

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO. EC 13WB-65587

Meghan Badekas,)	
)	
Complainant,)	<u>Administrative Action</u>
)	
v.)	FINDING OF PROBABLE CAUSE
)	
Hope Integrative Health, LLC, Laser &)	
Anti-Aging Center of South Jersey, LLC,)	
and Nadia Chaudhry, M.D.,)	
)	
Respondents.)	

On October 28, 2015, Camden County resident Meghan Badekas (“Complainant” or “Badekas”) filed a verified complaint with the New Jersey Division on Civil Rights (“DCR”) against Nadia Chaudhry, M.D., and her dermatology practice—i.e., Hope Integrative Health, LLC, and Laser & Anti-Aging Center of South Jersey, LLC (collectively “Respondents” or “Hope”)¹—located at 651 Route 73 North, Suite 202, Marlton, NJ 08053.

Complainant, who is Greek Orthodox Christian, alleges that Respondents created a hostile work environment based on religion, and then fired her based on religion and/or in retaliation for objecting to certain religious practices in the workplace, in violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49. The DCR investigation found as follows. The DCR investigation found as follows.

Summary of Investigation

Dr. Chaudhry is a physician licensed by the State of New Jersey. She is the sole operator of Hope, a laser and cosmetic dermatology practice and medical spa. The office consists of two floors. The first floor contains the lobby, receptionist desk, triage area, kitchen, and four patient rooms. The second floor contains Dr. Chaudhry’s office and a medical spa. Both floors are decorated with images representing spiritual practices and messages, including sculptures of

¹ Laser & Anti-Aging Center of South Jersey, LLC was incorporated in 2004, and Hope Integrative Health, LLC was incorporated in June 2015, with Dr. Chaudhry as the registered agent. It appears that both entities were operated by Dr. Chaudhry out of the same office space at 651 Route 73 North in Marlton, and shared employees and resources. For those reasons, the entities will be referred to collectively as “Hope.”

religious figures and deities, paintings and posters, e.g., Mother Mary Magdalene, Buddha, Ganesha, Ankh symbol, Banyan tree, mermaid, “Christ’s heart,” “Transcendence,” “Transformation” and “Goddess Spectra Ananda”²

On February 3, 2015, Dr. Chaudhry hired Badekas to work as a receptionist. According to a written job description produced by Respondents during the course of the investigation, her duties included:

Provide excellent customer service . . . answer incoming phone calls; book and reschedule appointments; provide assistance to clients in the waiting area . . . support for Dr. Nadia - take instructions and report back with results, keep her informed of her schedule . . . maintain firm calendar . . . contact information of all team members and service providers; . . . maintain practice files . . . order office supplies . . . keep reception area . . . organized . . . waiting room area clean and supplied . . . data entry, networking and sales.

Badekas told DCR that she never received orientation or training on her duties or Respondents’ policies, including anti-discrimination, and did not sign an acknowledgement that she received an employee handbook.

Badekas alleged that she was unfairly forced to participate in religious practices in the workplace and subjected to daily proselytizing as a condition of her employment. For example, she said that Chaudhry directed her to sit on the office’s kitchen floor each morning in front of the sculpture “Spectra Ananda,” light tea candles, close her eyes, fold her hands and pray silently. She alleged that Dr. Chaudhry recited prayers throughout the workday, and warned Badekas that if she failed to recite the same prayers for two hours at home to “embody” them and “reveal” and “ground” herself, then she would “suffer in life”

Badekas said that Dr. Chaudhry required her and the other employees (i.e., Receptionist Jennifer Rago and Esthetician/Medical Assistant Deanna Applegate) to participate in “sacred” affirmations two to four times per month. She claimed that during the affirmations, Dr. Chaudhry declared that she: (i) was embodied with, and was, “the Mother, Father and God of All;” (ii) knew where heaven and earth was and that the employees needed to follow her to find it; (iii) allowed herself to die, was re-born, and that they should “let go” and do the same; and (iv) “re-created the Ten Commandments” into one commandment.

