

Mostly sunny
High in mid-70s
Thursday: Sunny
High 75-80

The Daily Tar Heel

Last day to drop a
class or declare a
class pass/fail

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Judge denies dismissal of grievance



DTH/Kathy Michel

University police Officer Keith Edwards, left, and her attorney, Alan McSurely

By MIKE SUTTON

Staff Writer

A state judge overruled a motion by UNC's attorney at a pre-hearing conference Tuesday to dismiss the grievance of the University's only black female police officer, who accused the department of racist hiring and promotion practices.

Administrative Trial Judge Delores Nesnow said she felt it was necessary to establish precisely what happened during the controversial 1987 University police department reorganization that sparked the grievance, and she tentatively rescheduled the grievance hearing of Officer Keith Edwards for Oct. 30 to Nov. 1.

N.C. Assistant Attorney General Lars Nance, representing the University, had argued that because Edwards had failed to reapply for a promotion after the 1987 reorganization, she had forfeited her right to file a grievance.

Edwards was one of eight UNC police officers who said discrimination played a part in a decision to promote 13 white officers during the reorganization. She claimed that she was passed over for promotion in favor of less qualified white males, and she said she had not applied for one of the new positions because she was already in

the process of filing a grievance.

Nance and Alan McSurely, Edwards' attorney, disagreed sharply during the proceedings over whether racial and sexual discrimination were the central issues at stake in the case, and if the reorganization could actually be classified as a series of "promotions."

Because no direct raises were immediately involved, Nance argued, the position changes were "not promotions and (not) grievable under the state personnel act."

McSurely countered that although there was no change in state pay grade, the changes constituted promotions because of the additional responsibilities assumed by some of the officers involved. He added that raises were tentatively promised "six months down the road."

"What bothers me about Lars' presentation is that he leaves out the main issue in this case, and that's discrimination," McSurely said. "He acts as if it was all white people involved in this."

McSurely said that racial and gender discrimination, and retaliatory actions taken against Edwards by her superiors for protesting departmental racism, were the key areas to be addressed.

Nance argued against viewing Edwards' grievance as a Title 7 issue.

Title 7 is the federal Equal Employment Opportunity act, which outlaws discrimination in employment and retaliation against employees who protest it.

He said that he was unsure if Nesnow had the authority to take legal action on Edwards' protests.

Nesnow said she was also uncertain how far her authority extended in the area of addressing discrimination issues. "I think the distinction is not whether it is discrimination, or whether you can take legal action, but whether you're in the right place for it. (The issue) is whether I have jurisdiction."

She said to McSurely, "You can't speak out on all the wrongs of the world at my forum if there's nothing I can do about it."

Nance asserted that tokenism was not a factor in Edwards' hiring. "She was not hired as a token. She was hired because she was qualified."

Both attorneys haggled over McSurely's list of witnesses to be subpoenaed. Nesnow said that McSurely threw "monkey wrenches into the works" by getting his list of witnesses to Nance only four days before the original date of the hearing. Nance said

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Student victim of rape by man carrying knife

By AMY WAJDA

Assistant University Editor

A female UNC student was raped at knife point at 4 a.m. Saturday on the upper level of the Craige parking lot, according to University police.

The assailant came up behind the woman as she was walking to her car, held a hunting knife to her throat and raped her, police said.

The victim suffered no severe injuries; she was treated at and released from a hospital police will not identify, said Sgt. Ned Comar of the University police.

According to police, the assailant was a dark-skinned black male between the ages of 21 and 23, 6-feet-2 to 6-feet-4 tall, with short hair and no facial hair. He had a very big build and was wide across the shoulders.

The attacker was wearing blue jeans and a blue-jean jacket buttoned all the way up and was not wearing

jewelry. He carried a hunting knife and spoke rapidly in a distinctively low voice.

Comar said police have conducted interviews relating to the case, but he said he doubted that any of the people interviewed were suspects.

Donald Boulton, vice chancellor and dean of student affairs, sent a letter Tuesday to residence hall staff members, student government, Rape Awareness Committee members and The Daily Tar Heel to alert the University community.

The letter contains the assailant's description and phone numbers community members can call if they have tips for investigators. The letter also encourages people to report suspicious behavior and advises community members to minimize opportunities when they could be assaulted.

