of the below if someone were to report a sexual assault to a campus authority:

This University would take the report seriously.

This University would keep knowledge of a report of sexual assault limited to those who need to know in order for the institution to respond properly.

This University would support the person making a report of sexual assault.

This University would take corrective action to address factors that may have led to sexual assault.

This University would take corrective action against a sexual assault offender.

What is the likelihood that you would respond in accordance with each of the below?

Get help and resources for a friend who tells you they have been sexually harassed or assaulted.

Report students who engage in sexual harassing or unwanted sexual behaviors.

Provide a Resident Assistant (RA) or other campus authority information you have that might help in a sexual harassment or sexual assault case even if pressured by your peers to stay silent.

Confront other students who make inappropriate or negative sexual comments or gestures.

Allow personal loyalties to affect reporting of sexual harassment or sexual assault.

*(Using a scale of how strongly band members agree or disagree)*

Band Leaders prevent or stop sexually inappropriate behavior within the Band.

Males and females within the Band are treated equally and respectfully by Band Leaders.

Alumni influence promotes a positive Band culture.

The Band culture is heavily influenced by Band alumni.

Band Members who opt out of a tradition will receive negative treatment from other Band Members.

Some Band traditions are hidden so that activities are no longer witnessed by Band Leaders.

Some Band traditions are hidden so that activities are no longer witnessed by Band Leaders.

Since being involved with the Band, I have had a friend or acquaintance in the Band tell me that they were the victim of sexual harassment or assault.

Do Band Members or Leaders who sexually harass or assault others in the Band get away with it?

Has anyone ever made unwelcome sexual advances toward you or unwelcome requests for sexual favors from you? *(Check all that apply)*

- Yes, within the Band
- Yes, outside the Band but at Ohio State
- Yes, outside the Band, not at Ohio State
- No

Has someone touched you sexually (e.g. kissing, touching, grabbing, fondling) with you without your consent? *(Check all that apply)*

- Yes, within the Band
- Yes, outside the Band but at Ohio State
- Yes, outside the Band, not at Ohio State
- No

Since 2009, has someone touched you sexually when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep?

What do you appreciate most about the culture of the Band?

What concerns you most about the culture of the Band?

What recommendations would you offer to strengthen and enhance the Band culture?

---

The assessment is described as completely voluntary, and would contribute to the task force's understanding of the band's culture.

Former and current band members have spoken out in favor of Waters, saying that the university overreacted to the concerns of a few, and that Waters was working to correct some of the questionable, decades-old traditions.

The investigation report released by the university outlined numerous activities that related to the band's culture, including Midnight Ramp, nicknames, Rookie Introductions, Rookie Midterms and Physical Challenges, Trip Tic, Songbook, and other misconduct and conditions on buses.

Current and former band members have said the report is an exaggeration, and more than 13,400 supporters have signed an online petition to have Waters reinstated.

# **ATTACHMENT 15**

---

**Subject:** Transcript from WTVN interview with Andrea Goldblum this morning

Transcript of Andrea Goldblum interview (podcast) with Joel Riley on WTVN 8/28/2014

JR: Now welcome to Andrea Goldblum Andrea is former Title nine coordinator for OSU

you worked for seven, eight months at the University. Andrea, why did you leave the University?

AG: I actually worked for little over a year in that office. And I left the University because of a number of reasons. One, I felt like I'd been treated very badly. That I was discriminated against and I was not given the support to do Title Nine work the way that it should have been. I was inhibited in many different ways.

JR: That seems almost so ironic, that you work in Title Nine and you were discriminated against.

AG: The irony has not escaped me a bit. I felt like at times I was treated like an upity woman. I think they had issues with having a strong woman in that role.

JR: I would think that would be the exact person that you would want in that role. Someone who understands it and fights for it. So given that then your perspective on the University might be a little sour, that kind of treatment, was that the way you feel they treated Jon Waters too?

AG: I don't know if that's how they treated Jon Waters or not. I think that Ohio State is under a great deal of pressure right now. They are still under, as far as I know, they are still under the federal investigation by the office of civil rights in the Department of Education. That's been, they've been trying to work to get that resolved for a very long time. I have not yet seen a resolution, so I think that they are under a great deal of pressure. I do think that there were issues with the band. I also think that had I been permitted to do my job there would have been an opportunity for not only myself but many people who do good work around the University to work with the band and to intervene and really make the band even better. But I was inhibited from doing that.

JR: Do you feel like given that you felt like you could have been competent enough with the other good people there it's almost like the University is on a witch hunt? They'll do whatever they have to do to get rid of Jon Waters for some reason we don't know about?

AG: I think they faced being between a rock and a hard place. There's probably somebody who is either going to sue or file another complaint. I don't know because I wasn't on the inside at that time with that second investigation I was no longer there. I think they had to do something, or otherwise they were going to get into great trouble either for violating Title Nine themselves or being sued.

