

STATE OF NEW YORK
SUPREME COURT: TOMPKINS COUNTY

In the Matter of the Application of

JOHN DOE,

Petitioner,

FOR A JUDGMENT PURSUANT TO ARTICLE 78
AND SECTION 3001 OF THE CPLR

Index No. EF2026-0292

-AGAINST-

CORNELL UNIVERSITY,

Respondent.

RESPONDENT CORNELL UNIVERSITY'S VERIFIED ANSWER

Respondent Cornell University (hereinafter, "Cornell"), as and for its Verified Answer to the Verified Petition ("Petition"), responds as follows:

Preliminary Statement¹

Petitioner John Doe ("Doe") improperly includes a series of unnumbered paragraphs in this section of the Petition. In response to this Preliminary Statement, Cornell admits that Doe was found responsible for Attempting Sexual Exploitation and that Cornell has policies and procedures governing the underlying student conduct proceeding, but denies the remaining allegations and characterizations in this Statement.

Parties and Jurisdiction

1. Admits that this is a special proceeding under Article 78 of the New York Civil Practice Law and Rules ("CPLR"), denies that Doe may seek a Declaratory Judgment under

¹ For clarity and to assist the Court's review, Cornell has included essentially the same headings and subheadings used in the Petition. To the extent the Petition's headings or sub-headings were intended to include any allegations relevant to this proceeding, Cornell expressly denies such allegations.

Section 3001 of the CPLR in a special proceeding, and, as to the remaining allegations contained in paragraph 1 of the Petition, such allegations contain legal conclusions, for which no response is required.

2. Admits that the Hearing Panel found Doe responsible for Attempting Sexual Exploitation, following a thorough and impartial proceeding conducted in accordance with Cornell University Policy 6.4 and the Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 (the “Procedures”), denies having knowledge or information sufficient to form a belief as to the truth of Doe’s alleged intentions in filing the Petition, and, on that basis, denies that allegation, and denies the remainder of the allegations and characterizations contained in paragraph 2 of the Petition.

3. Admits that Doe is proceeding under a pseudonym pursuant to NYS Education Law § 6448, denies having knowledge or information sufficient to form a belief as to the allegation that Doe currently resides in Ithaca, New York, and denies the remaining allegations contained in paragraph 3 of the Petition.

4. Admits that Cornell is a private university with its principal place of business in Ithaca, New York, chartered under New York Education Law § 5701 *et seq.*

Statement of Facts

I. A Report of Sexual Assault at the Chi Phi Fraternity House

5. Admits so much of the allegations contained in paragraph 5 of the Petition that, in 2024, the Chi Phi Fraternity (“Chi Phi”) was a recognized student organization with the university and was located in Ithaca, New York, but otherwise denies having knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein.

6. Admits, upon information and belief, that Doe was a member of Chi Phi in the past, but otherwise denies having knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 6 of the Petition.

7. Admits that Jane Roe accused various members of Chi Phi, including Doe, of conduct, occurring on or about the night of October 19, 2024 and/or the early morning of October 20, 2024, that constituted violations of Cornell University Policy 6.4, admits that alcohol and drugs reportedly played a role in this conduct, but otherwise denies the remaining allegations and characterizations contained in paragraph 7 of the Petition.

8. Admits that much of the alleged conduct that was the subject of the underlying Policy 6.4 investigation and hearing took place in a bedroom of the fraternity house known as the “Alumni room” on the night of October 19, 2024 and/or the early morning of October 20, 2024, but otherwise denies the remaining allegations and characterizations contained in paragraph 8 of the Petition.

II. Cornell Brings Two Charges Against Doe

9. Admits that, on November 22, 2024, Cornell’s Title IX Coordinator commenced a Formal Complaint under Policy 6.4 against multiple members of the Chi Phi fraternity, including Doe (R1042-47), respectfully refers the Court to the document for its contents, but otherwise denies the remaining allegations and characterizations contained in paragraph 9 of the Petition. Answering further, the Formal Complaint was updated on January 14, 2025 and on March 12, 2025. R1048-59.²

10. Admits that all versions of the Formal Complaint included allegations against Doe related to Sexual Assault and Sexual Exploitation (R1046, 1052, 1058), respectfully refers the

² The record for this proceeding has already been filed. *See* NYSCEF Doc. Nos. 16-27.

