Penn State, coach Portland differ over discrimination of ex-player

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By Pat Little, AP

"A major insult." That's what former Penn State women's basketball player Courtney Wicks calls the $10,000 fine imposed on coach Rene Portland, above, by the university for creating a hostile environment around ex-Nittany Lion Jennifer Harris.

PRESIDENT MANDATES CHANGE

Penn State University disclosed Tuesday that its affirmative action office determined women's basketball coach Rene Portland discriminated against former player Jennifer Harris. In a statement, university president Graham Spanier asked athletics director Tim Curley to implement the following changes:

- NCAA-mandated exit interviews of women's basketball players will be

conducted by a staff member of the school's affirmative action office, in addition to the athletic department administrator normally assigned, for three years.

- Athletics director will submit a revised protocol for student-athlete exit interviews that allows for checks and balances to Spanier by Aug. 15.

- Incoming student-athletes should attend an informational session conducted by the affirmative action office about Penn State policy AD-42, which prohibits discrimination and harassment on the basis of race, sexual orientation and other personal characteristics. The session is to inform students of their rights and all available avenues for filing discrimination complaints.

- Athletics director will review the school's non-discrimination policies at the athletics staff's annual fall meeting.

Source: Penn State University

Jennifer Harris - AP

Harris claims that Portland continues to tell recruits and their families that she does not permit lesbians to play for the Penn State program.

WE 'DATE BOYS'

According to Jennifer Harris' complaint, Portland told her she couldn't possibly be interested in Penn State if she were interested in Virginia because at Virginia they "date girls" and at Penn State we "date boys."

By Pat Little, AP

Gay rights supporters demonstrate outside Penn State's Bryce Jordan Center before a women's basketball game in February to support former player Jennifer Harris.

By Jill Lieber, USA TODAY

Jennifer Harris doesn't believe that Rene Portland, Penn State's women's basketball coach, ever will be tolerant of, or sensitive to, lesbians in her program.

"I don't know if she's ever going to change," a dejected Harris said Tuesday in a phone interview. "It's just disappointing."

Harris, who says she is not gay, maintains Portland dismissed her from the team in March 2005 because she perceived her to be a lesbian.

Harris, now a student at James Madison University, sought help from the National Center for Lesbian Rights, filing a federal lawsuit in December 2005.

Tuesday, the university and Portland simultaneously broke their four-month silence on Harris' federal lawsuit. And their viewpoints were very different.

A statement posted on the university's website disclosed that a six-month internal investigation by its affirmative action office concluded there was no evidence to substantiate Harris' claim of race discrimination, but that evidence did exist that Portland, who is white, had discriminated against Harris, who is black, by creating a "hostile, intimidating, and offensive environment" because of Harris' perceived sexual orientation.

Portland, however, reading a written statement at a news conference she called at the Bryce Jordan Center in University Park, Pa., continues to deny discriminating against Harris.

"With respect to the administrative decision's conclusions relating to claims involving alleged sexual orientation, I believe the process that was used to reach these conclusions was flawed," Portland said in her statement. "I believe that the process failed to fairly consider and weigh all of the relevant information provided or which could have been provided. I want to state that it has always been my belief that all actions taken with respect to the player bringing claims against me were basketball-related and basketball-related only and were not based on sexual orientation, actual or perceived."

University president Graham Spanier reprimanded Portland in a letter that will become part of her official personnel file, imposed a $10,000 fine, ordered her to participate in diversity and inclusiveness training and said she will be dismissed if she again violates Penn State Policy AD-42, which prohibits discrimination and harassment on the basis of race, sexual orientation and other personal characteristics.

In an e-mail exchange last Friday, Spanier stressed "promoting equity, civility and a welcoming environment for all has been a priority at Penn State during the 11 years of my presidency." When asked via e-mail about the penalties for violating the school's anti-discrimination policy, Spanier wrote: "There is no fixed set of penalties. We are an educational institution, so we tend to lean toward education, training, and counseling. But stronger sanctions are sometimes used."

