2026 Title IX Officials Annual Refresher

For 1) Administrators (Coord, Deciders, Investigators, Informal), 2) Hearing Officers, 3) Hearing and Appeal Panelists, and Advisors

UNIVERSITY OF
HEALTH SCIENCES
& PHARMACY
in St. Louis

Agenda

- Discuss Cornell Case
- Refresher as needed
  - Review roles and responsibilities
  - Review definitions, reports, complaints
  - Review adjudication process

Cornell Case Study

Review Cornell case in the news during

Fall 2026 from a process perspective

Pre-Session Reading

- **ABC News: Timeline of alleged Cornell University fraternity house rape investigation (October 1, 2026)**
- **CBS News: Man accused in Cornell rape case allegedly asked sorority member not to "say anything that she thinks might've happened," Title IX investigation transcript says (October 2, 2026)**

Optional Pre-Session Video

- **Cornell Alleged Fraternity Rape | Former Sex-Crimes Prosecutor Breaks It Down** (YouTube)



Approach to this case study

- We are not going to retry the Cornell matter or assume the accuracy of every media report.
- We will use selected, publicly reported facts to test how UHSP officials should recognize issues, preserve evidence, support parties, document decisions, and maintain a fair and impartial process.

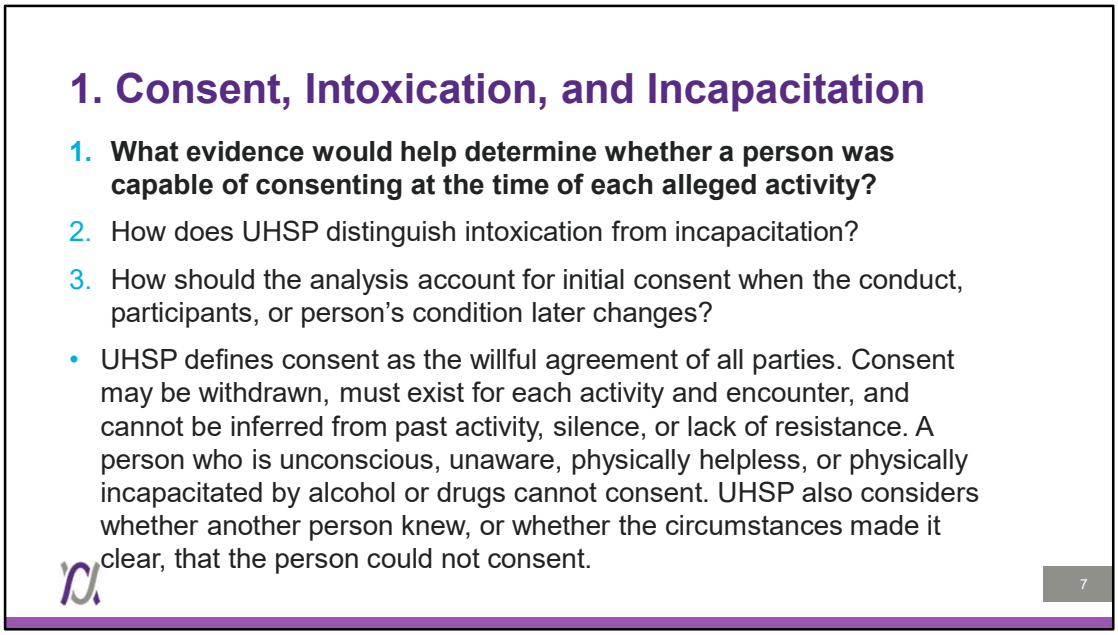


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- Topics are not intended to be chronological.

Impressions from Reading and Optional Video

- What is your initial impression from the news links?
- Did your view of the case change after reviewing the news material?
- Did anyone watch the 45-min video? What value did that add for you?



