

**SPECIAL REPORT**

**Appellate Court Decisions for  
Allegations of Campus Sexual Misconduct, 2013-2018**



P.O. Box 1221  
Rockville, MD 20849  
[www.saveservices.org](http://www.saveservices.org)



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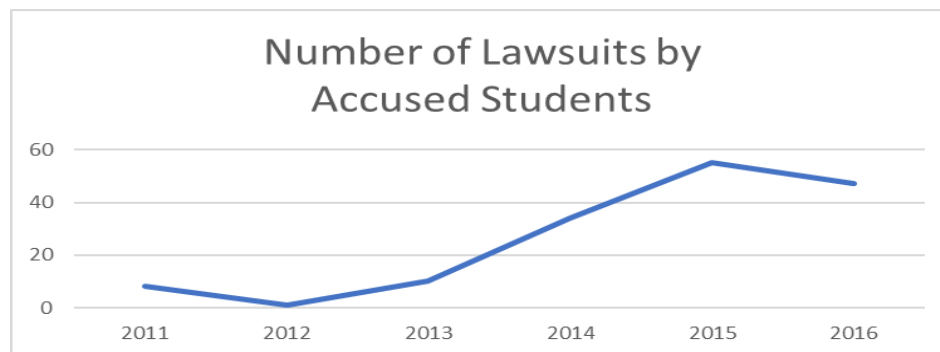
On April 4, 2011 the U.S. Department of Education (DOE) issued its Dear Colleague Letter (DCL) on sexual violence.<sup>1</sup> The policy required colleges and universities to adjudicate sexual misconduct claims internally, absent a number of due process protections found in the criminal justice system. The situation was further worsened when a White House Task Force issued a report endorsing a “single investigator” approach that merges the investigative and adjudicative roles.<sup>2</sup>

Not surprisingly, these due process deficiencies gave rise to numerous civil lawsuits filed by accused students who had been suspended or expelled from their universities.<sup>3</sup> Ironically, many *complainants* also found the campus tribunals to have serious shortcomings, resulting in the filing of hundreds of complaints with the Office for Civil Rights.<sup>4</sup>

This Special Report provides a brief overview of lawsuits by accused students, analyzes 14 appellate decisions in favor of accused students, identifies the eight most common categories of due process violations, and compares these categories to the recently proposed Title IX regulatory changes.

### OVERVIEW OF ALL LAWSUITS

Issuance of the 2011 Dear Colleague Letter precipitated a rapid increase in the number of lawsuits:



A review of 130 federal and state complaints filed by accused students reveals the following violations were most commonly alleged:<sup>5</sup>

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<sup>1</sup> Dear Colleague Letter – April 4, 2011. U.S. Department of Education Office for Civil Rights, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

<sup>2</sup> *White House Task Force to Protect Students from Sexual Assault*, 2014. <http://t%20https://www.notalone.gov/assets/report.pdf>

<sup>3</sup> Due Process Lawsuits Database, *Title IX for All*, <http://boysmeneducation.com/lawsuits-database/>

<sup>4</sup> SAVE, *Six-Year Experiment in Campus Jurisprudence Fails to Make the Grade*, 2017. <http://www.saveservices.org/wp-content/uploads/Six-Year-Experiment-Fails-to-Make-the-Grade.pdf>

<sup>5</sup> Proskauer Higher Education Group, *Title IX Report: The Accused*. (2017) <https://www.proskauer.com/report/title-ix-report-the-accused-08-28-2017>

1. Investigative failures: 46.9%
2. Hearing failures: 46.2%
3. Improper/insufficient policies, or failure to conform to policies: 17.7%
4. Sex bias: 15.4%
5. Improper use or exclusion of witness testimony: 12.3%
6. Insufficient/improper training of school personnel: 11.5%
7. Insufficient notice to accused: 10.0%

An analysis of decisions rendered as of mid-2016 found that judges ruled in favor of the accused student in 30 of 51 cases.<sup>6</sup> This preponderance of decisions in favor of accused students was even more striking than what is indicated by the raw numbers, “since these rulings went against many decades of broad judicial deference to university disciplinary decisions.”<sup>7</sup>

The pace of decisions favoring the accused student continued to accelerate, and by the end of 2018, judges had issued opinions in 125 cases that ruled at least partly in favor of the accused student.<sup>8</sup> In 56 other cases, colleges opted to settle the lawsuit prior to a judicial decision,<sup>9</sup> rather than pursue expensive and potentially embarrassing litigation.

