

Exhibit 3

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New York prosecutors reopen investigation after student files lawsuit over alleged gang rape at Cornell University

UPDATED SEP 29, 2026



Prosecutors in New York are reopening an investigation into an alleged gang rape of a former Cornell University student after the woman filed a civil lawsuit this month claiming the school did not do enough to protect her.

A grand jury will review the case to see if any charges are warranted after the original investigation into the alleged 2024 assault resulted in no criminal charges, Tompkins County District Attorney Matthew Van Houten said Monday. He said the allegations in the civil complaint this month were significantly different from the woman's statement to police two years ago.

"The decision made in November of 2024 that the evidence did not support the filing of criminal charges was legally correct," Van Houten said in a statement provided to CNN. "At the same time, I recognize the reality that it can take years of therapy and healing for victims of sexual assaults to fully process and understand what happened to them."

The grand jury will consider the testimony of the former student, identified as Jane Doe, as well as any new evidence raised by the allegations of the civil complaint, Van Houten said.

The disturbing allegations about the assault of Doe have already sparked widespread criticism and again put a spotlight on how universities handle student claims of sexual assault.

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In the civil complaint, filed September 16, Doe alleges seven members of Cornell’s Chi Phi fraternity drugged and sexually assaulted her at the frat house in October 2024 and invited other fraternity members in a group chat to join the assault, sharing the photo of a Snapchat group message as part of the suit.

None of the fraternity members have been criminally charged. The complaint alleges temporary suspensions were issued for the seven named students, who it said “were afforded the opportunity to mitigate their conduct by submitting essays” to the university – a claim Cornell denied.

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The Ithaca Police Department said in a statement Monday that it was “disturbed” to hear about the 2024 allegations. The department noted it learned about the alleged incident only recently through the media and said the incident was not reported to the agency.

CNN has reached out to the Cornell University Police Department, the Chi Phi fraternity and others named in the lawsuit.



The Chi Phi fraternity house at Cornell University on Monday. *(Heather Ainsworth/AP)*

What the lawsuit says

The 101-page complaint names more than a dozen defendants, including the seven fraternity members from 2024, Cornell University, and the Chi Phi fraternity. Allegations include negligence, breach of contract, sexual assault and battery and violations of New York’s Human Rights Law.

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The lawsuit says Doe was 20 years old and had been drinking at her sorority house and a bar before she arrived at the Chi Phi house to visit a friend, who was one of the fraternity members on the night of October 19, 2024.

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According to the suit, Doe had already consumed about 10 standard drinks within the past three hours when she arrived at the fraternity house.

The complaint alleges the friend and another fraternity member gave her more alcohol and pressured her into snorting a substance they described as ketamine, and that she was then sexually assaulted while “incapable of consent.”

At roughly 1:42 a.m., one of the men allegedly sent a message to the fraternity’s Snapchat group chat – titled “Chi Phi Actives” – stating there was “free p*ssy” upstairs.

By doing this, the suit alleges, one of the accused “encouraged other XI CHAPTER members to join in on the gang rape of plaintiff.”

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A photo of a portion of the chat is included in the filing. Multiple fraternity members then entered the room, where the complaint alleges they pressured Doe into taking more ketamine and subjected her to an hourslong assault that continued until approximately 5:45 a.m.

Those exchanges are going to be a critical piece of evidence in this case, former federal prosecutor Berit Berger told CNN’s Anderson Cooper Monday. “One has to think, if we were actually doing this investigation two years ago, what else would be available that may not be available now? What witnesses have graduated or moved away or lost recollection of this? What other sort of digital trail has now not been preserved?”

Doe reported the incident to Cornell University police on November 8, 2024, the complaint says. Cornell suspended the Chi Phi chapter and the seven accused students, “who were afforded the opportunity to mitigate their conduct by submitting essays to Cornell,” according to the lawsuit, which Cornell denied.

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The complaint faults Cornell for failing to properly discipline after the assault, “all the while sheltering them from speaking to law enforcement, and silencing victims.”

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Cornell’s “conduct was so outrageous, shocking, despicable, and contemptible that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard for the consequences that would follow,” the lawsuit says.

The complaint is seeking a jury trial to determine monetary damages.

The district attorney said the initial report Jane Doe made to police differs significantly from the allegations in the lawsuit.

