

Saiber Wins Affirmance of Dismissal of LAD Claims Against Higher Education Client

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Saiber partner Sean Kelly successfully defended a university client on an appeal from a summary judgment in the university's favor dismissing the claims of a post-doctoral candidate who had been dismissed for academic insufficiency.

The student claimed that the university had violated the NJ Law Against Discrimination by dismissing him based on his Saudi nationality and his Muslim religion. He also asserted that the university had breached his enrollment contract by failing to provide him with the procedural protections provided in the student handbook.

The trial court grant granted summary judgment on all claims in 2019, and, in a three-judge panel's per curiam opinion released October 20, 2020, the NJ Appellate Division affirmed in all respects. The 25-page decision explained that the student had no viable claim of discrimination, regardless whether his claim were viewed under the "direct-evidence" theory or the "circumstantial evidence" theory. The Court also noted that the student had no viable contract claim because the student-institution relationship is not subject to rigid contractual analysis, and the evaluation of a student's academic work in higher education is best left to academic professionals and generally should not be subject to review by a court.