### REVIEW OF APPELLATE CASES

A majority of these 125 lawsuits were resolved at the trial court level. In a minority of cases, however, the trial court decision was appealed to the appropriate federal or state<sup>11</sup> appeals court. Appellate court decisions are significant because they establish a binding precedent that requires other courts within the same jurisdiction to follow the appeals court's ruling in subsequent cases with similar issues or facts. These appellate decisions are the focus of this Special Report.

Fourteen appellate decisions<sup>12</sup> were rendered in federal and state courts during the period of 2013-2018 in which the court ruled at least partly in favor of the accused student. A

<sup>6</sup> SAVE, *Lawsuits Against Universities for Alleged Mishandling of Sexual Misconduct Cases*. 2016.

<http://www.saveservices.org/wp-content/uploads/Sexual-Misconduct-Lawsuits-Report2.pdf>

<sup>7</sup> Linda Chavez, et al., *Ending Sex Discrimination in Campus ‘Sexual Misconduct’ Proceedings*. June 26, 2018. <https://regproject.org/wp-content/uploads/RTP-Race-Sex-WorkingGroup-Paper-Campus-Misconduct-Proceedings.pdf>

<sup>8</sup> Post Dear-Colleague Letter, College/University Setbacks.

[https://docs.google.com/spreadsheets/d/1CsFhy86oxh26SgTkTq9GV\\_BBrv5NAA5z9cv178Fjk3o/edit#gid=0](https://docs.google.com/spreadsheets/d/1CsFhy86oxh26SgTkTq9GV_BBrv5NAA5z9cv178Fjk3o/edit#gid=0) Accessed December 31, 2018.

<sup>9</sup> Pre-Decision Federal Settlements, <https://docs.google.com/spreadsheets/d/1xPUcBL-JaNQqQMt1lszncDbVhwHt92eLaDPfuzEywtA/edit#gid=0> Accessed December 31, 2018.

<sup>11</sup> State appeals courts may be referred to as the Court of Appeals, Supreme Court, or other similar designations.

<sup>12</sup> In another case, the 3<sup>rd</sup> Circuit ruled in favor of the student-plaintiff. This case is not included in this report because the court did not have access to the complete factual record and the court’s decision was not published. *Collick, et. al. v. William Paterson Univ., et. al.*, 699 Fed. App’x. 129 (3d Cir. 2017).

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summary of each case is presented in this report’s Appendix,<sup>13</sup> which reviews what transpired at the campus level, and the issues that were raised and/or resolved at the trial and appellate levels.

Table I, below, details the Case Name, Court Name, Date of Decision, and Judicial Findings Favorable to the Accused Student. The 14 cases are presented in chronological order:

**Table I**  
**Summary of Appellate Cases**

No.	Case Name	Court Name	Date of Decision	Judicial Findings Favorable to Accused Student
1	I.F. v. Administrators of the Tulane Educational Fund <sup>15</sup>	Court of Appeal of Louisiana, 4th Circuit	December 23, 2013	Insufficient hearing process; Insufficient notice
2	John Doe v. University of Southern California (2016) <sup>16</sup>	California Court of Appeal, 2nd District, Division Four	April 5, 2016	Insufficient hearing process; Insufficient notice; Inadequate credibility assessment
3	John Doe v. Columbia University <sup>17</sup>	US Court of Appeals, 2nd Circuit	July 29, 2016	Improper use or exclusion of witness testimony; Potential sex bias
4	Abdullatif Arishi v. Washington State University <sup>18</sup>	Washington Court of Appeals, Division 3	December 1, 2016	Insufficient hearing process
5	In the Matter of John Doe v. Skidmore College <sup>19</sup>	Appellate Division of New York (3rd)	July 13, 2017	Insufficient notice; Inadequate investigation; Improper use or exclusion of witness testimony
6	John Doe v. University of Cincinnati <sup>20</sup>	US Court of Appeals, 6th Circuit	September 25, 2017	Insufficient hearing process; Insufficient notice; Lack of cross-examination; Inadequate credibility assessment
7	Matthew Jacobson v. Butterfly Blaise (State University of	Appellate Division of New York (3rd)	January 11, 2018	Insufficient hearing process; Misuse of affirmative consent policy

<sup>13</sup> SAVE, *Appellate Court Decisions for Allegations of Campus Sexual Misconduct, 2013-2018. Appendix: Summary of Appellate Cases.* <http://www.saveservices.org/wp-content/uploads/Appellate-Court-Cases-Appendix.pdf>

<sup>15</sup> *I.F. v. Adm’rs of Tulane Educ. Fund*, 131 So.3d 491 (La. App. 4th Cir. 2013).

