



## University Clears Worker Punished for Stating Objections to Homosexuality

By Jim Brown and Jenni Parker  
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(AgapePress) - A student employee at William Patterson University (WPU) in New Jersey has been cleared of sexual harassment charges. The exoneration of 63-year-old part-time student and campus technician Jihad Daniel comes some time after the university's initial reprimand of him for raising objections to homosexuality in his reply to an e-mail promoting a movie and discussion about lesbian relationships.

Initially, WPU found Daniel guilty of violating the school's discrimination policy for privately referring to homosexuality and lesbianism as "perversions" and requesting that he receive no further e-mail "about 'Connie and Sally' and 'Adam and Steve.'" His comments were written in response to an unsolicited e-mail from Arlene Holpp Scala, a Women's Studies professor at the school, who sent out a mass e-mail plugging a planned screening and discussion of a film about lesbian relationships.

Professor Scala complained about Daniel's e-mail, bringing it to the university administration's attention. Last June, the school issued the student employee a formal letter of reprimand which noted that, since the word "perversion" is considered "derogatory or demeaning," he was guilty of violating not only the university's non-discrimination policy but state discrimination and harassment regulations as well.

Believing his speech to be constitutionally protected, the student worker appealed to WPU President Arnold Speert, only to be told his free speech argument was "beyond the scope" of that finding. Daniel then contacted the [Foundation for Individual Rights in Education](#) (FIRE), which wrote Speert a letter of protest on July 5, reminding the administration head that state college officials "cannot simply choose to ignore the First Amendment when it becomes inconvenient."

Afterward, the New Jersey Attorney General's office responded to the advocacy group with the assertion that "speech which violates a non-discrimination policy is not protected." FIRE then took the case public, a move that resulted in widespread condemnation of the university's position.

After facing public criticism for its actions, WPU rescinded Daniel's punishment, officially revoking the reprimand against him. Greg Lukianoff, FIRE's Director of Legal and Public Policy, calls the university's reversal "a long overdue victory" for the student-worker and also "a vindication of basic First Amendment rights."

Lukianoff says his group is pleased that the WPU officials did the right thing. "Otherwise, I can say with great confidence, they would have been sued, and they would have lost," he asserts. Still, he believes the school's decision was made grudgingly.

"We have seen no indication that William Patterson University administration has learned anything out of this about the nature of free speech," the FIRE spokesman says. "They may have just simply discovered their decision was too unpopular."

### Grievance Hearing Officially Clears University Employee

FIRE notes that while it was helping to bring Daniel's case before the court of public opinion, the university worker was also appealing the university's official finding against him through a union grievance process. On December 6, he received notification of the hearing's official determination that the sexual harassment charge against him was "not supported" and that the letter of reprimand would be removed from his personnel file.

Although Daniel did receive a purely verbal reprimand for sending his e-mail response while at work, the hearing officer clearly stated that the WPU employee's one-time expression of a personal religious belief did not constitute harassment.

Commenting on the case, FIRE President David French remarks that characterizing an e-mail like Daniel's as sexual harassment "dangerously trivializes real harassment." French adds, "We hope that WPU and the state of New Jersey will make the policy changes necessary to ensure that this does not happen again to another person." If it does, he warns, the case will more than likely end up in court.

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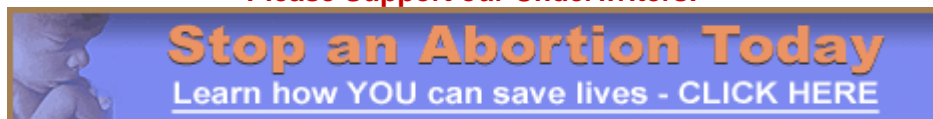
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