

CORNELL UNIVERSITY**Cornell Office of Civil Rights – Hearing Panel Decision (94428)**

August 18, 2025

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I. Introduction

This matter involves conduct that Cornell University (the “University”) undergraduate student [REDACTED] (“Complainant”) reported to the Cornell Office of Civil Rights (COCR)¹ regarding her experiences on October 19 and 20, 2024, at the Chi Phi Fraternity house located at 107 Edgemoor Lane in Ithaca, New York (the “Chi Phi house”), on the Cornell University (the “University”) campus. Complainant met with COCR and provided an initial interview on November 14, 2024. The University initiated a Formal Complaint on November 22, 2024,² alleging that the following University undergraduates and then-members of the Chi Phi Fraternity (the “fraternity” or “Chi Phi”) engaged in prohibited conduct on the night of October 19 into the early morning hours of October 20, 2024 (the “October 19 incidents”): [REDACTED] (“[REDACTED]”), [REDACTED] (“[REDACTED]”), [REDACTED] (“Respondent [REDACTED]”); [REDACTED] (“[REDACTED]”), [REDACTED] (“[REDACTED]”), [REDACTED] (“[REDACTED]”), and [REDACTED] (“[REDACTED]”); collectively, “Respondents” and with Complainant, the “parties”). The Formal Complaint alleged that Respondents variously engaged in conduct constituting sexual assault, sexual exploitation, and/or aiding prohibited conduct, as prohibited by University Policy 6.4.³

University Investigator Samantha Freeburn (the “Investigator”) investigated the Formal Complaint charges pursuant to the University’s Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 (the “Procedures”). The Investigator summarized the relevant evidence collected in an Investigative Report (the “IR”) with accompanying appendices.⁴

A three-member Hearing Panel (the “Panel”) conducted a live hearing (the “hearing”) pursuant to the Procedures on May 2, 5, 12-15, 20-22, and 27-29, 2025. This Decision outlines the

¹ At the time, COCR was named the Office of Institutional Equity & Title IX (OIETIX).

² As discussed further in Section III below, Complainant filed a Formal Complaint with OIETIX on January 16, 2025, which modified the Formal Complaint initiated by the University on November 22, 2024. That Formal Complaint was further updated on March 13, 2025 (the “Formal Complaint”). All references herein to the Formal Complaint are to the March 13 updated Formal Complaint.

³ Charges specific to each Respondent are included in Sections IV.C, IV.E, IV.F, IV.G, IV.H, IV.I, and IV.J below.

⁴ All citations to materials in this Hearing Panel Decision (the “Decision”) reference the evidentiary record, which includes the appendices accompanying the IR (“App.”) and hearing transcripts (“Trans.”). All quotations herein are excerpted from such materials and retain their original spelling, grammar, punctuation, and capitalization, unless otherwise indicated, except that non-material edits in punctuation and capitalization were made to certain quotations for clarity.

investigation and hearing process, summarizes the Panel's findings, and provides the Panel's determinations regarding the Formal Complaint charges and applicable University policy.

As discussed further in Section IV below, upon due consideration of all information summarized in the Investigative Report and submitted by parties and witnesses in interviews, in writing, and at the hearing, the Panel found by a preponderance of the evidence:

- [REDACTED]
- [REDACTED]
- Respondent [REDACTED] is responsible for attempted sexual exploitation in violation of the Policy. He is not responsible for sexual assault.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Sanctions imposed by the Panel, as well as recommendations to the University based on its findings, may be found in Section V below.

II. Applicable Policy

In assessing the Formal Complaint allegations, the Panel applied the definitions of sexual exploitation, sexual assault, aiding prohibited conduct, and attempting to commit prohibited conduct set forth in Section 3 of the Procedures. The Procedures define **sexual exploitation**, in relevant part, as:

[I]ntentionally [. . . o]bserving another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed [. . .]; [. . .] and

[c]ausing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation.

The Procedures define **sexual assault** as “(1) sexual intercourse or (2) sexual contact (3) without affirmative consent.” The further definitions and provisions related to sexual assault under the Policy are incorporated herein by reference.

Regarding **aiding prohibited conduct**, the Procedures provide, “A person aids prohibited conduct if, with the intent to promote or facilitate such conduct, that person helps another person commit the prohibited conduct.”

Regarding **attempting to commit prohibited conduct**, the Procedures provide, “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.”

III. Procedural Overview⁵

On November 8, 2024, the Director of the University’s Office of Sorority and Fraternity Life filed an incident report with OIETIX regarding recently-alleged sexual assault and substance use at the Chi Phi house. On November 14, Complainant met with the Investigator and University Title IX Coordinator Lauren Branchini (the “Title IX Coordinator”), as well as representatives from the Cornell University Policy Department (CUPD) and the University’s Office of Student Conduct and Community Standards (OSCCS). During that meeting, Complainant requested a formal complaint under the Policy. She was interviewed by the Investigator and CUPD Investigator Jeff Northrop that same day (Complainant’s “November 14 interview”). On November 15, Complainant was interviewed by the Investigator, Investigator Northrop, and OSCCS Investigator Sevyn Hardy (Complainant’s “November 15 interview”). Also on that date, Complainant reviewed, signed, and submitted to CUPD a written statement regarding the October 19 incidents (Complainant’s “November 15 CUPD statement”).

After initial assessment, the Title IX Coordinator initiated a formal complaint and investigation regarding the information provided. Complainant was notified of this decision on November 21, 2024, on which date she informed the Title IX Office that she wished to be a party to the matter. On November 22, the Title IX Coordinator signed a University complaint and notified Respondents of the same in writing. The Investigator began collecting information—including by way of investigative interviews with parties and witnesses—shortly thereafter. On January 14, 2025, Complainant submitted an updated, signed version of the Formal Complaint (the “January 14 Formal Complaint”), by which she joined the matter as a party; Respondents received written

⁵ This Decision summarizes the procedural background of the matter. Additional details in this regard may be found in the Investigative Report and Appendices thereto, as well as within the hearing transcripts and record, which are incorporated herein by reference.

notice of the same, as well as a copy of Complainant's January 14 Formal Complaint, on January 16.

On January 22, 2025, the parties received all information related to the January 14 Formal Complaint that had been collected by the Investigator thusfar.

Initial investigative interviews with parties and witnesses in this matter took place as follows:

- December 3, 2024: University undergraduate student [REDACTED]; his "interview")
- December 6, 2024: University undergraduate student [REDACTED]
- December 9, 2024: [REDACTED] (his "December 9 interview")
- December 9, 2024: University undergraduate student [REDACTED]
- December 9, 2024: University undergraduate student [REDACTED] her "interview")
- December 10, 2024: University undergraduate student [REDACTED]
- December 11, 2024: [REDACTED] (his "December 11 interview")
- December 13, 2024: University undergraduate student [REDACTED]
- December 16, 2024: Respondent [REDACTED] (his "December 16 interview")
- December 17, 2024: University undergraduate student [REDACTED]
- December 17, 2024: University undergraduate student [REDACTED] her "December 17 interview")
- December 18, 2024: [REDACTED] (his "December 18 interview")
- December 18, 2024: [REDACTED] (his "interview")
- December 18, 2024: University undergraduate student [REDACTED]
- December 19, 2024: National Chi Phi fraternity organization staff member [REDACTED]
- December 19, 2024: University undergraduate student [REDACTED]
- December 19, 2024: University undergraduate student [REDACTED]
- December 20, 2024: University undergraduate student [REDACTED]
- December 23, 2024: University undergraduate student [REDACTED]
- December 23, 2024: University undergraduate student [REDACTED] his "interview")
- January 6, 2025: University undergraduate student [REDACTED]
- January 6, 2025: University undergraduate student [REDACTED]
- January 6, 2025: University undergraduate student [REDACTED]
- January 7, 2025: University undergraduate student [REDACTED]
- January 8, 2025: [REDACTED] (his "January 8 interview")
- January 8, 2025: University undergraduate student [REDACTED]
- January 9, 2025: University undergraduate student [REDACTED]
- January 16, 2025: [REDACTED]

- January 24, 2025: University undergraduate student [REDACTED]
- January 24, 2025: University undergraduate student [REDACTED]
- January 27, 2025: [REDACTED] (his "January 27 interview")

Party follow-up interviews and additional witness interviews then took place as follows:

- February 4, 2025: University undergraduate student [REDACTED]
- February 4, 2025: University undergraduate student [REDACTED]
- February 7, 2025: Complainant (her "February 7 interview")
- February 7, 2025: University undergraduate student [REDACTED]
- February 10, 2025: [REDACTED] (his "February 10 interview")
- February 10, 2025: University undergraduate student [REDACTED]
- February 12, 2025: University undergraduate student [REDACTED]
- February 13, 2025: Complainant
- February 13, 2025: [REDACTED]
- February 21, 2025: [REDACTED]
- February 24, 2025: Respondent [REDACTED]
- February 24, 2025: University undergraduate student [REDACTED]
- February 25, 2025: University undergraduate student [REDACTED]
- February 27, 2025: University undergraduate student [REDACTED]
- February 28, 2025: University undergraduate student [REDACTED]
- March 3, 2025: [REDACTED]
- March 5, 2025: [REDACTED]

In total, the Investigator conducted over 50 interviews during the investigation, including with 32 witnesses and all parties except [REDACTED] who declined to participate in an interview in this matter.⁶

On March 12, 2025, Complainant filed an updated Formal Complaint, which added charges to the January 14 Formal Complaint. Respondents received a copy of the updated Formal Complaint on March 13. Consistent with the Procedures, the parties were provided with the investigative record and notified of the opportunity to respond to the same on March 21.