<sup>16</sup> *Doe v. Univ. of S. Cal.*, 246 Cal. App. 4th 221 (2016).

<sup>17</sup> *Doe v. Columbia Univ.*, 831 F.3d 46 (2d Cir. 2016).

<sup>18</sup> *Arishi v. Wash. State Univ.*, 385 P.3d 251 (2016).

<sup>19</sup> *Matter of Doe v. Skidmore Coll.*, 152 A.D.3d 932 (3rd Dep’t 2017).

<sup>20</sup> *Doe v. Univ. of Cincinnati*, 872 F.3d 393 (6th Cir. 2017).

APPELLATE COURT DECISIONS

	New York at Plattsburgh) <sup>21</sup>			
8	John Doe v. University of Miami (OH) <sup>22</sup>	US Court of Appeals, 6th Circuit	February 9, 2018	Insufficient hearing process; Insufficient notice; Inadequate investigation; Conflicting roles of college officials; Potential sex bias; Misuse of affirmative consent policy
9	In the Matter of Ryan West v. SUNY at Buffalo <sup>23</sup>	Appellate Division of New York (4th)	March 16, 2018	Insufficient hearing process; Inadequate credibility assessment
10	John Doe v. Boston College <sup>24</sup>	US Court of Appeals, 1st Circuit	June 8, 2018	Insufficient hearing process; Conflicting roles of college officials
11	John Doe v. Claremont McKenna College <sup>25</sup>	California Court of Appeal, 2nd District, Division One	August 8, 2018	Lack of cross examination; Inadequate credibility assessment
12	John Doe v. David H Baum (University of Michigan) <sup>26</sup>	US Court of Appeals, 6th Circuit	September 7, 2018	Lack of cross examination; Inadequate credibility assessment; Potential sex bias
13	John Doe v. The Regents of the University of California <sup>27</sup>	California Court of Appeal, 2nd District, Division Six	October 9, 2018	Insufficient hearing process; Inadequate investigation; Lack of cross-examination
14	John Doe v. University of Southern California (2018) <sup>28</sup>	California Court of Appeal, 2nd District, Division Seven	December 11, 2018	Insufficient hearing process; Inadequate investigation; Conflicting roles of college officials; Lack of cross-examination; Inadequate credibility assessment; Improper use or exclusion of witness testimony

Among the 14 cases, five were decided by federal appellate courts and nine were resolved by state appellate courts. The decisions were located in these regions:

- California: Four cases
- New York: Three cases
- 6<sup>th</sup> Circuit Court:<sup>29</sup> Three cases

<sup>21</sup> *Matter of Jacobson v. Blaise*, 164 A.D.3d. 1072 (3d Dep’t 2018).

<sup>22</sup> *Doe v. Miami Univ.*, 822 F.3d 579 (6th Cir. 2018).

<sup>23</sup> *Matter of West v. State Univ. of N.Y. at Buffalo*, TP 17-00481 (4th Dep’t 2018).

<sup>24</sup> *Doe v. Trs. of Bos. Coll.*, 892 F.3d 67 (1st Cir. 2018).

<sup>25</sup> *Doe v. Claremont Mckenna Coll.*, 25 Cal. App. 5th 1055 (2018).

<sup>26</sup> *Doe v. Baum*, 903 F.3d 575 (6th Cir. 2018).

<sup>27</sup> *Doe v. Regents of Univ. of Cal.*, 28 Cal. App. 5th 44 (2018).

<sup>28</sup> *Doe v. Univ. of S. Cal.*, No. B271834, 2018 WL 6499696 (2018).

<sup>29</sup> Covers the states of Michigan, Ohio, Kentucky, and Tennessee.

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The 1st, 2nd, and 4th Circuit Courts, and the Washington state appeals court issued one decision apiece.

