

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

**Kombe Sefelino,**

Plaintiff,

v.

**County College of Morris; Janique Caffie**, in her official capacity as Dean of Students at County College of Morris; **Vivien Ray**, in her official capacity as Vice President, Human Resources and Labor Relations at County College of Morris,

Defendants.

Case No. 2:23-cv-01595

**COMPLAINT**

The County of College of Morris suspended Kombe Sefelino for 11 days because he spoke against homosexuality on campus and repeated passages from the Bible declaring that homosexuals would not “inherit the kingdom of God.” 1 Cor. 6:10 (ESV). The college initially issued a written warning to Mr. Sefelino informing him that his statements violate the New Jersey Law Against Discrimination because they constitute “hate speech” and display “bias against the LGBTQ+ community.” *See* Exhibit 1. When Mr. Sefelino refused to self-censor in response to this warning and continued speaking against homosexuality and propagating the Bible’s teachings on this matter, the college pronounced him guilty of “hate speech” and issued a suspension lasting from Monday, November 28, 2022, to December 8, 2022. *See* Exhibit 2.

The college’s actions violated Mr. Sefelino’s First Amendment rights, and he brings suit for damages and injunctive relief.

## JURISDICTION AND VENUE

1. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

2. Venue is proper because a substantial part of the events giving rise to the claims occurred in the district of New Jersey. *See* 28 U.S.C. § 1391(b)(2).

3. Assignment to the Newark vicinage is proper because the defendants are located in Morris County and the cause of action arose there. *See* Local Rule 40.1(a).

## PARTIES

4. Plaintiff Kombe Sefelino is a resident of Morris County, New Jersey.

5. Defendant County College of Morris is a public community college located in Randolph, New Jersey. It can be served at 214 Center Grove Road, Randolph, New Jersey 07869.

6. Defendant Janique Caffie is Dean of Students at County College of Morris. She is sued in her official capacity.

7. Defendant Vivyen Ray is Vice President of Human Resources and Labor Relations at County College of Morris. She is sued in her official capacity.

## FACTS

8. Plaintiff Kombe Sefelino is a student at the County College of Morris.

9. Mr. Sefelino is a Christian, and he frequently preaches on sidewalks and street corners about the Bible and his Christian faith.

10. Mr. Sefelino also preaches on the campus of the County College of Morris, where he attends classes as a student.

11. Mr. Sefelino preaches in public as an act of love. He seeks to inform passersby of the Bible's teachings, urging them to repent of their sins and put their faith in Jesus Christ.

12. Mr. Sefelino's preaching will occasionally mention the Bible's teachings on homosexuality, which condemn homosexuality as a sin and warn practicing homosexuals (and other sinners) that they will not inherit the kingdom of God unless they repent. Several times while on campus, Mr. Sefelino has mentioned this passage from Paul's letter to the Corinthians:

<sup>9</sup>Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, <sup>10</sup>nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. <sup>11</sup>And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

1 Cor. 6:9–11 (ESV).

13. Mr. Sefelino also preaches that every person will stand before God one day to be judged, and that those who do not repent of their sins will suffer eternal punishment in hell, consistent with the Bible and the teachings of Jesus on these matters. *See, e.g.*, Luke 13:5 (ESV) (“[U]nless you repent, you will all likewise perish.”).

14. In November of 2022, someone complained to the college administration about Mr. Sefelino's statements that homosexuals “will not inherit the kingdom of God.”

15. In response to these complaints, defendant Vivyen Ray, the college's Vice President of Human Resources and Labor Relations, issued a “written warning” to Mr. Sefelino on November 11, 2022. *See* Exhibit 1.

16. The letter from Ms. Ray declared that Mr. Sefelino's statements were “hate speech” that “demonstrated a bias against the LGBTQ+ community.” *See* Exhibit 1. It also accused Mr. Sefelino of violating the New Jersey Law Against Discrimination (NJLAD). *See id.*

17. The letter from Ms. Ray threatened Mr. Sefelino with expulsion if the college received any future complaints about his “biased behavior.” *See* Exhibit 1 (“Further

complaints against you for demonstrating biased behavior will result in a recommendation to Dean Caffie to begin Student Code of Conduct proceedings with the intention of lawfully removing you as a student.”).

