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# DEFENSE FILED IN PORTLAND CASE

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A discrimination lawsuit against Penn State basketball coach Rene Portland has no basis, largely because it lacks supportive court precedents, lawyers argued this week.

Jennifer Harris, a former player, filed the federal suit against Portland on Dec. 21.

It alleges that Portland mistreated Harris and pushed her off the team because Portland thought Harris was a lesbian.

In a 50-page court brief filed Thursday, however, Portland's Harrisburg-based attorneys wrote that sexual orientation is not a constitutionally protected characteristic.

Portland has said Harris was dismissed from the team only because of "her performance and attitude in relation to basketball."

Harris has claimed that Penn State's non-discrimination policy was effectively a contract be tween her, as a student, and the university.

The policy disavows discrimination based on sexual orientation and on separate characteristics that are constitutionally protected.

But Portland's attorneys, trying to have the Harris suit dismissed, argued in their brief that the policy is not a binding document. "General, aspirational sentiments and statements of adherence to existing anti-discrimination laws ... do not constitute an enforceable contract," they wrote.

Karen Doering, senior counsel for the National Center for Lesbian Rights, said the Portland filing contains nothing "we didn't expect to see." The center is representing Harris. "We have a very strong case," Doering said in a news release, "and we are confident that we will vindicate Jennifer Harris and the many other athletes who have suffered this type of discrimination at Penn State."

The university, also named as a defendant in Harris' suit, filed its own defense this week. Its arguments are similar to those filed by Portland's lawyers.

A case-management conference is scheduled for March 2 at the U.S. District Court in Scranton. Adam Smeltz can be reached at 231-4631.