



For Immediate Release

NCLA Challenges ED's Title IX Guidance for Campus Disciplinary Proceedings

Dr. Mukund Vengalattore v. Cornell University and the U.S. Department of Education

The New Civil Liberties Alliance today filed a Memorandum of Law opposing the Department of Education's Motion to Dismiss the Complaint NCLA filed last fall on behalf of Dr. Mukund Vengalattore. NCLA's client was an assistant physics professor at Cornell on track for tenure when in 2014 a graduate student working in his labs falsely accused him of sexual misconduct. Since then, Dr. Vengalattore has been the victim of what Secretary of Education Betsy DeVos described as a "failed system" of "kangaroo courts" "imposed by political letter."

The Department of Education (ED) sent colleges and universities across the country three edicts (in 2001, 2011, and 2014) requiring them to create campus disciplinary systems that lacked basic elements of due process and failed to ensure fundamental fairness. If colleges refused to cooperate with this "rule by letter," ED threatened to withhold their federal funding. Cornell receives a significant amount of federal funding each year conditioned on the university's continued compliance with Title IX. With this level of dependency, schools like Cornell do not have a meaningful choice between following the three unlawful guidance edicts and forgoing funding.

At the Department's insistence, Cornell tore down basic protections in its own disciplinary proceedings. For example, the school did away with the "clear and convincing" standard for assessing guilt it had been using and instead adopted ED's preferred "mere preponderance of the evidence" standard. In short, Dr. Vengalattore was subjected to a biased, discriminatory and fundamentally unfair system that was structured, by the Department, to ensure he would be disciplined.

Despite withdrawing the 2011 and 2014 guidance, the Department of Education continues to enforce its unlawful commands, while simultaneously trying to avoid responsibility for the harms its unlawful guidance has caused students and faculty subjected to these "kangaroo courts."

“The Department of Education must bear full responsibility for putting Dr. Vengalattore through a horribly unjust proceeding. His personal reputation and professional standing have suffered greatly as a result of the flawed and baseless findings made by his campus inquisitors, acting on mandatory instructions from the Department.”—Caleb Kruckenberg, Litigation Counsel, NCLA

NCLA’s filings are asking the Court to declare that ED’s Title IX guidance is unlawful and unenforceable.

ABOUT NCLA

NCLA is a nonprofit civil rights organization founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other *pro bono* advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

For more information visit us online: NCLAlegal.org.

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