

**JOINT COMMISSIONS COMMUNITY FORUM**  
**April 28, 2006, Noon-2:30 p.m.**  
**Alumni Hall, HUB-Robeson Center, University Park**

**Summary**

This community forum was held to discuss outcomes of the internal investigation of claims of bias against women's basketball coach Rene Portland and sanctions against Portland and Intercollegiate Athletics. It was organized by the Commission on Lesbian, Gay, Bisexual and Transgender Equity; Commission on Racial/Ethnic Diversity; and Commission for Women.

**Purpose:**

- To provide a safe place for feelings to be expressed
- To contribute toward the building of an inclusive Penn State community
- To learn how the University's decision has impacted faculty, staff, and students by gender, race, and sexual orientation
- To gather information about future educational programming
- To identify points of fact about the investigation and the lawsuit that need to be clarified for better community understanding

**Ground Rules:**

- Respect each other—wait to be recognized to speak, don't interrupt, be mindful that others need time to speak
- No attacks—all points of view are valid, all experiences are real, use appropriate language
- Respect the facilitators—they are there to keep the conversation going, not defend any position
- Media—no direct quotes, no identification of individuals attending, no pictures

**Facilitator:**

Brian Johnson is Assistant to the President for Diversity and Inclusiveness at Susquehanna University and is a professional facilitator.

This meeting summary is organized by questions that were asked of participants by the facilitator, as well as by the themes that emerged from the conversation.

**What are the questions that need to be answered for greater understanding of the lawsuit and internal investigation?** (Answers to these questions were provided by Dr. W. Terrell Jones)

- Will the University be able to disclose more information or release the full report?
  - The Affirmative Action claim process is confidential. As required by the process, the University has provided an extensive summary to Jen Harris; it is her choice whether to make it public.
- Were the people that NCLR identified to be interviewed by Penn State in the internal investigation indeed interviewed?
  - The interview process went well beyond Jen Harris as it unfolded. All individuals identified by NCLR were interviewed.
- Were past incidents of Portland's behavior that came to light through the investigation taken into consideration in the recommendations of the internal investigation?

- The case being investigated was Jen Harris's because she brought the claim.
- The language of the University's statement leaves it unclear whether any actions could be taken based on actions occurring prior to the conclusion of the investigation or only on the basis of discriminatory actions occurring in the future. It is also unclear what level of claim would lead to future action (informal complaint, formal complaint filed with Affirmative Action Office, lawsuit, etc.). (\*Also see response from Ken Lehrman, director of the Affirmative Action Office, following this summary)
  - The findings do not preclude anyone bringing forward a claim or suit based on actions prior to the Harris investigation, but it is unclear how such a claim would influence the University's decision.
  - A statute of limitations applies to filing lawsuits.
- What was the role of the vice provost for Educational Equity in the investigation?
  - Terrell Jones had regular conversations with the Affirmative Action Office through the investigation. The list of interviewees and the report were kept confidential. Only the President, the director of Intercollegiate Athletics, and Coach Portland have seen the report prepared by the director of Affirmative Action.
- Why hasn't the University dismissed Portland when everybody knows of her history of discrimination against lesbian women on her team?
  - Sexual orientation was included in the University's nondiscrimination policy in 1991 under President Joab Thomas. At that time, President Thomas met with Portland. She made a statement that she would follow the nondiscrimination policy. All coaches were required to attend a three-part training on sexual orientation and gender in sport. Since that time, until Jen Harris's claims, the University had not been made aware of any specific instances of conduct in violation of the nondiscrimination policy.
- Although the lawsuit is filed under race and gender, the University's statement about the outcome of the internal investigation does not mention gender and notes that there was no evidence to indicate discrimination based on race.
  - The lawsuit and the internal investigation are separate.
  - Perceptions of markers of gender identity may be culturally coded and overlap with gender and ethnicity.

Answers to the following questions are opinions expressed by individuals in attendance.

**What has this decision communicated to the rest of the faculty, staff, and students in our community?**

- Not dismissing Portland perpetuates a climate of fear and sends the message that it is permissible for her to keep doing what she is doing. Many community members are outraged that she held a press conference saying that the investigation was flawed and did not apologize for any of her actions.
- Someone who has been found guilty of creating a hostile environment should not be allowed to continue in a coach/educator role. We ask our classrooms to be fair, equitable and inclusive, and we should ask the same for our teams.
- At issue is what everyone can learn from the outcome and how it affects the LGBT community.
- People who bring in enough revenue or have enough prominence can do whatever they want. The University is afraid to lose alumni dollars.

