



What Doe v. Princeton Means for Title IX Investigations and Hearings

Blogs

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A precedential Third Circuit decision revives a disciplined student's claims — and hands colleges a roadmap for what not to do.

On July 21, 2026, the Third Circuit decided *Doe v. The Trustees of Princeton University*, reversing the dismissal of a suspended student's lawsuit and allowing his Title IX and New Jersey breach of contract claims to proceed. The opinion does not announce any new legal test, but applies an existing one to a detailed record and, in doing so, catalogs the procedural choices that turn a disciplinary proceeding into a viable federal lawsuit and is a stark reminder that colleges need to be mindful of avoiding even the appearance of bias in every stage of a Title IX proceeding.

The Posture: A Motion-to-Dismiss Ruling

It is important to note that the court did not decide the case on its merits. Rather the ruling allows the plaintiff's case to proceed to discovery. The Third Circuit was reviewing a dismissal under Rule 12(b)(6). At that stage there is no discovery, and the court accepts the plaintiff's allegations as true and draws all inferences in his favor. The court was candid that the narrative "is one-sided because the posture of the case requires it to be," and that "[d]iscovery might not bear out" the plaintiff's account. Therefore, it is not a finding that Princeton discriminated or breached its contract. It holds only that "John Doe" alleged enough to proceed to discovery. That is precisely why it is instructive: it identifies the procedural features that, if a plaintiff can point to them, keep a case alive and expose an institution to costly discovery, settlement pressure, and reputational risk.

The Facts

The Court assumed, for purposes of its analysis under Rule 12(b)(6), that the following factual allegations were true. A few weeks into fall 2023, John Doe, a Princeton sophomore, was contacted by an investigator about unspecified allegations. Two former friends, both female students — "Jane Roe" and "Sarah Smith" — accused him

of choking them in separate incidents the prior spring. He was interviewed once, denied the allegations, and Princeton investigated the reports under its Personal Safety Policy.

Both complainants' accounts shifted materially. Jane first reported that John "grabbed her by her throat, and lifted her off the ground" for "5-6 seconds"; later she said he had not "squeezed her neck at all, but rather just pressed from the front as they talked." Sarah's account evolved similarly, ending with a statement that John "did not actually grasp or squeeze her neck, but was more pushing." The sole eyewitness, "Student 4," said John did not touch Jane and that Jane told him John "did not choke her, but he put his hand on her neck and it brought back the memory" of a prior assault. Jane did not attend the hearing.

After what John contended was a late-night biased hearing before Princeton's Committee on Discipline, the Committee found him responsible and suspended him for two years — an unprecedented sanction for the charge.

The Legal Framework

Princeton charged John under its Personal Safety Policy, not its Title IX policy. The court held the Title IX framework still applied because the complaint alleged discipline for "male-against-female violence with romantic overtones." The court warned: "Universities cannot insulate themselves from Title IX liability by recharacterizing disciplinary complaints that, on their face, indicate the alleged misconduct is of a sexual nature and adjudicating those charges under disciplinary policies with lower procedural protections for respondents."

Why the Title IX Allegations Were Sufficient

The Court held that a plaintiff under Title IX must plead two things together: background indicia of sex discrimination (external or internal pressure) and a particularized "something more" — circumstantial bias in his own proceeding. Pressure alone "cannot alone support a plausible claim"; the test is the "total mix of information."

Background indicia. The Court found that the complaint alleged sufficient background indicia of sex discrimination against John that was close in time and "active and ongoing" by asserting pressure to find him responsible. John cleared that bar by alleging that Princeton had historically resisted changing its "Dear College Letter-era procedures (insisting they were "working well"), opposed the 2020 federal regulations expanding respondent protections, and faced sustained internal pressure — critical student-newspaper articles, a protest lasting more than two hundred hours, and, six months before his investigation, an article criticizing investigators for asking complainants "difficult and personal" questions.

"Something More." The Court found the complaint contained sufficient allegations of "something more" in four ways:

1. *Imbalanced investigation and hearing.* Complainants were interviewed three times and allowed to respond to John's statements; John was interviewed once, before he had notice of the charges. Princeton gathered five complainant-supportive witnesses but only one for John, declined to interview two male witnesses he identified (one who would have testified to a complainant's history of false choking allegations), and asked



only female witnesses about bruising. At the hearing, John and his witness were questioned for over two hours “in a hostile manner,” while the complainant side was questioned under thirty minutes each “with kid gloves.” A one-sided investigation that ignores favorable evidence supports an inference of sex discrimination when the university is under pressure.