Title IX Administrator

- Evaluate immediate safety, supportive measures, evidence preservation, and whether emergency removal or a Clery assessment is necessary.
- Ensure the allegations are framed around each potentially prohibited act, rather than treating the entire evening as one event.
- Explain that supportive action does not constitute a responsibility determination.

Investigator

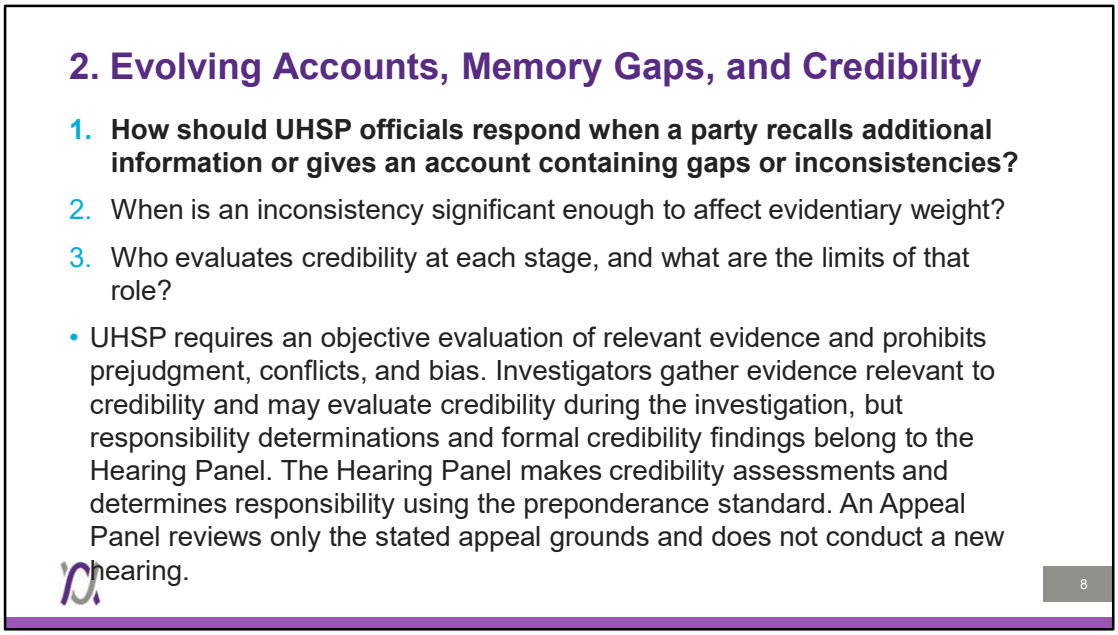
- Gather evidence concerning awareness, communication, physical control, surroundings, memory, witness observations, and what the respondent knew or could perceive.
- Separate evidence about alcohol or drug consumption from evidence of actual incapacitation.
- Examine each alleged act and participant separately because consent to one activity or person does not establish consent to another.

Hearing or Appeal Panelist

- Determine whether the available evidence establishes incapacitation and whether the circumstances made the inability to consent known or clear.
- Apply the preponderance standard to each alleged violation.
- Avoid assuming that alcohol use proves either consent or incapacitation.

Advisor

- Help the party identify relevant evidence, witnesses, messages, and chronology.
- Make sure the party distinguishes earlier consent from later conduct.
- Develop relevant questions without relying on assumptions about drinking, memory, resistance, or prior relationships.



Title IX Administrator

- Ensure new information is routed into the process and disclosed appropriately.
- Reassess supportive measures and safety concerns when a later disclosure materially changes the allegations.
- Preserve impartiality and avoid treating either a changed account or a consistent account as automatically reliable or unreliable.

Investigator

- Document the substance and timing of the different accounts.
- Clarify whether the difference is material, explanatory, or merely an addition of detail.
- Seek corroborating and contradictory evidence, while avoiding a final responsibility determination.