Court to all versions of the Formal Complaint for their contents, but denies the remaining allegations and characterizations contained in paragraph 10 of the Petition.

11. Admits that all versions of the Formal Complaint included factual allegations against Doe related to Sexual Assault and Sexual Exploitation (R1046, 1052, 1058), respectfully refers the Court to all versions of the Formal Complaint for their contents, but denies the remaining allegations and characterizations contained in paragraph 11 of the Petition.

12. Admits that Section 26.2 of the Procedures states the “respondent will be presumed ‘not responsible’ unless and until a Hearing Panel determines that person is responsible,” respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 12 of the Petition.

Answering further, the Procedures are attached as Exhibit 2 to the Affirmation of Lauren Branchini (“Branchini Aff.”).

III. Cornell’s Rules on Notice of Charges and Doe’s Opportunity to be Heard

13. Admits that Section 9 of the Procedures states Cornell “will treat complainants and respondents equitably by offering Supportive Measures to each and by following the grievance process set forth in the Procedures before the imposition of any disciplinary sanctions or other actions (that are not Supportive Measures or temporary suspension) against a respondent,” respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 13 of the Petition.

14. Admits that Section 10 of the Procedures states the “Title IX Coordinator will promptly inform the respondent of any actions undertaken by the University that will directly impact the respondent, including the filing of a Formal Complaint or the imposition of Supportive Measures that would directly impact the respondent, and provide an opportunity for

the respondent to respond to such action(s),” respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 14 of the Petition.

15. Admits that Section 18 of the Procedures outlines the contents of the notice to the parties upon the issuance of a Formal Complaint, respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 15 of the Petition.

16. Admits that Section 24 of the Procedures outlines the process for an investigation of a Formal Complaint, respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 16 of the Petition.

17. Admits that Section 26.4 of the Procedures states that, if a case is referred to a Hearing Panel for a hearing, a Notice of Hearing will be sent to the parties, and outlines the contents of the Notice of Hearing, respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations and characterizations contained in paragraph 17 of the Petition.

IV. Cornell Holds a Hearing

18. Admits that a Policy 6.4 Hearing involving Doe took place and that the Hearing Panel was formed pursuant to Section 26.3 of the Procedures, respectfully refers the Court to the Procedures for their contents, but denies the remaining allegations contained in paragraph 18 of the Petition.

19. Admits that the Policy 6.4 Hearing lasted 12 days and included testimony from myriad witnesses and parties, including Jane Roe and Doe, but denies the remaining allegations contained in paragraph 19 of the Petition.

20. Admits that the Hearing Panel had access to an extensive investigative record (*see* R41-1583), but denies the remaining allegations and characterizations contained in paragraph 20 of the Petition.

V. Factual Findings Made by Cornell

21. Acknowledges that Doe is not challenging any factual findings (or related responsibility findings) in this Article 78 Proceeding and further states there would be no basis to do so.

22. Admits that the sections of the Hearing Panel Decision devoted to Doe documented findings with regard to him, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41), but denies the remaining allegations contained in paragraph 22 of the Petition.

23. Admits that the sections of the Hearing Panel Decision devoted to Doe documented findings with regard to him, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41), but denies the remaining allegations contained in paragraph 23 of the Petition.

VI Cornell Finds Doe Not Responsible for All the Charges Brought Against Him

24. Admits that the Hearing Panel found the evidentiary record insufficient to demonstrate that Doe observed Roe nude or engaging in sexual activity without her knowledge and consent, and thus determined that Doe was not responsible for Sexual Exploitation under Policy 6.4, and that the Hearing Panel found the evidentiary record insufficient to demonstrate that Doe ingested ketamine off Roe's body, and thus determined that Doe was not responsible for Sexual Assault under Policy 6.4, respectfully refers the Court to the Hearing Panel Decision for

its contents (R3535-41), but denies the remaining allegations and characterizations contained in paragraph 24 of the Petition.