The parties were notified of the Hearing Panel members on March 28 and April 4, 2025, and that Attorney Meaghan Borys would act as Hearing Chair for the matter on April 2. The Investigative Report was issued on April 16, 2025. Consistent with the Procedures, the Panel held the hearing via Zoom videoconference on May 2, 5, 12-15, 20-22, and 27-29. Complainant and all Respondents except for [REDACTED] submitted written opening statements, submitted closing

⁶ Consistent with Procedures Section 21.1, the Panel did not draw any negative inference with respect to [REDACTED]'s decision in this regard.

statement(s)—orally and/or in writing—and answered questions of the Hearing Chair, Panel members, their own advisor, and other parties' advisors during the hearing.⁷ The following witnesses also appeared at the hearing and answered questions posed by the Hearing Chair, Panel members, and party advisors: [REDACTED]

[REDACTED]⁸

After the close of the hearing, the Panel received written closing statements as submitted and engaged in deliberations on its findings, determinations, and sanctions on June 2, 5, 16-17, 26 30, and July 7, 2025.⁹

IV. Findings and Responsibility Determinations

The following findings and determinations were made by a majority vote of the Panel based on a preponderance of the evidence ("more-likely-than-not") standard and resulted from evaluating all relevant information collected by the Investigator and during the hearing process, including both inculpatory and exculpatory evidence.¹⁰ Credibility assessments were not based on an individual's status as Complainant, Respondent, or witness for any particular allegation(s). Consistent with Procedures Section 26.2, the Panel presumed all Respondents not responsible for any Policy violation prior to making its final determinations.

A. Undisputed Relevant Facts – October 19 and 20, 2024

Based on its review of the evidentiary record, the Panel considered the following facts regarding the night of October 19 into October 20, 2024, to be materially undisputed and supported by a preponderance of the evidence in the record, which is incorporated herein by reference. The Panel included such undisputed facts in its findings and determinations, accordingly.

On the night of October 19, 2024, Complainant consumed alcohol before arriving at the Chi Phi house at the invitation of [REDACTED]. The fraternity was hosting a party that night.

⁷ Per Procedures Sect on 21.1 [REDACTED] forfeited his opportunity to testify at the hearing in this matter by way of written opening statement, direct questioning, and closing statement(s) because he declined to participate in an investigative interview that the Investigator deemed necessary. (IR,12) [REDACTED] was offered the opportunity to cross-examine other parties and witnesses through his advisor and to answer questions of the Hearing Chair, Panel, and other parties' advisors as a witness. He elected to ask questions of other parties and witnesses through his advisor, but not to answer questions or attend the hearing. Consistent with Procedures Sections 21.1 and 21.2, and recognizing that participation in the process was entirely voluntary for all parties, the Panel did not draw any negative inference from his decisions in this regard.

⁸ [REDACTED] were also called to testify at the hearing but declined to participate.

⁹ Consistent with the Procedures, the Hearing Chair was present for and participated in deliberations, but did not vote with respect to findings of fact, determinations of responsibility, or sanctions.

¹⁰ While this section provides various summaries of evidence as relevant to the Panel's findings and determinations, it is not intended to, nor does it, provide a comprehensive review of the entire evidentiary record with respect to all circumstances related to the Complaint and reviewed by the Panel.

██████████ was a sober monitor for the party, and ██████████ were the fraternity's social chairs at the time. Shortly after Complainant's arrival, ██████████ asked Complainant if she would like to engage in a "threesome." Complainant understood this suggestion to be indicative of sexual activity among herself, ██████████ and a third person and expressed interest. As of that night, Complainant had strong romantic feelings for and sexual interest in ██████████ and had for some time. The two then proceeded to a bedroom on the second floor of the house—belonging to ██████████, ██████████, and University undergraduate student ██████████—known within the fraternity as the "alumni room." The alumni room was located off a balcony area where individuals often gathered and was generally regarded by members of the fraternity as a social room, serving both as a bedroom for ██████████, and ██████████ and as a generally-unlocked space where fraternity members (and, in particular, sophomore fraternity members such as ██████████, ██████████) would commonly congregate after parties. The furniture in the room at the time consisted of three beds, one loveseat-style couch, and at least one chair

██████████ was present in the alumni room when Complainant and ██████████ arrived.¹¹ No others were present. Complainant and ██████████ were friends at the time and had engaged in sexual activity together in the past. After Complainant and ██████████ entered the alumni room on October 19, the three parties engaged in sexual activity, for which Complainant provided consent. Specifically, Complainant engaged in oral sex with ██████████ on or near the couch, while ██████████ engaged in vaginal-penile sex with her from behind (the "threesome activity"). The parties ended the threesome activity after some minutes. At or around that time, the three consumed liquor and smoked marijuana together. Ketamine was introduced among the group, as well, as discussed further in Section IV.B below. Ketamine was a substance used by multiple individuals in the Chi Phi house at the time, including ██████████, who had overdosed on or about October 18, 2024.

At some point, ██████████ moved himself to a bed in the room and fell asleep or was otherwise unconscious. Complainant and ██████████ remained together on or near the couch. At or around 1:00 a.m. on October 20, 2024, ██████████ entered the alumni room and engaged in sexual activity with Complainant, as discussed further in Section IV.C below. While ██████████ was present in the alumni room, ██████████ woke, and ██████████ participated in contemporaneous sexual activity with Complainant for some amount of time, as discussed further in Section IV.H below. ██████████ left the room shortly thereafter.

¹¹ The Panel recognized the disputed issue of whether ██████████ accompanied Complainant and ██████████ to the alumni room initially (as recalled by ██████████) or whether he was already in the room when they arrived (as recalled by Complainant). The Panel did not consider a finding on the same to be material to its determinations and noted that ██████████ was nonetheless present when Complainant and ██████████ entered the room.

At or just after 2:00 a.m., [REDACTED] entered the alumni room. While present in the alumni room, he consumed ketamine off Complainant's body, as discussed further in Section IV.I below. At or around 2:15 a.m., [REDACTED] entered the alumni room. While present, he kissed Complainant and consumed ketamine off her body, as discussed further in Section IV.E below. At or around 2:30 a.m., Respondents [REDACTED] entered the alumni room.

At or around 5:00 a.m.,¹² Complainant, [REDACTED], and [REDACTED] moved from the alumni room to a common space on the fourth floor of the Chi Phi house known within the fraternity as the "Pentz"—off of which was the bedroom shared by [REDACTED] and [REDACTED]—after which they proceeded into a smaller room adjacent to the Pentz called the "foffice." The foffice included both storage space and an alcove where [REDACTED] had arranged a work space with at least one desk, a computer, and two chairs. While in the foffice, sexual activity occurred involving Complainant engaging in oral sex with [REDACTED], as discussed further in Section IV.I below, and vaginal-penile sex between Complainant and [REDACTED] as discussed further in Section IV.J below. After that sexual activity ended, Complainant slept in [REDACTED] bed with him before returning to her residence.

Between 1:42 a.m. and 2:27 a.m. on October 20, 2024, multiple Respondents wrote messages and otherwise interacted with a Snapchat group chat titled "Chi Phi Actives" (the "Actives group") that consisted of approximately 40 or more active members of the Chi Phi fraternity. That sequence of activity was captured by a videorecording contained in Appendix C (the "Snapchat video")¹³ and summarized by the Investigator during the investigation (App. C, 21). Complainant had no contemporaneous knowledge of the existence of such messages. The Snapchat video showed a message at 1 42 a.m. that read, "Free pussy in alum pu[.]" (App. C, 21). The Panel found by a preponderance of the evidence—including multiple Respondents' statements—that "alum" referred to the alumni room and that "pu" was an abbreviation of the phrase "pull up," which indicated an invitation. The Panel further found that the word "pussy" more likely than not referred to female sexual anatomy, specifically, the vagina.¹⁴

Complainant responded directly with [REDACTED] by text message after the night of October 19, 2024.