Hearing or Appeal Panelist

- Evaluate the significance of an inconsistency in relation to the entire record.
- Consider corroboration, plausibility, opportunity to observe, and whether the inconsistency concerns a central or peripheral fact.
- For an appeal, determine whether an asserted credibility issue fits a permissible appeal ground, rather than simply reconsidering the case because an appellant disagrees with the outcome.

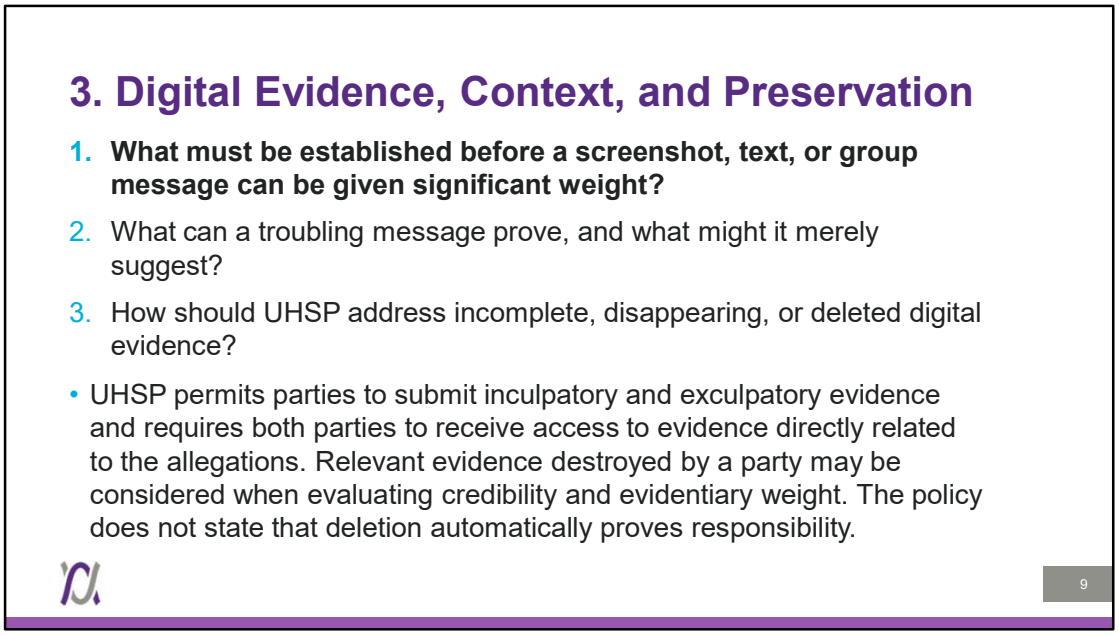
Advisor

- Help the party explain genuine differences without scripting or replacing the party's testimony.
- Identify places where an interview summary or report does not accurately reflect the party's statement.
- Frame appropriate credibility questions for the hearing without becoming argumentative, repetitive, or abusive.

UHSP policy answer

- UHSP requires an objective evaluation of relevant evidence and prohibits prejudgment, conflicts, and bias. The Investigator gathers information that may corroborate or affect credibility, but the investigation report cannot contain credibility determinations or findings of responsibility. The Hearing Panel makes credibility assessments and determines responsibility using the preponderance standard. An Appeal Panel reviews only the stated appeal grounds and does not conduct a new hearing. [Policy Aga...Programs a | PDF]

- **Important training clarification:** The policy's general definition says an Investigator may assess relevance and credibility, but the more specific investigation-report provisions prohibit the report from including credibility determinations. For training purposes, I would explain this as: Investigators gather evidence relevant to credibility and may evaluate credibility during the investigation, but responsibility determinations and formal credibility findings belong to the Hearing Panel.