² The ankh (⚡) is an Egyptian symbol generally referring to eternal life among Gods, pharaohs and other deities. The Banyan tree symbolizes eternal life and is considered a sacred and divine tree that fulfills wishes in Hindu mythology. Dr. Chaudhry told DCR that the mermaid represents a divine goddess of remembrance of a past life. She said that the sculpture “Spectra Ananda” it is a transmitter to give her access to the records of her prior lives, because Dr. Chaudhry is “guided and can channel information.” “Transcendence” represents an angel and “Transformation” represents the ability to change.

Badekas stated that during the affirmations, she and her co-workers were directed to pray to Dr. Chaudhry and other religious deities and recite chants such as “Om Shanti Om.” She said that Dr. Chaudhry whispered prayers in their ears while applying “essential” oils to their heads, foreheads, chests, throats, backs, and arms. She said that on one occasion, Dr. Chaudhry whispered to her that she would “transmute and cleanse 99% of the shit” in her head and give her back “good stuff.”

Badekas told DCR that she did not enjoy the ceremonies but participated because she was afraid that she would be fired if she refused. She said in part:

You had to participate. You couldn't take calls at that point. We locked the door. You had to sit with her, you had to . . . She didn't say if you don't, then you will be terminated . . . It was a given, once she started gathering everything around, everyone had to sit for that hour or so . . . She would do the oils and then you would have to meditate and pray and sometimes you would have to share a story or something . . . you had to participate . . . it was a way of getting us all connected . . . She would put oil on your back and chest and arms . . . for everyone.

As another example of unwelcome proselytizing in the workplace, Badekas produced over two dozen emails that Dr. Chaudhry sent to her on a routine basis, such as:

. . . For that is who I AM!!! A Zen Archer grounded in my naked TRUTH as Divine Word and the Breath of Life!!!

[See Email From Chaudhry to Complainant, et al., Re: Hopefull ReSolutions for Me and all of whom that I love!!! You guys are my witness – and so IT Is!!! Jul. 9, 2015 (*sic* throughout)]

. . . Let Go, Let Mother Father God show you the way – Your divine entourage is waiting to help you. . . Remember who you Are – ToGather everything is Possible!!! . . . Blessed by my parents Buddha, Christ, Mary Magdalene and Mother Mary and Quan Yin (my Godmother). ArchAngel Michale Lit the pyre. All the old dark Energies are not serving the Healing of Mother Gaia . . . we are rebuilding on this magnificent Earth ToGather!!! . . . I created You – I planted magnificent Dreams in You – Lets Blossom a Garden of Hope . . .

[See Email From Chaudhry to Complainant, et al., Re: Nadia's Rules for Heavenly Success – Live a limitless Life, Have Passion, Co-create something New – Innovate NOAT imitate!!! Jul. 15, 2015 (*sic* throughout)]

. . . It is time for us to awaken fully and Partner with the Heavens, the heavenly Hosts . . . our divine entourage that walks with us . . . For they are sacred –

planted by MotherFatherGOD . . . I Am the Tree of Life . . . what each one is meant to cocreate with Me – Fulfilling their sacred contract, their divine path and purpose with Mother Father GOD...sharing the world with them with new fresh eyes and perspective, even if they are not quite ready to see – I still hold the space . . . It is Time for Teams “working” passionately ToGather so that Nobody has too much on their plates . . . To Be Devoted in our remembrance of the One Infinite Loving Light) Mother Father GOD – that created Us . . . It Is Time for Us to receive the Manna . . . Abundance, comes in infinite forms as we have faith, trust and joyfully surrender to receiving our divine Inheritance - Remember No One Being Is any More deserving or important to MotherFatherGod . . . Lets Cocreate-Garden On this Earth-for We are the Chosen Ones. . . To buoy our strength, deliver healing Grace and remind us how fabulous we are individually when we forget our Truths as Love – as angelic divine lights . . .

[See Email From Chaudhry to Complainant, et al., Re: The dream that downloaded on my way back from Sedona – How about it!!! Sept. 10, 2015 (*sic* throughout)]

Christ Blessing – as I taught You – the Master of Infinite Light and healing – feel His loving presence and eternal, unconditional love and prayers for You!!! Allow Him to surround You . . . drink from the chalice of Love – each and everyday . . . Divine Love never holds back – Is Always There in the center of your Heavenly Heart!!! . . .