- The University cares and wants to hold itself accountable. Many people thought the University would ignore the claims.
- It is a good step, but what factors would be involved to go the extra step to fire Portland?
- Penn State is losing a lot of talent because Portland makes her anti-lesbian stance clear in the recruiting process.
- Some parents may be happy about the decision, which may actually help Portland's recruiting efforts.
- It is important to be sure that sanctions are based on solid evidence, otherwise communities would need to worry about a precedent of dismissing employees without enough evidence.
- There may not be enough cultural change in our society to give us confidence that protected groups are indeed protected.
- Penn State must do what is right because that is what it promised. Students come to the University with the expectation that AD42 and the Penn State Principles will be upheld. We all understand what is right and wrong and this is blatantly wrong.
- We are being trashed in the national press for failure to fire her. We have to reach the people who feel that the glass is half full.
- It says to the LGBT community that the price of discrimination is \$10,000.

**What are the larger campus climate issues within which the Portland issue is situated?**

- There is a climate of fear within the University.
- The Portland issue speaks to morale issues; climate needs to be improved. Why can't we follow through on the recommendations that have been generated by students?
- The issues have been around for a long time but they are only being talked about because Harris had the courage to come forward with a lawsuit.
- One can be hopeful that behaviors will change even if attitudes do not, but that was not the case after Portland's 1991 statement that she abides by the nondiscrimination policy.
- People are tired of having the same conversations over the past two decades. Structurally things are in place now, but a climate change is still needed.
- Credibility as educators and administrators depends on the whole environment.
- It can be difficult for University resources to have to support and affirm faculty and staff as well as students.
- More people need to engage the issues to change the environment.
  - Educational Equity representatives have been helpful.
  - More administrators, faculty members, staff, students and others that could help to address the issues should be involved.
  - Many are afraid to come forward for fear of retaliation
- Even in cases where an individual is comfortable in a department, there are little things like holding the "Christmas party" in a church that are manifestations of beliefs that are not comfortable to all. It is frightening that heads of departments don't get it.
- Why were some faculty and staff told not to sign the "We Are Not Afraid" Ad, which is what the University stands for?
- There is a concern that the University points to resources in place to prove its commitment to the LGBT community rather than continuing to address issues and climate while Portland, students, and others are allowed to continue to hate and discriminate.

- Decisions are made by others than those who are in this room. We don't get to decide about Portland, but we do get to decide climate. What students have to go through is part of our climate and something we can do something about.
- An environment blaming or targeting individuals for not doing enough to address the present situation is not productive.
- We must recognize that homophobia and racism are rampant in our society.

### **How can we better support student athletes who are experiencing the hostile climate in ICA?**

- There is a climate of fear in athletics. Jen Harris's courage in filing the lawsuit is highly commendable.
- It is important to recognize the power a coach holds.
  - Coaches have the power to allow or deny a player to play and to dismiss a player from the team.
  - A coach's recommendation is expected for continuing into professional sports or for employment.
  - In what ways are we giving continued support to the entire team?
  - How can we support the student athletes if they cannot surface their experiences?
- Student athletes face additional stress from pressure to comply with Portland's insistence that they not reveal their sexual orientation.
- Students will not talk openly to ICA staff in exit interviews.
  - For the next three years, the Affirmative Action Office will be involved with the exit interviews.
  - Student athletes are worried about being called to appear in court and are faced with the decision to perjure themselves or speak out and risk retribution.
- Is the confidentiality of the AAO enough to help student athletes feel protected to come forward?
  - Many do not trust any University office.
  - Not all University systems are confidential.
  - White women players on Portland's team are twice as likely to graduate from Penn State as are women of color.

