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March 26, 2008

Samantha Harris
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, Pennsylvania 19106

Re: Professor Richard Crandall

Dear Ms. Harris

This letter is in response to your March 5, 2008 letter. Your March 5 letter basically reiterates that same allegations that were made in FIRE's July 23, 2007 letter and we believe that our previous response covers LSSU's position with regard to those allegations. As referenced in our previous letter, *Connick*, is applicable to this situation because Professor Crandall was asked to remove postings in response to complaints that they were demeaning and degrading toward minority groups such as people of Arabic descent and Muslims. Also, because Professor Crandall acted in an unprofessional and insubordinate manner, his actions cannot be considered protected speech.

I do not know what postings of "other faculty" you are referring to in your letter, so I cannot comment without more information as to whom you are referring to. However, the fact that Professor Crandall alleges that other faculty members are permitted to engage in political speech by posting documents on their office doors belies your argument that Professor Crandall was denied a right to free speech. Professor Crandall has been explicitly informed that he is permitted to exercise his first amendment rights. However, those rights do not go so far as to prevent LSSU from restricting the posting of materials that contain derogatory remarks based on religion or national origin.

Finally, your assertion that civil rights laws are inapposite unless a plaintiff actually can prove

“severe and pervasive” harassment is not only groundless, it completely mischaracterizes an employers’ duty to prevent unlawful harassment. *Employers have a duty* to take prompt remedial action when an employee engages in conduct that in and of itself, or *in aggregation with other conduct*, can lead to a finding of a hostile environment. There is no first amendment right to engage in discrimination or harassment based on a characteristic protected under Title VII, otherwise Title VII itself would be unconstitutional. Surely, you are not suggesting the Title VII violates the first amendment.

I will reiterate that LSSU has not prohibited Professor Crandall from exercising his first amendment rights. The constitution, however, does not permit him to engage in conduct that violates civil rights of LSSU students or employees by posting derogatory and degrading comments concerning an individual’s ethnicity, religion or other protected characteristic.

If you wish to address this matter further please contact me at (248) 433-8708.

Very truly yours

VERCRUYSSSE MURRAY & CALZONE



Gary S. Fealk