

# Students to rally against Portland

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UNIVERSITY PARK -- About two dozen student activists are planning a protest march to coincide with the final home game of the Penn State women's basketball season.

In announcing the march on Tuesday, gay-rights activists said they're outraged over the university's latest legal arguments in the discrimination case against coach Rene Portland and Penn State.

Lawyers for the university and Portland wrote in court briefs last week that the Penn State nondiscrimination policy is not a legally binding document, at least as it pertains to sexual orientation.

"I believe these court documents represent hate speech to the extent that they undermine policies in place to protect queer students and other members of the university community," said Ed Rowe, an undergraduate and the president of Allies. The group is a support organization for lesbian, gay and transgendered students.

Rowe is not among organizers of the march, which is slated for Feb. 26. But he said he will participate in it.

Rowe said he lodged formal complaints Tuesday against university President Graham Spanier, athletic director Tim Curley and legal counsel Wendell Courtney. He said the complaints were filed at the university's Affirmative Action Office.

The Centre Daily Times offered Spanier, Curley and Courtney an opportunity to respond in print. They did not respond.

"I understand the need for Penn State to protect itself. But the arguments presented in the brief completely tear apart lesbian, gay, bisexual and transgender issues at Penn State," said Eric Patridge, a graduate student and an activist in the Rainbow Roundtable. "In so doing, they really disrespect a large part of the LGBT community."

Jennifer Harris, a former Penn State basketball player, sued Portland and Penn State in December. Through the federal suit, Harris has alleged that Portland mistreated her and forced her from the team because Portland thought she was a lesbian.

The suit also names Penn State as a defendant and alleges that the university was complicit in the alleged discrimination. Portland has said that Harris left the team only because of "her performance and attitude in relation to basketball."

Lawyers for Portland and the university have asked that the suit be dismissed. In briefs filed Thursday, they argued that Harris' litigation lacks supportive court precedents and that the high courts have not identified sexual orientation as a constitutionally protected trait.

The university nondiscrimination policy says that Penn State "is committed to the policy that all persons shall have equal access ... without regard" to sexual orientation and other characteristics.

But the lawyers wrote in their briefs that the policy is not a legally enforceable contract with its students. Harris has claimed that it is.

University spokesman Tysen Kendig said he does not think the court argument represents a shift in Penn State's principles.

"I think it's a matter of applying law," Kendig said. He said Penn State's ongoing investigation into Harris' allegations shows "how we enforce the nondiscrimination policy."

"We need to take it seriously," Kendig said of the investigation, "but we're not going to jump to any conclusions. We need to be thorough."

The National Center for Lesbian Rights filed the suit on Harris' behalf. Its senior counsel, Karen Doering, said Tuesday that Penn State's legal position is morally and ethically troubling.

"They're making the decision in this litigation to make every picayune, minuscule argument they can, even if it means to de-legitimize their own policy," Doering said.

Student organizers announced the Feb. 26 march in a news release Tuesday morning. The organizers could not be reached for comment, but they said in the release that the march will wind from the HUB-Robeson Center to the Bryce Jordan Center beginning at 1 p.m.

The game will start at 2 p.m.

Rowe and Patridge said student activists are working to arrange a meeting with administrators.

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