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News - November 4, 2004

UNH student allowed to return to dorm

By **BRIAN DEKONING**

Union Leader Correspondent

DURHAM — Timothy Garneau can move back in to a University of New Hampshire dorm and stop living in his car after school officials dropped further sanctions imposed on him for joking about female freshmen gaining weight.



GARNEAU

The UNH sophomore said yesterday that Esther Tardy-Wolfe, director of UNH's Judicial and Mediation Programs Office, told him he can relocate to Gibbs Hall but not move back in to his former dorm, Stoke Hall.

"I wish I was back in my original room but at the same time, it's a relief to be somewhere to be able to put your clothes in a drawer and be able to sleep somewhere," Garneau said yesterday.

Citing federal privacy law, UNH officials have declined to comment on Garneau's case. UNH President Ann Weaver Hart maintained that position yesterday.

Garneau has been living in his 1994 Ford Contour and staying with friends since he was banned from campus housing Oct. 24 for posting fliers in his Stoke Hall dorm on Sept. 3 that read, "9 out of 10 freshman girls gain 10 - 15 pounds. But there is something you can do about it. If u live below the 6th floor takes the stairs Not only will u feel better about yourself but you will also be saving us time and wont be sore on the eyes."(sic)"

Garneau, 20, of Berlin, said he made the fliers as a joking way to bring attention to annoying waits for the Stoke elevator. He lived on the seventh floor and said students taking the lift one or two floors were causing waits as long as 10 minutes.

UNH's Judicial & Mediation Programs Office initially found Garneau responsible for harassment, disorderly conduct, violating affirmative action policies and lying. Garneau ultimately enlisted the help of the Foundation for Individual Rights in Education, a nonprofit that protects free speech at colleges.

UNH denied Garneau's first appeal of the charges but made an unusual move last week to drop all but the lying charges against Garneau and informed him that he would be eligible for campus housing if he did not appeal the finding.

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UNH also imposed sanctions against Garneau, including probation through May 30, 2006, a mandatory ethics meeting with a judicial office official by Nov. 15, counseling, and writing a 3,000-word reflection essay.

Garneau appealed the decision that found him responsible for lying and UNH responded yesterday, notifying him that they still found he lied but that Garneau can live on campus and does not have to write the essay or attend counseling, according to Greg Lukianoff, FIRE's director of legal and public advocacy.

"This is certainly a victory for students' rights," Lukianoff said yesterday. "We started with a case where a student was living out of his car for posting a flier and in the end he can move back in to a dorm."

SPORTS COLUMNS

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Garneau, a political science major who hopes to become a lawyer, said he hoped his case would make UNH and other colleges review policies that might violate students' rights in order to promote political correctness.

"I know they'll look at their policies and make sure they're not violating anybody else's rights," he said.

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