¹² Based on the preponderance of the evidence in the record—including information submitted by [REDACTED]—the Panel found that [REDACTED] and [REDACTED] appeared in the alumni room at or around 5:00 a.m. and requested, in some form, that all those present exit the room. The Panel further credited that [REDACTED] were with [REDACTED] and [REDACTED] at that time.

¹³ The Snapchat video was submitted anonymously. The recording depicted an unknown individual's cell phone screen, on which was displayed the Actives group Snapchat messages discussed herein. Based on the preponderance of the evidence, the Panel understood that the unknown user whose cell phone was recorded by way of the Snapchat video necessarily was both a member of the Actives group and the Chi Phi fraternity as of October 20, 2024.

¹⁴ In addition to the evidentiary record, the Panel considered the reasonable interpretation of the word as commonly used—see, e.g., <https://www.merriam-webster.com/dictionary/pussy>, defining "pussy" as "vulva," "sexual intercourse," and "the female partner in sexual intercourse."

As discussed throughout this Decision, numerous parties consumed the controlled substance ketamine in powdered form on the night of October 19 into the early morning hours of October 20, 2024. According to the United States Department of Justice (“DOJ”) and Drug Enforcement Agency (“DEA”) 2024 Fact Sheet on Ketamine (the “DOJ and DEA fact sheet”) contained in the evidentiary record, ketamine is a “dissociative anesthetic that has some hallucinogenic effects. Ketamine distorts the perception of sight and sound and makes the user feel disconnected and not in control. [. . .]t makes patients feel detached from their pain and environment.” (App. B, 344) The fact sheet continues, “Ketamine can induce a state of sedation (feeling calm and relaxed), immobility, relief from pain, and amnesia (no memory of events while under the influence of the drug) and is used for the dissociative sensations and hallucinogenic effects. Ketamine has also been used to facilitate sexual assault.” (App. B, 344) It also provides, “Ketamine comes in a [. . .] white or off-white powder. Powdered ketamine [. . .] is typically packaged in [. . .] small plastic bags [and . . .] is cut into lines known as bumps and snorted. [. . .] The onset of effects is rapid and often occurs within a few minutes of taking the drug[. . .] It may cause unwanted side effects such as: agitation, depression, cognitive difficulties, unconsciousness, and amnesia.” (App. B, 344-345) The DOJ and DEA fact sheet also indicates that certain effects of ketamine may last “approximately 30 to 60 minutes[.]” (App. B, 345)

The scientific paper “Ketamine” contained in the evidentiary record (the “Ketamine paper”) confirmed that ketamine is a substance approved for use in the medical field “as a general anesthetic.” (App. B, 346) The Ketamine paper provided that, in “doses below a certain threshold, ketamine produces analgesia and sedation. However, [above that threshold], the characteristic dissociative state abruptly appears,” which “is inconsistent with [. . .] moderate sedation or deep sedation[.]” (App. B, 348) The scientific article “Ketamine: 50 Years of Modulating the Mind” contained in the evidentiary record (collectively with the DOJ and DEA fact sheet and the Ketamine paper, the “expert materials”) similarly noted about the use of the drug in a clinical setting, “Ketamine produces an unusual state, sometimes referred to as ‘dissociative anesthesia[.]’ [. . .] During this dissociative state, patients might appear awake [. . .] but they are unable to respond to sensory input.” (App. B, 359) It continued, “At lower [‘recreational’] doses, stimulant effects predominate, and users experience mild dissociation with hallucinations and a distortion of time and space,” with “effects resolv[ing] approximately 2 h[ours] after acute ketamine use[.]” (App. B, 362) The Ketamine paper indicated that the “most common adverse drug reactions associated with ketamine are nausea, vomiting, dizziness, diplopia, drowsiness, dysphoria, and confusion.” (App. B, 350)

Complainant consumed ketamine in powdered form on the night of October 19, 2024. During the hearing on May 2, 2025, Complainant described her experience of the effects of ketamine to include feeling like her “lights were on, but no one was home,” which she indicated was a state of “vague consciousness” wherein she “d[id]n’t know what’s going on from thing to thing.” (Trans. 5/2; 21, 63, 64) At the hearing on May 5, she elaborated on her experience of that effect by saying, “You look like an operating human being. [. . . Y]ou don’t look dead or asleep

necessarily. So, lights are on, but nobody's home. Your brain is not functioning at its proper level." (Trans. 5/5; 90) The Panel found this "lights on, nobody home" description consistent with the known "dissociative" effect of ketamine repeatedly emphasized in the expert materials.

B. Complainant's First Consumption of Ketamine

Complainant consistently recounted that she consumed ketamine with [REDACTED] close in time to their threesome activity on October 19, 2024. She referenced it as "the first time" she did ketamine that night during recorded telephone calls with [REDACTED] that took place on or about November 6 and 7. (App. B, 171-173; App. C, 24, 28, 38) In her November 14 interview, she explained that while she did not have an independent memory of consuming ketamine for the first time that evening, she nonetheless "kn[e]w" it occurred based on an experience with ketamine later in the night, when she "remember[ed] thinking [it] was [her] second time doing it" and that she "already did it once [before]" (App. A; 47, 70) Complainant likewise indicated in her November 15 CUPD statement about that experience, "[I]t hit me that I had taken [k]etamine on the couch with [REDACTED] and [REDACTED] earlier in the night. [. . .] I remember smoking marijuana but he ket mine [. . .] I have zero memory of. All I could remember was the feeling that I had already done [k]etamine once[.]" Complainant said at the hearing on May 2, 2025, "I know that it was given to me. [REDACTED] [REDACTED] also did it. It was on the couch[;] it was the three of us had ketamine. [. . .] I know it sounds super weird to say. I know it happened, but I don't remember it." (Trans. 5/2; 32)

In [REDACTED] November 7, 2024, recorded call with Complainant (the "[REDACTED] November 7 call"), he said about himself, Complainant, and [REDACTED] in the alumni room that night, "[W]e're on the couch, and it's star ing. And then after like 10 minutes, we slowed down a bit. Then [REDACTED] pulled out the ['liquor'], and we drank it. And then we started smoking from there, maybe another five to 10 minutes afterwards. And then the K^[15] started happening." (App. C, 29) [REDACTED] also submitted a written statement during the investigation dated March 17, 2025 (his "March 17 statement"), regarding what occurred after the threesome activity. He wrote in this regard, "I inquired for ketamine from [REDACTED] [. . .] He poured the powder on a small key for himself and snorted it, then handed me the key and the bag which contained the ketamine. I poured myself several keys' worth and inhaled them in rapid succession." (App. B, 259) He continued, "[Complainant] did not ingest any ketamine at this point However, she shared a sip of Jamaican liquor along with me and [REDACTED]." (App. B, 259)

In [REDACTED] interview, he said about the threesome activity and thereafter, "[W]e started having sex in my room, the three of us. [. . .] We stopped, took a break. And that's when [REDACTED] noticed a bag of ketamine[. . .] And so, [REDACTED] offers us, 'Hey, do

¹⁵ Considering the totality of the circumstances, the Panel understood [REDACTED] use of the letter "K" in this statement to reference ketamine.

you want to do some?" I said, 'Sure.' [Complainant] declined at that point. So, we didn't really push her past that." (App. A, 184-185) At the hearing on May 12, 2025, [REDACTED] first said about this time of the night, "We were all sitting on the couch talking. [REDACTED] reaches over, sees [the bag of ketamine], picks it up, asks if we want some." (Trans. 5/12; 60-61) He also stated, "[Complainant] said no, she'd never done it before. We didn't ask again." Later in the hearing, when asked about what, if any, substances [REDACTED] gave to Complainant, [REDACTED] said, "I guess, ketamine, alcohol, weed[REDACTED] Me and [REDACTED] did it, we offered it to her. She chose to take it. We didn't force her to do anything." (Trans. 5/12; 149)

In assessing the totality of the information provided in this regard, the Panel weighed Complainant's description of having ingested ketamine with [REDACTED] against the latter two's account that she did not. The Panel first considered Complainant's candor regarding not having a specific memory of consuming ketamine at that time to be reasonably against her self-interest and therefore somewhat indicative of credibility in her account, which the Panel noted was first provided close in time to the October 19 incidents and remained materially consistent thereafter. The Panel also considered Complainant's lack of ability to remember the details of this consumption consistent with the typical effects of ketamine described in the expert materials. Likewise, the Panel noted Complainant's lack of memory regarding many of her subsequent experiences with [REDACTED] as discussed in Section IV.C below, and found consumption of ketamine consistent with the same.