18. Without evincing any sense of irony, Ms. Ray closed her letter by saying: “We accept everyone here. There is no place for bias at CCM. You should think hard about whether this is the best environment for you.” Exhibit 1.

19. Mr. Kombe refused to self-censor in response to these threats and continued to speak against homosexuality and warn that practicing homosexuals will not inherit the kingdom of God.

20. On November 28, 2022, the college suspended Mr. Selefino after pronouncing him guilty of “preaching hate speech on campus in reference to homosexuality and homosexuals.” *See* Exhibit 2. The suspension ran from November 28, 2022, through December 8, 2022.

### CLAIM FOR RELIEF

21. The First and Fourteenth Amendments protect Mr. Sefelino’s freedom of speech, and the County College of Morris must comply with the free-speech protections of the First Amendment.

22. The right of free speech includes the right to speak and demonstrate against homosexuality. *See Snyder v. Phelps*, 562 U.S. 443 (2011). It also includes the right to engage in speech that offends homosexuals and woke college administrators. *See West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”).

23. The college suspended Mr. Sefelino because of the content of his speech and the viewpoints that he expressed. This is constitutionally impermissible at a public

institution of higher learning. *See Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 833 (1995).

24. None of Mr. Sefelino’s speech regarding homosexuality fell outside the protections of the First Amendment. He did not use “fighting words,” he did not threaten or defame anyone, he did not incite imminent lawless action, and he did not utter obscenities. Nor did the college accuse him of engaging in unprotected speech of this sort.

25. There is no “hate speech” exception to the First Amendment. *See Snyder v. Phelps*, 562 U.S. 443 (2011); *R.A.V. v. St. Paul*, 505 U.S. 377 (1992); Eugene Volokh, *No, There’s No “Hate Speech” Exception to the First Amendment*, Volokh Conspiracy, *Wash. Post* (May 7, 2015), <https://tinyurl.com/p4v85rl>. And even if there were, repeating statements from the Bible that homosexuals “will not inherit the kingdom of God” is not hate speech.

26. Each of the defendants violated Mr. Sefelino’s First Amendment rights by suspending him for speaking against homosexuality. And each of the defendants continues to violate Mr. Sefelino’s First Amendment rights by threatening him with expulsion if he continues to speak against homosexuality while on campus.

27. Mr. Sefelino brings this cause of action under 42 U.S.C. § 1983, the Declaratory Judgment Act (28 U.S.C. § 2201), and any other law that might supply a cause of action for the requested relief.

#### **DEMAND FOR RELIEF**

28. Mr. Sefelino respectfully requests that the court:
- a. declare that the defendants are violating Mr. Sefelino’s rights under the First and Fourteenth Amendments by disciplining him and threatening him with future discipline for speaking against homosexuality;

- b. issue preliminary and permanent injunctions that restrain the defendants from disciplining Mr. Sefelino for speaking against homosexuality, and that order the defendants to expunge the written warning and suspension from Mr. Sefelino's disciplinary record;
- c. award Mr. Sefelino nominal, compensatory, and punitive damages;
- d. award Mr. Sefelino's costs and attorneys' fees;
- e. grant all other relief that the Court deems just, proper, or equitable.

Respectfully submitted.

/s/ Walter S. Zimolong

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Dated: March 21, 2023

*Counsel for Plaintiff*



November 11, 2022

Mr. Kombe Sefelino  
[REDACTED]  
[REDACTED]

WRITTEN WARNING: Violation of New Jersey Law Against Discrimination

Mr. Sefelino:

I have received complaints regarding you prophesizing about gay people going to hell. We believe your statements represent hate speech and that you have demonstrated a bias against the LGBTQ+ community. Dean Caffie has issued a written warning to you about violations of the Student Code of Conduct related to this matter.

As the College's Compliance Officer, I am responsible for assuring that the College's administrators, employees, and students comply with college policies and State and Federal laws. The (1) topic and tenor of your prophesizing (both by raised voice and by bull horn), (2) you are asking CCM community members if they are homosexual and (3) you are announcing they are going to hell; all represent a bias against the LGBTQ+ community. As such, your behavior violates the New Jersey Law Against Discrimination (NJLAD).

