

Real HipHop 1-2 Step And I
 Pop & Dance 2 Of Amerikaz Most Wante ASAP
 Rock Tones Ambitionz Az A Ridah Back Then

Jamster
Click here!

Search Recent News Archives Web for

Welcome **Guest**
[Sign Up](#) | [Sign In](#) | [Member Benefits](#)

- Philly.com
- Today's Inquirer
- Today's Daily News

[Back to Home](#) > [Local & Regional](#) >

Friday, Dec 02, 2005

Pennsylvania

email this print this reprint or license this



- Front Page
- US & World
- Local & Regional
- Pennsylvania
 - Philadelphia
 - Delaware County
 - Montgomery County
 - Chester County
 - Bucks County
- South Jersey
 - Burlington County
 - Camden County
 - Gloucester County
- Neighbors
- Sports
 - High School
 - Outdoors
- Business
 - Tech.life
- Editorials/
Commentary
 - Community
- Voices
 - Currents
 - Philadelphia
 - Pennsylvania
 - South Jersey
- Columnists
- Obituaries
- Health & Science
- Features
 - Arts & Entertainment
 - Books
 - Daily Magazine
 - Food
 - Home & Design
 - Image
 - Travel
 - Weekend
- Real Estate

Posted on Fri, Dec. 02, 2005

Penn drops complaint over sex photo

A student took a picture of a couple's dorm-window dalliances and posted it online. A professor backed his free-speech case.

By Patrick Kerkstra
Inquirer Staff Writer

The University of Pennsylvania drew the curtains on the Rear Window affair yesterday, dropping a sexual-harassment complaint against a student who photographed the bare backside of another student as she and her paramour apparently had sex in full view of the street below.

Free-speech advocates had blasted the university for attempting to discipline the photographer, an engineering major who snapped the picture of the naked pair sometime in September and then posted it on his personal Penn Web site. His defenders argued that if anyone were to be punished, it should have been the coupling couple for lewd behavior and indecent exposure.

Penn officials would not say what prompted their quick reversal, but recent media attention and the sudden involvement of Penn history professor Alan Kors, a prominent free-speech activist, likely played a role.

The university released a brief statement yesterday evening saying it remained "disturbed by the photographer's conduct" and "concerned about the wide dissemination of the intimate photos" that "subjected another member of the Penn community to embarrassment and ridicule."

"We have asked the student photographer to apologize and sincerely hope he does," the statement concluded.

The pictures were taken during broad daylight, with no telephoto lenses. Small crowds that included a number of people with cameras gathered to watch the couple, who repeated the act in front of the dorm-room window over several days, said Andrew Geier, a Penn graduate student who served as an adviser to the accused photographer during the run-up to disciplinary proceedings.

"They chose deliberately not to be private," said Kors, who also represented the photographer. "Whether it was part of their thrill, I don't know."

The thrill apparently was gone by October, when one half of the naked duo filed a complaint against the photographer, according to university spokeswoman Lori Doyle. By then, at least two photos had spread across campus and onto Internet sites.

Although he had posted a picture of the couple on his personal Penn Web site, the exonerated photographer had not taken the photos that wound up in broader circulation, Geier said.

Earn your degree! Contact Us Today -

DeVry University

- Established in 1931
- Fully accredited
- More than 70 locations nationwide, or learn online

>> **Associate Degree Programs:**
 Electronics and Computer Technology
 Health Information Technology

>> **Bachelor's Degree Programs:**
 Business Administration
 Computer Engineering Technology
 Electronics Engineering Technology
 Network and Communications Management

>> **Master's Degree Programs:**
 Accounting and Financial Management
 Business Administration
 Human Resource Management
 Information Systems Management
 Project Management

>> [Click for more info](#)

Religion**Education**

- School Report

Card

Corrections**Photography****Special Reports****Interactive**

- Blogs
- Q&A Forums

Multimedia

The faces of the naked couple are not clear in any of the most infamous images. And because the university disciplinary process is confidential, Penn did not release the names of anyone involved in this case. Nonetheless, the female student's identity has become well-known on campus.

"My client is emotionally shattered from what is an extremely disturbing ordeal," said Jordan Koko, her attorney. "There has been a public invasion into her personal life."

The Daily Pennsylvanian, the campus newspaper, obtained investigative documents this week showing that the Student Conduct Office originally concluded that the photographer had violated the school's sexual-harassment policy and other codes. The memos said he had invaded the complainant's privacy, caused her "serious distress" and created "an intimidating living environment."

In a university context, the words *distress* and *harassment* raise red flags for free-speech advocates.

"They're catchall terms for activity that people don't like," said Greg Lukianoff, director of legal policy at the Philadelphia-based Foundation for Individual Rights in Education (FIRE), a nonprofit advocacy group.

Kors founded FIRE in 1998, after the notorious "water buffalo" affair at Penn five years earlier. In that case, Kors defended a freshman who had called a group of African American sorority women on the street below "water buffalo" as he shouted at them to be quiet. Some considered the term a racial epithet, and the student was prosecuted for violating the university's racial-harassment policy.

The case sparked a national debate on university speech codes and political correctness on campus. In the aftermath, Penn's trustees relaxed their speech policies considerably.

"Penn has actually in recent years been very good about its promises to free speech and free expression," Lukianoff said.

From FIRE's perspective, that record would have been badly tarnished if the university had gone ahead with its plan to put the photographer on probation and compel him to write an apology to the complainant.

"We are about to learn a lot about this university," Kors said yesterday, before Penn announced the disciplinary proceeding was over. "If it is sane and moral, it will drop the charges."

Contact staff writer Patrick Kerkstra at 610-313-8111 or pkerkstra@phillynews.com.

SUBSCRIBE TODAY



Enjoy the convenience of home delivery.

[email this](#)[print this](#)[reprint or license this](#)**Ads by Google****[Free Bean Bags](#)**

Perfect for your dorm room. Limited Time Only. Act now.
DormFiesta.com

[Meadow Lane Photography](#)

Wedding Packages from \$995 tailored to your needs and budget
www.meadowlanephoto.com

[Errico Studio NY](#)

Food Photographer - Director Advertising Editorial Print TV
www.erricostudio.com