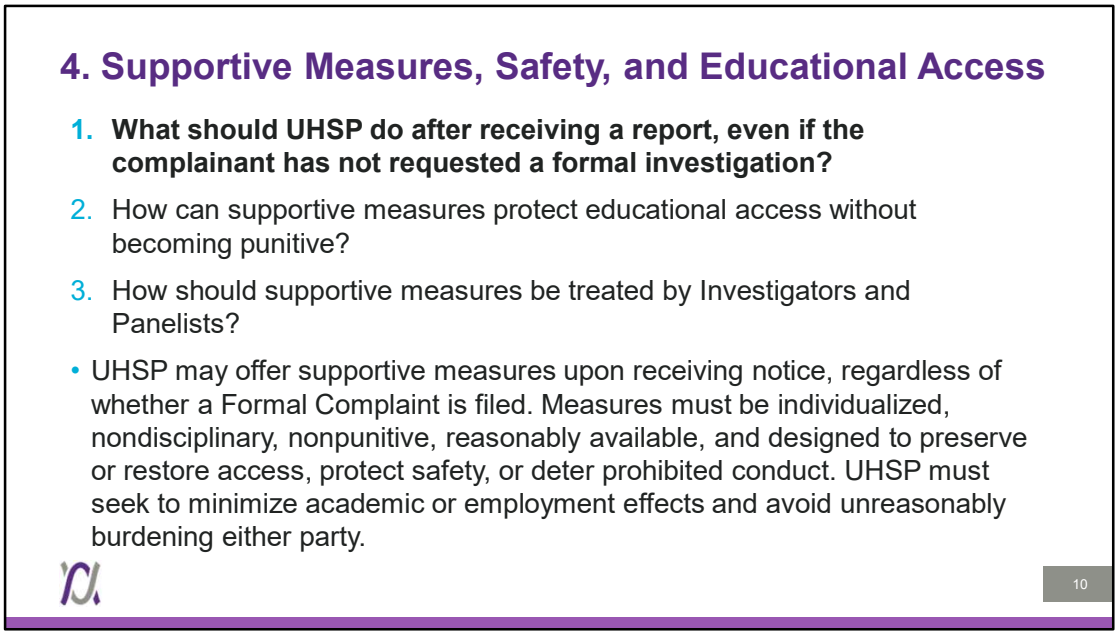
- **Role-based responses**
- **Title IX Administrator**
- Identify immediate preservation needs and coordinate appropriately with Public Safety or other University offices.
- Consider whether communications suggest additional affected individuals, a pattern, retaliation, or a broader safety concern.
- Ensure that collection and sharing of evidence comply with process and privacy requirements.
- **Investigator**
- Determine the source, sender, recipients, date, surrounding conversation, and whether the exhibit is complete.
- Seek original or corroborating versions when practical.
- Explain what the evidence says without assuming that crude or offensive language independently proves the charged conduct.
- **Hearing or Appeal Panelist**
- Distinguish authenticity, relevance, credibility, and weight.
- Decide whether the communication directly corroborates an allegation or provides only contextual evidence.
- Consider destruction of relevant evidence when assessing credibility and weight, but do not treat deletion as an automatic finding of responsibility.
- **Advisor**
- Ask whether additional portions of the conversation alter the meaning.
- Identify authentication concerns or reasonable alternative interpretations.
- Assist the party in producing relevant complete evidence rather than selective excerpts.

Have all relevant witnesses and evidence been identified?