By contrast, the Panel noted that [REDACTED] both confirmed that ketamine consumption occurred in the alumni room at that time in the night and yet offered materially contrasting memories of how the ketamine was introduced, which reduced the weight attributed to both accounts. In addition, the Panel afforded less weight to [REDACTED] written statement than those made during his recorded call with Complainant, given that his written statement was submitted after he received notice of the Complaint allegations and therefore after he may have had a general motive to indicate that Complainant did not consume ketamine in his presence. Additionally, the Panel noted the apparent discrepancy in [REDACTED] both stating that [REDACTED] alone initiated the use of the ketamine and also using the pronoun "we" in the same context to indicate that the two [REDACTED] "didn't really push" or "ask" Complainant about it. The Panel found that this repeated inconsistency reduced the credibility of his account in this regard. The Panel further considered [REDACTED] statement at the hearing, wherein he grouped ketamine with substances that he and [REDACTED] "offered" Complainant and that she "chose to take," to reasonably indicate that she did ingest ketamine with the two of them at or around the time of the threesome activity.

Finally, the Panel considered the totality of the circumstances presented, including its findings, discussed in Sections IV.H and IV.J below, that [REDACTED] both separately gave Complainant ketamine at later points in the night [REDACTED] The Panel therefore considered their provision of ketamine to Complainant at this earlier point of the

night to be consistent with a pattern of conduct they each demonstrated later in time. The Panel also considered Complainant's alcohol consumption prior to her arrival at the Chi Phi house, her friendship with [REDACTED], and her undisputed strong attraction for [REDACTED]—the feeling of which she described in her November 15 interview as a “chokehold,” adding that she would have done “anything to please [him]” at the time. (App. A, 35) Understanding a typical effect of alcohol to be lowered inhibition in the context of the three parties having engaged in sexual activity together and having consumed alcohol and marijuana together, the Panel found based on the preponderance of the evidence that Complainant ingested ketamine with [REDACTED] in the alumni room on the night of October 19 close in time to the threesome activity.

C. [REDACTED]

[REDACTED]

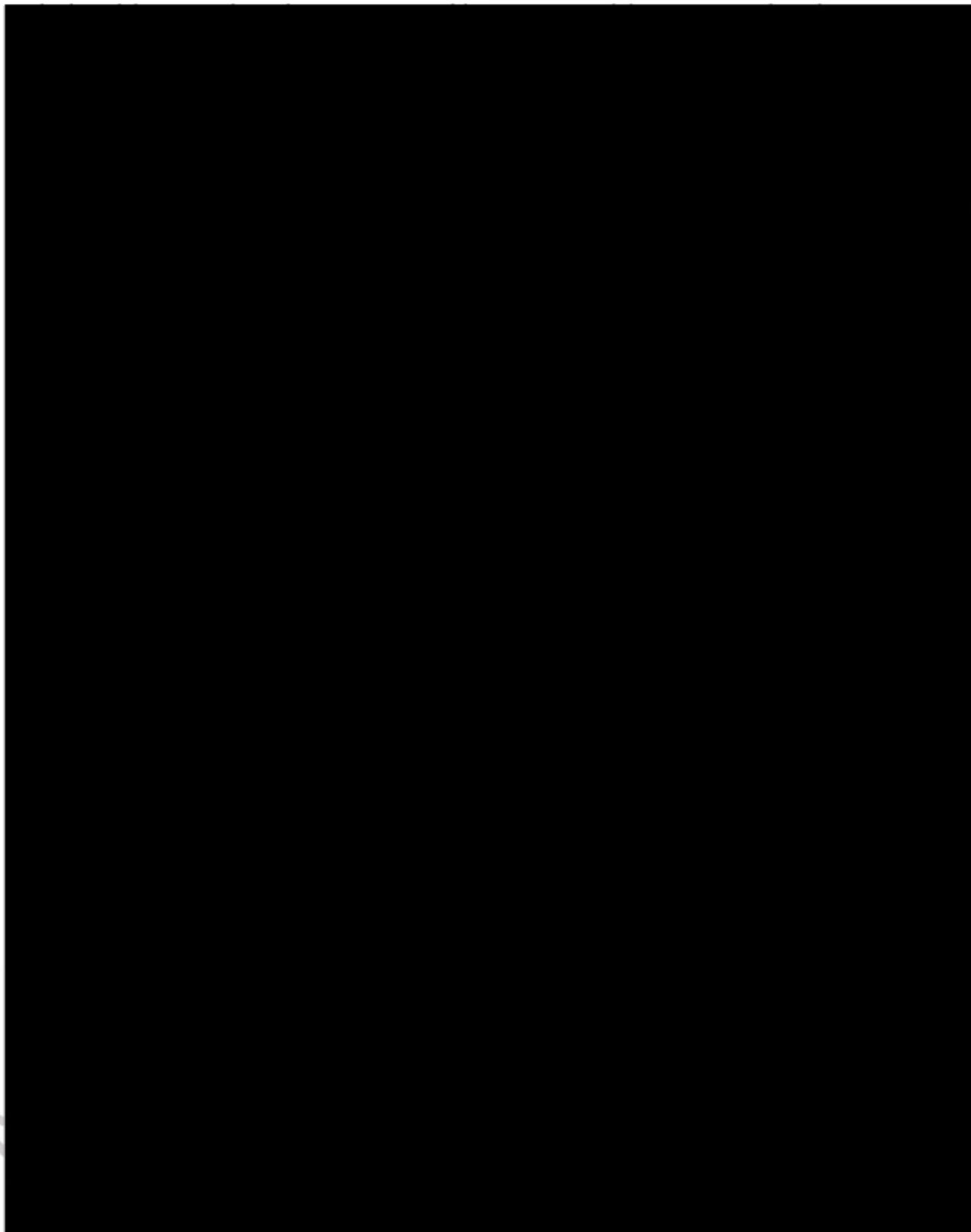
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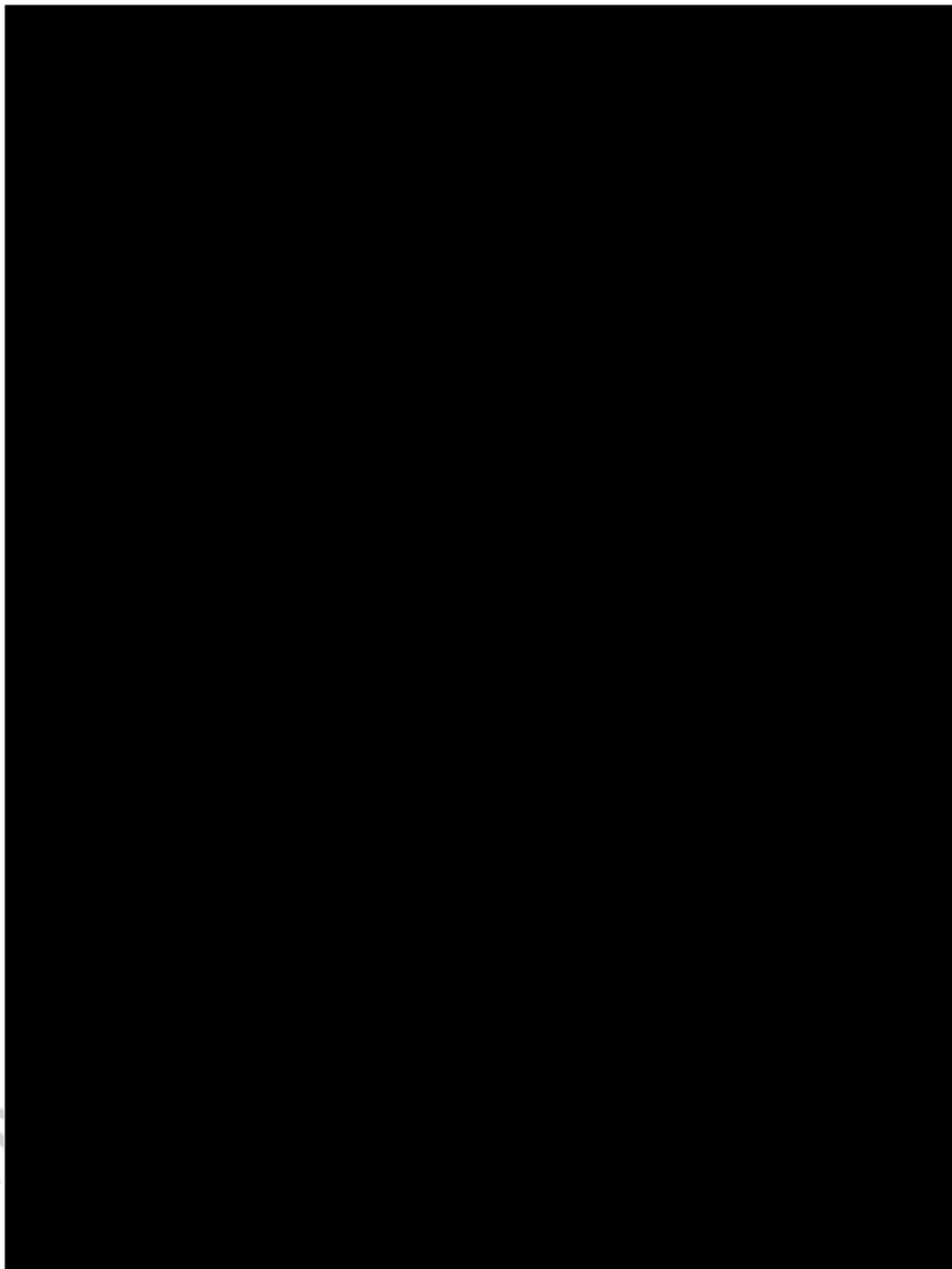
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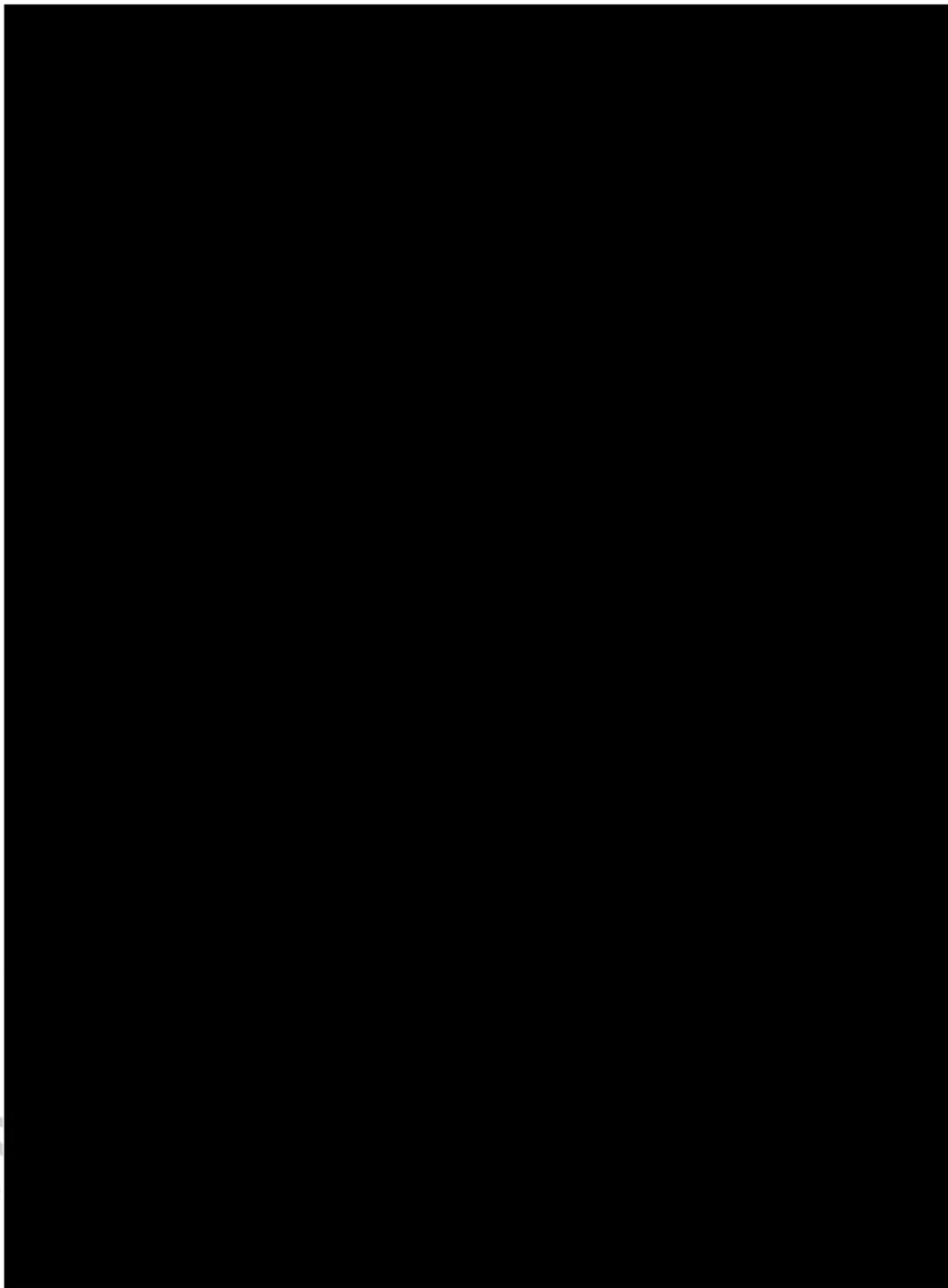
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F. Respondent [REDACTED]

