

NATIONAL ASSOCIATION *of* SCHOLARS

Félix V. Matos Rodríguez, Chancellor
City University of New York
205 East 42nd Street
New York, NY 10017

July 29, 2025

Dear Chancellor Rodríguez

CUNY Biology Professor Mosaab Elshaer has contacted the National Association of Scholars about what appears to be a kangaroo court proceeding against him in violation of current Title IX regulations: A student apparently did not like her grade and has now accused him of sexual misconduct.

I'm writing so you know of this case and its alarming aspects. I hope you can prevent further wrongdoing by your school. Already there appears to be a lack of fundamental fairness for Professor Elshaer (also called due process violations) and the nature of the case threatens honest, merit based grading as well as academic integrity.

Professor Elshaer has been an Adjunct faculty member at CUNY since 2017 with an exemplary record of teaching and service and, to date, excellent student and colleague evaluations.

This past semester a female student in his laboratory class ("AP 1 Lab"), asked Professor Elshaer to change his grading system to improve her grade: She wanted a new grading curve, even though the grading metrics of the class were set well before the academic term began. They were also in writing in the syllabus and known in advance to all students. Professor Elshaer refused.

Additionally, this same student actually requested Professor Elshaer's assistance during an examination earlier in the semester, a violation of exam conditions. Professor Elshaer also declined this request and immediately told the student it was inappropriate.

This student also withdrew from a collaborative presentation the day before it was scheduled to occur, forcing Professor Elshaer to find a replacement at the last minute.

Furthermore, on more than one occasion, this same student stormed out of class in a disrespectful fashion. She has also subsequently refused an offer by Professor Elshaer to have a professional meeting to air complaints. The offer included the option of having other impartial staff there as well as other students if she wished.

Because of all of the above, Professor Elshaer contacted his Department Chair, Andleeb Zameer, about the situation: On April 3, 2025, he emailed Chair Zameer, detailing the incidents and seeking guidance on how best to proceed, especially regarding the unethical request that the grading system be changed to improve her grades. Professor Elshaer followed up his April 3 email by mentioning it to his Department Chair, in person, on two occasions after the email was sent.

The Chair assured him he "would handle it."

However, nothing happened.

Professor Elshaer received no response to his April 3 email and neither the Department nor the school took any action about the student's misconduct.

Professor Elshaer posted grades for his class in May 2025.

On June 12, Professor Elshaer received an email from Shakira Walton of the CUNY Human Resources and Faculty Relations Department with the subject line: Confidential – NCO letter. "NCO" stands for No Contact Order. That email read: "'Good morning. I am writing to request that you sign and return the document that I have attached to this email **as soon as possible**. The document is a letter of no contact order or "NCO" ... Thank you for your **prompt attention** to this matter."

The attached NCO was written by Sandra Gordon of the Office of Compliance and Diversity and reads in relevant part:

"The Office of Human Resources and Compliance and Diversity have (*sic*) received information that indicates a concern about behaviors between you and [female student]. These alleged behaviors specifically **fall under CUNY's Policy on Sexual Misconduct, Non-Title IX Sexual Harassment**. As a result of this information, effective immediately, you are directed to have no contact with [female student] at City Tech. You are directed to refrain from following [female student] you are not permitted to speak to [female student] at all. You are directed to stay at least 10

feet away from [female student]. If [female student] is in an elevator or stairwell, you are not permitted to enter or attempt to enter, but must wait until [female student] is no longer within sight before proceeding to enter the stairwell or elevator ... This directive remains in effect while [female student] is enrolled as a student at City Tech, and while you are an employee at City Tech, unless you are otherwise notified... [female student]. is also receiving similar instructions ... Please note that violations of this directive may be reported by any member of the campus community. ... Violations of this directive will result in disciplinary charges against the initiator...."

The closing paragraph states:

"If you have any questions regarding your rights, instructions limiting contact or access to resources, **please contact this office directly** ... Please sign, date and **promptly return your signed copy** of this Order **to my attention**, in the Human Resources Office, at the email address above."

When Professor Elshaer emailed a response to Ms. Gordon that same day of June 12 pursuant to the document's last paragraph, Ms. Gordon responded, almost in direct contradiction to the document: "[K]indly note that the only involvement my office has with respect to this matter ... is only to issue the NCO letter. **Patricia Cody (Title IX Coordinator, copied here)** is responsible for handling [other] issues." (emphasis added)

Professor Elshaer then emailed Patricia Cody on June 19 about Ms. Gordon's NCO and copied Ms. Gordon. Ms. Gordon then responded on July 11, again seemingly contradicting her own letter inviting Professor Elshaer's questions:

"My office, Human Resources, does not handle any issues you raise; thus we do not need to be included on any of your communications ... It is [**the Title IX Office and Patricia Cody**] who is handling investigation of complaints. This is not an acknowledgment that anything that you have written about the nature of the complaint has been reviewed by me or any members of the Human Resources Department.