- Coordinators to discuss oversight
- Investigators to discuss witness mapping

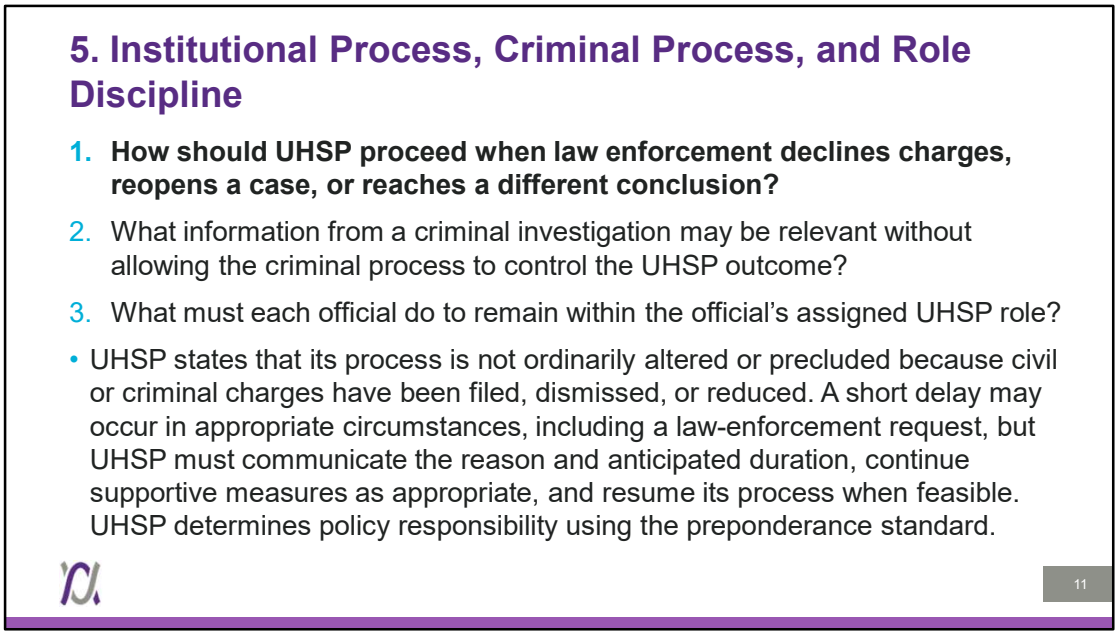
- Panelists to discuss whether the record appears complete
- Advisors to discuss identifying omitted evidence

- **UHSP policy answer**
- UHSP permits parties to submit inculpatory and exculpatory evidence and requires both parties to receive access to evidence directly related to the allegations. Relevant evidence destroyed by a party may be considered when evaluating credibility and evidentiary weight. The policy does not state that deletion automatically proves responsibility.



