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**NCLA Second Circuit Brief Rebuts Cornell and Dept. of Educ. Efforts to Deny Title IX Hearing Rights**

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

**Washington, DC (January 5, 2021)** – The New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, today filed a [reply brief](#) in the U.S. Court of Appeals for the Second Circuit in the case of *Dr. Mukund Vengalattore v. Cornell University and the U.S. Department of Education*. NCLA’s client, Dr. Vengalattore, was a tenure-track physics professor at Cornell University when a Title IX investigation launched by a false accusation ruined his promising career. NCLA seeks to reverse the decision of the U.S. District Court for the Northern District of New York, which dismissed the case against Cornell and the Dept. of Education without ruling on the substance of the claims presented by Dr. Vengalattore.

NCLA’s brief argues that the disciplinary proceedings violated Title IX of the Education Amendments of 1972. Cornell is trying hard to deny Dr. Vengalattore his day in court by wrongly interpreting Title IX to allow only students and not faculty a right to sue under the statute. But the overwhelming majority of federal appeals courts have rejected this restrictive reading of Title IX, as it is inconsistent with Supreme Court Title IX case law. Title IX states, “No *person* in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance,” which is broad enough language to encompass students and employees.

Cornell’s highly improper investigatory procedures and low ‘preponderance of the evidence’ burden of proof were adopted in response to a threat from the Department of Education (ED) to comply with its Title IX “guidance” or else lose federal funding.

NCLA further argues that the disciplinary proceedings at Cornell that led to the false finding against Dr. Vengalattore were conducted in a racially discriminatory manner in violation of Title VI of the Civil Rights Act of 1964. Faculty members who reviewed Dr. Vengalattore’s employee file made racist comments about Dr. Vengalattore and about his and his students’ national origin in official documents that were reviewed by the dean of the college without any rebuke. This evidence should have sufficed to withstand a motion to dismiss.

The once-stellar academic career of Dr. Vengalattore, one of the nation’s leading experts in atomic, molecular, and optical physics, now stands in disarray as a result of a false accusation by a disgruntled grad student. NCLA is asking the Second Circuit to reverse the district court’s grant of ED’s motion to dismiss and its grant of Cornell’s motion for judgment on the pleadings. The court should remand the case to the district court for a trial on the merits.

**Read case background [here](#).**

**NCLA released the following statement:**

“Cornell has never denied that it used a biased, secretive and fundamentally unfair process to ruin Dr. Vengalattore’s career based on a baseless and vindictive accusation. Cornell has just insisted that it has no legal responsibility to provide fairness to its students or faculty. The Court must enforce Cornell’s basic obligations to provide due process and the U.S. Department of Education’s obligation to implement Title IX in a constitutional manner.”

— **Caleb Kruckenberg, Litigation Counsel, NCLA**

**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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