



Crystall Report Misses Point

OCR Report finds University acted "appropriately," but activists say it failed to address the critical issues

By Jermaine Caldwell

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In a rekindling of a debate stemming from a February e-mail from a UNC lecturer to her class regarding hate speech, the Department of Education released in September a report on the matter and found that the instructor did discriminate against and harass her student, while also finding the University took appropriate measures to address the situation.

The decision has some LGBTIQ activists reacting strongly because of the negative effects the report may potentially have on the climate for sexual and gender minorities at the University.

On February 6, 2004, UNC Lecturer Elyse Crystall sent an e-mail to her English class in hopes of sealing a classroom conversation surrounding heterosexual privilege that had taken a turn toward controversial as the class was ending when junior Tim Mertes said he felt "disgusted" by homosexuality.

In order to fully address his comments, Crystall e-mailed the class, calling Mertes' comments "hate speech" and unacceptable. Within the e-mail she identified Mertes as white, Christian, heterosexual and male.

To decide whether the e-mail constituted discrimination or harassment based on race and sex, an investigation by the Office for Civil Rights under education department was called – the culmination of which is found in the report.

The 11-page finding states, "while the evidence shows that the Student was subjected to intentional discrimination and harassment, the University addressed the situation such that no further action is necessary on its part to satisfy the legal requirements."

In a brief press release, Chancellor James Moser said, "We are pleased that the Office for Civil Rights' review found that the university acted appropriately in this case."

LGBTIQ activists, however, say there was very little dispute over whether Crystall acted inappropriately in her e-mail or whether the University covered its bases by responding to the matter quickly.

Tim Stallmann, a junior and member of the Committee for a Queerer Carolina, said it was

troubling how the account of events detailed by the OCR report left out important facts from the matter.

"OCR's bias is clear in their analysis of those facts," Stallmann said. "The report stresses several times that Mertes felt the need to change his e-mail address, despite the fact that he never received a single hateful e-mail at either address, while making no mention of the numerous attacks Elyse received by phone and e-mail."

More at issue, some say, is that the report left out dialogue surrounding the initial cause of the situation – the comment, not the e-mail.

Activists say this along with University silence not only leaves Mertes' comments unchallenged but tacitly affirms their presence in a classroom.

"It completely undermines the concept of privilege," said Zachary Howell, a junior and treasurer of the Gay, Lesbian, Bisexual, Transgender - Straight Alliance at UNC. "It legitimizes heterosexism and paints a face of dignity on heterosexist language."

This isn't the view for some University employees. Stephanie Chang, LGBTQ Office coordinator, said UNC administrators have, in fact, begun to address the various issues at hand. She notes the close work between the Faculty Council and the Center for Teaching and Learning to establish better response to comments like Mertes' as ways in which the University is keeping an eye on the LGBTIQ climate.

"I applaud and encourage these efforts that the University continues to make ... including making the campus a better place for LGBTQ students," she said.

Stallmann, however, believes that beyond the comments, beyond the e-mail and beyond the University response lies the ongoing battle between campus progressives and conservatives – a tussle that only warms up with the latest chapter of this controversy. And the latest installment doesn't sit well with him.

He said, "When conservatives refer to themselves as oppressed minorities, they not only devalue the claims of actually oppressed minorities, they also are able to dodge responsibility for their own actions."