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University rebukes employee for e-mail decrying lesbianism

By Joyce Howard Price

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A state university in New Jersey has reprimanded a student-employee for describing homosexuality as a "perversion" in a private e-mail that he sent a female professor, after she sent him an unsolicited announcement about a university event that promoted lesbian relationships.

But Jihad Daniel, 63, who works for William Paterson University repairing computer hardware and takes graduate-level courses part time, said he was only expressing his Muslim religious beliefs when he responded to professor Arlene Holpp Scala, head of the university's women's studies department.

Mr. Daniel wants a letter of reprimand from the university's president removed from his permanent employee file. The letter says he violated state discrimination and harassment regulations for using the term "perversion."

The Foundation for Individual Rights in Education (FIRE), a nonprofit group based in Philadelphia that is assisting Mr. Daniel in his fight with the university, calls the action taken against him "absurd" and an infringement of his free-speech rights.

"William Paterson University is knowingly disregarding the U.S. Constitution. No one here was 'harassed' or 'threatened,' as defined by the law. The university simply strongly disliked a student's point of view," said Greg Lukianoff, FIRE's director of legal and public advocacy.

Mr. Daniel received an e-mail from Miss Scala on March 7 advertising an upcoming viewing and discussion of the film "Ruthie and Connie: Every Room in the House." The e-mail referred to the film as a "lesbian relationship story."

Mr. Daniel replied to the professor the next day asking that he not be sent "any mail about 'Connie and Sally'... and 'Adam and Steve.'"

"These are perversions," Mr. Daniel wrote. "The absence of God in higher education brings on confusion. That is why in these classes the creator of the heavens and the universe is never mentioned."

On March 8, Miss Scala forwarded Mr. Daniel's e-mail to the university's Office of Employment Equity and Diversity.

"Mr. Daniel's message to me sounds threatening and in violation of our university nondiscrimination policy. I don't want to feel threatened at my place of work when I send out announcements about events that address lesbian issues," she said in an e-mail message.

University President Arnold Speert sent Mr. Daniel a letter on June 15, informing him that the investigation into Miss Scala's complaint was complete. It was a letter of reprimand

in which Mr. Speert said "perversion -- is clearly a derogatory or demeaning term." As a result, he said, Mr. Daniel was guilty of violating state discrimination and harassment regulations.

Mr. Daniel then contacted FIRE for assistance and appealed Mr. Speert's decision on First Amendment grounds.

FIRE also is outraged by a letter that it received this month from the New Jersey Attorney General's Office, which upheld Mr. Daniel's reprimand, saying that "speech which violates a non-discrimination policy is not protected by the First Amendment."

Deputy Attorney General Cheryl Clarke said Mr. Speert's letter of reprimand was appropriate.

Peter Aseltine, spokesman for Attorney General Peter Harvey, said Miss Clarke was "acting as a representative of the university."

"The attorney general has not taken a position" in this case, he added.

FIRE officials said they will continue with their appeals and would not rule out a lawsuit.

University spokesman Stuart Goldstein refused to comment on the case. "We don't discuss personnel matters," he said.

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