For Ms. Cody's part, she did not respond to Professor Elshaer until July 2. Her email read in relevant part:

"My Office, the Office of Compliance and Diversity, **will be investigating** related to allegations reported by City Tech Student [female student]. In the first instance, a No Contact Order is a supportive measure that my Office has the ability to offer ... if requested, prior to any formal

investigatory procedures ... [female student] has the same prohibition ... She has already signed hers It does not become a part of any student's or employee's record as long as there is no substantiated violation of the NCO ... **there are no significant reputational and professional implications associated with your current No Contact Order whatsoever ... you need to sign [the NCO] and return it either to me or to Sandra Gordon** an investigation will be proceeding as conducted by me, **as City Tech's Title IX Coordinator** under procedures ... falling **under Non-Title IX Sexual Misconduct, Sexual Harassment**. [It] will certainly afford you the opportunity to respond ... to identify witnesses [to be] interviewed ... provide evidentiary materials and also include any cross claim allegations ... As soon as possible you will receive an Initial Notice of the Allegations Letter from me. .. As to timeline ... the period is 120 from when the complaint was filed .. [which was] June 10, 2025.

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Already the facts of this case suggest that CUNY's actions are unethical or illegal.

Specifically:

Does CUNY and / or its representatives such as Ms. Gordon and Ms. Cody routinely demand that employees sign legal documents immediately ("as soon as possible," "please sign promptly," "you need to sign it" "the No Contact Order ... which you need to sign"), not giving them time to review the text carefully and learn of its consequences and implications?

Is CUNY not aware that this constitutes undue pressure if not coercion?

Also, does CUNY routinely demand (is it the school's standard policy and practice) that its employees sign legal documents without informing the employee of the factual basis prompting the document in the first place?

Informing an accused party of the charges against him is a basic component of fundamental fairness and due process; yet this information is entirely lacking here. Professor Elshaer is in the dark about what actions of his could possibly be characterized as "sexual misconduct" or "sexual harassment" while all the facts point to a student's vindictive, retaliatory weaponization of the school's Title IX (and other) disciplinary procedures. Yet he is supposed to sign a document in this state of ignorance about the where, when and what of such serious allegations?

What's more the contradictory and confusing actions by CUNY resemble moving the goal posts, a class due process red flag: Why is Professor Elshaer told he can direct questions to Ms. Gordon and her office and then told by her that he should not email her or copy her on communications?

This is unacceptable manipulation from an institution that is formally accusing one of its own professors of the serious offense of sexual misconduct – also a crime, and therefore where due process protection for the accused is imperative.

Ms. Cody's letter is even worse.

Not only does Ms. Cody pressure Professor Elshaer into signing the NCO ("you need to sign," "you need to sign it," "[female student] has already signed hers") but her email gives Professor Elshaer a legal interpretation of the document ("it is a supportive measure" "there are no significant reputational and professional implications associated with your current No Contact Order") as if she were Professor's Elshaer's attorney.

Such conduct by a lawyer is an ethical breach, especially when Professor Elshaer appears to be a party in opposition to both the [female student] and CUNY – indeed, he is already being treated as an adversary and is being directed to limit his movements and decisions on campus through this CDO. (Ms. Cody's mention of [female student] already signing a CDO is a class pressure tactic, also clearly unethical.)

Under standard legal codes of ethics, Ms. Cody absolutely cannot give legal interpretations or legal advice – such as her view of the legal consequences of a signed document – to Professor Elshaer.

For this action alone, she should remove herself from this matter.

But her role is even more compromised because she has multiple titles and is therefore serving multiple functions, some of which are at odds: For example, she is the Title IX Coordinator and yet the NCO says that Professor Elshaer has been accused with allegations that fall under "**Non-Title IX Sexual Harassment**" (also called "CUNY Sexual Misconduct Policy **Non-Title IX matter** of concern").⁵

If this case is a **NON-Title IX matter**, why is the Title IX Coordinator trying to investigate it?

Additionally, current Title IX regulations prohibit a single employee from carrying out multiple functions – that is, federal rules ban the single investigator model. Yet that appears to be exactly what Ms. Cody is doing.

You may or may not know that many courts have found schools liable for due process violations precisely in sexual misconduct cases like this one and especially due to actions by their Title IX and Diversity Administrators. This body of case law is one reason that a new regulation was promulgated for Title IX, also known as the “DeVos Title IX Rule.” I am sure your university counsel can tell you about its provisions.

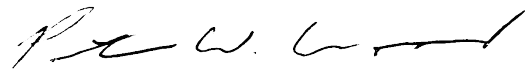
That said, most Title IX observers know that the rule requires due process for anyone accused by or under investigation from the Title IX office, including that the accused party be apprised of the specific allegations against him, be told of his right to retain counsel, not be punished in any way until an impartial hearing is held where witnesses can be called and cross examination can be conducted and both counter claims and appeals heard.

And an accused party cannot be pressured to sign anything or be counselled by anyone other than his own lawyer.

Needless to say, CUNY appears to be in the process of violating numerous provisions of this Title IX regulation as well as violating its purpose of fair play and evenhandedness.

For these reasons, I urge you to pay close attention to the Elshaer case, to scrutinize the facts prompting what appears to be a vindictive, retaliatory and probably false accusation against him and proceed accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Wood", with a stylized, cursive script.

Peter Wood
President
National Association of Scholars