“Jane Doe’s statement described her participation in drug use and sexual conduct as voluntary, conscious, and consensual,” Van Houten said.

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His office has not released the full police report. CNN has asked Jane Doe’s attorney for a response to Van Houten’s statement and for a copy of her complete 2024 police statement.

During a contentious interview Monday, CNN’s Jake Tapper pressed Van Houten on why there wasn’t a more expansive investigation from law enforcement or the DA’s office after the initial report was made in 2024.

“We can’t change what happened in the past as much as the community is outraged,” Van Houten said. “My job under the New York State Constitution is to apply the penal law of New York State. We are constrained by that law. Whether you agree with it, whether you think someone’s conduct is morally repugnant or vulgar or disgusting. I’m still constrained by the law.”

Van Houten tells CNN he is "constrained by the law."

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The DA said the main difference between the initial Doe statement and the civil complaint is that the lawsuit “omits any reference that Jane Doe consented to the sexual contact.”

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He acknowledged that the text message screen shots between the men “were completely vulgar and disgusting, but they had nothing to do with her consent.”

Tapper asked when Van Houten got copies of the text messages, included in the complaint, that the fraternity brothers sent each other.

Van Houten said that his team did not see the text messages evidence initially.

“They were not part of our initial analysis, but I understand that Cornell had them, and they sent them to our team,” he said.

‘Disgusting and morally reprehensible’

While the behavior of certain Chi Phi fraternity members was “without question disgusting and morally reprehensible,” the district attorney said multiple prosecutors and criminal investigators determined the events as described in Doe’s 2024 account did not constitute a crime.

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Nothing in Doe’s original statement indicated she was drugged without consent or had sex against her will, Van Houten said. According to the accuser’s statement, “each time Jane Doe asked to stop the sexual conduct, the sexual conduct stopped.”

“Thus, with no evidence of a ‘lack of consent,’ criminal charges simply could not be sustained,” the district attorney wrote.

Under New York state law, “mental incapacitation” occurs when a person can’t control their own conduct because they were drugged without consent, Van Houten said. But he said excerpts from Jane Doe’s 2024 statement indicated she took drugs voluntarily.

So even if a person is heavily intoxicated, it would not count as “mental incapacitation” as long as a person consented to taking the substance.

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That’s a “deficiency in New York law,” Berger told CNN. “There is this gap in New York law where if somebody voluntarily took drugs, drank alcohol to the point that they were incapacitated, in many circumstances, that’s not enough to prove that they didn’t consent,” Berger said.

But Doe’s attorney, Thomas P. Giuffra, told Tapper Monday he doesn’t believe there is a “loophole” in New York law. “If there was, think about it logically: It would mean anybody could go trolling a bar looking for a woman who’s intoxicated, rape them, and get away with it,” he said.

Doe's attorney tells CNN he doesn't believe there is a "loophole" in NY law.

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He believes the initial investigation was inadequate.

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“It is challenging for me to understand how a thorough criminal investigation could have been conducted when she never spoke with anyone other than the officer who took her original complaint,” Giuffra told CNN in an earlier statement.

“Other than her initial contact with Cornell police, she was not contacted by investigators from the Tompkins County District Attorney’s Office or any investigators trained in interviewing rape survivors,” Giuffra said.

“If the District Attorney’s office is now considering prosecution, I believe that it is a step in the right direction, albeit a late one.”

Giuffra told Tapper that Doe’s life has been ruined following the “nightmare” of two years ago.

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He stressed the alleged incident was not consensual.

“I don’t know how anybody who was grossly intoxicated and drugged can consent to anything,” Giuffra said. If this was consensual and she wanted to participate, he said, “she wouldn’t have gone to the police in the first place.”

He added that Doe wants accountability. Despite not being in college anymore, “she is barely hanging on.”

Giuffra revealed Doe was not allowed to leave school and heal after the alleged incident.

“Her parents, who had paid thousands and thousands of dollars for her to attend Cornell, tried to get their money back,” Giuffra alleged. “Cornell said, ‘No, you have to stay in school.’ So she spent an entire semester in the campus where she saw these guys on a fairly regular basis. And that is just horrifying to me.”

CNN has reached out to Cornell for comment on the allegation Doe was not allowed to withdraw without financial penalty.