If you are unfamiliar with this law, a flyer is attached. Both Number 1 and 3 discuss prohibiting discrimination and harassment based on perceived or actual gender, sexual orientation, gender identity or expression, etc. Further, the law states that if someone is subjected to bias-based harassment, that person experiences a hostile environment. In the complaints we have received, the hostile environment has been created when you have been in the center of our campus prophesizing about "homosexuals going to hell."

An employer is required to take reasonable steps to stop harassment. Here are the steps CCM has taken to stop harassment and create a bias-free environment:

- CCM Equity Statement
- Implicit Bias Training
- Training for staff and students on Discrimination, Sexual Harassment and Title IX
- The Campus Wellness Center promotes a Safe Space program.

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- Safe Space Training
- Ally Training
- Student and Employee Codes of Conduct and Anti-Discrimination policies

I emphasize that my role is to protect the institution and our administrators, employees, and students. We will no longer tolerate behavior that aims to target a protected group, which is contrary to our culture and/or which harms members of the CCM Community. There is simply no place on this campus for bias against any individual or group of individuals based on their protected class status. Further complaints against you for demonstrating biased behavior will result in a recommendation to Dean Caffie to begin Student Code of Conduct proceedings with the intention of lawfully removing you as a student.

We accept everyone here. There is no place for bias at CCM. You should think hard about whether this is the best environment for you.

Sincerely,

*Vivyan J. Ray*

Vivyan Ray, SHRM-SCP  
Vice President, Human Resources and Labor Relations  
County College of Morris  
214 Center Grove Road  
Randolph, NJ 07869  
(V) 973-328-5039

Attachments:

- New Jersey Law Against Discrimination
- Complaints against K. Sefelino

Cc: Janique Caffie, Dean of Students



Dean of Student Office  
Student Community Center, Room 132  
973.328.5170  
dsd@ccm.edu

November 29, 2022

Mr. Kombe Sefelino  
[REDACTED]  
[REDACTED]

Dear Kombe,

This notice serves as official notification of your violating the conditions set forth in the **letter of warning** dated November 10, 2022. The violation occurred on Monday, November 28, 2022 in which the Office of Public Safety received a complaint that alleges you were observed preaching hate speech on campus in reference to homosexuality and homosexuals. This is in direct violation of the written warning:

- a. Hate speech is not acceptable language. The college received complaints from students, staff and faculty that you targeted homosexuals, which is a protected class of people. Operating under a student club – Campus Christian Fellowship – does not give you the right to spread hate towards any individual or group of people. If you are not able to spread your message in a manner that supports the mission of CCM, you will face further disciplinary charges that may include suspension or expulsion.

Because of your actions on Monday, November 28, a weeklong suspension (Nov. 28<sup>th</sup> thru Dec. 8<sup>th</sup>) is being imposed for continued violation of CCM's Student Code of Conduct policy. While on suspension you may not be on campus to attend classes, participate in campus events nor use any campus facilities. If found on campus during the suspension period, you will be considered a trespasser and the College will work with local authorities to remove from the campus. In addition, you will face further disciplinary sanctions per the Student Code of Conduct policy.

Should you wish to appeal your suspension you may do so in writing per the Student Code of Conduct guidelines. Your written appeal must be submitted to me within five days receipt of this letter.

Sincerely,

Janique Caffie  
Dean of Students

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kombe Sefelino

(b) County of Residence of First Listed Plaintiff Morris (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Walter S. Zimolong; Zimolong LLC, P.O. Box 552, Villanova, PA 19085 (215) 665-0842. Jonathan F. Mitchell; Mitchell Law PLLC 111 Congress Avenue, Suite 400, Austin, TX 78701 (512) 686-3940.

DEFENDANTS

County College of Morris; Janique Caffie; Vivyen Ray

County of Residence of First Listed Defendant Morris (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983; 28 U.S.C. § 2201

Brief description of cause:

First Amendment claim against community college that suspended student for statements critical of homosexuality

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Unspecified amount CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

March 21, 2023

/s/ Wally Zimolong

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE