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ANTHONY ROMEO, GAY STUDENT

Gay student sues Seton Hall, alleging bias on organization

Sophomore says the university violated discrimination law

WILLIAM KLEINKNECHT
STAR-LEDGER STAFF

A gay student at Seton Hall University filed a lawsuit yesterday accusing the school of violating discrimination law by denying gay and lesbian students the right to a fully recognized student organization.

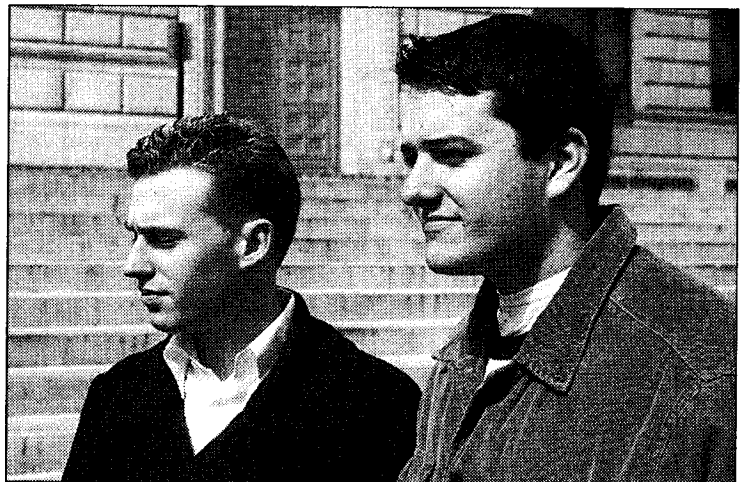
The gay and lesbian group was formed by a student committee that reviews such applications, but school administrators rejected the request, saying such an organization would be incompatible with the mission of the Roman Catholic university.

Anthony Romeo, a 19-year-old Grove resident who filed the suit, said during a news conference at the Essex County Hall of Records in Newark that he chose Seton Hall because its Web site prohibits discrimination on the basis of sexual orientation.

“I think that whenever people’s rights are violated, someone needs to step forward and shine a light on it,” he said.

Romeo, a sophomore sociology major, said he is filing the suit on behalf of 17 people who signed the petition for a group called TRUTH, which stands for “Trust, Respect, Unity at the Hall.”

Thomas Shanahan, one of Romeo’s attorneys, said some of the



JIM PATHE/THE STAR-LEDGER

Anthony Romeo, left, and his boyfriend Matt Wilder at a news conference in front of the Essex County Hall of Records in Newark.

students have opted to work on a compromise plan with the university. But, he said, at least five are supporting Romeo’s suit. He said those students did not want to be named because they feared retaliation or have not told their parents they are gay.

Seton Hall’s Student Organization Activities Committee, an arm of the student government, recommended late last year that TRUTH receive provisional recognition. But Laura Wankel, vice president of student affairs, sent Romeo and his faculty adviser, W. King Mott, a letter on Dec. 18 that denied the application.

Romeo held a meeting with Wankel after the Dec. 18 letter but did not attend further negotiations because officials would not explain why TRUTH was to be subject to restrictions not applied to other minority student organizations, Shanahan said.

Shanahan, who is handling the case with attorney Marianne Aueriemma, said the New Jersey Law Against Discrimination contains a religious exemption that clearly applies to institutions like Seton Hall. But, he said, the school waived the exemption when it stated on its Web site and student handbook that it does not discriminate based on sexual orientation.

"The church teaches that an exclusive focus on a person's sexual orientation denies the fullness of human dignity and diminishes persons in a way that is both reductionist and marginalizing," Wankel wrote.

In the same letter, Wankel proposed a memorandum of understanding that said the group, while denied full recognition, could have a "special relationship" with her office that would allow it to hold forums for educational purposes, such as advocating against discrimination and providing support for gay students and their families. The group also could request funding for certain activities, elect officers and participate in community service.

But Wankel said her office would have to approve the group's name and that it could not sponsor social activities or religious services and would be barred from engaging in activities contrary to church teachings on human sexuality.

Natalie Thigpen, a spokeswoman for the university, said yesterday that officials had not yet been served with the suit and could not comment on its specific allegations.

