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Student Sues N.Y. College Over Dismissal

BY JOSH GERSTEIN - Staff Reporter of the Sun

May 6, 2005

A student who claims he was expelled from a training program for prospective teachers because of his support for corporal punishment and his opposition to multicultural education filed a \$40 million lawsuit yesterday and demanded to be reinstated.

In the suit, Scott McConnell, 26, of upstate Baldwinsville, accused Le Moyne College of Syracuse of violating his First Amendment rights and breaching the school's duty to abide by its own policies guaranteeing free expression.

"This is a particularly egregious violation of academic freedom," said David French, the president of a student rights watchdog group backing the lawsuit, the Foundation for Individual Rights in Education. "If a student can be punished for voicing a viewpoint different from the department chairman at his university, and that's the entire reason for the punishment, then academic freedom means nothing."

As part of a class devoted to promoting "inclusive classrooms," Mr. McConnell submitted a paper last fall in which he wrote, "I do not feel that multicultural education has a philosophical place or standing in an American classroom, especially one that I will teach. I also feel that corporal punishment has a place in the classroom and should be implemented when needed."

Mr. McConnell's professor gave him an A-. However, the professor also sent the paper to the director of the graduate education program, Cathy Leogrande. In January, Ms. Leogrande sent Mr. McConnell a letter dismissing him from the master's of science in teaching program.

"I have grave concerns regarding the mismatch between your personal beliefs regarding teaching and learning and the Le Moyne College program goals. Based on this data, I do not believe that you should continue in the Le Moyne M.S.T. Program. You will not be allowed to register for any additional courses. Your registration for Spring 2005 courses has been withdrawn," Ms. Leogrande wrote.

After trying unsuccessfully to resolve the dispute, Mr. McConnell took his case to the press, portraying himself as a victim of political correctness run amok. In interviews, officials at Le Moyne, which is a Jesuit institution, said they acted out of concern that Mr. McConnell's views rendered him unfit to be a teacher under New York law.

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"We felt it was our responsibility, the responsibility of Le Moyne College, that we could not certify Scott to teach in New York State," Le Moyne's provost, John Smarrelli Jr., told CNN. "New York State requires one to have a multicultural classroom. In Mr. McConnell's case, there was strong evidence that he did not support a multicultural classroom."

A spokesman for Le Moyne, Joseph Della Posta, said yesterday that the school had not yet been served with the lawsuit. "The college will not comment on any aspect of pending or ongoing litigation," Mr. Della Posta said. "As we have all along, Le Moyne stands by our action and is confident the courts will uphold our decision not to admit this individual as a fully matriculated student."

When Mr. McConnell entered Le Moyne last summer, he did so on a "conditional" basis. He was applying for regular-student status when the college dismissed him.

Mr. McConnell, an Oklahoma native and evangelical Christian, has worked as a substitute teacher in the Syracuse public schools. He declined to talk about the case yesterday on the advice of his attorney, Samuel Abady of Manhattan.

"There's no question Scott McConnell is being punished because they didn't like his conservative Christian views," Mr. Abady said in an interview. "His views are moderate and well within the parameters of civil discourse."

In the complaint filed in the state Supreme Court in Syracuse, Mr. Abady points out that while corporal punishment is not allowed in New York schools, laws in 22 other states permit it. The complaint also asserts that Mr. McConnell never indicated he planned to disobey the law in order to carry out his views.

One issue raised by Mr. McConnell's suit is whether the First Amendment has any legal relevance to a private school with strong religious ties, like Le Moyne.

"I don't think the First Amendment claim really flies," said a law professor at the University of California at Los Angeles, Eugene Volokh. Mr. Volokh said the college's view that it was interpreting and enforcing state teaching standards was not sufficient to turn school officials into "state actors" under federal civil rights laws.

Mr. French, the student rights activist, said the school should still be required to live up to its promises of academic freedom and due process. "They want to enjoy all the autonomy of Bob Jones and all the policies of, say, a Dartmouth. It just doesn't work that way," he said.

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