

April 8, 2015

Barbara Twachtman
Director, Aloma ECLC
3045 Aloma Ave.
Winter Park, Fl 32792

VIA U.S. MAIL AND EMAIL:
BarbaraT@alomazone.org

Re: Wrongful terminations of Jaclyn Pfeiffer and Kelly Bardier

Ms. Twachtman:

Please be advised that I represent Jaclyn Pfeiffer and Kelly Bardier with regard to their wrongful terminations of employment by Aloma ECLC. My clients were explicitly terminated from their employment because of their sexual orientation, in violation of Orange County's Human Rights Ordinance (Chapter 22, County Code), and in violation of the federal Civil Rights Act of 1964 as interpreted by the Equal Employment Opportunity Commission. These terminations also appear to be in violation of the expressed principles of the United Methodist Church, as reflected in *The Book of Resolutions of The United Methodist Church*:

Social Principles, ¶ 161 G, I.

Equal Rights Regardless of Sexual Orientation

Certain basic human rights and civil liberties are due all persons. We are committed to supporting those rights and liberties for all persons, regardless of sexual orientation.

We see a clear issue of simple justice in protecting the rightful claims where people have shared material resources, pensions, guardian relationships, mutual powers of attorney, and other such lawful claims typically attendant to contractual relationships that involve shared contributions, responsibilities, and liabilities, and equal protection before the law.

Moreover, we support efforts to stop violence and other forms of coercion against all persons, regardless of sexual orientation.

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Resolution #2043, 2008 *Book of Resolutions*

Opposition to Homophobia and Heterosexism

WHEREAS, homophobia¹ is the discrimination of people perceived to be nonheterosexual, regardless of the victim's actual sexual orientation or sexual identity;

And WHEREAS, heterosexism² is a self-justifying system of homophobia that:

- 1. perpetuates stereotypical categories of what is essentially "masculine" and what is essentially "feminine";*
- 2. provides a privileged status for people who identify as culturally defined heterosexuals; and*
- 3. discriminates against persons who, regardless of their sexual orientation or sexual identity, do not appear to fit within the particular category defined as appropriate for their gender; and*

WHEREAS, actions rooted in homophobia and heterosexism, including violence, threats, ridicule, humiliation, discrimination, isolation, and rejection, are damaging to persons of all sexual orientations and identities; and

WHEREAS, homophobia and heterosexism are manifestations of sexism in general in that they foster stereotypes based on arbitrary distinctions of gender categories; and

*WHEREAS, the United Methodist Church is committed to the eradication of sexism (#3444, 2008 *Book of Resolutions*);*

Therefore, be it resolved, that The United Methodist Church strengthen its advocacy of the eradication of sexism by opposing all forms of violence or discrimination based on gender, gender identity, sexual practice, or sexual orientation; and

Be it further resolved, that the General Board of Church and Society provide resources and materials aimed at educating members of the local churches about the reality, issues, and effects of homophobia and heterosexism and the need for Christian witness against these facets of marginalization.

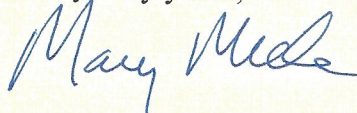
- 1. Homophobia, A commonly used definition from the American Heritage Dictionary (1992): "Fear or contempt for lesbians and gay men."*
- 2. Heterosexism, A commonly used definition from the American Heritage Dictionary (1992): "Discrimination or prejudice against lesbians or gay men by heterosexual people."*

The terminations of Jaclyn and Kelly appear to be nothing more than blatant acts of anti-gay discrimination, proscribed even by the church's own governing principles. Any so-called "religious exemptions" applicable to these laws do not likely apply to this situation, because: (1) they only exempt religious organizations from the legal prohibitions against religious discrimination, and my clients were not fired because of their religious affiliations (they are both Christian), but in contravention of federal and local laws prohibiting sex discrimination which are not subject to the exemption; (2) the ECLC engages in a secular business and my clients performed purely secular functions – daycare for primarily 1 and 2 year olds; and (3) to the extent the termination decisions were based on my clients' violations of particular alleged religious *beliefs*, such beliefs (as you stated to them) are certainly not uniform and consistent within the Christian faith or even the Methodist denomination, and in any event enforcement against my clients would appear to be arbitrary and discriminatory based on other employees' similar violations without termination. (For example, any ECLC employees that drink alcohol or smoke or engage in nonmarital sex in contravention of UMC principles, or at least 2 ECLC employees that are divorced.) Your clarification to my clients that their sexual orientation is a "sin" that is different from other sins because it is "socially unacceptable" only underscores the arbitrary and malicious implementation of your "beliefs."

Termination of Jaclyn and Kelly for simply acknowledging their God-given identities was particularly egregious, given your admission to Jaclyn that she was "one of the best twos teachers you have ever had at the school," and was further exacerbated by the misleading email that you distributed to teachers and parents concerning her termination. It has become apparent that many of your students' parents are upset about Jaclyn's and Kelly's terminations and are voicing their concerns about the school's discriminatory actions and about the school's apparent lack of concern for their children's welfare by depriving them of established relationships with such qualified and well-respected teachers.

Jaclyn and Kelly have suffered compensatory damages, including extreme emotional distress, as a result of these alleged unlawful actions, and are prepared to proceed with filing Charges of Discrimination with the Equal Employment Opportunity Commission, and a civil lawsuit for violation of the County HRO. They demand that Aloma ECLC retract the terminations and issue a formal apology, along with letters of recommendation as originally promised, and compensate them appropriately for their damages incurred. Please advise of Aloma ECLC's position no later than 12:00 noon on Wednesday, April 15, 2015, or my clients will proceed with legal actions to enforce their legal rights and defend against these attacks on their human dignity.

Very truly yours,



Mary B. Meeks

Cc: Jaclyn Pfeiffer, Kelly Bardier