25. Denies the allegations and characterizations contained in paragraph 25 of the Petition, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41) and to its response in paragraph 24 above.

VII. Cornell Finds Doe Responsible for *Attempting Sexual Exploitation*

26. Admits that the Hearing Panel unanimously determined that Doe was responsible for violating Cornell's Policy 6.4 prohibition against attempting prohibited conduct, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41), but otherwise denies the remaining allegations and characterizations contained in paragraph 26 of the Petition.

Answering further, Cornell states that all versions of the Formal Complaint provided there would be an investigation pursuant to the Procedures and explicitly stated that "[t]he University may hold the Respondents accountable for violations of Policy 6.4 and other policies that are not referenced in the Formal Complaint but are learned about from evidence, testimony, or admissions during the investigation and adjudication process." R1044, 1050, 1056. Answering further, Cornell notes that "attempting prohibited conduct" under the Procedures involves the same elements as the actual conduct: pursuant to Section 3.2 "[a] person attempts to commit prohibited conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct." *See also* Cornell's Memorandum of Law in Opposition to the Petition ("Memorandum of Law," pp. 16-17), which the university incorporates herein by reference. Answering further, Cornell respectfully directs the Court's attention to the Hearing Panel Decision, which states:

The Panel therefore determined by a preponderance of the evidence that [Doe] understood that a female was likely nude and/or engaged in sexual activity in the alumni room on October 20, 2024, and entered the room on that basis, intending to observe the same. It is

undisputed that [Roe] had no knowledge of the Snapchat messages occurring in the Actives group that night, had no previous relationship with [Doe], and did not invite him to the alumni room. Therefore, the Panel determined that [Doe] engaged in conduct directly tending towards completion of sexual exploitation (i.e., entering the alumni room) with the intent to commit sexual exploitation (i.e., to observe a person nude or engaged in sexual activity without their knowledge and consent). R3541.

The Hearing Panel made this unanimous determination following a thorough and impartial proceeding conducted in accordance with Cornell University Policy 6.4 and the Procedures. In response to footnote 2, Cornell admits that the Hearing Decision includes the quoted language, refers to the document for its contents (R3540), but otherwise denies the remaining allegations and characterizations contained therein.

27. Admits that the Hearing Panel unanimously determined that Doe was responsible for violating Cornell's Policy 6.4 prohibition against attempting prohibited conduct, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41), but denies the remaining allegations and characterizations contained in paragraph 27 of the Petition.

Answering further, Cornell refers to its response in paragraph 26 above.

28. Admits that the Hearing Panel imposed sanctions against Doe, as outlined in the Hearing Panel Decision, respectfully refers the Court to the Decision for its contents (R3535-41), but denies the remaining allegations and characterizations contained in paragraph 28 of the Petition.

29. Admits that all versions of the Formal Complaint included allegations that Doe violated Cornell's Policy 6.4 prohibition against Sexual Exploitation and Sexual Assault, but denies the remaining allegations and characterizations contained in paragraph 29 of the Petition. Answering further, Cornell states that all versions of the Formal Complaint provided there would be an investigation pursuant to the Procedures and explicitly stated that "[t]he University may hold the Respondents accountable for violations of Policy 6.4 and other policies that are not

referenced in the Formal Complaint but are learned about from evidence, testimony, or admissions during the investigation and adjudication process.” R1044, 1050, 1056.

VIII. Attempting Sexual Exploitation is a Distinct Charge Under Cornell’s Policy

30. Denies the allegations and characterizations contained in paragraph 30 of the Petition, and respectfully directs the Court’s attention to Sections 3.2 and 3.6 of the Procedures for the elements of Sexual Exploitation and Attempting to Commit Prohibited Conduct. Answering further, Cornell notes that “attempting prohibited conduct” under the Procedures involves the same elements as the actual conduct: pursuant to Section 3.2 “[a] person attempts to commit prohibited conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.”

