University of Vermont

36th Annual Legal Issues in Higher Education Conference

Navigating Complex Investigations in Higher Education

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ATTORNEYS

Sugar Maple Ballroom

Tuesday, October 20, 2026

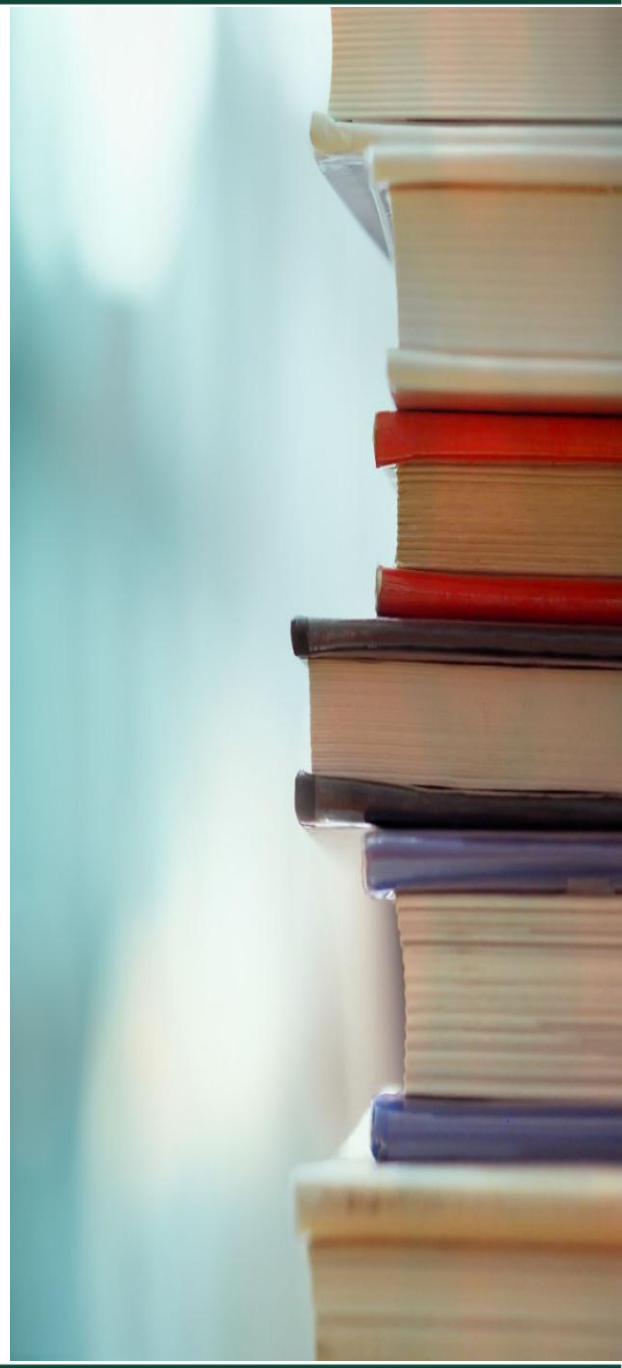
2:30 PM - 3:30 PM



Navigating Complex Investigations in Higher Education

Panelists: Danny Shaha, Melanie Soberal, and Alex Wolf

October 20, 2026



Speakers



Melanie Soberal
Senior Associate
Director of Student
Title IX Policy and
Education
Columbia University



Danny Shaha
Assistant Vice President for Student
Affairs and Dean of Students
Penn State University



Alex Wolf
Partner and Co-Chair of
Higher Education Practice
Steptoe LLP

Agenda

1. Types of Misconduct in Higher Education
2. Types of Investigations in Higher Education
3. Why Investigations Have Become So Complex
4. Navigating Complex Challenges:
    1. Key Considerations When Opening an Investigation
    2. Managing Parallel Investigations and Institutional Processes
    3. Privacy, Transparency, and Institutional Trust
    4. Artificial Intelligence, Digital Evidence, and Data Protection
5. Questions & Answers