[See Email From Chaudhry to Complainant, et al., Re: Loving Yourself Gorgeously Thin!!! Hope’s Integrated tools guaranteed to Regenerate You for Life!!!, Sept. 17, 2015 (*sic* throughout)]

Badekas alleged that Dr. Chaudhry repeatedly threatened to fire her if she did not adopt her religious practices. For example, she alleged that in March 2015, Dr. Chaudhry warned her that her “job was on the rocks” because she was not “embodying” Dr. Chaudhry’s rituals. She alleged that in June 2015, Dr. Chaudhry told her that she would be fired unless she had a “spiritual shift” in 33 days. She alleged that the next month, Dr. Chaudhry said, “If you continue not to ground yourself and are anchored to hope, then I will have to let you go.” Badekas alleged that in late August 2015, Dr. Chaudhry said that she would be fired if she did not make a spiritual shift, become a Hope Angel, and pray to a sculpture in the office which Dr. Chaudhry referred to as “Transcendence.” Badekas alleged that Dr. Chaudhry also threatened to fire her for not accompanying her on retreats to the Omega Institute for Holistic Studies,³ and for

³ Omega is a non-profit organization, which according to its website, “provides hope and healing for individuals and society through innovative educational experiences that awaken the best in the human spirit.” Omega states that its workshops, conferences, and retreats focus on the integration of modern medicine and natural healing; connect science, spirituality, and creativity.

not putting “valor” oil on her feet every day to “anchor” and “ground” her. Badekas told DCR that Dr. Chaudhry made clear that:

if I didn’t have a spiritual shift . . . Dr. Chaudhry would have to move on and let me go . . . because she was God. [She] wanted me and [Applegate] to become angels—Dr. Chaudhry’s army. Dr. Chaudhry said that her sacred ceremonies, praying to Spectra Ananda in the the kitchen and oils were all key components to making a spiritual shift.

Badekas told DCR that for months, she did not complain to Dr. Chaudhry because she was afraid of losing her job. She said, “[I was] just trying to collect my paycheck.” Badekas claimed that two other receptionists—Stephanie George and Sara Regan—told her that they were fired in March 2015 and July 2015, respectively, because they objected to Dr. Chaudhry’s affirmations.

However, Badekas claims that in September 2015, she told Dr. Chaudhry that she was a practicing Greek Orthodox and should not be required to participate in the affirmations and other rituals. She said that Dr. Chaudhry laughed at her and made offensive comments, e.g., noting that Greek Orthodox practitioners appear “miserable . . . like they’re at a funeral,” and that “the way [Greek Orthodox] perceive Jesus on the cross is not the way Jesus would want,” and that “organized religion does not know the truth.” She said that Dr. Chaudhry told her that if she wanted to see what a “real” religion was like, then she should come with Dr. Chaudhry to observe her religion where she practiced. Badekas told DCR that she was unsure what Dr. Chaudhry was referencing because she appeared to borrow “parts of all different religions” and incorporate them into “her own” religion.

Badekas claimed that she also made demeaning comments about Catholicism, e.g., declaring that the “Vatican funds the mafia,” and that the Catholic Church “is about money and greed.”

Badekas stated that on October 6, 2015, Dr. Chaudhry stated that she was going to close the practice for two weeks to visit Tel Aviv. Badekas said that she reminded Dr. Chaudhry that she was due to be paid on October 7, 2015.

Badekas stated that when she and Rago reported to work the next day, they found that Dr. Chaudhry had changed the office door locks. She said that they could not reach Dr. Chaudhry and contacted a friend of Dr. Chaudhry’s to try to locate her. Badekas said that approximately thirty minutes later, she received a group text message from Dr. Chaudhry, which signaled the end of her employment. She produced the exchange:

Dr. Chaudhry: You chose hell over heaven on earth. Ah
 Well. The pearly gates to heaven are now
 only open for the real hope angels. Not you

guys. I have moved on. Have a beautiful
[sic] day. I know Ai [sic] am.

Applegate: Whatever you say. Just want my last
paycheck and that will be the end of me.