31. Admits that, under Section 3.2 of the Procedures, “[a] person attempts to commit prohibited conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct,” but denies the remaining allegations and characterizations contained in paragraph 31 of the Petition. Answering further, Cornell refers to its response in paragraph 30 above.

32. Admits that, under Section 3.6 of the Procedures, Sexual Exploitation is defined as “intentionally engaging in” any of the listed conduct, including “[o]bserving another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved,” but denies the remaining allegations and characterizations contained in paragraph 32 of the Petition.

33. Denies the allegations and characterizations contained in paragraph 33 of the Petition, and refers to its responses in paragraphs 29-32 above. Answering further, as outlined in

Cornell's accompanying Memorandum of Law, the record in this matter clearly demonstrates that Doe's defenses centered around his intent when entering the "Alumni" room, which is directly relevant to the standard for attempting prohibited conduct under Section 3.2 of the Procedures.

34. Denies the allegations and characterizations contained in paragraph 34 of the Petition, and refers to its responses in paragraphs 29-33 above. Answering further, as outlined in Cornell's accompanying Memorandum of Law, the record in this matter clearly demonstrates that Doe's defenses centered around his intent when entering the "Alumni" room, which is directly relevant to the standard for attempting prohibited conduct under Section 3.2 of the Procedures.

35. Admits that the Hearing Panel determined that Doe was responsible for violating Cornell's Policy 6.4 prohibition against attempting prohibited conduct, respectfully refers the Court to the Hearing Panel Decision for its contents (R3535-41), but denies the remaining allegations and characterizations contained in paragraph 35 of the Petition. Answering further, Cornell refers to its responses in paragraphs 26, 29-33 above.

36. Denies the allegations and characterizations contained in paragraph 36 of the Petition, and refers to its responses in paragraphs 26, 29-33 above. Answering further, as outlined in Cornell's accompanying Memorandum of Law, the record in this matter clearly demonstrates that Doe's defenses centered around his intent when entering the "Alumni" room, which is directly relevant to the standard for attempted prohibited conduct under Section 3.2 of the Procedures.

37. Denies the allegations and characterizations contained in paragraph 37 of the Petition, and refers to its responses in paragraphs 26, 29-33 above. Answering further, Cornell

notes that “attempting prohibited conduct” under the Procedures involves the same elements as the actual conduct: pursuant to Section 3.2 “[a] person attempts to commit prohibited conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.”

38. Admits that Doe appealed the Hearing Panel’s Decision, pursuant to the Procedures, and respectfully refers the Court to his appeal for its contents (R3602-19), but denies the remaining allegations and characterizations contained in paragraph 38 of the Petition. In response to footnote 3, Cornell admits upon information and belief that Savannah Bao was the Director of eCornell Masters Programs at the Cornell University SC Johnson College of Business at all relevant times, but denies the remaining allegations contained therein.

IX. Doe’s Arguments Before Cornell’s Appeal Panel

39. Admits that Doe appealed the Hearing Panel’s Decision, pursuant to the Procedures, respectfully refers the Court to his appeal for its contents (R3602-19), but denies the remaining allegations and characterizations contained in paragraph 39 of the Petition. Answering further, Cornell refers to its responses in paragraphs 26, 29-33 above.

40. Admits that Doe appealed the Hearing Panel’s Decision, pursuant to the Procedures, respectfully refers the Court to his appeal for its contents (R3602-19), but denies the remaining allegations and characterizations contained in paragraph 40 of the Petition. Answering further, as outlined in Cornell’s accompanying Memorandum of Law, Doe’s concerns regarding Bao were addressed promptly and contemporaneously, and the Hearing Chair, who had full discretion under Section 26.10 of the Procedures, determined there was no basis to grant the request from Doe’s counsel for a new Hearing Panel and for the hearing to

restart. Answering further, Cornell refers to the Hearing Chair's Decision for its contents.

R3459-60.

