

Worker's censure ignites debate

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Thursday, July 21, 2005

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STAFF WRITER

WAYNE - A William Paterson University employee censured for calling a film on lesbian relationships a "perversion" has sparked a debate over where free speech ends and discrimination begins.

Jihad Daniel, 68, of Hackensack said he was simply expressing his Muslim religious beliefs in the e-mail to a WPU educator advertising the film. But university administrators contend he violated the university's anti-discrimination policy. And the e-mail's recipient said she felt the e-mail qualifies as harassment, not free speech.

The dispute began in March when Professor Arlene Holpp Scala of the women's studies department sent out a universitywide e-mail announcing a film and discussion session for Women's History Month. The event included the screening of "Ruthie and Connie: Every Room in the House." The e-mail referred to the film as "a lesbian relationship story."



Daniel, who works for the university repairing computer network hardware and takes graduate communications courses part time, e-mailed a response to Scala.

"Do not send me any mail about 'Connie and Sally' and 'Adam and Steve.' These are perversions," he wrote. "The absence of God in higher education brings on confusion. That is why in these classes the Creator of the heavens and the earth is never mentioned."

Scala forwarded Daniel's e-mail to the Office of Employment Equity and Diversity, which is responsible for handling such complaints. "Mr. Daniel's message to me sounds threatening and in violation of our University non-discrimination policy," she wrote.

In June the university conducted an investigation that led to an official reprimand by WPU President Arnold Speert. Daniel challenged the decision in writing, but the university stood by the decision. That prompted the Foundation for Individual Rights in Education, a Philadelphia-based non-profit organization, to take up Daniel's cause. The civil liberties group appealed the decision to Speert, but the state Attorney General's Office upheld the reprimand.

Reached at his home Wednesday, Daniel said he believes his right to send the e-mail is constitutionally guaranteed. "Even if someone didn't like what you said, you still have the right to say it," he said.

But in a phone interview, Scala said she does not consider this a constitutional issue.



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"He used the word 'perversion' and that's discriminatory," she said. "There are kinds of speech that are not protected. You cannot cry out 'fire' in a crowded theater."

In a letter dated June 15, Speert officially reprimanded Daniel, saying he violated the state policy on harassment because his e-mail was "harassing or demeaning to gay or lesbian individuals." William Paterson is a state-run university.

University spokesman Stuart Goldstein said he could not comment on personnel matters, but said the school follows the state policy regarding discrimination and harassment. That policy prohibits "displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning based upon any of the foregoing classifications." Sexual orientation is among those classifications.

Daniel appealed the decision in a letter to Speert, arguing that his e-mail was free speech protected by the Constitution.

"I used my Constitutional First Amendment right of Freedom of Expression to make a statement about a situation and clarified why I felt that way i.e., 'it conflicted with my Religious Beliefs,' " wrote Daniel.

David French, president of the Foundation for Individual Rights in Education, said the university misapplied the state policy.

"There are greater restrictions that can be placed on an employee rather than as a student, but in this case the university far overstepped its bounds," French said.

French said Wednesday that the law does not say that a negative comment about a protected group in general constitutes harassment.

"It has to be severe or pervasive such that it alters the terms or conditions of employment," he said.

The organization cited a memo by the U.S. Department of Education Office for Civil Rights that said speech must be "sufficiently serious ... as to limit or deny a student's ability to participate in or benefit from an educational program."

But in a written response to the organization, state Attorney General Peter Harvey backed the university's actions.

"Clearly speech which violates a non-discrimination policy is not protected," Harvey wrote.

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