Badekas: So I'm fired is what your [sic] saying?

Dr. Chaudhry: Yes

[See Text message from Dr. Chaudhry to Applegate and Badekas,
Oct. 7, 11:01 a.m.]

Respondents denied the allegations of employment discrimination and retaliation in their entirety. Respondents note that their policy on discrimination and harassment states that the practice is committed to providing a work environment that is free of discrimination and unlawful harassment, and that “[a]ctions, words, jokes, or comments based on an individual’s . . . religion . . . will not be tolerated . . . Employees can raise concerns and make reports without fear of reprisal.” Dr. Chaudhry told DCR that she is responsible for investigating complaints of discrimination and never received complaints from Badekas, Rago, or Applegate.

Dr. Chaudhry described Hope’s office as “heaven on earth” and a “sacred space” where she works spiritually with an integrated mind and body approach. She told DCR that she is a highly evolved master of healing; holds a high vibration, light, hope, vitality and energy; has trained over many years with eastern science to raise the vibration of the planet to get people in alignment; helps people know their radiance and truth; holds the loving space of light; is the queen of regeneration; can tune in to see what people’s energetics are because she works with mother energies; is the happy Buddha; holds the light in her body; is the highest vibration of light on the planet and is the first one on the planet to have eternal life in her body; is a wonderful intuitive animal whisperer; has pure wisdom; brings clarity to dreams, hopes and wishes; sees potential in all and that is her job; and is the only physician who holds the complete space of healing.

Dr. Chaudhry acknowledged having her employees participate in affirmations but denied that they were religious in nature. She said that affirmations were merely “guided meditations” to heal and alleviate stress. She stated that she does “not believe in any religion, but [she] respect[s] individuals’ belief systems.” She stated that a couple times a month she gathered her employees in the lobby and would:

. . . teach . . . guided healing meditations that we use, healing imagery, like the Yin/Yang symbol, or soothing nature images, Lenox angel sculptures, or Buddha, or Mother Mary, or the Goddess [sic] Lakshmi [⁴]-to intention abundance. I have

⁴ *Lakshmi* is the Hindu goddess of wealth, fortune and prosperity.

all kinds of beautiful music and, soothing colors, plants, beautiful pictures everywhere to support the healing process . . . In the office we gather as needed to do guided meditations to keep us in balance and connected to each other and alleviate any stress that might be going on, to keep the team spirit up.

She said that during those ten to thirty minute affirmations, she played music, burned candles, and put Essential Oils⁵ for healing on the employees' bodies, with their permission, wherever she felt was needed for the individual employee. Dr. Chaudhry stated that the employees "loved it" and would "put oil on themselves during the affirmations." She said that Badekas asked her for recommendations for oils and kept some in her work area.

Dr. Chaudhry said that the notion that she instructed employees to pray to her during these affirmations was a "fabrication." She stated, "This is an integrated medical practice that incorporates, Spirituality as part of the healing. This is relayed at the time of the interview. Nobody has to participate if they are not comfortable. But at no point I held prays [*sic*] and ceremonies towards religious symbols . . ."

Dr. Chaudhry denied instructing her employees to pray to Spectra Ananda on a daily basis. She noted, "From a business point of view this would be counterproductive in employee productivity at the practice and infringe on personal religious freedom."

Dr. Chaudhry acknowledged that she instructed her employees to chant "Om Shanti Om." She said, "It's a very popular saying that is used with Yoga and meditation. It's a universal saying translating to love peace love."

Dr. Chaudhry told DCR that her employees enjoyed the ceremonies. She said, "Deanna, Jennifer, and Meghan loved participating in these, and would set it up as well. They would sometimes come to me, for energy healing and simple hugs and a listening ear. Not at any point was meditation force[d] on any one."

Dr. Chaudhry denied making any of the remarks about the Greek Orthodox Church, Catholicism, or organized religion attributed to her by Complainant.

