

# POLICE ROUNDUP

## University

Wednesday, Dec. 5

■ An employee at the N.C. Botanical Garden reported at 6:55 a.m. that a person broke into the storage shed area at the Totten Center and removed three kerosene heaters, valued at \$200 each.

Reports state that the suspect also broke into the main center and stole three pagers, a cell phone, two tillers, two chain saws, a VCR and \$200 in cash. There are no suspects at this time. The incident is under investigation.

Monday, Dec. 3

■ A UNC student called in a larceny at Fetzer Gymnasium at 9:42 p.m., reports state.

The victim reported that a wool UNC letterman jacket containing a wallet, a driver's license and a credit card was stolen from a table outside Gym C between 6:30 p.m. and 9 p.m.

There is no further information at this time.

■ University police responded to a purse-snatching report they received from a UNC student at 4:25 p.m.

The victim stated that someone took her purse from her backpack as she was waiting for a bus in front of the Bell Tower.

The victim stated that her head was bowed and covered because she had a headache, and at one point she heard the person next to her rustling around, according to reports.

According to reports, the victim could not give a description of the person standing next to her.

■ An employee at Davis Library called police at 2:22 p.m. to report there had been a person carrying a knife in the library.

The employee told police the suspect had the knife on his waistband, but as far as he knew, the suspect did not remove the knife from its holster or threaten anyone with it.

■ University police responded to a report of criminal property damage they received at 12:22 p.m.

Reports state that a jogger threw a bottle, breaking the windshield of a tow truck that was traveling north on Bowles Drive.

The victim stated that the suspect continued running and might have run into the Smith Center. The investigating officer checked the Smith Center and did not find the suspect, according to reports.

The windshield is valued at \$250.

## City

Wednesday, Dec. 5

■ Carrboro police arrested Robert Driscoll, 21, of 112 Lin Tilley Road in Durham at 1:38 a.m. for embezzlement.

Reports state that Driscoll stole \$649 in cash and various goods from The Pantry on Jones Ferry Road, where Driscoll was employed.

The cash and goods were last known to be secure Dec. 1 at 10:33 a.m., reports state.

Officers arrested Driscoll at 102 N.C. 54. He was transported to the police department, where he was released under a written promise to appear in the Orange County District Court in Hillsborough on Wednesday, reports state.

Tuesday, Dec. 4

■ Carrboro police responded to a larceny call at 9 a.m. at 404 Jones Ferry Road.

Reports state that an unknown subject stole the victim's property. The property was last known to be secure on Nov. 26.

The total value of the stolen goods was \$420, reports state.

The case is inactive.

■ Carrboro police arrested Frederick Watson, 27, of Pittsboro at 10:36 p.m. for possession of marijuana.

Reports state that officers performed a traffic stop on Watson's vehicle and discovered a strong odor of marijuana.

Officers found 15 grams of marijuana in Watson's pocket, reports state.

Watson faces one misdemeanor count of possession of marijuana, reports state.

Watson is scheduled to appear in the Orange County District Court in Hillsborough on Jan. 14.

■ Chapel Hill police responded to a larceny call at 1:20 p.m. at 248 Brookberry Circle.

Reports state that the ex-boyfriend of the victim took items from the residence when he moved out early last month.

The total value of the stolen goods was \$3,020, reports state.

The case is under further investigation.

# Construction Injuries Lead to Liability Concerns

BY RACHEL CLARKE AND ADDIE SLUDER  
Staff Writer

Students have long complained about the inconvenience of campus construction, but a recent series of construction-related incidents is creating new concerns about safety and liability.

On Tuesday, University police responded to an EMS assistance call on the second floor of Bingham Hall. University police Maj. Jeff McCracken said the victim, a construction worker, had a nail from an air gun lodged in his right knee. McCracken was not able to specify which construction company or project the victim worked for.

But this was not the only construction-related incident to occur in recent months. At the beginning of the semester, two freshmen were splattered with wet concrete while walking by the construction site outside Hinton James Residence Hall.

In November, some students complained of nausea after inhaling particles from dust clouds caused by the renovation of Murphy Hall.

University police reports also state that a Contractor's Choice employee was taken to the UNC Hospitals emergency room after being hit by construction material Nov. 26.