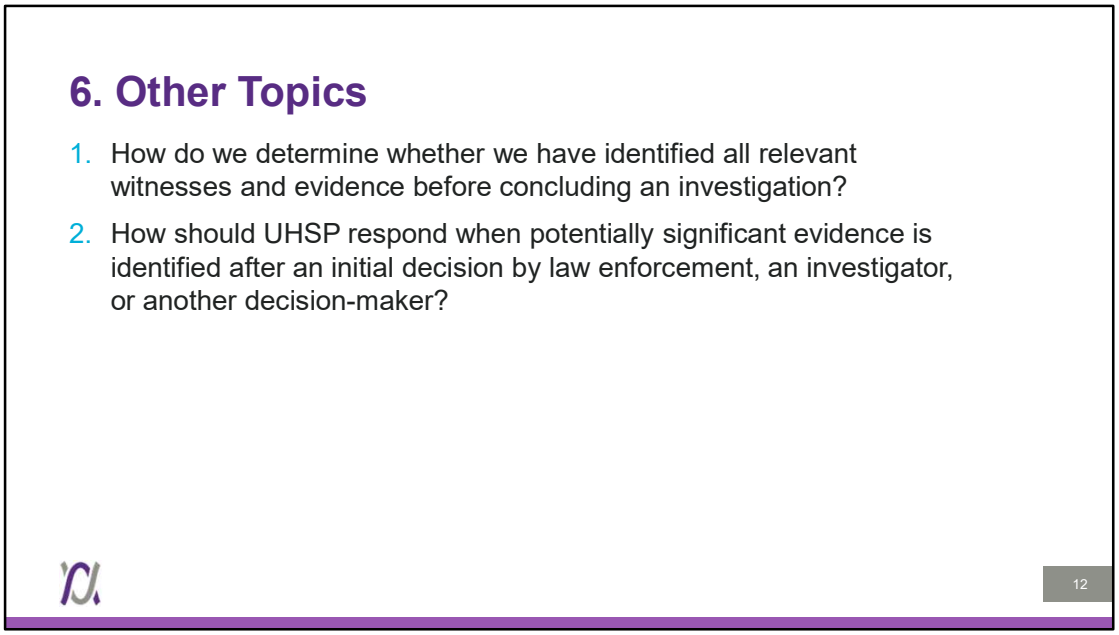
- **Title IX Administrator**
- Contact the complainant, explain rights and resolution options, assess safety, and offer individualized supportive measures.
- Consider counseling, health care, schedule or housing modifications, safety planning, escorts, no-contact measures, leaves, or other appropriate actions.
- Offer appropriate measures to the respondent as the process moves forward and avoid unreasonably burdening either party.
- Document the reasons if supportive measures are not provided.
- **Investigator**
- Remain aware of measures that affect scheduling or party participation.
- Do not treat the existence, absence, or type of supportive measure as evidence that misconduct occurred.
- Refer new safety or support concerns to the Coordinator rather than attempting to independently modify measures.
- **Hearing or Appeal Panelist**
- Do not infer responsibility from no-contact orders, academic changes, housing changes, counseling, or other supportive measures.
- Decide the case from the relevant record and UHSP policy.
- On appeal, address supportive-measure issues only if they are relevant to a permissible appeal ground affecting the outcome.
- **Advisor**
- Help the party identify concrete barriers to education, employment, safety, or participation in the process.
- Explain that a party may request modification or reversal of applicable supportive measures.
- Avoid characterizing supportive measures as either punishment or vindication.
- **UHSP policy answer**
- UHSP may offer supportive measures upon receiving notice, regardless of

whether a Formal Complaint is filed. Measures must be individualized, nondisciplinary, nonpunitive, reasonably available, and designed to preserve or restore access, protect safety, or deter prohibited conduct. UHSP must seek to minimize academic or employment effects and avoid unreasonably burdening either party.



- **Title IX Administrator**
- Continue to evaluate UHSP's responsibilities independently of criminal charging decisions.
- A short delay may be appropriate in limited circumstances, but maintain supportive measures and resume the institutional process when feasible.
- Protect role separation, screen officials for conflicts or bias, and prevent public attention from determining process or outcome.
- **Investigator**
- Gather relevant evidence without deciding whether a crime occurred.
- Do not treat a prosecutor's decision as proof that UHSP policy was or was not violated.
- Remain a neutral evidence gatherer and do not advocate for either party or recommend responsibility.
- **Hearing or Appeal Panelist**
- Apply UHSP Policy 15 and the preponderance standard, not a criminal-law standard.
- Decide from the UHSP record rather than news reports, public statements, or assumptions about criminal authorities.
- Hearing Panelists make the initial findings and responsibility determination. Appeal Panelists address only permissible appeal grounds and should not substitute a new assessment merely because they would have weighed evidence differently.
- **Advisor**
- Help the party understand that the processes have different purposes and standards.
- Identify legitimately relevant evidence produced through another process.
- Do not introduce media accounts, legal conclusions, or outside information that is not properly part of the UHSP record.

- **UHSP policy answer**
- UHSP states that its process is not ordinarily altered or precluded because civil or criminal charges have been filed, dismissed, or reduced. A short delay may occur in appropriate circumstances, including a law-enforcement request, but UHSP must communicate the reason and anticipated duration, continue supportive measures as appropriate, and resume its process when feasible. UHSP determines policy responsibility using the preponderance standard. [Policy Aga...Programs a | PDF]



Question 1: How do we determine whether we have identified all relevant witnesses and evidence before concluding an investigation?