But, she said, Seton Hall will continue to meet with the students in an effort to reach an understanding that would meet their desire for such an organization without violating Catholic doctrine.

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Gay group seeks recognition

School offers special status; some will accept

BY ELIZABETH HENDLER
News Editor

Some students from a proposed gay-straight alliance have accepted a special offer proposed by university administrators, while others plan to explore their legal options, according to several of the students who met Monday night.

The deal allows the group to hold educational events and programs. It also allows the group to sponsor community service and request funds for activities.

However, it does not allow the group to hold social or religious events and keeps the group disassociated from the university.

The split comes after a meeting last Thursday where the students discussed their options and concerns with Laura Wankel, vice president of Student Affairs.

"I remain ready to move forward," Wankel said. "I believe the students understand the genuine commitment and opportunity this presents to create a balance between the goals and missions of the group and the university."

The meeting Thursday coincided with a story in *The Record* of Bergen county about the gay group which was picked up by the Associated Press and was printed in numerous newspapers in following days.

The New Jersey Stonewall Democrats, a group lobbying for gay issues, reached out to express support for the group following the coverage.

Though there is a split between the group of students, the decisions are not yet finalized. Group members would not speculate how many students plan to move forward and how many will not accept the offer.

THE DEAL

The deal includes a clause that has become problematic for many students in the group. It reads, "The group acknowledges that, in accepting these guidelines, it will neither seek nor expect formal recognition by the University or elsewhere."

Group representative and sophomore Anthony Romeo commented, "By agreeing to that, we think that it not only closes a door for us now, but it blocks a potential for the future."

Eric Mochnac, group member and senior, is one of the stu-



Elizabeth Hendler / THE SETONIAN

Left to right, David Jaques, Anthony Romeo, Matthew Rivers, Vincent Moschetta and Sheena Collum meet in the Pirate's Cellar on Tuesday to discuss the future of TRUTH.

Legal Aspects

As an institution with government contracts, the university is prohibited from discriminating in employment, but not in other areas, such as extracurricular activities. The federal executive order, as specified by the Department of Labor, outlining this policy also does not include a sexual orientation clause.

The university is also exempt from certain clauses of state discrimination laws, according to Seton Hall Law professor Marc Poirier, who teaches a course on sexuality and law.

New Jersey discrimination law has included a sexual orientation clause since the early 1990s, however it has exceptions for religious educational institutions, Poirier said.

He said, "Religious institutions are allowed to act in accordance with their doctrines."

A Georgetown University challenged the school's refusal to recognize a gay group. At the time the case was heard, the District of Columbia did not have laws exempting religious institutions from discrimination law.

Expanding on the case, Poirier said, "By saying the school need not recognize the group, the courts avoided forcing the university to endorse them, but allowed the groups to go forward."

At Seton Hall, the school's own discrimination policy holds the institution to a higher standard than required by state and federal laws, protecting against sexual orientation discrimination in areas including extracurricular activities. However, Seton Hall may not be legally bound by written policy.

dents prepared to move forward and accept the deal. He doesn't see the clause as problematic.

"University recognition doesn't make a group," he said. "Any group of students can make a

change. I'm willing to work with what we have whether there is university recognition or not."

Students are working with Wankel to change the language of the document. Those changes

Lambda Law

Lambda Law, a gay academic group at Seton Hall Law, was recognized in the spring of 2003 by the Student Bar Association.

At Seton Hall Law, a group of students vote on whether organizations can exist on campus, and there is no administrative involvement. After a six-month provisional period, groups are reviewed for final approval and face similar review processes every year.

"The university, as a whole, controls all funding and has the power to deny funding to any group they wish to, but our group has not been affected thus far," group president and third-year student John Nachlinger said.

He said many groups are formed and die out quickly because of no lasting commitment to the academic and legal issues they represent.

More than 30 students participate in Lambda Law's educational opportunities, forums on legal issues and networking events. The group's mission statement also explains it seeks to be a supportive environment for gay, lesbian, bi-sexual and transgender students.

"We don't do anything where we have discussions about homosexuality as it is," he explained. "It's always related to law."