Dr. Chaudhry acknowledged firing Badekas and the others. She said that Badekas performed satisfactorily until July 2015, when she "went downhill." She said that Badekas was frequently absent,⁶ did not inform patients of pre-procedure protocols,⁷ failed to properly prepare

⁵ Dr. Chaudhry told DCR that she purchased "Essential Oils" from the Essential Oil Company, which, according to the company's website, is a wholesale distributor of oils distilled from organic plants, most commonly used for religious, spiritual, cosmetic and dietary purposes.

⁶ Badekas told DCR that she was never tardy and had four excused sick days.

⁷ The protocols included taking supplements and avoiding the sun and certain medications. Badekas acknowledged that she once did not inform a patient of the protocols but claimed it was only

a patient with numbing cream for a laser procedure resulting in burns to the patient,⁸ did not follow up on potential customer leads for fall 2015 promotional events or obtain contact information for attendees,⁹ and “slacked off and stole from the practice.” She stated:

[Applegate] . . . started to embezzle funds by taking commissions she had not earned, changing the treatment plans, and putting it on her book, when they were supposed to come in for me . . . That all trickled down to the other girls. And then everybody started to take advantage, behind my back. Putting in hours they had not worked, taking days off without proper protocol. Essentially everybody slacked off . . . My practice suffered, financially as well as from a reputation standpoint, because the girls were not doing their job and following through. Lots of mistakes with collecting payments, finance agreements and not paying the bills on time. My credit rating has suffered. They all slacked off and stole from the practice. Eventually it got so bad I had to fire everyone before I left for my trip in October.

Dr. Chaudhry did not produce documents or information to verify the above claims despite three requests by DCR during the course of the investigation.

Rago supported Complainant’s claim that the three employees were required to engage in unwelcome religious practices as a seeming condition of employment. For example, Rago stated that Dr. Chaudhry would back her and Badekas into a corner and declare that she was Mother, Father, and God, and require them to say prayers and chants. She said that Dr. Chaudhry told her to believe in Chaudhry’s “special powers,” follow her “religion” and obey her so that Rago “could overcome all.” She corroborated that Dr. Chaudhry made demeaning comments in the workplace about other religions.

Rago told DCR that from the end of August until her October 7, 2015 discharge, Dr. Chaudhry told her on almost a daily basis that she would be fired unless she embraced the affirmations, including allowing Dr. Chaudhry to apply oil to the base of her spine and make

because Dr. Chaudhry had not told her that it her responsibility to do so. She said that she did so thereafter.

⁸ Badekas stated that Dr. Chaudhry once burned a patient and later blamed her and Rago for not properly preparing the numbing cream. She said that actual reason the patient was burned was because Dr. Chaudhry made the laser too hot. Rago gave a similar account of the incident.

⁹ Badekas said the events were a fundraiser for the Burn Foundation at Lord and Taylor in the Moorestown Mall (which raised about \$500); and a “Cinderella Transformation” at Dr. Chaudhry’s office, during which she showed a “before and after” video of a patient, on whom she administered injections and fillers and applied make-up. Badekas stated that Dr. Chaudhry told her, Rago, and Applegate to plan the events while she was out of the office traveling but gave minimal guidance. She said that she and Rago delivered invitations to patients, local businesses, libraries, and the Mayor’s office, and collected contact information from attendees.

what Dr. Chaudhry termed a “spiritual shift” (making heart opening prayers to Spectra; praying to Buddha and partaking in the affirmations). She said that on August 24, 2015, Dr. Chaudhry screamed that she and Badekas must either follow her path to regeneration and immortal life or leave.¹⁰

Applegate’s version of events was consistent with that of Complainant and Rago. For example, Applegate stated that when she objected to participating in the affirmations, Dr. Chaudhry threatened to terminate Applegate’s employment if she did not make a “spiritual shift,” “believe in” and prove she was committed to Dr. Chaudhry. She claims that in August 2015, Dr. Chaudhry told her that she needs to “realize I am God - I can do whatever I want” and if she “wasn’t on board” with Dr. Chaudhry’s “pathway,” then she should pack up and leave. She claimed that several times Dr. Chaudhry threatened to fire her for refusing to attend weekend retreats with her at the Omega Institute for Holistic Studies. Applegate claims that when she told Dr. Chaudhry that she was Catholic, Dr. Chaudhry replied that the Catholic Church was a “joke” and “funds the mafia.”¹¹

Applegate produced text messages that she received from Dr. Chaudhry during the DCR investigation. Relevant excerpts include:

You tried to destroy me, and took, advantage, only made me more powerfull, and wiser and clearer. So, thanks. One door closes and a thousand more open up for Me. You forget Who, I AM. The hugest mistake of Your life. Which You will never be able to, redeem from.