"It was a statement to students to alert them to the fact that it was an

assault, and to encourage people to use safety procedures," said Kathleen Benzaquin, associate dean of students. "They (UNC administrators) really wanted a quick response so the community is aware of it."

Comar said community members could help with the investigation by reporting suspicious persons, activities and vehicles, especially someone who fits the description and can be traced to the time and place of the rape.

Anyone with information that would help the investigation should call University police at 962-2120 or the Orange County Crime Stoppers at 1-800-851-7867. People can make reports anonymously.

Meanwhile, community members should be on the lookout, said Boulton. "Take care of yourself. The best defense rests with the individual."

Animal rights activists sue to see documents

By MYRON B. PITTS

Staff Writer

A student animals' rights group filed a suit Monday calling for a University committee in charge of handling animal research documents to disclose certain withheld records.

Students for the Ethical Treatment of Animals (SETA), a 25-member group, filed the suit in Wake County Superior Court against William Huffines, chairman of UNC's Institutional Animal Care and Use Committee (IACUC). The first hearing will be on Dec. 15.

In January, IACUC denied SETA access to nine of 16 requested animal research protocols. SETA was allowed to view seven of the documents.

The lawsuit also calls for access to the minutes of IACUC meetings and permanent access to all animal research protocols. Animal research protocols are detailed descriptions of how labo-

ratory animals are to be treated during and after experiments.

According to SETA President Chris Brannon, these protocols also record any variance from the normal methods of putting to death laboratory animals after experiments are completed.

Every year, animal researchers submit hundreds of applications to IACUC for approval of laboratory animal protocols. IACUC reviews these documents and makes sure they comply with federal standards described in the Public Health Service Policy on Humane Care and Use of Laboratory Animals.

In accordance with a 1985 amendment to the animal welfare act, every institute receiving government funding for research must have a committee similar to IACUC.

SETA wants access to the minutes of IACUC because it feels the University has not shown its professed concern for animals, Brannon said.

"The University has not shown to us that they are as concerned for animals' rights as they claim. We feel if the University doesn't have anything to hide, they should give us those minutes."

In a statement released Monday, SETA said animal research protocols should be made available to the public, claiming that millions of dollars of taxpayers' money are spent towards this research.

"The primary reason we believe students should have access to them (research protocols) is because we believe they fall into the public records act," Brannon said.

The question of whether the documents are public record will be the focal point of argument, said Douglas Ruley, the attorney representing SETA.

"I certainly wouldn't characterize

See SETA, page 2

Graduate Student Court changes date of activist's hearing

By SARAH CAGLE

Staff Writer

The Graduate Student Court has rescheduled CIA Action Committee (CIAAC) member Dale McKinley's Oct. 16 hearing after fellow member Jerry Jones told the Undergraduate Court that he would not participate in his hearing on the same day because he wanted to be present for McKinley's

hearing. Late Tuesday night Graduate Attorney General Todd Harrell moved McKinley's hearing to Oct. 17 so there would not be a conflict, McKinley said.

The schedule change was a logical one, McKinley said, probably a result of his and Jones' inability to attend under the original circumstances. "Otherwise they wouldn't have had a

defendant in both cases, and that wouldn't have looked very good for them."

In an interview Tuesday afternoon, McKinley said he supported Jones' objection to the original schedule and said he would not participate in his hearing if one of the dates were not changed. "If they want to push this through quickly, I don't want to be a

part of it. There is no other recourse other than not to participate in it."

Also in an afternoon interview, Jones said: "They (the student courts) have got good reason for having these trials at the same time. They're trying to squelch dissent."

Jeffrey Cannon, assistant dean of students and judicial programs adviser, said Jones' and McKinley's hearings

were scheduled at the same time for the convenience of the prosecution witnesses. Some witnesses need to be present at both hearings, so the hearings were structured so they could give testimony at each.

Jones' hearing will be open to the public. McKinley has requested an open hearing, but court officials have not announced whether it would be.

Jones said if the hearings had coincided, it would have prevented him from attending McKinley's hearing as a CIAAC member and possibly as a defense witness.

Police arrested Jones, McKinley and six other CIAAC members April 15, 1988, during a protest of CIA recruit-

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Poll of college students spurs call for changes

By WENDY BOUNDS

Staff Writer

A recent Gallup Poll survey concluding that too many college students are graduating ignorant of "basic landmarks of history and thought" has prompted a proposal for a core curriculum program in all colleges and universities.