Two of the 14 decisions arose from deficient procedures at a single institution: the University of Southern California. Thirteen out of the 14 appeals were filed by student petitioners; *John Doe v. University of Cincinnati* was the only case in which the institution appealed the lower court's determination; the others were appealed by the accused students. Of note, the pace of decisions has quickened over time -- among the 14 decisions, eight were rendered in 2018 alone.

The Judicial Findings displayed in the right-hand column of Table I are collated in Table II, along with a listing of the universities to which the findings apply.

**Table II**  
**Summary of Judicial Findings**

<b>No.</b>	<b>Violations</b>	<b>Number of Offending Universities</b>	<b>Name of Offending Universities</b>
1	Insufficient hearing process	9	Boston College, Claremont McKenna College, SUNY at Plattsburgh, Tulane University, University of California, University of Cincinnati, University of Miami, University of Southern California (2016 and 2018), and Washington State University
2	Lack of cross-examination / Inadequate credibility assessment	6	Claremont McKenna College, SUNY at Buffalo, University of California, University of Cincinnati, University of Michigan, and University of Southern California (2016 and 2018)
3	Insufficient notice	5	Skidmore College, Tulane University, University of Cincinnati, University of Miami, and University of Southern California (2016)
4	Inadequate investigation	4	Skidmore College, University of California, University of Miami, and University of Southern California (2018)
5	Conflicting roles of college officials	3	Boston College, University of Miami, University of Southern California (2018)
6	Improper use or exclusion of witness testimony	3	Columbia University, Skidmore College, and University of Southern California (2018)
7	Potential sex bias	3	Columbia University, University of Miami, and University of Michigan
8	Misuse of affirmative consent policy	2	SUNY at Plattsburgh and University of Miami

## COMPARISON OF JUDICIAL FINDINGS WITH PROPOSED TITLE IX CHANGES

In 2017, the Office for Civil Rights announced its withdrawal of the 2011 Dear Colleague Letter and its 2014 Questions and Answers on Title IX and Sexual Violence.<sup>30</sup> On November 29, 2018 the Department of Education issued proposed Title IX regulatory changes.<sup>31</sup> The new regulations included a number of over-arching provisions designed to restore due process on campus:

- *Section 106.44(a): Adoption of Supreme Court Standards for Sexual Harassment*
- *Section 106.45(b)(1): General Requirements for Grievance Procedure*
- *Section 106.45(b)(6): Informal Resolution*
- *Section 106.45(b)(7): Recordkeeping*
- *Section 106.6(d): Constitutional Protections*

In addition, the proposed regulations address many of the specific due process deficiencies identified in the appellate rulings. This section discusses each of the eight violation categories from the Judicial Findings listed in Table II and compares them with the proposed regulations.

### 1. Insufficient Hearing Process

Nine appellate decisions identified deficiencies with the hearing process. These shortcomings would be rectified by a number of proposed regulatory changes:

#### *Section 106.45(b)(3): Investigations of a Formal Complaint*

“[W]hen investigating a formal complaint, a recipient must – [e]nsure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties; [p]rovide equal opportunity for the parties to present witnesses and other inculpatory and exculpatory evidence; [n]ot restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence; [p]rovide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied . . . by the advisor of their choice . . .”<sup>32</sup>

“For institutions of higher education, the recipient’s grievance procedure must provide for a live hearing.”<sup>33</sup>

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<sup>30</sup> Dear Colleague Letter of September 22, 2017.

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-title-ix-201709.pdf>

<sup>31</sup> Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. Prop. Dep’t Educ., 83 Fed. Reg. 61462, 61499 (Nov. 29, 2018).

<https://www.regulations.gov/document?D=ED-2018-OCR-0064-0001>

<sup>32</sup> *Id.* at 61474.