He said the events Lambda Law holds are well-attended and usually have rave reviews. Of a recent event, he said there were more than 80 attendees, "from all walks of life."

Nachlinger said discrimination is not as big a problem at Seton Hall Law, where he says many law students lose their prejudices after being exposed to different kinds of people.

could sway more students to accept the agreement.

Other sticking points include the section banning the group from holding social and religious programming.

"There is no legitimate reason we cannot have social programming," Romeo said. "Far too often, sexual orientation is confused with sexual behavior. The university is misunderstanding what it is we seek to do."

However, Mochnac sees a social element in all programming.

"Every program is social in nature," he said. "With whatever we do, there will still be an opportunity to talk."

Romeo is also disheartened by the section of the deal requiring the group to have all activities approved directly by Wankel.

"It's still not the same treatment every other group gets," he said.

Mochnac and students who plan to accept the deal see a positive aspect to it.

"It creates a connection between the students and someone who's in the higher administration here, and a lot of students aren't afforded that," he said. "Special recognition is a lot better than a straight-out no. The administration has put itself on the line for us."

A major concern is also the lack of university recognition.

"We all want full recognition and deserve it," Romeo said. "Catholicism is not an excuse for discrimination. Other Catholic schools found a way for this to work completely."

The Student Government Association and the Student Senate expressed their support of the students to work on a fair agreement with Student Affairs.

"The SGA hopes that everyone can keep an open mind and continue to keep open communication a priority in the establishment of a student group focused on the education of social acceptance," Sheena Collum, sophomore and member of the SGA's Public Relations Committee, wrote in an e-mail. "We feel it's very necessary to always support those individuals who have a desire to promote change."

THE PROPOSAL

Trust Respect and Unity at the Hall, also known as TRUTH, had submitted a proposal for provisional recognition to the Student Organization Activities Council in November. The name TRUTH has since been ruled out by school officials because of religious implications, but the group members moving forward have not yet picked a new name.

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GAY GROUP: Original proposal was denied after wide discussion

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"It's frustrating, because we've already gained identification internally and externally with that name," Romeo said. "Faith is being used as a shield to deflect things."

Romeo spoke before SOAC on Nov. 20 to answer questions about the proposal. He said up to 20 potential members were interested in joining the group.

Responding to questions from SOAC representatives, he said, "To foster openness is central to building a community."

He said it is crucial for students to develop a sense of self while at Seton Hall.

"We're not making sexual orientation an issue here," he said. "We agree we shouldn't marginalize people. But, it's OK for people to think and talk. It's empowering."

Romeo emphasized the group would not imply Seton Hall or the Catholic Church approves of homosexual behavior. Its mission was to oppose discrimination and provide support groups for students.

SOAC approved the group after consulting the Catechism of the Catholic Church and the university's Catholic mission statement.

PROPOSAL ANALYZED

The proposal still had to be approved by Wankel, and she turned to others for consultation.

"Due to the complexities of issues surrounding your application for an organization called TRUTH, it was my obligation to more fully explore its consistency with the university's Catholic mission," Wankel wrote in an e-mail.

Although TRUTH representatives were promised an answer about the proposal by the first week of December, they did not receive one until Dec. 18.

"The time I took was to make the right decision, and I feel as though that is what was done," Wankel said.

The delay may have been due to the wide discussion of the proposal, which made waves throughout the priest community and administration. TRUTH became a topic of conversation at the Executive Cabinet.

ISSUE WIDELY DISCUSSED

Although Archbishop John Myers of Newark was made aware of the proposal, he did not take an official stance, leav-

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TRUTH spokesman



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Eric Mochnacz
TRUTH member

various constituencies."

Of the several meetings and discussions the priest community held, the Rev. James Cafone, minister to the priest community, would only comment, "The Seton Hall priests regularly get together and discuss a variety of topics."

However, sources within the priest community confirmed Cafone wanted priests to issue a statement about TRUTH. However, in a meeting, a large majority of priests voted not to issue such a statement.

Wilde! Timeline

OCTOBER 1992

Jonathan Samarro writes a letter to the editor of The Setonian, suggesting a gay union to promote healthy homosexual relationships.

