

## Gay Athletic Director Awarded \$800,000 for Wrongful Firing

By David Gialanella

**A**New Jersey school administrator who claimed she was harassed and ultimately fired because she was openly gay has been awarded \$800,000.

A Monmouth County jury on Tuesday found that the Holmdel Board of Education wrongfully terminated Laurie Cancalosi, the district's former athletic director.

According to her attorney, R. Armen McOmer, and court documents, Cancalosi was hired in March 2004 as supervisor of health, physical education and athletics, and two months later began a relationship with Holmdel High School principal Cheryl Swider.

Cancalosi claimed the discriminatory behavior began in 2005. Colleagues regularly ignored her directions in order to make her look bad and repeatedly joked publicly that "A.D.," short for "athletic director," actually stood for "another dyke," she alleged.

She reported these incidents to the board, which allegedly took no action.

In addition, a note was placed on Cancalosi's car, stating: "You nasty whore athletic director, I know how to stick it down your throat."

She claimed that after a handwriting analysis identified the note's author, a colleague, she filed an internal complaint.

She then pursued criminal charges, and the board hired an outside investigator, Karen Williams of Jasinski & Williams in Newark, now a federal magistrate judge in Camden.

Cancalosi claimed that after she lodged the complaint, the harassment grew worse, with colleagues regularly referring to her and Swider as "dykes."

In July 2006, the board hired as superintendent Barbara Duncan, who requested Swider's resignation. When Swider refused, the board terminated her that month, citing poor performance.

The next month, Williams issued a



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report that allegedly substantiated the claims from Cancalosi's internal complaint and made recommendations.

But the board ignored it, then terminated Cancalosi at Duncan's recommendation, contending she was ineffective and unfit for the position.

Cancalosi filed a complaint with the state Division on Civil Rights, but the agency did not pursue it.

In an August 2008 suit filed in Monmouth County Superior Court, Cancalosi said she "was at all times an exemplary employee ... who received outstanding reviews," and her firing was "clearly retaliatory in nature and in gross violation of" the state Law Against Discrimination.

She pointed out that her termination came just two months after she was reappointed to her position and given a merit increase — two summer months during which school was not in session and nothing about her performance could have changed.

The board, in defending the suit, contended that Cancalosi was responsible for animosity between the board and the

teachers' union and was fired for legitimate business reasons.

On Tuesday, after a two-week trial before Judge Thomas Scully, the six-member jury unanimously found the board liable for discrimination, retaliation and hostile work environment. The panel found no liability as to Duncan.

Cancalosi was awarded \$800,000 and is not seeking punitive damages.

"When somebody makes an affirmative action complaint and you issue a report ... you can't just ignore the process," says McOmer, of McOmer & McOmer in Red Bank.

"You just have to take these issues very seriously. ... Rather than address the issue, they decided to destroy her," adds McOmer, who was assisted by Christian McOmer at the same firm.

The defendants' trial counsel, Rita Barone of Purcell, Mulcahy, Hawkins, Flanagan & Lawless in Bedminster, did not return a call. Duncan, through an assistant, deferred comment to Barone.

In 2007, after Duncan allegedly received an anonymous threatening letter, Cancalosi and Swider were investigated by police, but it concluded with no charges being filed.

Scully denied the board's attempt to have the letter admitted as trial evidence, McOmer says.

Swider did not sue over her termination.

Cancalosi now is a supervisor for the Long Branch public schools. Swider is chairwoman of the Fitness, Exercise & Sports Department at the New Jersey City University in Jersey City. ■

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