<sup>33</sup> *Id.*



*Section 106.45(b)(4): Determination Regarding Responsibility*

“[D]ecision-makers . . . must issue a written determination regarding responsibility . . . The written determination must include – [i]dentification of the section(s) of the recipient’s code of conduct alleged to have been violated; [a] description of the procedural steps taken . . . ; [f]indings of fact supporting the determination . . . ; [a] statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the recipient imposes on the respondent.”<sup>36</sup>

“The recipient must provide the written determination to the parties simultaneously.”<sup>37</sup>

*Section 106.45(b)(4)(i): Standard of Evidence*

“. . . [I]n reaching a determination regarding responsibility, the recipient must apply either the preponderance of the evidence standard or the clear and convincing evidence standard. The recipient may, however, employ the preponderance of the evidence standard only if the recipient uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction.”<sup>38</sup>

## **2. Lack of Cross-Examination / Inadequate Credibility Assessment**

Six appellate decisions focused on a lack of cross-examination or inadequate credibility assessment. These problems would be addressed by this proposed regulatory change:

*Section 106.45(b)(3): Investigations of a Formal Complaint*

“. . . [T]he recipient’s grievance procedure must provide for a live hearing. At the hearing, the decision-maker must permit each party to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at a hearing must be conducted by the party’s advisor of choice . . . If a party does not have an advisor present at the hearing, the recipient must provide that party an advisor aligned with that party to conduct cross-examination . . . If a party or witness does not submit to cross-examination at the hearing, the decision-maker must not rely on any statement of that party or witness . . .”<sup>45</sup>

## **3. Insufficient Notice**

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 61477-61478.

<sup>37</sup> *Id.* at 61478.

<sup>38</sup> *Id.* at 61477.

<sup>45</sup> *Id.* at 61474-61475.

Five appellate decisions identified deficiencies with the notice process. These shortcomings would be remedied by five proposed regulatory changes:

*Section 106.45(b)(1): General Requirements for Grievance Procedures*

“[G]rievance procedures must . . . [d]escribe the range of possible sanctions and remedies that the recipient may implement following any determination of responsibility; [d]escribe the standard of evidence . . . ; [i]nclude the procedures and permissible bases for the complainant and respondent to appeal . . . ; and [d]escribe the range of supportive measures available to complainants and respondents.”<sup>46</sup>

*Section 106.45(b)(2): Notice of Allegations*

“[U]pon receipt of a formal complaint, a recipient must provide written notice to the parties of the recipient’s grievance procedures and of the allegations. Such notice must include sufficient details . . . and provide sufficient time to prepare a response before any initial interview. The written notice must also include a statement that the respondent is presumed not responsible . . . The notice must inform the parties that they may request to inspect and review evidence . . . Additionally, the notice must inform the parties of any provision in the recipient’s code of conduct that prohibits knowingly making false statements . . . during the grievance process.”<sup>47</sup>

*Section 106.45(b)(3): Investigations of a Formal Complaint*

“[W]hen investigating a formal complaint, a recipient must . . . [p]rovide to the party whose participation is invited or expected [(advisor)] written notice of . . . all hearings, investigative interviews, or other meetings . . . with sufficient time for the party to prepare to participate . . .”<sup>48</sup>

*Section 106.45(b)(5): Appeals*

“As to all appeals, the recipient must: (i) [n]otify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.”<sup>49</sup>

*Section 106.45(b)(6): Informal Resolution*

“[A]t any time prior to reaching a determination . . . the recipient may facilitate an informal resolution process . . . provided that the recipient provides to the parties a written notice disclosing – [t]he allegations; [t]he requirements of the informal resolution process . . . ; and [a]ny consequences resulting from participating in the informal

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<sup>46</sup> *Id.* at 61472.

<sup>47</sup> *Id.* at 61474.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 61478.

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resolution process . . . The recipient must also obtain the parties' voluntary, written consent to the informal resolution process."<sup>50</sup>

#### **4. Inadequate Investigation**

Four appellate decisions spotlighted deficiencies in the investigation. These flaws would be improved by two proposed regulatory provisions:

##### *Section 106.45(b)(1): General Requirements for Grievance Procedures*

"[G]rievance procedures must . . . [t]reat complainants and respondents equitably; an equitable resolution must . . . ; [r]equire an investigation of the allegations and an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness."<sup>51</sup>

##### *Section 106.45(b)(3): Investigations of a Formal Complaint*

"[W]hen investigating a formal complaint, a recipient must . . . "[p]rovide both parties an equal opportunity to inspect and review evidence . . . so that each party can meaningfully respond to the evidence prior to conclusion of the investigation . . . [and] [c]reate an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing . . . , provide a copy of the report to the parties for their review and written responses."<sup>54</sup>

#### **5. Conflicting Roles of College Officials**

Three appellate decisions revealed concerns with conflicts of interest. This problem would be ameliorated by three proposed regulatory changes:

##### *Section 106.45(b)(1): General Requirements for Grievance Procedures*

"[G]rievance procedures must . . . [r]equire that any individual designated by a recipient as a coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; and that a recipient ensure that coordinators, investigators, and decision-makers receive training . . . [A]ny materials used to train . . . [may] not rely on sex stereotypes."<sup>55</sup>

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<sup>50</sup> *Id.* at 61479.