Spanier was not available for further comment Tuesday. Neither was Kenneth Lehrman, director of the Office of Affirmative Action. Portland did not take any questions after reading her statement, and her attorney Jack Stover did not return calls.

University spokesman Tysen Kendig insisted Tuesday the internal review was fair. "It took nearly six months to complete, and the university was criticized for the time it took," he said. "Clearly, it was a thorough and exhaustive investigation.

Former player speaks

Courtney Wicks, a former Penn State player (1996-98) who says she was harassed by Portland because of her perceived sexual orientation and discriminated against racially, was stunned by Spanier's sanctions. And Wicks, who is not gay, was dumbfounded by Portland's unrepentant stance.

"I think it's a major insult. A $10,000 fine and a slap on the wrist? She makes well over six figures," said Wicks, who said she was interviewed by Lehrman, by phone, during his internal investigation. "They recognized she discriminated against Jennifer Harris, but what about the last 30-some years? What about the rest of us? When are we going to see some justice?"

In December, the National Center for Lesbian Rights filed a lawsuit in federal district court in Pennsylvania on behalf of Harris against Penn State, Portland and athletics director Tim Curley. Harris' 71-page complaint alleges that despite her outstanding performance as a student-athlete during her two years at Penn State, Portland repeatedly inquired about Harris' sexual orientation, pressured Harris to change her appearance to be more "feminine," harassed and targeted Harris and other African-American athletes, and eventually instructed other players not to associate with Harris. After the 2004-05 season, the complaint says, Portland abruptly told Harris to find somewhere else to play.

Portland is 678-249 in 30 years overall, 591-220 in 26 years at Penn State. Her teams at Penn State have been to the NCAA Tournament 21 times, reaching the Final Four in 2000. She coached at Saint Joseph's for two years and Colorado for two years before Penn State, where Joe Paterno was the AD when she was hired.

According to Harris' complaint, in recruiting, Portland has continued to advise potential players and their parents, including Harris and her parents, that she does not permit lesbians to play on Penn State's team. In 2000, when Harris told Portland she had narrowed her choices to just two schools — Penn State and Virginia — Portland responded that Harris couldn't possibly be interested in Penn State if she were interested in Virginia because at Virginia they "date girls" and at Penn State we "date boys."

The parties are scheduled for court-ordered mediation May 15 in Harrisburg, Pa.

Different reactions

Pat Griffin, a professor emerita at the University of Massachusetts and the director of "It Takes a Team," an educational campaign for lesbian, gay, bisexual and transgender issues in sports, was impressed, and heartened, by Penn State's findings. "This is a significant step in the journey to equality in sports for lesbian athletes and coaches," said Griffin, whose "It Takes a Team" education kit aimed at curbing bias against gays has been distributed by the NCAA to every member school. Griffin also conducted a February 1992 diversity workshop for Portland and the rest of the Penn State coaches, mandated after Portland failed to deny in a *Philadelphia Inquirer* story that she discriminated against lesbians in her program.

"The university used strong language, saying she created a 'hostile' environment," Griffin continued. "She knew what the policy was in 1991. She was quoted as saying she would abide by it. She attended my workshop. She has been acting in defiance of university policy, according to university findings, for 15 years. To me, for the university to make that finding is great news for people who care about fair play and non-discrimination in sports.

"This case sends a very strong message to other athletic directors, schools and coaches that they can't act this way without impunity anymore, which has been the case for way too long. Rene Portland may be the one who's caught out in front as the poster child for this policy, but she's certainly not the only one."

Other lesbian rights activists are outraged, however, saying that Spanier only slapped Portland on the wrist.

"We are deeply disappointed that Penn State has chosen such a minor rebuke to address such a systemic, quarter-century-long problem," said NCLR's senior counsel Karen Doering, who is representing Harris. "We will still go forward with the court-ordered mediation scheduled for mid-May, but we do not hold out much hope for a negotiated resolution at this stage given Penn State's anemic response and Coach Portland's continued denials and failure to acknowledge that her discriminatory and unlawful behavior needs to change."