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THE CHRONICLE OF HIGHER EDUCATION

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## Today's News

Monday, May 8, 2000

### U. of Oklahoma Won't Pursue Complaints Against Professor Who Compared Gun to Vagina

By [JOEL HARDI](#)

Facing the threat of a federal lawsuit, the University of Oklahoma on Thursday dropped its investigation into whether a professor's controversial comparison of a handgun to a vagina broke the university's sexual-harassment rules.

More than 25 people filed complaints with the university in February, accusing David Deming, an associate professor of geology and a self-described gun owner, of sexual harassment. In a letter to the editor of Oklahoma's student newspaper, the *Oklahoma Daily*, he had mocked a columnist's arguments for gun control, saying that "her possession of an unregistered vagina also equips her to work as a prostitute and spread venereal diseases," and that he hoped she "is as responsible with her equipment as most gun owners are with theirs."

Mr. Deming has argued that his remarks were protected by the First Amendment. On Thursday, his lawyers were on their way to federal court to ask for a restraining order to bar the university from taking any action against him when they were told that its lawyers had concluded that Mr. Deming's victory on First Amendment grounds was "inevitable," according to a letter by the university's general counsel.

"Were the university to permit this hearing to go forward, the First Amendment and the court decisions

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construing it would allow but one conclusion: The charges against Dr. Deming would have to be dropped," Joseph Harroz Jr., the general counsel, wrote in a letter to Mr. Deming and the four remaining complainants against him.

Curt Levey, a spokesman for the Center for Individual Rights, a Washington-based nonprofit law group that helped represent Mr. Deming, called the matter a legal "no brainer" for the university. "There are few things that are better protected by the First Amendment than a letter to the editor about an issue of public concern."

The four remaining complainants, however, are "not happy" with the decision and will decide after the weekend what they plan to do, said one of the four, who said she had received threats and wanted to remain anonymous. The complainants have argued that Mr. Deming's language was degrading and demoralizing, and that it created a hostile environment for women. After an investigation, a university affirmative-action officer ruled in March that Mr. Deming had not broken any rules.

The four then appealed that judgment, and, two weeks ago, a panel of faculty members found in a preliminary hearing that there was "more than enough evidence" to go ahead with a disciplinary proceeding, the complainant said.

That hearing was scheduled for Friday, but after Mr. Deming's lawyers alerted the university that they were planning to sue and were requesting the restraining order, the university's lawyers took control of the matter and decided in Mr. Deming's favor.

Mr. Deming, who stands by his letter, said he hoped the matter was done with. He credited the university for making the right decision in the end, but said he was distressed to have received so little support from fellow faculty members.

"My attorneys are to be thanked for doing the entire university a service by defending the university's values

better than it did," he said. "It's really to the shame of the faculty here that they didn't see this as a threat to their own rights, to their freedom of speech and freedom of inquiry."

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Background article from *The Chronicle*:

- [Harassment Complaint Is Filed Against U. of Oklahoma Professor Who Compared Woman's Sexuality to a Handgun](#) (2/28/2000)

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