Samarro and Paul Bogan propose a gay group to the Student Senate named Wilde! after Oscar Wilde. It's approved by the senate, but needs the administration's approval to be recognized.

The group elects Smarro president.

JANUARY 1993

The Executive Cabinet will not recognize Wilde! because it's neutral on gay sexual behavior. University Chancellor the Rev. Thomas Peterson forms a task force on gay issues. The task force is set to address prevention of harassment against gay students and education on gay issues.

FEBRUARY 1993

The Student Senate begins petition campaigns and organized protests and contacts local media.

MARCH 1993

Peterson meets with the Student Senate and reprimands them for trying to gain support for Wilde!

He discusses problems with the group sponsoring activities without being recognized and affirms the task force as a solution to problems.

APRIL 1993

A newly elected Student Senate passes a revised constitution for Wilde! The document says the group will refuse to sponsor activities advocating gay sexual behavior, vows to not associate its views with the university's and agrees not to sponsor programs without approval from the administration.

MAY 1993

The task force releases its report after four meetings. They recommend ways to eliminate sexual orientation discrimination at the university. The report doesn't address if Wilde! should be recognized.

Peterson meets again with Wilde! students to discuss the new constitution.

SEPTEMBER 1993

Peterson rejects the revised constitution, citing that groups making gay sexual behavior acceptable do not comply with the mission.

He says the task force dealt with gay issues, leaving no reason for the group to exist.

Peterson meets with the Student Senate. Senate members do not ask further questions about Wilde!

Interest died out as Samarro was close to graduation and two key group members transferred.

Information compiled from coverage in The Setonian with help from Joseph Varacalli's article printed in "Faith & Reason" in fall 1994.

TRUTH Timeline

SPRING 2002

Spectrum, a gay-straight group, submits an application for recognition on campus. Its four goals are to abide by the university's mission and Catholic teachings, create a support group, foster relationships and set examples for others.

SEPTEMBER 2002

Task force formed to recommend how to educate the campus, create a positive environment for students and support Catholic teaching on sexual behavior for all student groups.

OCTOBER 2002

National Coalition Building Institute holds a town hall meeting following several incidences of anti-gay graffiti in residence halls. Anthony Romeo, a victim of the graffiti, speaks out.

DECEMBER 2002

Freshman Studies and the Debate team host a panel discussion on gay issues. Gay students find several speakers' comments to be insensitive. Homosexuality is referred to as "disorientation," and gay sex acts are called an "intrinsic evil."

OCTOBER 2003

Task force will not release its report, but does release a list of university-wide initiatives.

NOVEMBER 2003

Romeo submits a proposal for a new gay group to be called TRUTH to the Student Organization Activities Council.

Faculty panelists at a forum organized by Romeo express support for a gay group.

DECEMBER 2003

SOAC accepts the TRUTH proposal, but university administrators reject it, saying gays should be treated as whole persons without singling out that aspect of their identities.

JANUARY 2004

TRUTH offered a deal in the "Memorandum of Understanding" by Laura Wankel, vice president for Student Affairs.

In the deal, students could not hold social or religious events and would not be recognized officially by the university. They would have educational activities and funds requests granted on a case-by-case basis and would be permitted to meet.

Students informed by Wankel that TRUTH as a name is not acceptable, as it is a synonym in the Bible for Jesus Christ.

Students split into two groups. Some will accept Wankel's deal while others explore their legal options.

Information compiled from coverage in The Setonian, documents and personal accounts.

PROPOSAL REJECTED

In the Dec. 18 e-mail Wankel sent, she concluded, "No organization based solely upon sexual orientation may receive formal university recognition."

Attached was a document outlining the offer for a "special relationship" with the TRUTH students and Wankel.

She emphasized if group members would accept the deal, they would be officially permitted to operate, within guidelines.

The offer closely mirrors the benefits Georgetown University was ordered to give to a group of gay students by the District of Columbia Court of Appeals in 1987.

The university was required to allow the student group funds, office space and use of campus facilities.

To this, Wankel said, "The university believes its right and lawful actions are consistent with our responsibility to work with students in balancing needs and goals."