JR: Are you going to pursue court action as well? Is there going to be any lawsuit between you and the University?

AG: I've considered it, and I've consulted with a number of attorneys. It is very expensive to sue. There's not a lot of attorneys who will take it on contingency. The University, their strategy is to drag it out for years. I'm not as well-versed enough with legal affairs there to know that that is an active strategy. You have to have a lot of money to compete with that. I am still considering, I haven't retained an attorney yet because I'm still deciding.

JR: I appreciate your time and your perspective this morning.

# **ATTACHMENT 16**

Columbus, Ohio • Sep 11, 2014 • 64° Overcast

# The Columbus Dispatch

Hot Links:

## Ohio State names two interim marching band directors

### EDUCATION BLOG

» Surprise donation gives big boost to CCAD

### EDUCATION DATABASES

- » District report cards
- » School report cards
- » School District Poverty Estimates

### HELPFUL LINKS

- » Bexley
- » Canal Winchester
- » Columbus
- » Dublin
- » Gahanna-Jefferson
- » Grandview Heights
- » report-Madison
- » Hamilton
- » Hilliard
- » New Albany-Plain
- » Reynoldsburg
- » South-Western
- » Upper Arlington
- » Westerville
- » Whitehall
- » Worthington

### LOCAL STORIES FROM THISWEEK

- » Reynoldsburg cancels school board meeting
- » Whitehall counts on grant for North Hamilton's spruce-up plan
- » Gahanna council mulls committee to consider charter change
- » Annual Old Hilliardfest Art and Street Fair slated 8 3
- » Columbus Marathon Patient Champions all have a story to tell

By Collin Binkley

The Columbus Dispatch • Tuesday August 5, 2014 6:27 AM

Comments: 7

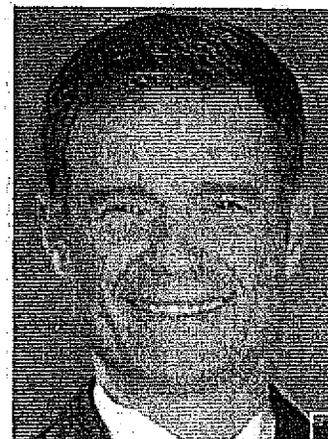
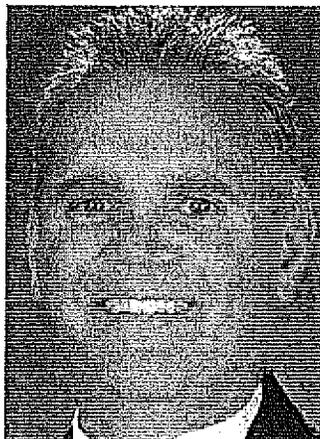
1150

35

2420

Ohio State University has appointed two music professors as interim leaders of the marching band.

Russel C. Mikkelson, director of university bands, and Scott A. Jones, the associate director of university bands, will take charge of the band in an interim leadership structure for the upcoming school year, Ohio State leaders announced yesterday. The move puts the band under closer control of the College of Arts and Sciences, through which students in the band receive course credit.



Russel C. Mikkelson, left, and Scott A. Jones

REQUEST TO BUY THIS PHOTO  
OHIO STATE UNIVERSITY

### Full coverage: Ohio State Band

#### controversy

Mikkelson will have general oversight of the band, while Jones will be in charge of compliance, Title IX and student safety. Mikkelson conducted the band at a performance last month after the firing of director Jonathan Waters in the wake of a two-month investigation into the band's culture.

"The new temporary leadership structure will best support our students, ensure the band's tradition of excellence continues and provide a seamless transition to a permanent band director," Mark Shanda, dean of arts and humanities in the College of Arts and Sciences, said in a statement.

Ohio State also hired Lisa Galvin as a new associate director for the 2014-15 marching-band season. Galvin recently retired as a music teacher and assistant director of bands at Hilliard Bradley High School. She also helped arrange halftime shows for the OSU band last year.

The two leaders under Waters will keep their jobs under the interim structure. Chris Hoch will remain associate director, and Mike Smith will be assistant director.

Galvin and Hoch will be in charge of drill design, music rehearsal, administration and student staff oversight. Smith will supervise percussion, rehearsal assistance and athletic band.

"We are thrilled with the deep musical skills and commitment of the students who are participating in summer practices," Richard Blatti, director of the School of Music, said in a statement. "Their talents ensure that the marching band will continue its unparalleled tradition of on-field excellence."

Ohio State fired Waters on July 24 after the university found a "sexualized" culture in the band. Students in the band gave one another nicknames that were sometimes sexually explicit and performed other inappropriate pranks and traditions, the inquiry found. There was also a case of sexual assault in the marching band last year and a report of sexual harassment in the athletic band.