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Culture

University Drops Charges Against Student for Opposition to Homosexuality

By Nathan Burchfiel
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(CNSNews.com) - William Paterson University on Wednesday dropped sexual harassment charges against a student employee who had expressed his religion's opposition to homosexuality.

In March, Dr. Arlene Scala, a professor of women's studies at the New Jersey university, sent a mass e-mail inviting students and employees to a screening of "Ruth and Connie: Every Room in the House," a documentary about a lesbian couple.

Jihad Daniel, a 63-year-old graduate student and computer technician who is a convert to Islam, sent a private e-mail to Scala asking to be excluded from future invitations because homosexual relationships "are perversions."

Daniel also complained about the lack of religion in the classroom, stating that "the absence of God in higher education brings on confusion."

The university on June 15 put a letter of reprimand in Daniel's file, noting that his use of the word "perversion" was "derogatory and demeaning" and violated the state's non-discrimination policy. It said that Scala had found the e-mail "threatening."

New Jersey Attorney General Peter Harvey defended the university's decision in a letter to the Foundation for Individual Rights in Education (FIRE), a free speech organization that had voiced support for Daniel during his appeal.

Harvey wrote that "not every utterance is protected under the First Amendment" and that "speech which violates a non-discrimination policy is not protected."

But the hearing officer for the case, Sandra DeYoung, is independent from Harvey's office and found that Daniel was not guilty of violating the non-discrimination code. The university removed the letter of reprimand from Daniel's file and dropped the harassment charges.

"Mr. Daniel's use of the word 'perversion,' although it may be upsetting to some, does not appear to have caused any discriminatory actions," DeYoung stated in her report, noting that the e-mail "did not sound like hate speech." She concluded that Daniel had already been adequately reprimanded for using employee time and equipment for a personal communication.

FIRE President David French praised DeYoung's decision, calling it "far more reminiscent of the points that we've been making than it is of the attorney general's opinion." He added that DeYoung's decision "was influenced by constitutional principles, whereas the attorney general's opinion letter ... was completely off base."

French told **Cybercast News Service** that the university's actions constituted an "abuse of harassment guidelines to prohibit protected speech." He said such abuses happen "a lot" at universities across the nation.

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"The heart of the modern university speech code is an abuse of ... discriminatory harassment guidelines," French said. "The majority of FIRE's cases involve a misunderstanding or abuse of harassment law to suppress speech."

Calls requesting comment from William Paterson University and Scala's office were not returned Friday. Classes at the university were cancelled due to inclement weather.

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