These events bring about questions of liability for damages caused by campus

construction.

Bruce Runberg, associate vice chancellor for facilities planning, said UNC has self-coverage that is always in place. The University does not take out any special insurance for construction projects because each individual contractor takes out its own insurance policy for each project. "Every one of the contractors is required to have insurance coverage and safety programs," Runberg said.

He said UNC has an extensive process to examine safety issues before construction begins. "We put a lot of energy into that," Runberg said. But the University cannot prevent injury from occurring, he said. "The construction industry is a dangerous industry."

At least 10 UNC departments work to ensure that construction projects are safe. Each project also is overseen by the Occupational Safety and Health Administration.

If a student or employee is injured on campus, either the construction company, the University or the individual department could be liable.

Each case is handled differently, Runberg said. For example, a student injured on the sidewalk might get a settlement from UNC, but if a lawn mower damaged a vehicle, the grounds department would have to pay to fix it, he said.

Complainants must demonstrate UNC's negligence to receive compensation. "In order for the University to be

liable the individual must show that the University was negligent," said Patricia Crawford, assistant University counsel.

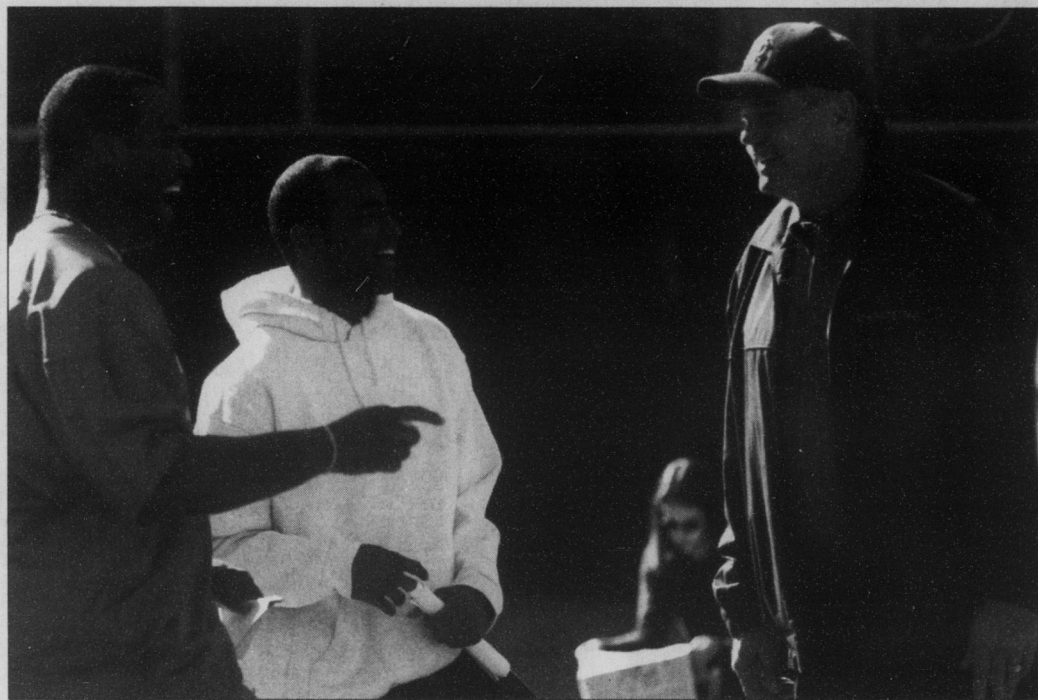
If negligence is proven when someone is hurt on campus, a tort claim can be filed to recover damages.

"I bet we have one or two a year," Runberg said. "It is infrequent, fortunately."

Tort claim forms are handled by University counsel but also are reviewed by the state attorney general's office, Runberg said. Crawford said if the individual is an employee, he must file for worker's compensation.

The University Editor can be reached at [udesk@unc.edu](mailto:udesk@unc.edu).

## STILL FEELING PEACHY



DTH/BRIAN CASSELLA

Football coach John Bunting jokes with the Tar Heels' senior defensive tackle Ryan Sims (left) and sophomore Brandon Russell. Bunting took time out Wednesday afternoon to talk with students in the Pit. He thanked the crowd for cheering the team on this season and rallied support for the upcoming Peach Bowl. The Tar Heels will travel to Atlanta for the game on New Year's Eve.