[Jul. 1, 2016, 4:34 p.m. (*sic* throughout)]

The rewards of the truly faithfull to Me, Wowsie Wowsie Wowsie. And for the rest AhWel. Same old shit replaying itself. And so you sit in your own self-created Hell Now.

[Jul. 1, 2016, 4:45 p.m. (*sic* throughout)]

I suggest you withdraw your faulty accusations. Or you will pay dearly. I have lots of evidence of you embezzling and stealing from the practice. Plus you owe me \$16,000. Which you will pay back. Thank you. Don’t fuck with me. Don’t Fuck with me. You just end up sabotaging yourself. Fucked up, the best thing that ever happened to you. A complete Fool. Never opened the Gateway to your heart. And who lost out. Me or you. And your Son. Couldn’t even rise above

¹⁰ Rago filed a separate complaint against Respondents. Rago v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65586.

¹¹ Applegate filed a separate complaint against Respondents. See Applegate v. Hope Integrative Health, et al., DCR Docket No. EC 13WB-65589.

for Johnny. How's that working out for You Ninkumpoop. All that power. And divine gifts and wisdom. And completely blewit. WOW. Hopeless. Ah Well.

[Jul. 1, 2016, 5:06 p.m. (*sic* throughout)]

Eternally regenerating, the loveliest Love bug of them All. As good As it Gets, awesome and then Some to infinity and beyond. Brighter, lighter, more profoundly radiantly Beautiful as it Gets. Forever Hopefull the Queen, the sacred Mountain. Heaven on Earth In As and Through Me. And So It Is. Fuck You.

[Jul. 1, 2016 5:07 p.m. (*sic* throughout)]

I am [going] to have a lot of fun with this. It's time for me to, stand clearly, my True Power, on a whole another dimension. Your sabotage, will serve Us All. I shine brighter and radiantly Beautifull every single day . . .

[Jul. 10, 2016 1:37 p.m. (*sic* throughout)]

Go ahead bring it in. Try to fuck with Me. See what happens. I will Always arise Up . . .

[Jul. 10, 2016 1:40 p.m. (*sic* throughout)]

I am actually looking forward to meeting with the attorney. Next Week. As I bring evidence together. It's time for me to clean people like you . . . and not allow, employees to be able to get away with what you have so far . . . Integrity and Truth and loving light will allways win. There is no greater. Power. As someone told me once, cream Allways rides to the top. And light always overcomes any darkness. Simple physics principles. Common sense. Which obviously you have none Of. As stupid, unethical, and manipulative as it gets.

[Jul. 10, 2016 1:49 p.m. (*sic* throughout)]

The Queen of True Regeneration at its finest expression. As good as it Gets. Can't touch Me, ever. You are the drop in the Ocean. I Am the Ocean. Duh Stupid is As Stupid Does, a vampire and parasite. Ah Well . . .

[Jul. 10, 2016 1:50 p.m. (*sic* throughout)]

Dr. Chaudhry acknowledged sending the above text messages to Applegate, but said she was merely "venting" for having to deal with the DCR complaints by Badekas and the others.

Analysis

At the conclusion of the investigation, the DCR Director is required to determine whether "probable cause exists to credit the allegations of the verified complaint." N.J.A.C. 13:4-10.2.

For purposes of that determination, “probable cause” is defined as a “reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person to believe” that the LAD was violated and that the matter should proceed to hearing. Ibid.