Types of Misconduct in Higher Education

- We will address investigations that colleges and universities may undertake into various types of misconduct, including:
  - Sexual misconduct and Title IX
  - Academic misconduct (plagiarism, use of AI in classes/publications, etc.)
  - Hazing
  - Conflicts of interest
  - Financial misconduct (fraud, embezzlement, bribery, etc.)
- Misconduct could be committed by students, student organizations/teams, faculty, coaches/staff, executive leadership, or board members

Types of Investigations in Higher Education

- Institutions conduct many investigations in-house:
  - Title IX
  - HR (e.g., employee misconduct)
  - OGC
  - Student organization misconduct
- Institutions may turn to outside legal counsel for some investigations, for example due to:
  - Desire to maintain privilege and/or confidentiality of findings
  - High-profile nature of the allegations or individuals involved
  - Need for an “independent” review
  - Existence of a lawsuit or criminal investigation
- Don’t forget that others may investigate institutions/individuals, too – law enforcement, executive agencies, Congressional committees, accreditors, etc.

Why Investigations Have Become So Complex

- Changing Federal regulations and guidance
- Increased public scrutiny (Congressional oversight, social media, etc.)
- International politics' impact on campus procedures/policies
- Increased litigiousness
- Varying and, at times, competing laws (e.g., Stop Campus Hazing Act and various state laws)
- Higher volume of evidence (more types of virtual communications and social media)

Key Considerations When Opening an Investigation

What do you do when you learn of misconduct outside formal channels – and without any complaint?

- Students may report an incident to a faculty member, coach, or administrator without filing any complaint.
- A website or social media post may allege that the provost or a professor manufactured findings in their dissertation or used AI in recent peer-reviewed publications.
- The student newspaper may publish an article that a coach hazed freshman players.

The institution's policies and procedures must be nimble enough to permit the institution to open an investigation when needed.

Key Considerations When Opening an Investigation

Barriers to Reporting

- Students, faculty, staff, and others may be hesitant to file a report for various reasons, including:
  - Fear of retaliation, such as loss of job or position, loss of scholarship or reduced playing time, etc.
  - Concerns about potential impact on student organization
  - Concerns about impact to an individual's reputation
  - Concerns about privacy and possible doxxing
  - Concerns about impact to future professional career
  - Lack of interest in participating in a lengthy process

Key Considerations When Opening an Investigation

Waiting to open an investigation until a complaint is filed carries risk:

- A complaint may never be filed …
- The institution may be deemed to have been on notice as soon as faculty/staff/leadership became aware of the misconduct
- Critical evidence can be lost or deleted during the delay
- The alleged wrongdoer may graduate or leave during the delay
- Bad narrative and greater risk of erosion of campus trust

Managing Parallel Investigations and Institutional Processes

Alignment and communication

- If there are multiple processes occurring on campus, ensure ongoing coordination between all offices/parties involved.
  - This might include Title IX, Campus Safety, HR, Student Affairs, Civil Rights, OGC, and others.
- Pay close attention to timing and communications about the processes.
  - If one process resolves and another is still pending, state that in communications.
- The right hand should know what the left hand is doing.

Managing Parallel Investigations and Institutional Processes

Alignment and communication

- If there are also off-campus developments, ensure coordination to the extent feasible and productive.
  - Law enforcement may request that the institution not take steps that could tip off a suspect. This could mean delaying removing a student from campus.
- Give careful consideration to timing considerations.
  - Law enforcement may conclude that it will file charges against a student. If the institution has already completed its Title IX process and determined the student is not responsible, this can pose issues.

Privacy, Transparency, and Institutional Trust



Balancing Legal Obligations

Student information and campus safety data are governed by overlapping privacy, reporting, and disclosure requirements.

Information Sharing

Institutions must carefully consider how, when, and with whom information is shared regarding an investigation.

Institutional Trust

Maintaining trust is critical to preserving fairness and confidence for all parties involved.

Artificial Intelligence, Digital Evidence, and Data Protection



Artificial Intelligence

Institutions should adapt policies and practices to address evolving AI technologies.

Authenticating Digital Evidence

Institutions should be diligent and verify sources when reviewing text messages, social media posts, and videos.

Institution-approved Tools

Student information should only be shared through approved tools and in accordance with institutional data policies.

Any questions for the Panel?

Thank you for your time!