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Posted on Wed, Dec. 07, 2005

'Harassment' reprimand dropped against college worker

WAYNE PARRY
 Associated Press

NEWARK, N.J. - William Paterson University has rescinded a reprimand it had given to an employee who used an e-mail to describe homosexuals as "perversions."

Ruling on a grievance brought by his union, a university hearing officer found no evidence to support the charge that Roy "Jihad" Daniel had violated New Jersey's regulations governing harassment when he replied to a professor who had sent out an e-mail inviting people to watch a film about a lesbian relationship.

"They should have never done this in the first place," Daniel said Wednesday. "I thought it was ludicrous from the beginning."

"I had no ill intent," he said. "Someone finally saw the light when they took a sober look at this."

The 63-year-old computer worker and part-time student replied on March 8 to a mass e-mailing from professor Arlene Holpp Scala, saying he did not wish to receive any further e-mails "about Connie and Sally, and Adam and Steve."

"These are perversions," he wrote as part of his one-paragraph response.

Daniel went on to write that "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 the e-mail to a university office responsible for handling discrimination complaints, saying she considered it threatening and in violation of the school's anti-discrimination policy.

The publicly funded university reprimanded Daniel, saying his comments were derogatory and demeaning.

He contested the discipline, and contacted the Philadelphia-based Foundation for Individual Rights in Education, which publicized his case and helped him prepare for a university hearing on Nov. 16.

In a ruling issued Monday and received by Daniel on Tuesday, university hearing officer Sandra DeYoung determined that his "use of the term 'perversion,' although it may be upsetting to some, does not appear to have caused any discriminatory actions." The foundation posted the ruling on its Web site.

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DeYoung also determined the e-mail "did not sound like hate speech," and noted Daniel had cited religious works to support his beliefs.

DeYoung did find that sending the e-mail on company time warranted a verbal reprimand.

A university spokesman declined to comment on the ruling.

David French, the foundation's president, hailed the ruling.

"This is a great day for religious and expressive freedom on campus," he said, adding the university "has finally come to its senses and recognized that the First Amendment's protection for expressing religious views trumps petty state or university policies."

ON THE NET

Foundation for Individual Rights in Education: <http://www.thefire.org>

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