A finding of probable cause is not an adjudication on the merits. It is merely an initial “culling-out process” whereby the Director makes a threshold determination of “whether the matter should be brought to a halt or proceed to the next step on the road to an adjudication on the merits.” Frank v. Ivy Club, 228 N.J. Super., 40, 56 (App. Div. 1988), revd. on other grounds, 120 N.J. 73 (1990), cert. den., 111 S.Ct. 799. Thus, the “quantum of evidence required to establish probable cause is less than that required by a complainant in order to prevail on the merits.” Ibid.

a. Hostile Work Environment

The LAD makes it unlawful to discriminate in the terms, conditions or privileges of employment based on “creed.” N.J.S.A. 10:5-12 (a). Although “creed” is not defined in the statute, it is widely accepted to include religious beliefs. See e.g., El-Sioufi v. St. Peters University Hospital, 382 N.J. Super. 145 (App. Div. 2015); Shuchter v. N.J. Div. on Civil Rights, 117 N.J. Super 405 (App. Div. 1971) (interpreting creed as a person’s religious beliefs or principles.)¹²

In analyzing a claim of hostile work environment based on religion, the critical issue is whether a reasonable person of the complainant’s religion would find the alleged conduct to be so “severe or pervasive” as to alter the conditions of employment and create a hostile or abusive working environment. Cutler v. Dorn, 196 N.J. 419, 430-31 (2008) (emphasis added). When the offensive conduct (e.g., offensive stereotypes or derogatory statements about an employee’s

¹² The United States Equal Employment Opportunity Commission (EEOC), which enforces Title VII’s prohibition against religious discrimination in the workplace, defines religion very broadly as theistic or non-theistic moral or ethical beliefs, practices and observances regarding right and wrong and ultimate ideas about life, purpose and death, which are sincerely held with the strength of traditional religious views. EEOC notes: “A belief is ‘religious’ for Title VII purposes if it is ‘the person’s own scheme of things,’ i.e. it is ‘a sincere and meaningful belief that occupies in the life of its possessor a place parallel to that filled by . . . God.’” See EEOC, Compliance Manual, §12 - Religious Discrim., Jul. 22, 2008, pp. 5, 6, 8 (citing Redmond v. GAF Corp., 574 F.2d 897, 901 n.12 (7th Cir. 1978) & U.S. v. Seeger, 380 U.S. 163, 176 (1969)). This includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, unique, uncommon, not part of a formal church or sect, subscribed to by only one or a small number of people, or that seem illogical or unreasonable to others. Ibid. Determining whether a practice or observance is “religious” is done on a case-by-case basis and may include attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression. Ibid.

faith) is perpetrated by a supervisor, as opposed to a co-worker, its effects are magnified. See Taylor v. Metzger, 152 N.J. 490 (1998). In Taylor, supra, the Court noted that a supervisor's "unique role in shaping the work environment" gives him or her disproportionate power to contaminate the workplace and alter the terms and conditions of a subordinate's employment. Id. at 503.

Here, the investigation corroborated the allegations that the supervisor made offensive remarks about organized religions, made frequent demands that subordinates engage in affirmations and daily prayers to religious figures, and that employees were made to believe that they would be discharged for not fully embracing Dr. Chaudhry's religious practices.¹³ The investigation also found an abundance of communications proselytizing the supervisor's religious beliefs and practices.⁴ The conduct went well beyond a few stray remarks or unwelcome comments. Given the sheer volume of the proselytizing and the fact that it appeared to permeate the work environment, the Director is satisfied that the unwelcome conduct was sufficiently "pervasive" for purposes of LAD analysis.

Despite Dr. Chaudhry's assertions that she did not believe in any organized religion, the Director is satisfied that Dr. Chaudhry had her "own scheme of things" with sincere and meaningful beliefs that occupied a place in her life "parallel to that filled by . . . God . . . with ultimate ideas about purpose, life and death," which she, in turn, imposed on her employees. See EEOC, Compliance Manual, §12, Religious Discrim., Jul. 22, 2008 (citing Redmond v. GAF Corp., 574 F.2d 897, 901 n.12 (7th Cir. 1978) & U.S. v. Seeger, 380 U.S. 163, 176 (1969)). For example, she (i) described herself to DCR as a highly evolved master of healing; happy Buddha; highest vibration of light on the planet; and the first one on the planet to have eternal life in her body; (ii) regularly held "sacred affirmations" that employed images of religious figures displayed in her office; (iii) sent proselytizing emails to Complainant with messages like, "It is time for us to awaken fully and Partner with the Heavens, the heavenly Hosts," and "Allow Him to surround You . . . drink from the chalice of Love – each and everyday," "It Is Time for Us to receive the Manna," and "TRUTH as Divine Word and Breath of Life!!!"