1. *Complaint Charges Against Respondent* [REDACTED]

As set forth in the Formal Complaint, Respondent [REDACTED] was charged with violating the Policy's prohibition against **Sexual Exploitation** and **Sexual Assault**. Specifically, the alleged prohibited conduct was that he: (a) intentionally viewed Complainant in a state of undress without her

permission; and (b) touched his nose to Complainant's naked body and inhaled a powdered substance off her body without affirmative consent, including lack of affirmative consent due to incapacitation.

2. Party Accounts and Additional Evidence

a. Complainant

In her November 14 interview, Complainant indicated that, at some point during the night of October 19, 2024, when she was "naked" in [REDACTED] bed, "two guys named [REDACTED]" entered the room. (App. A, 62) She recalled being introduced to them while [REDACTED] [REDACTED] were also in the room. She described them as "standing" at the foot of the bed, adding, "They felt more like voyeurs than anything in the situation. They didn't get as comfortable as everybody else did." Although she was "unsure" of the particular "sequence of the[] events," she then recalled certain interactions with [REDACTED] exiting the bed while naked and "flexing," and being "berated with compliments." (App. A; 68-70, 72) She also indicated that [REDACTED] asked to ingest ketamine off her body and that she agreed in some form. She continued, "I remember lying down and covering my face up. [. . .] And they just poured all sorts of stuff all over me and did all sorts of drugs off my body. [. . . S]everal lines [were] done by almost everybody." (App. A, 73) In her November 15 interview, she stated, "I'm not even sure if the two [REDACTED] are in Chi Phi. [. . .] But they all were partaking in the drugs because they did them off of my body. But I did put my hands over my face at that point." (App. A; 126-127) In her February 7 interview, Complainant said, "[T]he [REDACTED], as far as I know, were voyeurs. Well, except the times that they did drugs off my body, and who knows if they touched anything while they were doing that[.]" (App. A, 137) Although she did not know what either of them looked like after that night, Complainant consistently indicated that either Respondent [REDACTED] or [REDACTED] asked if she was okay or otherwise physically supported her after [REDACTED] entered the alumni room and told everyone to leave. (See, e.g., App. B, 32)

b. Respondent [REDACTED]

Respondent [REDACTED] consistently stated in his interviews, documentary submissions, and at the hearing that he did not observe Complainant naked at any time nor partake in any drug use while in the alumni room on the night of October 19, 2024. At the hearing on May 21, 2025, he indicated that he did not know Complainant prior to the night of October 19. During Respondent [REDACTED] December 16 interview, he described being at the party at the Chi Phi house that night, after which he went to [REDACTED] room. He submitted a record of a ten-second call with [REDACTED] at 2:23 a.m. on October 20. (App. B, 307) In his December 16 interview, he recalled inviting [REDACTED] to join him in [REDACTED] room during that call. He continued, "I was hitting ['a nicotine vape'] at this point, and it was almost dead[. . . A]nd by the time [REDACTED] got there, we sat and talked for about two minutes, and [REDACTED] got up and left the room. We didn't know why[.]" (App. A, 370) About what happened next, he said:

After about 10 to 15 minutes with [REDACTED] still being gone, I checked my phone and in [the Actives group] there was a text message [. . .] that said, "Free pussy in alumni." [. . .] I had no idea what the text meant. I was kind of befuddled. So, me and [REDACTED] talked about it. And the person that sent the text message [REDACTED], he lived in that room, and I knew he had a vape, and my vape had just died. And we also speculated that maybe this is why [REDACTED] had got up and left.

(App. A, 370) He added, "So, my vape had died. I knew [REDACTED] had one, and because of [REDACTED] leaving and us not knowing the nature of if this was a joke or what was going on in the [alumni] room, me and [REDACTED] decided to go into that room." (App. A, 370). During the hearing on May 21, Respondent [REDACTED] explained that [REDACTED] had actually left his room before [REDACTED] arrived, without indicating where he was going.