# Officials Seek Hiring Exemption

BY BROOK CORWIN  
Staff Writer

University officials recently have expressed interest in lobbying state legislators to excuse UNC employees from regulation by the State Personnel Commission.

Laurie Charest, director of UNC's human resources department, said her department would like to be exempted from the State Personnel Act because the State Personnel Commission imposes job requirements that restrict UNC's ability to fill staff positions. "All of our job positions each have a classification, and each of those classifications has requirements that are strict," Charest said. "The state doesn't always recognize the specifications needed for a University position."

Last spring, UNC employee Bobbie Sanders filed a lawsuit against the University on the grounds of sex and age discrimination. Judge Sammie Chess ruled in favor of Sanders, but the decision was overturned by the SPC last month.

Charest said UNC still would like to remove its employees from SPC oversight, despite the ruling.

But Ashley Osment, one of Sanders' attorneys, said employees are easy targets for acts of discrimination by employers without the protection of the SPC. She said the risk occurs because it is too expensive and time-consuming to file a lawsuit without assistance from the commission.

"Exempt employers have general statements against discrimination, but those statements mean nothing," Osment said. "The flexibility this offers means you're basically throwing employees to the wolves."

Charest said a bill to remove University employees from the State Personnel Act was introduced in the legislature this year but did not pass.

She said a committee of legislators was formed to study the issue and report to the General Assembly during its 2003 session, when the bill will be reconsidered.

Charest said she hopes a bill will pass because it would allow the University to attract more qual-

ity applicants away from private universities, the employees of which are exempt from SPC regulation. "There's a lot of interest to pass the bill in the name of competitiveness and the ability to attract and retain quality personnel," Charest said. "This is a very competitive labor market."

The legislature passed a similar bill in 1998 exempting UNC Health Care employees from state personnel regulations.

But Osment said such legislation still places non-state employees at an advantage over state employees because state employees are subject to a N.C. law limiting the power labor unions.

"The irony of this is that you strip employees of their rights while doing nothing to alleviate the handicap non-state employees have with their right to assemble," she said. "You've got state employees who have less rights than any employees in North Carolina."

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# LGBT Murders Spur Warnings By Local Police

Although the details of two recent murders remain sketchy, campus LGBT leaders hope to publicize the possible risks of Internet use.

BY ERIKA HEYDER  
Staff Writer

The Family Anti-Violence Union met Wednesday night to discuss proposed safety actions the lesbian, gay, bisexual and transgender community should take after the murders of two gay men in Durham earlier this semester.

Michael Cox, the union's lead activist, and the group gathered in the Durham Public Library to discuss, according to the event's press release, "ways of sustaining communication lines with the intent of documenting, preventing and educating about violent crimes within and against our queer communities."

Detective David Addison of the Durham Police Department first answered questions about the department's investigation from the group of media representatives and concerned LGBT residents.

The two men — one stabbed Sept. 24 and the other Oct. 21 — were known users of local gay chat rooms on the Internet. Their murders prompted Durham police to issue a warning to the area's gay community, although police have been hesitant to disclose information about the investigations.

"I do not see a common connection between the two murders," Addison said. "However, the chat rooms could have been one factor involved in both cases."

Glenn Grossman, chairman of the Carolina Alternative Meetings of Professional and Graduate Students, encouraged the LGBT community to be wary of using chat rooms to meet people.

"Like drugs and unsafe sex, the Internet is a high-risk behavior, and we need to better assess our risks and respond to those risks," Grossman said.

Addison agreed, but added that the danger of meeting strangers on the Internet is not exclusive to members of the LGBT community.

"I think that with every community you need to safeguard yourself, for the Internet is a powerful tool that is not just particular to the gay community," he added.

But several LGBT individuals at the meeting expressed concern that the Internet is one of few places where they can communicate with other members of their specific community.

"People on (UNC's) campus need to be aware that the ways we find available to meet and interact with other LGBT people entails a degree of risk that we need to be aware of," Grossman said.

He also alerted students of the risks Internet chat rooms pose for the LGBT community as well as for all students.

"To me, these recent murders represent that we really need a stronger infrastructure community for LGBTs on campus," he said.

