

Joint Commissions Position Statement on the Outcome of the Internal Investigation

Penn State's Commission on Lesbian, Gay, Bisexual and Transgender Equity, Commission for Women, and Commission on Racial/Ethnic Diversity are grateful for the careful and thorough investigation conducted by the Affirmative Action Office into the allegations of discrimination on the basis of race and sexual orientation made by Jennifer Harris. We also commend President Spanier for his prompt response to the Affirmative Action Office report and its recommendations. We especially appreciate the timely and public communication from the University outlining the claims made by Harris and actions that will be taken based on the finding that evidence exists that Rene Portland discriminated against Harris by creating a "hostile, intimidating, and offensive climate because of Harris' [perceived] sexual orientation."

The sanctions that have been imposed against coach Portland—a written reprimand, including notice that further discriminatory behavior will result in her dismissal; a requirement that she participate in diversity professional development; and a \$10,000 fine—are significant and send a positive message to the Penn State community and to the national athletics community about Penn State's institutional commitment to nondiscrimination. The additional actions required of Intercollegiate Athletics are also proactive and commendable. Delivery of information about policies and procedures related to nondiscrimination to all Intercollegiate Athletics staff and incoming students, and enhanced exit interviews of all student athletes, under the supervision of the Affirmative Action Office, are productive structural steps to protect the values of the Penn State community.

We acknowledge that community response is divided on whether the sanctions against Portland are sufficient given the long history of this issue, and we share the community's disappointment in her reaction to the claims and to the outcome of the investigation. The commissions appreciate that ongoing monitoring of Intercollegiate Athletics is now in place that will help ensure the necessary climate changes.

It is also important to note that hostile and intimidating climates are about more than real or perceived sexual orientation. Although the investigation concluded that there was no evidence to substantiate the claim of racial discrimination, race and gender issues are as much a part of the need for the institution's educational efforts as sexual orientation. This case has raised our level of awareness that it is difficult to point to only one cause of a hostile climate. Perceived race, gender, and sexual orientation, as well as other cultural factors, are often interrelated categories of difference upon which inequitable conditions may be based. The more that we, as a community, can recognize, understand, and address the myriad contributions to an intimidating and hostile climate, the healthier and safer we will become.

As Presidential commissions, we are proud to be part of a university community that takes its nondiscrimination policy seriously. The sanctions and administrative changes ordered by President Spanier as a result of the report's findings and recommendations serve as a strong reminder of one of Penn State's core values: to be an equitable and just institution of higher education. We look forward to positive change within Intercollegiate Athletics as a result. We must also recognize that this effort must be constant, widespread, and consistent.

The commissions will take this opportunity to reinvigorate educational efforts that are aimed at creating a positive climate, preventing discrimination and harassment, and raising Penn State's level of awareness that conduct that denies equal privileges to any individual or group based on their personal characteristics will not be tolerated.

Friday, April 28, 2006