About what happened when he and [REDACTED] entered the alumni room on October 20, 2024, Respondent [REDACTED] said during his December 16 interview that he saw Complainant and [REDACTED] all in or on [REDACTED] bed. He indicated that Complainant was under bed coverings at the time. He said that he sat on the couch and conversed with [REDACTED] for some minutes before asking both [REDACTED] and Complainant if they were "all right"—both of whom responded affirmatively—and exiting the room with [REDACTED] (App. A, 371) He recalled an interaction with Complainant before exiting in which she "laughed" about both his and [REDACTED] first names being "[REDACTED]" (App. A, 372) He estimated that he was in the alumni room for "[n]o more than five minutes" that night. (App. A, 380)

About his decision to go to the alumni room that night, Respondent [REDACTED] stated, "[B]y no means were we going there to get free pussy[. . .] That was not our intentions at all. We were just checking out to see if everything was okay[.]" (App. A, 377) During the hearing on May 21, 2025, he stated that after seeing the "free pussy in alumni" message, he "started to get kind of worried that that's where [REDACTED] had went" and that he "believe[d] [REDACTED] was intoxicated at the time." (Trans. 5/21; 110, 116) He continued, "I was just worried cause again, the text was really out there. I had never seen something like that. [. . .] I just didn't know what [REDACTED] was doing and kind of if something was bad, I wanted to get him out of there." (Trans. 5/21; 110-111) He also said, "[T]he text could have meant anything. There was a lot of things going through my head. I didn't know if there was a lot of girls in there or what was going on[. . .] But again, free pussy just seems like someone could have been in danger. It's just free. What does free mean? Again, I don't know. That's why it could have meant anything." (Trans. 5/21; 113) He also said, "If someone's having sex with someone in the room, they're not gonna send that text out. So, again, I just didn't know what was really happening in the room," and, "I just didn't think it was real." (Trans. 5/21; 111, 114)

Respondent [REDACTED] further noted that although the alumni room was "a bedroom where a lot of people would go to hang out if they didn't want to be in their room or if they had nothing to do,"

he personally “just wasn’t really close with the [residents of the room as of October 19, 2024]. So, [he]’d go to [his] other friends’ rooms to hang out,” adding, “I was rarely ever in [the alumni room].” (Trans. 5/21; 104)

During the investigation, Respondent [REDACTED] submitted a record of a ketamine test performed by Omega Laboratories that indicated that his hair follicles were collected on November 26, 2024, and tested for ketamine presence (his “ketamine test”). The ketamine test came back “[n]egative” for the drug. (App. B.1; 8) At the hearing on May 21, Respondent [REDACTED] stated that Omega Laboratories personnel told him at the time of collection, “[E]ven if you take [ketamine] one time, it can stay in your hair for up to three to six months.” (Trans. 5/21; 168)

c. Additional Evidence

[REDACTED] Timeline indicated that he “called [Respondent [REDACTED]] and went to [REDACTED]’s room” at or around 2:23 a.m. on October 20, 2024. (App. B, 272) In [REDACTED] December 9 interview, he described that he and Respondent [REDACTED] noted a Snapchat message to the Actives group that read, “Free pussy in alumni,” after which they went to the alumni room. (App. A, 330) He continued, “We saw that text and were somewhat concerned but thought it could just be crude humor.” (App. A, 330) He also wrote in his Timeline, “[Respondent [REDACTED]]’s vape had died, and he wanted to borrow someone else’s. He knew [REDACTED] had a vape in [the alumni] room. [Respondent [REDACTED]] asked if I wanted to go check it out, and I agreed. [Respondent [REDACTED]] also mentioned that he thought [REDACTED] was pretty inebriated while they were hanging out so we wanted to check on him.” (App. B, 272)

About what happened after they entered the alumni room minutes later, [REDACTED] recalled seeing Complainant under bed coverings, with [REDACTED] all in or on the same bed. He recalled being in the room for “[f]ive minutes, maybe” (App. A, 344) and consistently stated that he both arrived and left with Respondent [REDACTED]. He likewise consistently indicated that he did not observe any drug use or Complainant naked at any time he was present in the alumni room that night. On December 9, 2024, [REDACTED] signed a document titled “Acknowledgement of Understanding of [Respondent [REDACTED]]’s Involvement,” in which he affirmed that Respondent [REDACTED] “did not make any physical contact with [Complainant]” and “did not snort or consume drugs on or near [Complainant].” (App. B, 306) At the hearing on May 15, 2025, [REDACTED] indicated that when he inquired about taking a hair follicle test for ketamine, he was told by the company Request A Test that the test is accurate for presence of the drug for up to “90 days.” (Trans. 5/15; 71)

During [REDACTED] interview, he recalled about after [REDACTED] consumed ketamine off Complainant’s body, “two guys walked in, [Respondent [REDACTED]] and [REDACTED]. They introduced themselves, started talking, and [Complainant] invited them in.” (App. A, 186) He continued, “And then, [REDACTED] are telling [REDACTED] about how they did ketamine off of [Complainant’s] chest. [. . .] And then, both [REDACTED] [REDACTED] asked her if they could do ketamine off her chest too, because [REDACTED]”

had told them about it. She said yeah, so they did.” (App. A, 187) He did not recall who poured that ketamine or how much they consumed. He also indicated that Complainant “got up out of the bed and started doing like a bodybuilder pose” while [REDACTED] were in the alumni room. (App. A, 186)

In [REDACTED] January 8 interview, he recalled entering the alumni room in the early morning hours of October 20 and talking with Complainant and [REDACTED]. He continued, “At some point, then the door opens in the room. I look back and I see [Respondent [REDACTED]] has entered the room. Then, I can’t recall if it was right behind him or a little bit later at some point [REDACTED] walks into the room as well.” In the hearing on May 14, 2025, [REDACTED] explained, “I believe sometime shortly before [REDACTED] asked to ingest ketamine off of Complainant’s body], I remember actually hearing the door and glancing back and seeing them, but I actually don’t recall where they were exactly when he said those words specifically.” (Trans. 5/14; 144)

In his January 27 interview, [REDACTED] said that he and [REDACTED] then ingested ketamine off Complainant’s body. In the hearing on May 14, he stated about that time, “I had not heard or seen [Respondent [REDACTED]] since I heard that door open in the moment, but I think I had the impression that they were in the room too somewhere in the background.” (Trans. 5/14; 147) When asked what gave him the impression that Respondent [REDACTED] was still in the room at that time, [REDACTED] answered, “I just didn’t recall hearing the door open again.” (Trans. 5/14; 147) In his January 27 interview, he said about what happened next, “I remember at some point, [Respondent [REDACTED]] just comes up to me. I’m not sure what he said, but he just walks up to me because he’s one of my friends. [. . .] I don’t remember the exact words he said to me, but I just remember him coming up to me, and then, going back to talking with, I believe, it was [REDACTED] (App. A, 428) He recalled that the next thing that happened was Complainant exiting the bed and “flexing her muscles to everybody in the room,” after which [REDACTED] “[came] into the room and basically kick[ed] everyone out[.]” (App. A, 428) He did not remember Respondent [REDACTED] inhaling ketamine off Complainant’s body.

[REDACTED] each consistently recalled—both at their respective interviews and at the hearing—that they observed Respondent [REDACTED] exiting the alumni room at or around 5:00 a.m. when they went to that room with [REDACTED] and [REDACTED]

d. The Snapchat Messages

As discussed in Section IV.A above, the Panel found that the 1:42 a.m. Snapchat message “Free pussy in alum pu” communicated an invitation for others to go to the alumni room, along with a reference to female sexual anatomy. At 2:29 a.m., Respondent [REDACTED] wrote in the Alumni group, “the alumni shit is not a bit. First hand pov not a bit” (the “not a bit message”). During the hearing on May 21, 2025, Respondent [REDACTED] said about that message:

I found out from [someone] passing by as I was walking into the [alumni] room that there was a girl in there. So, I was just saying, I mean, firsthand from somebody else that there was a girl in that room and it's not a ['joke'], but again, it was an immature and dumb kind of just following along with what everybody else was saying in there. I shouldn't have said it. And it is immature and a stupid text message for sure.

(Trans. 5/21; 152, 153) He indicated that he interacted with that individual and sent the not a bit message while he was outside the alumni room, prior to entering.

3. Findings and Determinations with Respect to Respondent [REDACTED]

Procedures Section 3.6 defines sexual exploitation in relevant part as "intentionally engaging in [. . .] observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed[.]" Per Procedures Section 3.5, sexual assault is "(1) sexual intercourse or (2) sexual contact (3) without affirmative consent." Sexual contact is defined in relevant part as "intentional sexual touching, however slight, with any object or body part" including "intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation."

