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'Frosh 15' UNH student looks to move on

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DURHAM — University of New Hampshire student Timothy Garneau just hopes his life will return to normal.

For almost a month, Garneau, 20, has tested the reach of the First Amendment on campus following a battle with the university after he posted fliers that officials considered discriminatory.

He says he never meant harm to anyone by the fliers, which poked fun at freshmen women who used the elevator instead of the stairs in his old dormitory, Stoke Hall.

Now, following two appeals with the help of a First Amendment advocacy group, Garneau is hoping to move on.

Garneau spent weeks sleeping in his car or staying with friends after the university evicted him on Oct. 24 from his seventh-floor dorm room at Stoke Hall and any other university-owned residence.

The university said the fliers were discriminatory and his actions were considered disorderly.

The fliers, which featured a clip-art picture of a woman in a workout leotard, had the following text underneath: "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 take 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."

The fliers referenced the "Freshmen 15," a common perception that freshmen college students gain 15 pounds in their first year.

Two hours after Garneau posted the fliers on Sept. 3, a resident assistant at Stoke Hall removed them all.

Then the dorm's resident director approached Garneau and accused him of hanging the fliers. Garneau initially denied it, but later recanted and was charged with acts of dishonesty, violating affirmative action policies, harassment and disorderly conduct.

On Oct. 24, Garneau was then evicted after his appeal was denied.

Following the involvement of the Philadelphia-based Foundation for Individual Rights in Education, the university dropped three charges and Garneau was left with the dishonesty charge.



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The foundation, also known as FIRE, defended Garneau and they first brought attention to Garneau's situation.

Last week, a final appeal on the dishonesty charge was denied and it cleared the road for Garneau to return to the dorms.

University officials wouldn't allow his return to his old dorm room and Garneau is now in another area of campus at Gibbs Hall. He moved in on Monday.

While Garneau feels he was relocated for a "white lie," he is glad the ordeal has come to an end.

"I had to take whatever I could get," he said. "They feel it was a fresh start for me but I don't feel it was a fresh start for me."

Garneau, who hopes to become an attorney, said he's looking at the bright side and will now be able to focus on his studies and spend the weekends with his friends at Stoke Hall. He recalls the ordeal, which began shortly after school started in September, as a lot of stress for nothing. But he adds it had to be done. Garneau felt the actions by the university were too severe for a flier that he says meant no harm and was not discriminatory. It is the university's actions that Robert Shibley, program director for FIRE, caused widespread attention to Garneau's story. "This is one of the more unusual ones because of the immediacy and severity by the university," Shibley said.

FIRE represents numerous college students and organizations on First Amendment issues.

Out of all their clients, Shibley said this is the first situation he can recall when somebody was immediately kicked out of the dorm without any real recourse as to where to live.

"The punishment didn't fit the crime," he added. Saying Garneau's fliers were discriminatory is another point where the university erred, according to Shibley. Harassment, Shibley said, is a complicated issue but it is generally directed towards an identifiable person, not large groups like freshmen females.

While Garneau doesn't see what happened as a victory because of having to live in new dorm, Shibley said Garneau's return to the dorms is a victory for the First Amendment and for Garneau. One of the reasons a group like FIRE exists is to protect unconstitutional actions and decision of colleges and universities from hurting students.

Universities have a desire to impress a uniform political viewpoint and often feel it has to take on the role of the parent to its student. "Public universities shouldn't be washing their students' mouths out with soap," Shibley said.

In the meantime, Garneau hopes to have the attention around him die down.

He declined to be featured on the Comedy Central television show, "The Daily Show," at the request of his parents who want the whole controversy surrounding their son to end.

"The Daily Show" parodies news events on the cable television channel.

He does feel he accomplished a lot through challenging the university and that is getting UNH to look at their policies and having three of the most damaging charges wiped off his record.

"It's been a long process to get justice," he said. The university could not comment, citing student privacy provisions.