<sup>51</sup> *Id.* at 61472.

<sup>54</sup> *Id.* at 61475.

<sup>55</sup> *Id.* at 61472.

*Section 106.45(b)(4): Determination Regarding Responsibility*

“[T]he decision-maker(s) . . . cannot be the same person(s) as the Title IX Coordinator or the investigator(s) . . .”<sup>56</sup>

*Section 106.45(b)(5): Appeals*

“As to all appeals, the recipient must . . . ensure that the appeal decision-maker is not the same person as any investigator(s) or decision-maker(s) that reached the determination regarding responsibility . . .”<sup>57</sup>

**6. Improper Use / Exclusion of Witness Testimony**

Three appellate decisions focused on the proper role of witness testimony, which is addressed by two regulatory changes:

*Section 106.45(b)(1): General Requirements for Grievance Procedures*

A recipient’s grievance process may be delayed for good cause. “Good cause may include considerations such as the absence of the parties or witnesses . . .”<sup>58</sup>

*Section 106.45(b)(3): Investigations of a Formal Complaint*

“[W]hen investigating a formal complaint, a recipient must . . . [p]rovide equal opportunity for the parties to present witnesses . . .”<sup>59</sup>

**7. Potential Sex Bias**

The decisions of three courts of appeal confirmed the potential presence of sex bias, addressed by the following regulatory change:

*Section 106.45(a): Discrimination on the Basis of Sex*

“A recipient’s treatment of the respondent may constitute discrimination on the basis of sex under Title IX.”<sup>60</sup>

**8. Misuse of Affirmative Consent Policy**

The proposed Title IX regulations do not contain any provisions that specifically address affirmative consent.

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<sup>56</sup> *Id.* at 61477.

<sup>57</sup> *Id.* at 61478.

<sup>58</sup> *Id.* at 61472.

<sup>59</sup> *Id.* at 61474.

<sup>60</sup> *Id.* at 61472.

## GENERAL CONSISTENCY BETWEEN APPELLATE FINDINGS AND PROPOSED REGULATIONS

Overall, the 14 appellate decisions bolster accused students' rights as they pertain to notice, hearing procedures such as cross-examination, presentation of witnesses, access to evidence, and protections against bias or conflicts of interest. Analysis of the decisions reveals that the due process protections required by courts are generally consistent with the procedures outlined in the proposed Title IX regulations.

Four of the decisions provided for due process protections that are *stronger* than the corresponding provisions in the proposed regulations:

- *Arishi v. Washington State University*: Right to subpoena parties
- *In the Matter of John Doe v. Skidmore College*: Requirement to adequately assess credibility of witnesses and parties
- *In the Matter of Ryan West v. SUNY at Buffalo*: Requirement to adequately assess credibility of witnesses and parties
- *John Doe v. University of Southern California (2018)*: Requirement to adequately assess credibility of witnesses and parties

In contrast, three of the appellate decisions are in some respects *weaker* than provisions in the proposed regulations:

- *John Doe v. University of Southern California (2016)*: No right to cross-examination
- *In the Matter of John Doe v. Skidmore College*: No right to a live hearing or to cross-examination
- *Matthew Jacobson v. Butterfly Blaise (SUNY at Plattsburgh)*: No right to cross-examination

Although these three decisions reflect weaker cross-examination and standard of evidence protections than those enumerated in the proposed Title IX regulations, all three cases offer similar if not greater due process protections in other areas.

Hence, we conclude the findings of the 14 appellate decisions are generally consistent with, and substantially enhance the legal basis for the provisions contained in the proposed Title IX regulations.

Policymakers and campus administrators should take heed of these judicial opinions. The investigative and adjudicative processes in campus cases must be conducted in an objective and reliable manner in order to ensure justice both for those who are victims of sexual misconduct and for those who are wrongly accused. As a society, we must utilize the lessons gleaned from the appellate court opinions to prevent future suffering.

**ACKNOWLEDGEMENTS**

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