2. *Gendered credibility determinations.* The Committee credited the complainants despite “significant and evolving discrepancies” and Jane’s absence, pressed John and Student 4 but not the female witnesses on inconsistencies, cut off Student 4’s explanation of a misquote, and rejected John’s blackmail defense “without even questioning Jane.” Crediting a complainant “without hearing directly from her” can be among the strongest facts of bias.
3. *Prejudgment by decision-makers.* A source reported that “most of the [Committee] members had decided John was guilty before the hearing even started,” and that one member — who fell asleep during testimony — gave “an impassioned speech arguing not just that John was guilty, but that it would be a ‘moral failing’ to vote for anything other than expulsion.”
4. *Decision against the weight of the evidence.* The decision letter rested on the complainants’ “continued and consistent descriptions” and John’s supposed “admissions” in texts. The descriptions were far from “consistent” — the Committee “mischaracterized them as ‘continued and consistent.’” The texts contained no admission; John’s most damaging message was “plausibly read as a placation, not as an admission of guilt,” and the Committee’s boilerplate that it “considered all of the information” was “not sufficient to assuage concerns about the accuracy of its outcome.”

Why the Contract Claims Were Sufficient

Under New Jersey law, a university must “follow its own established procedures” and those procedures must be “fundamentally fair.” Princeton’s Rights, Rules, and Responsibilities required a “clear and persuasive” case — a higher standard of proof than preponderance of evidence. The court held the complaint met the standard by sufficiently alleging Princeton disregarded exculpatory evidence, failed to consider the evidence “with a neutral gaze,” and made “skewed credibility determinations.”

The court also revived John’s claim for breach of the **implied covenant of good faith and fair dealing**, holding “factual overlap... is not fatal.” Bad faith can be shown by “subterfuges and evasions” or by exercising discretion “arbitrarily, unreasonably, or capriciously.” The Court found the Complaint plausibly alleged Princeton sidestepped deciding which shifting account it believed, labeled inconsistent accounts “consistent,” and barred character evidence before questioning John extensively about his character.

Next Steps for Colleges and Universities

The opinion highlights what can happen when an institution fails to conduct fair and unbiased investigations and hearings. Institutions conducting disciplinary proceedings should be mindful of the following:

Be on the lookout for potential claims of bias



- At all stages of the process, colleges and universities need to be mindful of the appearance of bias. When using university employees, the Title IX office should proactively explore the possibility of conflicts and potential conflicts in each case.

Conduct even-handed investigations.

- *Give both parties symmetrical process.* Offer respondents notice of the allegations before a substantive interview and equal opportunities to respond as the record develops; track interview counts so the file shows parity.
- *Pursue exculpatory evidence and identified witnesses.* Document a reasoned basis for pursuing or declining any witness a party identifies, and do not leave favorable-to-respondent leads unexplored.
- *Ask the same questions regardless of sex.* Build question sets around the factual issue, not the witness's gender or alignment.
- *Do not recharacterize sexual or gender-based conduct to dodge Title IX.* Route conduct to the policy that fits its substance, with the protections the law expects.

Run balanced, deliberate hearings.

- *Question all parties with comparable rigor and tone,* and probe all material inconsistencies, not just the respondent's.
- *Do not rush.* Late hearings, instructions to keep answers "concise" to save time, and compressed deliberations all fed the inference of a non-neutral proceeding.
- *Ensure decision-makers are attentive, impartial, and free of prejudgment.* Train adjudicators on open-mindedness and screen for prejudgment; their statements will be used to infer bias.
- *Be consistent about the scope of relevant evidence,* especially character evidence — the bait-and-switch here was treated as bad faith.

Apply your own standard of proof — and show your work.

- *Hold the finding to the exact standard your policy promises.* A standard higher than preponderance is an enforceable contractual promise; the record must show the panel applied it.
- *Resolve inconsistencies; do not paper over them.* Identify which version the panel credited and why; do not mischaracterize the record.
- *Write reasoned decisions that cite specific evidence,* address material exculpatory evidence, and explain credibility findings. Boilerplate is a liability.
- *Match the sanction to the record and to precedent,* grounded in an accurate disciplinary history.

Make appeals a genuine check. Train appellate reviewers to address each ground raised and correct real procedural defects rather than reflexively affirming; an appeal that rubber-stamps a defective process



compounds the exposure.

Manage the institutional backdrop. Public statements defending pre-2020 procedures and opposing respondent protections were marshaled as background indicia of bias. Frame institutional messaging around fair process for all students, and insulate adjudicators from advocacy pressure. Finally, audit policies and training against fundamental fairness — not just the federal regulatory floor — because the contract and good-faith claims turn on fairness independent of Title IX.

Consider retaining outside professionals. In the *Doe* case, Princeton used employees to conduct the investigation, hearing and appeal. These processes can be delegated to outside professionals under Title IX, and institutions should consider whether such matters are better handled by outside lawyers or other trained professionals to further minimize claims of bias.

The Bottom Line

Doe v. Princeton is a pleading-stage decision, and Princeton may yet prevail after discovery. But it is a detailed diagnostic of how process failures (if true) can impose liability on the institution. As the court put it, a university's goals of punishing and deterring misconduct "are not well served when disciplinary proceedings are conducted in a manner that neither fairly airs both parties' evidence nor weighs that evidence using the university's own standards." Fair process, the Third Circuit reminds us, is not a concession to accused students; it is how institutions reach reliable outcomes — and their best protection against liability to anyone.

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