41. Admits that Doe appealed the Hearing Panel's Decision, pursuant to the Procedures, respectfully refers the Court to his appeal for its contents (R3602-19) and to the Hearing Chair's Decision for its contents (R3459-60), but denies the remaining allegations and characterizations contained in paragraph 41 of the Petition. Answering further, Cornell refers to its response in paragraph 40 above. In response to footnote 4, Cornell respectfully refers the Court to Section 26.10.1 of the Procedures, which speaks for itself, and denies the remaining allegations and characterizations therein.

X. The Appeal Panel Affirms the Decision of the Hearing Panel

42. Admits the Appeal Panel unanimously affirmed the Hearing Panel Decision with regard to Doe's appeal.

43. Admits the Appeal Panel unanimously affirmed the Hearing Panel's Decision, with regard to Doe's appeal, respectfully refers the Court to the Appeal Decision for its contents (R3629-30), but denies the remaining allegations contained in paragraph 43 of the Petition. In response to footnote 5, Cornell denies the allegations and characterizations therein, and refers to its responses in paragraphs 26 and 29 above. Answering further, Cornell states that all versions of the Formal Complaint provided there would be an investigation pursuant to the Procedures and explicitly stated that "[t]he University may hold the Respondents accountable for violations of Policy 6.4 and other policies that are not referenced in the Formal Complaint but are learned about from evidence, testimony, or admissions during the investigation and adjudication process." R1044, 1050, 1056.

44. Admits the Appeal Panel unanimously affirmed the Hearing Panel's Decision, with regard to Doe's appeal, respectfully refers the Court to the Appeal Decision for its contents (R3629-30), but denies the remaining allegations contained in paragraph 44 of the Petition.

45. Admits the Appeal Decision was the final University action in terms of this proceeding and Doe, and, as to the remaining allegations contained in paragraph 45 of the Petition, such allegations contain legal conclusions, for which no response is required.

Points of Law

The Court's Role in Reviewing Disciplinary Matters at Private Schools

46. Refers the Court to the cited legal authority for its contents and, as to the remaining allegations contained in paragraph 46 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

47. Refers the Court to the cited legal authority for its contents and, as to the remaining allegations contained in paragraph 47 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

48. Refers the Court to the cited legal authority for its contents and, as to the remaining allegations contained in paragraph 48 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

The Requirement to Give Students Notice of Violations

49. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 49 of the Petition, such allegations contain legal

conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and notes that Doe is not citing New York case law for this asserted legal principle.

50. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 50 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and notes that Doe is not citing New York case law for this asserted legal principle.

51. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 51 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument, and otherwise refers to its responses in paragraphs 26, 29-33 above.

52. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 52 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

53. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 53 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

54. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 54 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

55. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 55 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

56. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 56 of the Petition, such allegations contain legal conclusions, for which no response is required. To the extent a response is required, denies the allegations and characterizations therein. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

57. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 57 of the Petition, such allegations contain legal conclusions, for which no response is required. To the extent a response is required, denies the allegations and characterizations therein. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

58. Refers the Court to the cited non-binding legal authority for its contents and, as to the remaining allegations contained in paragraph 58 of the Petition, such allegations contain legal conclusions, for which no response is required. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law, notes that Doe is not citing New York case law for this legal argument and otherwise refers to its responses in paragraphs 26, 29-33 above.

Count I
(Declaratory Judgment Vacating the Appeal Panel's Decision)

59. Repeats and reiterates the above responses to the Petition as if those responses were again set forth in full.

60. Paragraph 60 of the Petition states a legal conclusion that does not require a response; however, to the extent required, Cornell denies the allegations contained therein.

61. Denies the allegations and characterizations contained in paragraph 61 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

62. Denies the allegations and characterizations contained in paragraph 62 of the Petition. Answering further, the proper means by which to challenge the underlying decision is to commence an Article 78 proceeding, which Doe has done.

63. Denies the allegations and characterizations contained in paragraph 63 of the Petition. Answering further, the proper means by which to challenge the underlying decision is to commence an Article 78 proceeding, which Doe has done.

64. Denies the allegations and characterizations contained in paragraph 64 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

65. Denies the allegations and characterizations contained in paragraph 65 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

66. Denies the allegations and characterizations contained in paragraph 66 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

67. Denies the allegations and characterizations contained in paragraph 67 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

68. Denies the allegations and characterizations contained in paragraph 68 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law.