Regarding the charges against Respondent [REDACTED], the Panel first found the evidentiary record insufficient to show that he observed Complainant nude or engaged in sexual activity without her knowledge. Notably, even if Respondent [REDACTED] was present when others consumed ketamine off her naked torso and/or when she exited the bed and flexed, the preponderance of the evidence showed that Complainant was aware, by her own account, that she was nude at those times. For this reason, the Panel determined that Respondent [REDACTED] was not responsible for sexual exploitation under the Policy.

However, the Panel considered Procedures Section 3.2, which prohibits attempting to commit prohibited conduct, and found that Respondent [REDACTED] attempted to commit sexual exploitation when he went into the alumni room in the early morning hours of October 20, 2024. Specifically, by Respondent [REDACTED]'s own account, he went to the room, at least in part, because of a Snapchat message indicating there was "free pussy in alumni." Also by Respondent [REDACTED]'s own account, he thought "something [. . .] bad" could be happening in the room, that someone could be "in danger," and that the situation could involve "a lot of girls." He also noted that, while he did not have specific knowledge of what was occurring in the room, he thought at the time, "If someone's having sex with someone in the room, they're not gonna send that text out." Taking these statements together, the Panel considered it more likely than not that Respondent [REDACTED] understood that the 1:42 a.m. message indicated some kind of sexual situation involving a female. The Panel likewise found the objectively reasonable understanding of the message to indicate some kind of sexual situation was occurring with a female in the alumni room. In addition, although Respondent [REDACTED] repeatedly indicated that he thought the message was a "joke" or not real, the Panel found such statements unreasonably incompatible with his account that he was sufficiently "worried" about what was happening in the room that he went to check on the

situation—particularly when he noted that it was not a social room that he frequented and that he was not close to its residents—and therefore did not credit his account in this regard. The Panel further considered Respondent [REDACTED]'s not a bit message and his statements acknowledging that, by the time he arrived at the alumni room, he had received confirmation that there was “a girl” present in that space and still chose to enter it. The Panel therefore determined by a preponderance of the evidence that Respondent [REDACTED] 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.²³

It is undisputed that Complainant had no knowledge of the Snapchat messages occurring in the Actives group that night, had no previous relationship with Respondent [REDACTED], and did not invite him to the alumni room. Therefore, the Panel determined that Respondent [REDACTED] 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) and that such conduct thus constituted attempting to commit prohibited conduct in violation of the Policy.

The Panel next assessed the charge against Respondent [REDACTED] regarding ingesting ketamine off Complainant's naked torso in the alumni room on October 20, 2024. The Panel first noted that Respondent [REDACTED] consistently denied consuming any drugs in the alumni room that night. The Panel also noted that all accounts indicated that Respondent [REDACTED] entered the alumni room at or about the same time as [REDACTED] and [REDACTED] likewise consistently stated that Respondent [REDACTED] did not ingest ketamine while in the room that night. The Panel further considered that Complainant thought Respondent [REDACTED] participated in ingesting ketamine off her that night, but did not actually observe him do so. The Panel also noted that, although [REDACTED] recalled Respondent [REDACTED] inhaling ketamine off Complainant, neither [REDACTED] nor [REDACTED] indicated the same. Finally, the Panel considered the apparent negative results of Respondent [REDACTED] ketamine test and that both [REDACTED] and Respondent [REDACTED] indicated that hair follicle tests for ketamine could reveal the drug's presence for up to three months, with Respondent [REDACTED] having taken the test within six weeks of October 20. Ultimately, in its review of the totality of the information collected, the Panel found the evidentiary record insufficient to show that Respondent [REDACTED] ingested ketamine off Complainant's body in the early morning hours of October 20 and therefore determined that he is not responsible for sexual assault under the Policy.

²³ The Panel did not find Respondent [REDACTED]'s statements regarding his intent to borrow [REDACTED] “vape” or check on [REDACTED] to be material to its analysis in this regard as, even if true, he could have had multiple reasons for going to the alumni room that night—including to view someone in a state of undress or involved in sexual activity.

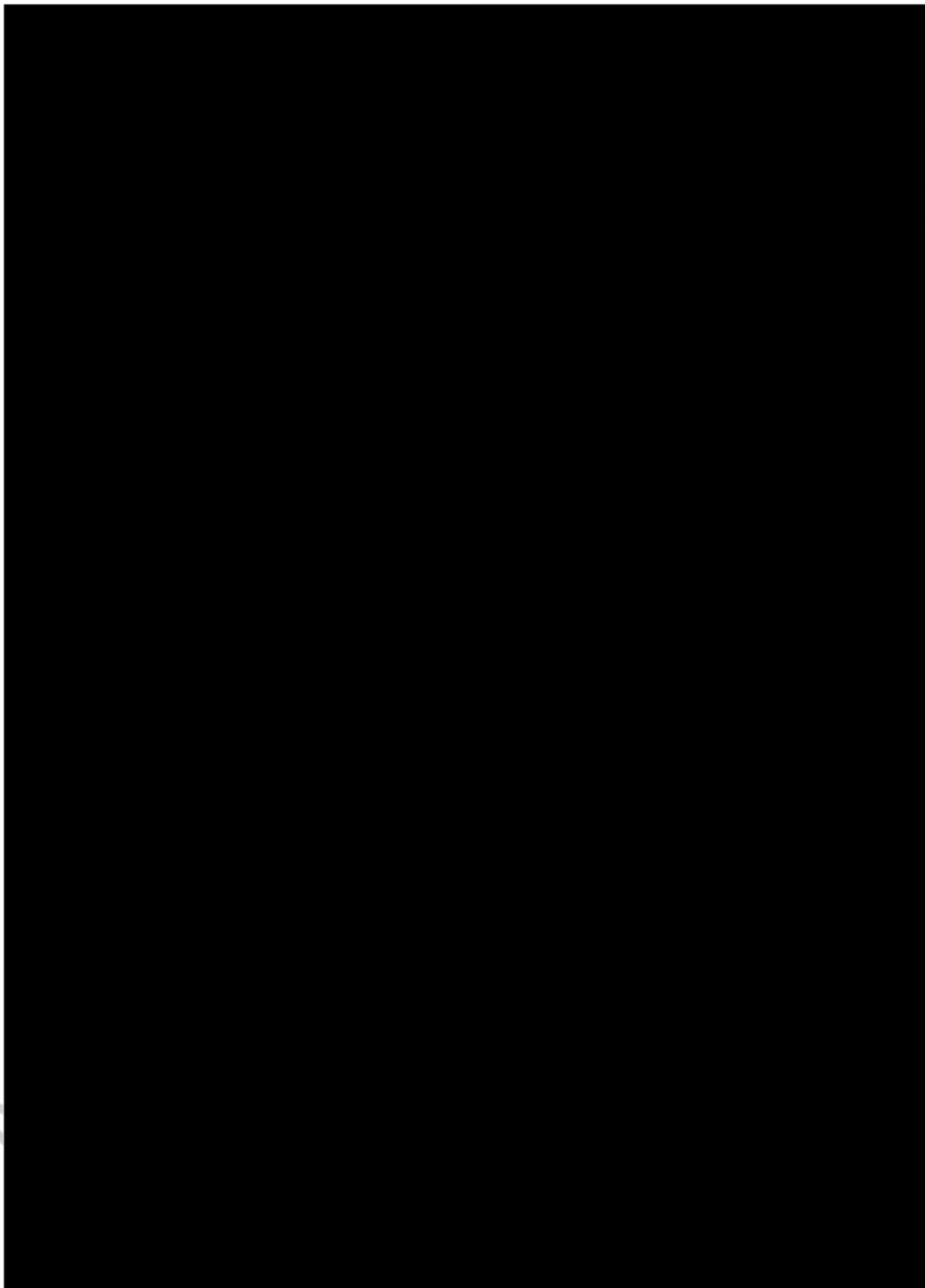
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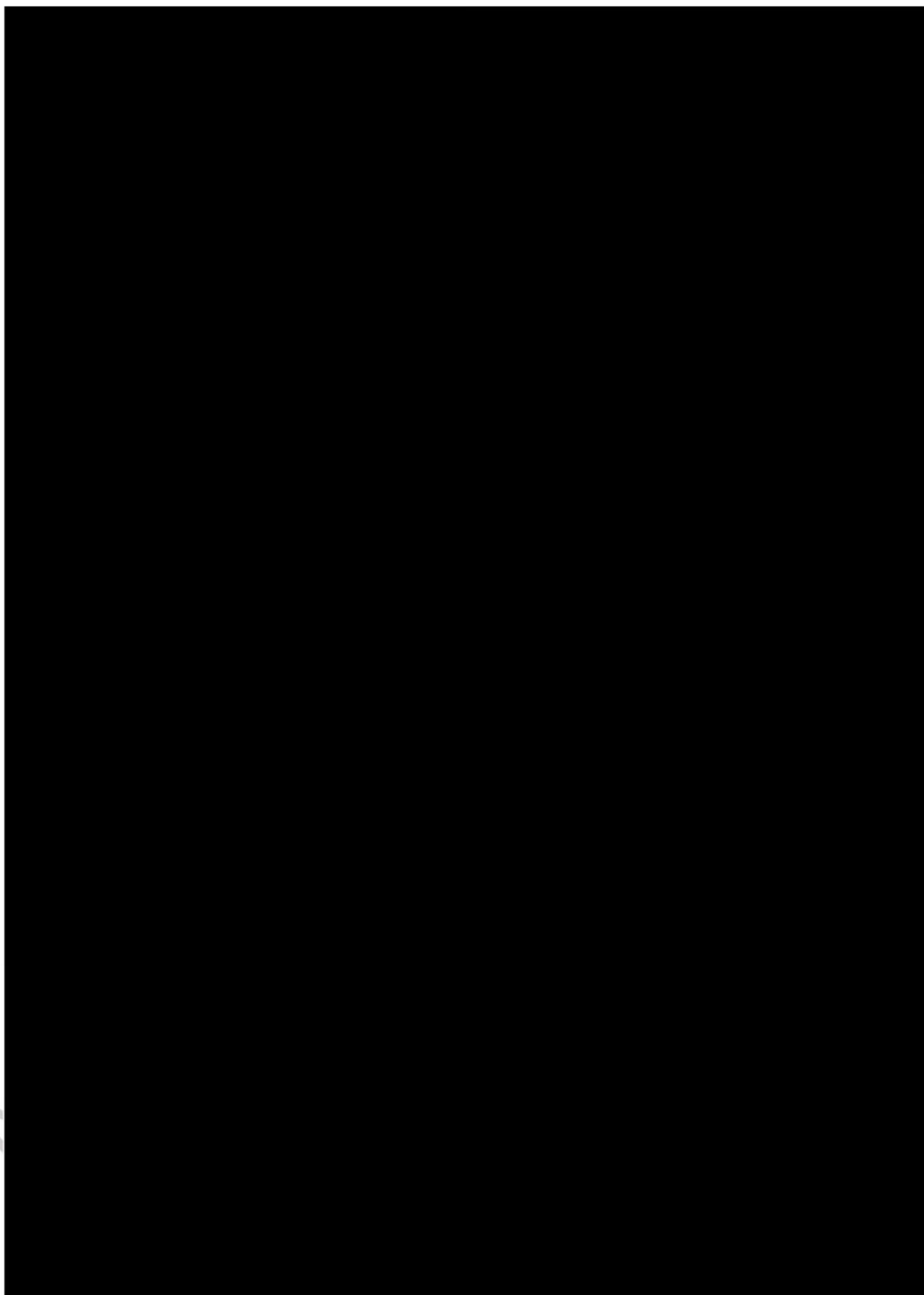
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b. [REDACTED]

