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NCLA Appeals Title IX Lawsuit Against James Madison University to Fourth Circuit Court of Appeals

Alyssa Reid v. James Madison University, et al.

Washington, DC (July 19, 2022) – Today, the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, filed an [opening brief](#) in the U.S. Court of Appeals for the Fourth Circuit in *Reid v. James Madison University, et al.* Alyssa Reid, a former forensics coach at James Madison University (JMU), is appealing the judgment of the U.S. District Court for the Western District of Virginia, which dismissed her Complaint against the college alleging violations of due process during Title IX investigative and disciplinary proceedings.

On January 3, 2019, JMU placed Ms. Reid on leave of absence pending the results of investigation and adjudication of a complaint filed by Ms. Reid’s ex-girlfriend. By its own terms, JMU’s sexual misconduct policy had no applicability to Ms. Reid’s relationship. The complainant was never a “student enrolled in [Reid’s] class or under [Reid’s] supervision,” nor was she ever “a member of the team [Reid] coache[d],” nor was there “any other relationship where [Reid] ha[d] the opportunity to pressure or force the relationship on” her. Furthermore, at the time the policy was promulgated, the complainant was no longer a student of any kind and instead was an employee of equal rank at the University. Nevertheless, JMU wielded this policy retroactively against Ms. Reid.

Ms. Reid was precluded from confronting her accuser and from cross-examining either her or her “witnesses.” She was prevented from even crafting her defense against the ill-defined charges with any kind of precision, because JMU did not timely provide her with the charges or the “evidence.” JMU pursued an unconstitutional process based on the wrong policies, depriving Ms. Reid of her foundational notice and due process rights.

The district court, instead of focusing on the specific process that JMU employs in adjudicating and resolving Title IX cases or the actual communications between Ms. Reid and JMU, appears to have drawn a bright-line rule where any stage denominated as an “appeal” is automatically treated as being an opportunity to “remedy” rather than “influence” a decision. Such an approach ignores not only JMU’s own understanding of its processes, but the governing Supreme Court precedent (*Del. State Coll. v. Ricks*) and a nearly identical case from the Sixth Circuit (*Endres v. Northeast Ohio Med. Univ.*). As these two cases explain, in determining when a cause of action in Title VII or Title IX cases accrues, the focus must be on the date when the university *formally* notifies an employee of its *official* position. Because the district court failed to properly apply *Ricks* and its progeny to the facts of this case, it erred in concluding that Ms. Reid’s complaint is time-barred.

NCLA released the following statements:

“Within JMU’s kangaroo court system, Alyssa Reid was presumed guilty and was given no realistic chance to prove her case. We are confident that the Fourth Circuit will see JMU proceedings in this case for what they were—a mockery of due process and fair dealing—and will let our client have her day in court.”

— **Greg Dolin, Senior Litigation Counsel, NCLA**

“JMU violated Ms. Reid’s right to be informed of the charges against her, her right to confront and cross-examine her accusers, and her fundamental right to due process. The court has continued to block her efforts to be treated fairly. We are confident that the Fourth Circuit will right these wrongs and allow Ms. Reid the opportunity to vindicate her good name.”

— **Harriet Hageman, Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group 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.

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