69. Denies the allegations and characterizations contained in paragraph 69 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and refers to its responses in paragraphs 26, 29-33 above.

70. Denies the allegations and characterizations contained in paragraph 70 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and refers to its responses in paragraphs 26, 29-33 above.

71. Denies the allegations and characterizations contained in paragraph 71 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and refers to its responses in paragraphs 26, 29-33 above.

72. Denies the allegations and characterizations contained in paragraph 72 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and refers to its responses in paragraphs 26, 29-33 above.

73. Denies the allegations and characterizations contained in paragraph 73 of the Petition. Answering further, Cornell incorporates by reference its accompanying Memorandum of Law and notes that the proper means by which to challenge the underlying decision is to commence an Article 78 proceeding.

74. Paragraph 74 of the Petition is a request for relief that does not require a response. Nonetheless, to the extent required, Cornell denies the allegations and characterizations contained therein. Cornell also denies that Doe is entitled to any of the relief he requests in paragraph 74 of the Petition.

CONCLUDING DENIAL OF ALLEGATIONS AND REQUESTED RELIEF

75. Denies each and every allegation not otherwise expressly admitted or otherwise controverted herein, denies that Doe is entitled to any of the relief listed in the “Requested Relief” section of the Petition at page 16, and denies that Doe is entitled to any relief at all.

AS AND FOR A FIRST OBJECTION IN POINT OF LAW

76. As demonstrated in Cornell’s accompanying Memorandum of Law, the Verified Petition fails to state a claim for relief under Article 78 of the CPLR (or any other section of the CPLR) as there was no deviation from rules, published policies, or procedures.

AS AND FOR A SECOND OBJECTION IN POINT OF LAW

77. As demonstrated in Cornell’s accompanying Memorandum of Law, documentary evidence conclusively establishes a defense to the asserted claims.

AS AND FOR A THIRD OBJECTION IN POINT OF LAW

78. As demonstrated in Cornell's accompanying Memorandum of Law, Cornell substantially complied with its own rules, published policies, and procedures in connection with the Formal Complaint against Doe, the related investigation, the hearing, and the findings of the Hearing Panel, which were affirmed by the Appeal Panel.

AS AND FOR A FOURTH OBJECTION IN POINT OF LAW

79. As demonstrated in Cornell's accompanying Memorandum of Law, Doe's request for Declaratory Judgment, pursuant to CPLR § 3001, is improper as a matter of law.

AS AND FOR A FIFTH OBJECTION IN POINT OF LAW

80. Cornell has, at all times, acted in good faith and in accordance with all applicable statutes and regulations with regard to Doe.

AS AND FOR A SIXTH OBJECTION IN POINT OF LAW

81. Cornell's actions were in all respects legal, proper, reasonable, and in conformity with all applicable laws and regulations, and were neither arbitrary nor capricious.

WHEREFORE, Cornell respectfully requests that the Petition be denied and dismissed in its entirety with prejudice, together with such other and further relief as may be just and proper.

Dated: July 17, 2026

Respectfully submitted,

/s/ Adam G. Pence

ADAM G. PENCE

THOMAS HOEHNER

RYAN T. NELSON

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VERIFICATION

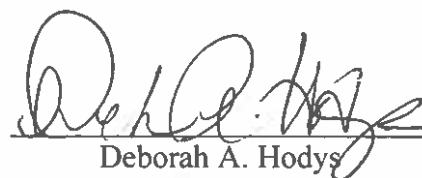
STATE OF NEW YORK :
: SS.:
COUNTY OF NEW YORK :

I, Deborah A. Hodys, being duly sworn, depose and say:

I am Interim Vice President & General Counsel of Cornell University, an education corporation existing under the laws of the State of New York and the Respondent in this action. I have read the foregoing Verified Answer and know the contents to be true to the best of my knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The sources of my information and the grounds for my belief are conversations with employees of Cornell University and documents in the possession of Cornell University.

I affirm this 17th day of July, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.


Deborah A. Hodys