Cornell rebuts claims about lax punishment

Cornell said in a statement Monday it “supports the decision of the Tompkins County District Attorney (DA) to provide an opportunity for the victim’s story ... to be heard by a criminal grand jury.”

In a September 21 statement, Cornell declined to confirm the individual disciplinary outcomes, citing federal student privacy law. The school said violations of university policy “could lead to sanctions up to and including suspension or expulsion,” adding, “We will respond in detail through the legal process.”

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Doe’s attorney said Cornell expelled two of the seven accused students while the others received lesser punishment, including suspensions, workshops or written assignments.

Cornell countered that claim Monday, saying there was a range of sanctions for the accused students, including suspensions and expulsions. But “none of the individuals charged were offered the opportunity to write essays as a sole consequence of their involvement,” the university said.

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The sanctions came after it conducted a formal Title IX investigation, separate from the criminal proceeding, and a panel of trained faculty and staff heard evidence over multiple days, the school said.

“Any suggestion that the University did not impose consequential punishments for those involved is false,” the statement read. “A continuation of the false narrative that there were minimal consequences in this case is irresponsible, will make survivors feel less safe and supported, and will perpetuate the underreporting of sexual assault.”

The school also said it barred the Xi chapter of the Chi Phi fraternity from its campus and launched a sexual assault task force shortly after the incident, adding it has implemented several of the group’s recommendations.

An attorney for one of the accused fraternity brothers denied any wrongdoing by his client.

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“Even the District Attorney’s Office, led by a chief prosecutor with the duty to pursue justice and uphold the rule of law without bias or favor, filed no charges against (him) because what she alleged did not happen,” attorney Jeremy Saland said in a statement to CNN. He said his client “never sexually assaulted or even touched the plaintiff in any way.”

An attorney for another of the defendants also denied the allegations against his client.

“The allegations now being made publicly differ from what was reported and investigated during that process,” attorney Andrew Miltenberg said in a statement to CNN. “We will address these issues through the appropriate legal process and will have no further comment at this time.”

CNN is working to determine if the other named fraternity brothers have representation.

Jane Doe speaks out

In a statement to CNN, Doe said she went to Cornell “with great hope and promise for a good education.”

“What I experienced from those who raped me in the fraternity was the worst experience of my life. I was brutalized and it injured me physically but perhaps more importantly, emotionally,” Doe said. “I want to recover from this trauma but it is extremely difficult. It affects every aspect of my life. It will haunt me and be part of me the rest of my life.”

About 35% of undergraduate women at Cornell University reported experiencing “nonconsensual sexual contact” during their time at the school, a 2025 survey conducted by the university found. That was an increase from 23% in the university’s 2023 survey.

The lawsuit – and along with the lack of criminal charges and accusations of inadequate discipline – has drawn a wave of outrage.

US Rep. Alexandria Ocasio-Cortez, a Democrat from New York City, condemned what she described as a “culture of rape” at elite universities and institutions during a Sunday town hall in Ithaca, where Cornell is located.

“Those men posted in a group chat,” Ocasio-Cortez said, referencing allegations in the lawsuit. “That means it was normal to them, that means it was acceptable to them. This is a culture, this is norms, these are practices, and what we must do is understand that we cannot protect those spaces anymore.”



Actor Florence Pugh also posted an impassioned response in a lengthy Instagram post Sunday, writing, “I’m no longer tired – I’m enraged by schools protecting boys, in fear of their futures being wrecked.”

“What about the life that those girls then have to endure, with the knowledge that his reputation is more precious than her truth?” she added.

Pugh also addressed Doe directly, calling her “so unbelievably powerful” and “so strong willed.” “Know that women everywhere are here to hold you and help you on your healing journey,” she wrote.

Meanwhile, Ithaca Mayor Robert G. Cantelmo on Monday called for a pause on Cornell University’s Greek life and student group gatherings.

In a statement on [Instagram](#), the mayor said the moratorium would be in place “until such time that the University conducts an accounting of its protocols to prevent and prosecute crimes of sexual violence and publicly releases new standards and practices to keep our community safe.”

CNN reached out to the university for comment on the mayor’s proposed moratorium, which requires approval from the town council.

This story has been updated with additional information.

Help is available: For help in the US, call the National Sexual Assault Hotline at 1-800-656-4673 or chat 24/7 on online.rainn.org.

CNN’s Sammy Lindell and Avni Trivedi contributed to this report.



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