

NICOLE SOLAS V. UNIVERISTY OF RHODE ISLAND, ET AL.
BACKGROUNDER

Executive Summary

Nicole Solas sought employment as a Higher Education Administrative Assistant with the University of Rhode Island, but the University gave preference to applicants who are union members.

The University's job posting stated that the administrative assistant position was covered by the ESP-URI/NEARI union and that union members receive "preferential consideration." "If the position is not filled by a current union member, we will then consider other applicants for the position."

Ms. Solas is a highly qualified candidate meeting or exceeding all the required qualifications for the job posting. She is not a union member and has no desire to join or associate with the union. Despite her qualifications, Ms. Solas was not offered an interview for the position and denied employment.

In 2018, the United States Supreme Court held that it is unconstitutional for public-sector unions and state employers to collect/deduct union dues or fees from public employees without their affirmative consent and knowing waiver of the First Amendment rights—which entails both freedom of speech and of association. Public-sector unions and state employers cannot grant special benefits to public employees to the detriment of non-union members.

The University of Rhode Island's policy of preferential consideration to union members over nonmembers for employment is unconstitutional. The Goldwater Institute is representing Nicole Solas in a civil rights action under federal law (42 U.S.C. § 1983) asking the court to stop the government from violating her constitutional rights—specifically compelled speech and association under the First and Fourteenth Amendments.

Background

In late 2024, Nicole Solas applied to the University of Rhode Island seeking a position as a Higher Education Administrative Assistant. Ms. Solas was highly qualified to perform all the duties of the position and met or exceeded all of the job requirements. However, Solas was informed by the University that she was not being considered for the position, did not receive an interview, and was not hired.

The University's job posting for the Higher Education Administrative Assistant was subject to its collective bargaining agreement with a public employee union known by the acronym ESP-URI/NEARI. That agreement states that union members must receive "preferential consideration" And that only "[i]f the position is not filled by a current union member ... will [the University] consider other applicants for the position."

Nicole Solas is not a member of the NEARI Union, does not desire to join the union or associate with the union. Ms. Solas was an otherwise highly qualified candidate but was denied employment and discriminated against for her non-union member status.

Through counsel, Ms. Solas directed correspondence to the University that the union hiring preference policy unlawfully favors union members over non-union members in violation of the First Amendment. Ms. Solas also asked for all information regarding the University union hiring preference policy and its application to the Higher Education Administrative Assistant position. The University did not respond to that communication.

As a result of the University's discriminatory hiring policies and violation of Nicole Solas' freedom of speech and association, through the First and Fourteenth Amendments, Ms. Solas has suffered harm. Counsel for Ms. Solas filed a lawsuit against the University and the University President to redress Ms. Solas' harms and prevent these violations from occurring again.

Legal Analysis

The United States Supreme Court held in *Janus v. AFSCME* (2018) that mandatory payments to a union are a form of compelled speech and association that violate an employee's First Amendment rights. As a result of *Janus*, public sector employees are no longer required to pay union dues as a condition of employment without their affirmative consent and knowing of their waiver of their First Amendment rights. Public sector unions and employers cannot grant special benefits to public employees to the detriment of non-members. *See Carbonell v. Lopez/Figueroa*, 749 F. Supp.3d 266, 289 (D. P.R. 2024).

The University of Rhode Island's job posting for the Higher Education Administrative Assistant states that NEARI union members receive "preferential consideration" in the hiring process. If the position is not filled by a union member, then the University will consider non-union applicants for the position. The University is public employer and state actor acting under the color of state law, imposing preferential hiring practices that favor union members over non-union applicants.

Nicole Solas meets or exceeds all of the required qualifications for the administrative assistant position but is not a union member and has no desire to associate with the union. Ms. Solas, a non-union member but highly qualified candidate, was not offered an interview or hired. Ms. Solas was discriminated against for her status as a non-union member and by the hiring practices of the University.

Ms. Solas brings a civil rights action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983—which allows individuals redress when government officials violate constitutional rights. In her lawsuit, Ms. Solas is seeking the court to formally declare that the University's actions violated her constitutional rights and permanently enjoin the University from violating Ms. Solas's freedom of speech and association under the First and Fourteenth Amendments. The lawsuit aims to redress Ms. Solas' harms and prevent these violations from occurring again.

Case Logistics

The case is *Nicole Solas v. University of Rhode Island and Marc B. Parlange, in his official capacity*. The complaint was filed on November 20, 2025, in the United States District Court for the District of Rhode Island.

The Legal Team

Kevin McCaffrey is an American Freedom Network attorney for the Goldwater Institute providing pro bono legal services to help AFN's mission to protect rights and advance freedom. He has more than twenty years of experience as a litigator in numerous jurisdictions specializing in catastrophic injury and death cases primarily in the context of products liability and construction accidents. He has successfully represented both national and global companies in high-exposure cases throughout the northeast US, including diversified product manufacturers and service suppliers for commercial, industrial, defense, and energy markets. Kevin has also advised clients with respect to litigation, regulatory compliance, and enforcement activity in the context of PFAS and other environmental toxins. Kevin has briefed and argued more than one hundred appeals before both state and federal courts.

Scott Day Freeman is a Senior Attorney at the Goldwater Institute's Scharf-Norton Center for Constitutional Litigation. He has more than 28 years of experience litigating complex commercial and tort defense cases at large international and regional law firms. Scott previously served as Vice Chair for the Arizona Independent Redistricting Commission during the 2011 redistricting cycle. He litigates free speech, associational rights, property rights, and election related cases.