Responding to accusations that the limits included in the deal are discriminatory, she said the university has a no-tolerance policy regarding discrimination.

"It's at the core of who we are as a Catholic university," she said. "It's obvious we've been pro-active in the area."

THE NEXT STEP

Mochnacz says he respects the choice of some group members to separate and not accept the deal, he but hopes for a strong start to a new group.

"I don't want it to be a division, but they have the rights and opportunities to pursue other avenues," Mochnacz said. "I believe in the work Anthony (Romeo) has done. He's put blood, sweat and tears

ing the decision to university administrators, according to spokesman James Goodness.

"The whole review and actions were university issues,"

Goodness said.

Wankel confirmed, "The university makes its own decisions in regard to student organizations."

University president Msgr. Robert Sheeran would only comment, "University (vice) presidents routinely seek counsel on important matters from

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GAY GROUP: Both sides look to greater goals

Continued from Page 5

into this, and it's a difficult position for him. Some want to go one direction, and some want to go another."

Romeo sees his position as a calling. "The university has taught me a lot about vocation and faith," Romeo said. "I've been called to do something for a reason, if not for me, or the 20 kids in this group, then for the 20 kids who come a couple of years down the road."

Mochnacz also looks to the future for progress.

"I think we've come a long way, but there's a lot more to go," he said.

As for opposition, the students feel it

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I will continue to remain supportive of students, regardless of their choices, and focus on the important issues at hand.

Anthony Romeo
TRUTH representative

cannot be avoided. "People in this community might not agree that a group like this should exist on this campus, and people outside the community might not agree," Mochnacz said.

"But, this still can happen."

Mochnacz hopes the group will eventually reunite and work together. He plans to meet with students willing to move forward within the next two weeks.

Romeo commented, "The pace at which people choose to move this initiative forward is decided at their own discretion. I will continue to remain supportive of students, regardless of their choices, and focus on the important issues at hand."

Mochnacz said he thinks accepting the deal now will bring students closer to being recognized on campus in the future. He noted the progress of the university's acceptance over the past 10 years, referring to the denial of the Wilde! group.

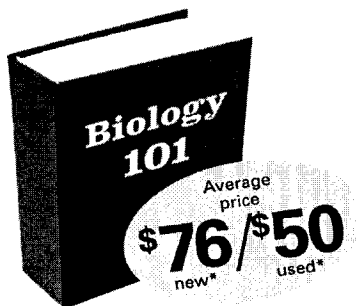
Wankel said she remains ready to move forward with however many students are willing to work with her.

Elizabeth Hender can be reached at hendee1@shu.edu.

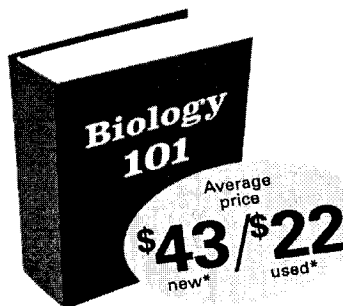
How Seton Hall Stacks Up

SCHOOL NAME	LOCATION	AFFILIATION	GLBT GROUP NAME	STATUS AT SCHOOL
Boston College	Massachusetts	Jesuit	Allies Lesbian, Gay and Bi-sexual Community at BC	Recognized, adviser appointed by dean for Student Development Unrecognized and unfunded
Fordham	New York	Jesuit	Rainbow Alliance	Recognized
Georgetown	Washington, D.C.	Jesuit	GUPride	Recognized
Holy Cross	Massachusetts	Jesuit	Allies	Recognized
Notre Dame	Indiana	Catholic	Standing Committee for Gay and Lesbian Student Needs	Recognized, operating under office of Student Affairs
Providence	Rhode Island	Dominican Friars	Outreach ND	Unrecognized and unfunded
Villanova	Pennsylvania	Augustinian	SHEPARD	Recognized
St. John's	New York	Catholic	Gay-Straight Coalition	Administrative effort with student input
St. Joseph's	Pennsylvania	Jesuit	No apparent groups Gay-Straight Alliance	N/A Administrative effort with student input

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