"Ultimately, it represents a deeper problem."

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# Police Give Advice For Break Security

BY ERIKA HEYDER  
Staff Writer

Police officials say UNC students living off campus can rest easy during the holiday break even though break-ins become more rampant as students vacate their houses during the Winter Break.

Chapel Hill police spokeswoman Jane Cousins said police plan to increase officer patrols around surrounding neighborhoods.

Cousins added that the additional security measures aim to ward off potential criminal activity during the break.

"We recognize that the holiday season brings more crime and officers do all they can to up patrols and keep a heavier eye out on apartment complexes, Greek houses and other residences," Cousins said.

She said eight break-ins were reported while students were away in January 2001, up from five reports in January

2000.

While break-ins do become more common during the holiday break, some off-campus students say they are taking preventative measures to keep any intruders away.

Ellie Blake, a junior biology major who lives in a house on North Graham Street, said she and her roommates are planning to take several precautions,

hoping to protect their house during the break.

In addition to leaving lights on and locking the doors, Blake said she is going to check up on the house periodically during the break.

"The two of us are going to try and come back once or twice to make sure the house is OK," she said.

But Art Englehardt, a Chapel Hill crime prevention officer, offered other tips that might help protect students' homes.

"The most important thing people

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*"The most important thing people can do is make other people think that someone is home."*

ART ENGLEHARDT  
Crime Prevention Officer

# Town: Parking Lot in Violation

BY JOHN FRANK  
Staff Writer

The town of Chapel Hill Board of Adjustment unanimously upheld the town manager's decision to shut down the lot run by Tar Heel Parking for violations of town zoning ordinances.

An appeal by Tar Heel Parking owner Gustave Mueller failed in a 10-0 vote before the town adjustment board at its meeting late Wednesday night.

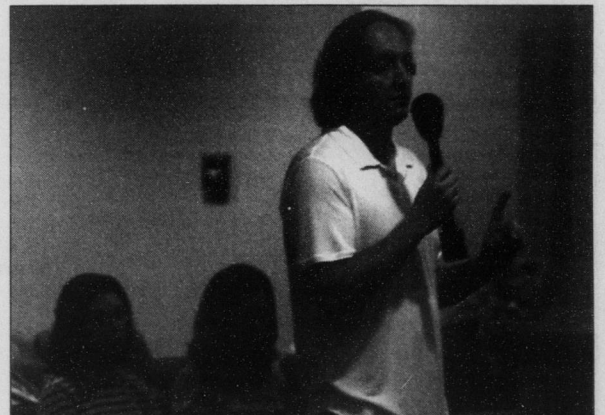
Since 1995, UNC students have parked in the lot off U.S. 15-501 near Southern Village. About 20 students now lease spaces for \$300 a semester.

Tar Heel Parking came under scrutiny last year for selling spaces to students who said they were promised more than they received. Several students went to Student Legal Services for help and reached a \$5,200 refund settlement with Mueller.

Under the contract students signed with Tar Heel Parking this year, they will recover a large amount of their money if the parking lot is shut down by the town, said Aaron Hemmings, Mueller's attorney. Mueller still can appeal the board's decision to the Orange County Superior Court.

Terry Milner, outside special counsel for the town, said the parking lot does not meet proper site plan restrictions that ensure the safety of its users.

Both sides argued back and forth over the history and condition of the lot and



DTH/JESSICA WOOTEN

Gustave Mueller responds to accusations made by UNC freshmen Marla Kinlaw (left), Brandee Guyton and their attorney, Dorothy Bernholz.

whether it could be used as a parking lot.

But Milner said the parking lot also violates many other provisions that make it unsafe. "The result of this decision is some bad behavior and unsafe conditions will cease," said Milner, citing the lack of pavement and lighting in the lot.

UNC freshmen Marla Kinlaw and Brandee Guyton testified on behalf of the town about the unsafe conditions of the lot. Kinlaw and Guyton testified that they co-leased a parking space at the beginning

of the year, but upon visiting the lot found out that it was nothing like the lot advertised in the promotion flier they received.

"Safety is the most important thing and the parking lot is not safe," Guyton said.

But Mueller said at the hearing he was going to develop the lot into a commercial development in May 2002. He is in the process of getting the proper ordinances approved to build an

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