And Complainant told DCR that Dr. Chaudhry: (i) repeatedly told her that she was "the Mother, Father and God of All;" (ii) made offensive remarks about the Greek Orthodox faith and suggested that it was not a "real" religion; (iii) required Badekas and her co-workers to participate in the affirmations and pray to religious figures in the office; (iv) required her to pray to a sculpture in the kitchen each morning; and (v) repeatedly threatened to fire her if she failed to adopt her religious beliefs. Those claims were corroborated by the statements of Rago and Applegate.

¹³ Respondents do not argue that spirituality or certain religious beliefs/practices are a necessary component of the receptionist or medical assistant/esthetician functions.

In view of the above, the Director finds, for purposes of this disposition only, that the investigation found sufficient evidence to raise a reasonable ground of suspicion that Dr. Chaudhry's actions created a hostile work environment based on religion.

b. Discriminatory or Retaliatory Discharge

The LAD prohibits employers from discharging employees based on their religion, N.J.S.A. 10:5-12(a), or retaliating against employees for opposing any practices or acts forbidden under the act, including religious discrimination. N.J.S.A. 10:5-12(d). The investigation found a reasonable ground of suspicion that Complainant was fired on or about October 7, 2015, based on her religious views and/or in retaliation for objecting to Dr. Chaudhry's unwelcome religious practices.

Rago and Applegate corroborated Complainant's allegation that employees felt that they would be fired for opposing Dr. Chaudhry religious practices such as failing to make a "spiritual shift," "liv[ing] up to her contract with Dr. Chaudhry and God," and refusing to attend the Omega retreats. Badekas alleged that she objected to participating in Dr. Chaudhry's religious rituals based on her own religious views as a Greek Orthodox in September 2015. It is undisputed that on October 7, 2015, Dr. Chaudhry declared that she had "moved on" from Badekas and the others because of their refusal to accept her religious beliefs. Dr. Chaudhry wrote in an October 7, 2015 group text message: "You chose hell over heaven on earth. Ah Well. The pearly gates to heaven are now only open for the real hope angels. Not you guys. I have moved on."

Dr. Chaudhry told DCR that she fired Badekas because she "slacked off and stole from the practice," among other things, but was unable or unwilling to produce any evidence to support those claims despite multiple requests. Nor is there any evidence that she ever gave a performance review to Badekas or told her that she was dissatisfied with her performance of secular functions.

The notion that Dr. Chaudhry could harbor a retaliatory animus is supported by text messages in which she appears to threaten Applegate for filing a complaint raising similar allegations, e.g., "I suggest you withdraw your faulty accusations. Or you will pay dearly . . . Try to fuck with Me. See what happens."

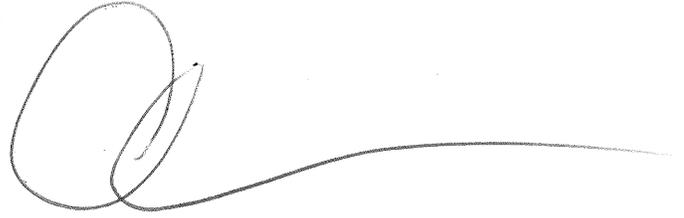
Based on the above, the Director is satisfied—for purposes of this preliminary stage of the process only—that the evidence raises a "reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person to believe" that Complainant was discharged based on her religion and/or in retaliation for objecting to workplace religious practices. N.J.A.C. 13:4-10.2.

Conclusion

Based on the investigation, the Director is satisfied that there is sufficient evidence to warrant having the matter “proceed to the next step on the road to an adjudication on the merits,” Frank, supra, 228 N.J. Super. at 56, as to the allegations that Respondents created a hostile work environment based on religion, discriminated against Complainant based on religion and retaliated against her for engaging in protected activity.

DATE:

7-20-17



Craig Sashihara, Director
NJ DIVISION ON CIVIL RIGHTS