



WILLIAM PATERSON UNIVERSITY

ARNOLD SPEERT - PRESIDENT

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MEMORANDUM

TO: Mr. Jihad Daniel

FROM: Arnold Speert *AS*

RE: Affirmative Action Complaint Appeal

DATE: June 24, 2005

On June 15, 2005 I wrote to advise you that, following a thorough investigation by the Office of Employment Equity and Diversity, I had concluded that you violated the *Interim State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace*. Consistent with the appeal provisions of that policy, I informed you of the right to appeal my decision and you have done so in your e-mails dated June 20 and June 23.

The policy states that you are not permitted to make remarks that are "derogatory or demeaning" to the named protected groups. Describing "Connie and Sally" or "Adam and Steve" as "a perversion" as you did in your e-mail to Professor Scala of March 8, 2005, is *derogatory and / or demeaning*. You did not merely respond by asking to not receive further e-mail of this type, rather you also expressed a sentiment derogatory and /or demeaning to a protected group.

You have asserted that your response to Professor Scala's e-mail of March 8, 2005 is protected by the first amendment to the federal constitution. Not every utterance is protected under the first amendment. Whether the State's policy that prohibits "derogatory and / or demeaning" comments is at odds with constitutional protections of free speech is beyond the scope of this finding.

My finding that you violated the policy and the assessed penalty of a written reprimand must, therefore, stand as issued.

Please be advised that Human Resources will issue formal written charges in accordance with civil service regulations and your collective bargaining agreement.

c. Provost & Executive VP Sesay

Mr. Sims

Ms. Boucher

DAG Clarke

Ms. Robinson-Lewis