### **How can we better support our student activists who are trying to address climate issues?**

- Because many faculty and staff are fearful of being dismissed if they are active in the issues, they let students bring issues forward, without the support of faculty and staff. Students may find it easier to come forward with the issues because they are only at the University for four years.
- Students have a great understanding of the issues, but are not always treated as such. Conversely, students also do not always treat the administration with respect. Both are unfortunate.
- Why aren't more students voicing their opinions?
  - That students are not involved does not mean that they are not interested but that our institution does not help them to see the issues.
- What is the imaginary critical mass or groundswell needed for action?
- Students also need time for their studies. It is not the responsibility of students to educate the University about the issues. The students do make recommendations, but the University does not seem to care.
- At Wednesday's protest, students were faced with the decision to risk arrest to stay and fight hate with an administration who wouldn't allow students to deliver their message or to go home and study, leaving the situation unresolved.

- Students have gone through the proper channels and have been commended for this and for developing their knowledge of the University and history of the issues.
- When students arranged a follow-up meeting with Vicky Triponey to discuss a proposal they had submitted last year, she asked for another copy of the document.
- Some employees are told not to be involved in student issues or they will face consequences.
- The University can wait for student activists to burn out or to graduate. The number one responsibility of students is to graduate.
- Recommendations have been developed. We have the answers. We have no one listening. We are hurting inside.

### **How can we move forward with accountability?**

- Penn State could look at what other institutions do to address climate issues.
- Perhaps a task force is needed to look at University-wide climate issues for faculty, staff, and students.
  - Over the years there have been several task forces, commissions, etc. Many recommendations have gone forward, and nothing happens.
  - The Faculty Senate has recently established a committee on equity and institutional climate, which may be helpful in addressing these climate issues. A Faculty Senate representative is present.
  - The commissions are listening to the ideas.
- We have to acknowledge that students feel pushed aside and ignored by an administration that they perceive to be unresponsive and not empathetic. The doors to the President's office were locked when students tried to deliver their recommendations. Finding a locked door is problematic. Students need to find someone who is willing to listen and discuss ways to positively and proactively respond to concerns.
- How do we know that we are not hiring homophobic people?
  - In faculty searches, search committees are briefed by the Affirmative Action Office.
  - Candidates for coaching positions will recognize the climate and will express their understanding of the diversity climate issues.
  - Search committees can ask candidates questions about their experiences in advancing diversity, which allows them an opportunity to reveal their knowledge of diversity issues.
- More resources are needed because many students come from homogeneous environments and experience diversity for the first time at Penn State.
  - How can first year students be targeted for education, as well as staff, faculty, and coaches?
- We need to identify which people and entities in the University have control over specific aspects of climate.
  - The President cannot control curriculum; that is an area for faculty and the University Faculty Senate.
  - There is great frustration about how the President can "influence" building the IST program in three years but cannot influence diversity or create a minor.
- Portland has a history and she may not change. Now it is our task to hold the system accountable for the outcomes and sanctions.
  - There is no access to monitor her behavior with her team or her recruiting practices. In the past she has changed her behaviors to be more subtle and subversive.

- Years ago, after students came to a college advising staff with stories of discrimination by Portland, advising services for student athletes became a function of ICA.
- Coalition building is important.
  - Allies are important to moving forward because the LGBT community is small.
  - We must help those in power develop the ability to think and converse about the issues.
- It is important to continue to share the stories.
  - Stories of specific instances should be shared with the NCLR.
  - Sharing stories creates new allies.
- The University is an island in Pennsylvania. We must look beyond and see that the institution is a reflection of the communities in which we are located. How can we influence our larger communities to influence the state?

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\*The following answer was provided by Ken Lehrman, director of the Affirmative Action Office, when asked to clarify the ways in which his office would respond to prior and future claims:

**The Affirmative Action Office would take any prior claim seriously, but we must all be mindful that old claims are difficult to establish: witnesses can be difficult to locate; memories cloud with the passage of time, and factual assertions become unreliable. It is precisely these factors that serve as the basis for establishing statutes of limitations for civil claims. As to what “level” of claim would lead to future action, the Affirmative Action Office must be respectful of the wishes of the claimant. Some claimants desire to pursue their claims informally and we would respect that. If we do not respect the desire of claimants, except in circumstances of immanent physical danger, claimants may be uncooperative and future claimants will be reluctant to bring claims. If a claimant wishes to resolve a matter informally, we would most likely respect that desire. Informal complaints result in resolution that is generally nondisciplinary in nature. A formal complaint that establishes discrimination by a preponderance of the evidence would be the basis for future action. It should be understood that the answer(s) provided above are cast in general terms because they involve hypothetical future claims. More specific answers can only be provided in response to factual circumstances.**