[REDACTED]

Age Group	Percentage
18-24	~10%
25-34	~15%
35-44	~10%
45-54	~10%
55-64	~10%
65-74	~10%
75-84	~10%
85+	~10%



Response	Percentage
U.S. should take action (Strongly agree)	65%
U.S. should take action (Somewhat agree)	25%
U.S. should not take action (Strongly disagree)	10%
U.S. should not take action (Somewhat disagree)	10%

Age Group	Don't know	No	Yes	Probably yes	Probably no
18-24	45%	35%	15%	5%	0%
25-34	40%	30%	20%	5%	5%
35-44	35%	25%	25%	10%	5%
45-54	30%	20%	30%	15%	5%
55-64	25%	15%	35%	20%	5%

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1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
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 12. **Figure 4**
 13. **Figure 5**
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Age Group	Threat to Security (%)	Not a Threat (%)
18-29	85	15
30-49	85	15
50-69	85	15
70+	85	15

Age Group	Don't know	No	Yes	Strongly agree
18-24	10%	10%	10%	70%
25-34	10%	10%	10%	70%
35-44	10%	10%	10%	70%
45-54	10%	10%	10%	70%

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V. Sanctions and Recommendations

In determining sanctions and remedies in this matter, the Panel considered the goals of the Policy and the Procedures, as well as all factors listed in Procedures Section 26.13, applied to each party individually, as appropriate. The Panel also considered the impact and mitigation statements submitted.

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C. Respondent [REDACTED]

In determining sanctions and remedies with respect to Respondent [REDACTED], the Panel reviewed the seriousness of the prohibited conduct committed (attempted sexual exploitation), as well as the underlying circumstances. The Panel considered that Respondent [REDACTED]'s conduct perpetuated for Complainant an experience of unwelcome and uninvited exposure. She described those moments in the hearing on May 2, 2025, by saying, "I felt like bait. I felt like lions around me. It just was a totally debilitating place to be in." The Panel also acknowledged Respondent [REDACTED]'s statement at the hearing on May 21, 2025, "I was sorry that maybe if it wasn't consensual and she was victimized, I was sorry for not stopping it. And that I'm sorry I couldn't tell if she was under the influence [. . .] just sorry that I felt like if something actually bad happened, I didn't stop it." (Trans. 5/21; 176)

Upon due deliberation, the Panel imposed the following sanction with respect to Respondent [REDACTED]'s Policy violation:

- Imposition of a one-way No Contact Order (NCO) with Complainant, wherein all duties, burdens, and obligations of no contact between the parties are carried by Respondent [REDACTED] for the duration of his enrollment at the University.
 - Modifications to the NCO may be made consistent with the Procedures only at the discretion of the Title IX Coordinator. A violation of the NCO may be additional prohibited conduct.
- Within ninety (90) days after this Decision becomes final (otherwise subject to reasonable extension approved by the Title IX Coordinator), Respondent [REDACTED] will participate in a Directed Study through COCR focused on the issues of social media use and sexual harassment, as well as bystander intervention.
 - Respondent [REDACTED] will contact the COCR at (titleix@cornell.edu) to coordinate and schedule this study with the Civil Rights Education and Training Specialist. The COCR will monitor compliance with this sanction.
- Within ninety (90) days after this Decision becomes final (otherwise subject to reasonable extension approved by the Title IX Coordinator), Respondent [REDACTED] will submit to the Title IX Office a reflection paper that engages with the specific circumstances for which he was found responsible and contains a detailed proposal for future University educational materials to train undergraduate students around the intersection of social media use and sexual harassment, as well as bystander intervention. The reflection paper must also include recommendations to the University's Office of Sorority & Fraternity Life with respect to substance use prevention efforts in Greek Life organizations on campus. Use of artificial intelligence tools of any kind in the creation of this reflection paper is prohibited.
- The Hearing Panel expects that Respondent [REDACTED] will take this educational opportunity seriously and apply what he learns to help improve the University/Greek Life community.

To that end, and to the extent reasonably requested by COCR, Respondent [REDACTED] will engage substantively in creating educational programming for the University community around the intersection of social media use and sexual harassment, as well as bystander intervention and substance use prevention on campus.

The Panel imposes this sanction with knowledge of Respondent [REDACTED]'s lack of non-academic disciplinary record and with the intent that it provide him opportunity for understanding and maturation, as well as to actively contribute to the safety of both Complainant and the University community as a whole.

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(b) (7)(C), (b) (7)(D)

Respectfully submitted,

Savannah Bao

Kelly King-O'Brien

Rob Kotaska

VI. Appeal Information

Parties may appeal this Determination. The Procedures set forth the process applicable to any appeal. In sum, appeals may be brought only upon one or more of the following grounds:

1. The sanctions or remedies are not commensurate with the injury/violation or are unjust.
2. A University official or officials, including the Hearing Panel, assigned responsibility for performing specific functions by these procedures, violated the fair application of relevant University procedures, and such violation may have had a prejudicial effect upon the outcome. This includes conflict of interest or bias.
3. A University official or officials, including the Hearing Panel, assigned responsibility for performing specific functions by these procedures, committed an error in interpreting Policy 6.4, these procedures, and such error may have had a prejudicial effect upon the outcome. This includes determinations of jurisdiction and determinations of Hearing Process.
4. The Hearing Panel rendered a decision that is clearly erroneous.
5. New evidence was discovered after the Hearing Panel's decision that could not have readily been discovered before the decision and that would have probably changed the outcome.

A party may commence an appeal by submitting a written statement to the Title IX Coordinator within ten (10) business days of issuance of the Hearing Panel's decision. The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

The appeal statement will be limited to 3500 words. Failure to submit an appeal within the ten (10) business days or any approved extension constitutes waiver of the right to appeal.