In April the National Endowment for the Humanities (NEH) commis-

sioned the testing of college seniors from 67 universities across the United States. The test consisted of 87 questions quizzing students on a variety of concepts and landmarks assumed to be basic knowledge.

Many of the results provide dismaying evidence that students are not learning much of what an educated person should know, according to Noel Milan, spokesman for the NEH. Examples of the results are:

- 40 percent of the students could not distinguish Karl Marx's works from the U.S. Constitution;
- 45 percent did not know Charles Dickens was the author of "David Copperfield";
- 24 percent of the students did not know that Columbus first landed in the Western Hemisphere before the year 1500;
- 30 percent could not identify Italy and Japan as allies of Germany in World War II; and
- More than 40 percent could not place the Civil War in the correct half-century.

In response to these statistics, Lynne Cheney, chairman of the NEH, has proposed a set of courses she says should be required for all students. The proposal, known as "50 Hours," consists of a curriculum that should help prevent students from leaving college with

3 referendums pass in student election

By MARCIE BAILEY

Staff Writer

Students voted Tuesday to pass three referendums and elected Student Congress representatives for districts 16 and 18.

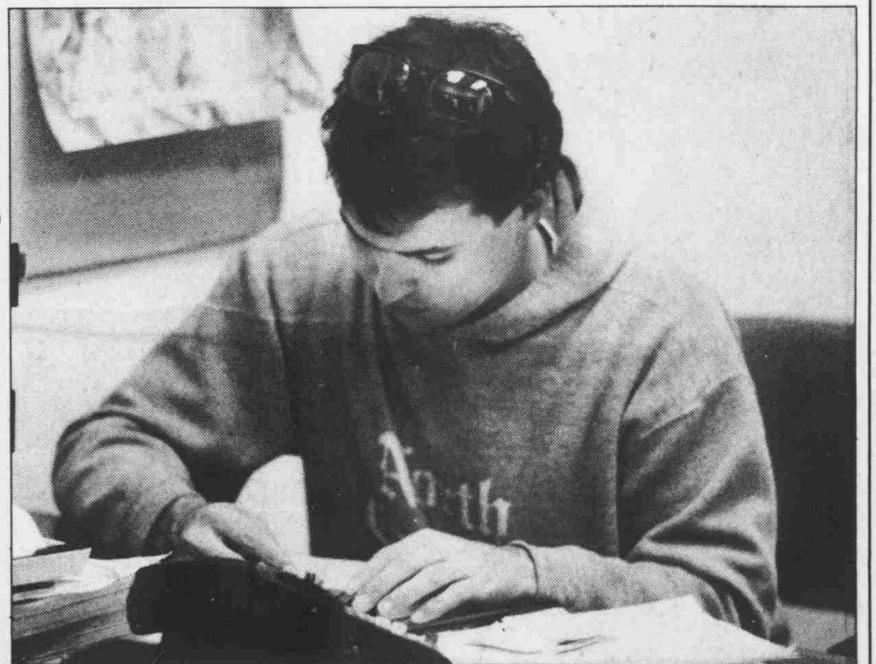
The first referendum, proposed by congress representative Jeffrey Beall (Dist. 7), requested change of instances of "he" to "he or she" in the Student Constitution and was passed with 213 favorable votes and 90 opposed votes.

"I'm happy that the referendum passed," Beall said. "I think it is a positive change for the Student Constitution. There is still some sexist language in the Student Constitution, but the congress is going to have to work on changing that."

A referendum proposed by congress representative Jurgen Buchenau (Dist. 3), passed with a 274-35 vote. The referendum will separate individual fees for graduate and undergraduate students.

"I am obviously exhilarated that 90 percent of students agreed to partial autonomy in new fee increases," Buchenau said. "This will allow graduate and undergraduate students to work together for better campus and better living and working conditions at UNC. At the same time it will protect the rights of graduate and undergraduate constituency to pro-

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DTH/Schuyler Brown

David Smith, Elections Board chairman, counts votes Tuesday night

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It's never as good as it looks, and it's never as bad as it seems. — UNC football coach Mack Brown