

Saiber Attorneys Obtain Dismissal of Complaint Alleging Retaliation, Discrimination, and Hostile Environment

June 12, 2014

On June 13, 2014, the Honorable Stanley R. Chesler, United States District Judge for the District of New Jersey, granted our client's motion for summary judgment and dismissed the complaint by former medical student Paulo Serodio against the New Jersey Medical School of Rutgers University (Rutgers) and nine individual defendants employed by Rutgers. The complaint alleged that defendants suspended Serodio in retaliation for exercising his First Amendment right to free speech by publishing a racially-charged oped in the student newspaper; discriminated against him as a "white African-American"; and failed to address a racially hostile environment.

In granting summary judgment for Rutgers, the Court concluded that Serodio failed to establish a genuine issue of material fact regarding Rutgers' motivation for suspending him. On the contrary, the evidence demonstrated that Rutgers did not initiate disciplinary proceedings against Serodio in retaliation for his publication of an article in the student newspaper in which he declared himself a "white African American." Rather, Rutgers suspended Serodio because, over a month after publishing the newspaper article, he violated the school's code of professional conduct and electronic systems policy, by misusing the school's intranet to post two sets of lecture notes containing lewd and sexually explicit material on a student-run website. Serodio's first set of lecture notes were also misleading because they appeared to be "approved" by the professor who had delivered the lecture; Serodio, however, added the offensive material after the professor had reviewed the proposed notes for publication on the website.

In dismissing the complaint, the Court also found no evidence that Rutgers treated Serodio differently than similarly-situated students who were not "white AfricanAmericans." That is, Rutgers had not imposed lesser or no sanctions on a student for the same or similar offenses as those committed by Serodio. In addition, Serodio proffered no proof that he reported incidents of purported student harassment to school officials, let alone that Rutgers acted with deliberate indifference to an alleged "hostile" environment. William F. Maderer, Rina Grassotti, and John F. Finnegan III wrote the successful briefs and were responsible for this matter.