- **Title IX Administrator**
- Confirm that both parties were given a full opportunity to identify witnesses, evidence, and questions.
- Determine whether there are obvious sources of information that have not been explored (digital evidence, eyewitnesses, security footage, Public Safety records, medical information voluntarily provided, etc.).
- Consider whether the institution possesses additional information through other offices that should be reviewed.
- Ask whether there are unresolved gaps significant enough to affect the fairness or reliability of the process.
- Ensure both inculpatory and exculpatory evidence have been collected and shared appropriately. [Policy Aga...Programs a | PDF]
- **Investigator**
- Ask repeatedly: "Who else may have relevant information?"
- Map all known witnesses and evidence sources.
- Follow up on conflicting accounts rather than stopping at the first explanation.
- Evaluate whether additional interviews are likely to provide genuinely new information or merely duplicate existing evidence.
- Ensure reasonable efforts have been made to obtain available evidence before concluding the investigation. [Policy Aga...Programs a | PDF]
- **Hearing Panelist / Appeal Panelist**
- Consider whether the investigation appears reasonably thorough and balanced.
- Examine whether significant witnesses or evidence were omitted.
- Distinguish between evidence that was unavailable and evidence that was never pursued.

- On appeal, evaluate whether omitted evidence may constitute a procedural irregularity or qualify as new evidence affecting the outcome. [Policy Aga...Programs a | PDF]
- **Advisor**
- Help the party identify additional witnesses, messages, records, photographs, videos, or other information.
- Review reports carefully for missing context or omitted evidence.
- Ask whether all individuals identified by the party were contacted or considered.
- Raise concerns about missing evidence through the process rather than waiting until the hearing whenever possible. [Policy Aga...Programs a | PDF]
- **UHSP Policy Takeaway**
- UHSP's investigation process provides all parties a full opportunity to identify witnesses, submit evidence, propose questions, and review evidence gathered during the investigation. The goal is not to find every conceivable piece of information, but to conduct a fair, thorough, and impartial investigation of relevant evidence before the matter proceeds to hearing. [Policy Aga...Programs a | PDF]

Question 2: How should UHSP respond when potentially significant evidence is identified after an initial decision by law enforcement, an investigator, or another decision-maker?

- **Title IX Administrator**
- Assess whether the information is genuinely new or merely a reinterpretation of previously available evidence.
- Determine what stage of the process the case is currently in.
- Consider whether additional investigation, supplementation, appeal review, or other procedural action is necessary.
- Continue to evaluate supportive measures and safety concerns while the new information is assessed.
- Maintain process integrity rather than assuming the new evidence necessarily changes the outcome. [Policy Aga...Programs a | PDF]
- **Investigator**
- Evaluate authenticity, relevance, and significance of the newly identified evidence.
- Determine whether additional witness interviews or fact gathering are needed.
- Document how the evidence was discovered and why it was not available earlier.
- Avoid making assumptions that the evidence either proves or disproves the allegations before completing review. [Policy Aga...Programs a | PDF]
- **Hearing Panelist / Appeal Panelist**
- Ask whether the evidence could reasonably affect findings or sanctions.

- Consider whether procedural mechanisms already exist to address the new information.
- For Appeal Panelists, determine whether the evidence satisfies the policy's "new evidence" appeal ground.
- Focus on whether the information could change the outcome, not whether it is merely interesting or cumulative. [Policy Aga...Programs a | PDF]
- **Advisor**
- Help the party explain why the evidence matters.
- Help establish why it was not reasonably available earlier.
- Assess how the new information relates to findings, credibility assessments, or sanctions.
- Ensure the evidence is submitted through appropriate procedures and timelines. [Policy Aga...Programs a | PDF]
- **UHSP Policy Takeaway**
- UHSP specifically permits appeals based on new evidence that was not reasonably available at the time the determination was made and that could affect the outcome. Not every new fact requires a different result, but officials should evaluate whether the evidence is credible, relevant, and potentially outcome-determinative.