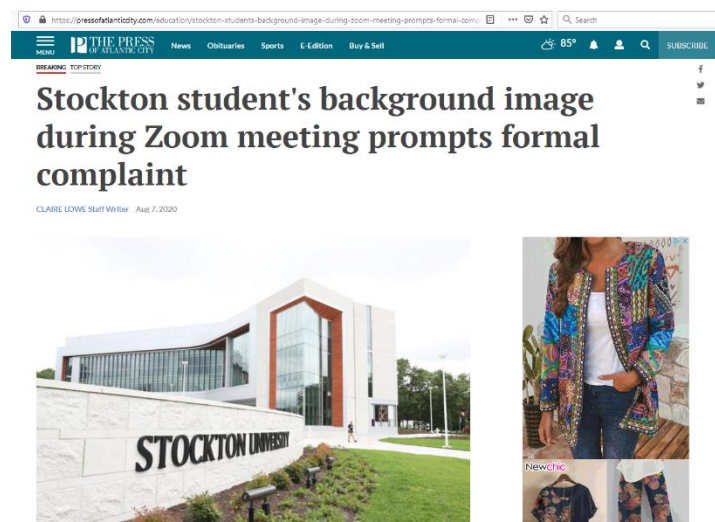


[https://pressofatlanticcity.com/education/stockton-students-background-image-during-zoom-meeting-prompts-formal-complaint/article\\_cd2b97a8-0fba-5d23-9483-cacc909adbdc.html#1](https://pressofatlanticcity.com/education/stockton-students-background-image-during-zoom-meeting-prompts-formal-complaint/article_cd2b97a8-0fba-5d23-9483-cacc909adbdc.html#1)



## Stockton student's background image during Zoom meeting prompts formal complaint

CLAIRE LOWE Staff Writer Aug 7, 2020

A Stockton University graduate student has enlisted a First Amendment advocacy group to fight a complaint from a fellow student alleging bias.

The Foundation for Individual Rights in Education, a nonprofit based in Philadelphia, sent a letter to Stockton President Harvey Kesselman on Friday

disputing a complaint against Robert Dailyda, of Egg Harbor Township, who is pursuing his doctoral degree at the college.

Dailyda was not available for comment by phone Friday afternoon.

Stockton spokeswoman Diane D'Amico confirmed Dailyda was a student and that the case was open, but said the college could not comment on open cases.

Download PDF FIRE response to Stockton complaint against Dailyda

<https://bloximages.chicago2.vip.townnews.com/pressofatlanticcity.com/content/tncms/assets/v3/editorial/8/34/834ac798-78fe-5f20-9a77-9c0cbde2f241/5f2daa16a4a13.pdf>

According to the complaint, which was attached to the FIRE letter and posted on the organization's website, the incident began July 1 during a Zoom meeting with Dailyda's class in which he used a background image of President Donald Trump.

The Zoom background prompted a "heated" but "not threatening" discussion after class in a group chat, the complaint states. Following the discussion, Dailyda posted on Facebook, "I love this country. We are a diverse, yet assimilated population from all backgrounds. I believe all must have the same opportunities and I commit to make that a priority. Beyond that, I am done with the leftist agenda of BLM and the white self haters. I have seen it in action in my doctoral classes at Stockton and the general media. I'm not backing down. If we can't get past this, ok, I'm ready to fight to the death for our county and against those that want to take it down. I believe there are also many like me."

Another unidentified Facebook user commented on the post, "Bob Dailyda that's what we do. (Quiet) but ...we aim with precision. Boom done. No drama."

The complaint against Dailyda acknowledges he did not make or respond to that comment but states "the reporting parties did mention the words sounded threatening and they were concerned that Mr. Dailyda may have similar views and thoughts of violence."

Dailyda was notified in mid-July of the complaint against him in a letter from Craig Stambaugh, Stockton's assistant vice president for student affairs, engagement and community development, and the potential violations of the campus conduct code he was facing: disruptive behavior, discrimination, harassment, hostile environment, harm, bullying and cyber bullying.

Dailyda had until noon Friday to make a plea to the charges. According to the college's policy, the case will be assigned to a panel for a hearing. The result of the hearing may be appealed.

The letter from FIRE, signed by Zachary Greenberg, program officer for the Individual Rights Defense Program, calls on the college to stop pursuing charges against Dailyda and states that Dailyda's expression is protected speech, does not disrupt university activity and does not amount to an "unprotected true threat or harassment."

"Stockton may not permissibly use its disciplinary process to punish Dailyda for his protected political expression," the letter reads.

<https://bloximages.chicago2.vip.townnews.com/pressofatlanticcity.com/content/tncms/assets/v3/editorial/8/34/834ac798-78fe-5f20-9a77-9c0cbde2f241/5f2daa16a4a13.pdf>



August 7, 2020

Dr. Harvey Kesselman  
Office of the President  
Stockton University  
101 Vera King Farris Drive  
Galloway, New Jersey 08205-9441

**URGENT**

*Sent via Electronic Mail (harvey.kesselman@stockton.edu)*

Dear President Kesselman:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

FIRE is concerned by the disciplinary charges leveled by Stockton University against doctoral student Robert Dailyda over his political Facebook post and choice of Zoom background during class. These charges violate Stockton University's obligations under the First Amendment and must be withdrawn.

**I. Stockton Charges a Student Over His Facebook Post and Zoom Background**

The following is our understanding of the pertinent facts. Please find enclosed an executed waiver authorizing you to share any additional information with FIRE.

Robert Dailyda is a doctoral student at Stockton. During Zoom-based classes, students commonly use custom backgrounds, including photos and other virtual images.

During a class on July 1, 2020, Dailyda used a photograph of President Donald Trump as his Zoom background. One student sent Dailyda a private chat via Zoom criticizing Dailyda's choice of background. There were no disruptions to the class or other feedback about Dailyda's choice of background during the class.

Later that day, several classmates criticized Dailyda's choice of background over a private GroupMe chat. The discussion did not take place during a class and, although "heated," did