

WEATHER
TODAY: Rain; high near 70
SATURDAY: Cloudy; high upper 60s

PLENTIFUL PRINTING: Student Stores offers new services ..CAMPUS, page 3
WE ARE THE CHAMPIONS?: Teams aim for NCAA crowns ...SPORTS, page 7

ON CAMPUS
Mort Rosenblum, Associated Press foreign correspondent, will speak about his experiences at 3 p.m. in 226 Union.

The Daily Tar Heel

NC CO 07/31/92
NC COLLECTION
WILSON LIBRARY
CB# 3930 UNC CAMPUS
CHAPEL HILL

NON-PROFIT ORG.
U. S. POSTAGE
PAID
PERMIT No. 250
CHAPEL HILL, NC 27514

© 1991 DTH Publishing Corp. All rights reserved.

Serving the students and the University community since 1893

Volume 99, Issue 121

Friday, November 22, 1991

Chapel Hill, North Carolina

News/Sports/Arts 962-0345
Business/Advertising 962-1163

Frozen fees won't be thawed to save a.p.p.l.e.s.

By Bonnie Rochman
Assistant University Editor

The UNC-system president has decided not to lift a moratorium on a student fee that would fund the a.p.p.l.e.s. program, placing the program's future in jeopardy.

C.D. Spangler, system president, announced early in October that he would consider allowing each system school to designate one exception to the moratorium. The UNC Board of Governors imposed the freeze on student fees in July in an effort to lessen the impact of tuition increases.

UNC-CH chose a.p.p.l.e.s. as its ex-

ception, said Mike Steiner, a student member of the program's personnel board. Allowing people to plan learning experiences in service is a program that combines class work with hands-on service projects.

"But Spangler decided almost two weeks ago that he would not be able to grant any exceptions," Steiner said.

Spangler could not be reached for comment Thursday.

Joel Schwartz, director of the Center for Teaching and Learning, said Spangler claimed he had no control over the moratorium.

"Spangler claims his hands are tied because it was mandated by the (N.C.)

General Assembly that because tuition increased, no additional financial burdens could be allowed," Schwartz said.

Matt Heyd, student body president, said the moratorium overrode a 50-year-old agreement between the University and its students.

"Our fee agreement allows Student Congress, student government and the students to levy and disperse our student activities fees," Heyd said. "This is the first time in 50 years that students have voted for increasing student fees and it hasn't been levied."

Undergraduates voted in February to increase their student fees by 90 cents a semester to fund a.p.p.l.e.s. But the ref-

erendum never went into effect because of the moratorium.

Steiner said a.p.p.l.e.s. organizers were considering other possible funding sources. "We're searching for funding inside and outside. I'm confident that we'll find some money because it's such a valuable program to so many people on campus, but time is running out."

The salary of the group's service and learning coordinator, Denise Beal, also was to be funded with student fees.

Schwartz said three options were available to keep the a.p.p.l.e.s. program alive. "They could remove the moratorium, make the service learning

coordinator a state-funded position or get a private grant proposal."

Donald Boulton, vice chancellor for student affairs, said he was searching for an answer to the lack of funding. "I'm hopeful that the fee moratorium will be lifted so that all fee-driven services can continue."

Boulton refused to speculate when the moratorium might be lifted.

Schwartz expressed concern that Beal might look for another job because of the uncertainty of her salary.

"I believe, somehow or other, different parts of the University will cover her salary for the spring, but there's no certainty," he said. "Why would Denise

want to stick around?"

The Division of Student Affairs and the College of Arts and Sciences funded Beal's salary this semester.

Beal said the lack of funding for her full-time position would hurt the success of the program.

"Our ability to effectively follow through on our commitment to coordinate the placements, to assist students in processing their involvement in the community and to ensure that the community benefits is at risk," she said.

The fee moratorium belittles student power, Beal said. "It says students aren't adult enough to decide if they want to raise fees and what to spend it on."

Investigation clears SHS counseling

By Amy Eslinger
Staff Writer

Sexual assault counseling at the Student Health Service is adequate despite complaints from rape victims about the services, the Orange-Chatham district attorney said Thursday.

Carl Fox said he talked with SHS officials Tuesday to get a basic understanding of their procedures because he had received three complaints from women treated at the clinic.

Fox said he suggested a few minor changes to SHS officials.

"The changes that I suggest they implement in their protocol simply attempted to allow the victim to determine which course of action is pursued and have more direct control over what happens when those initiatives are followed."

One of the complainants "had wanted to do something which was not within their written protocol to do," Fox said. "They were just basically attempting to assist her in what she wanted to do, but they did not have a mechanism for follow-up."

This breakdown in communication caused the problem, he said.

Judith Cowan, SHS director, said she expected a good report from Fox about the service's sexual assault programs. "I think Student Health Service has really done an excellent job."

SHS officials try to help rape victims with their immediate problems when they come in for treatment, Cowan said.

"There is a protocol which we follow," she said. "The most important thing we're trying to do is to help the student get control back in their life and what they wish to do and how they wish to proceed with handling the immediate emotional trauma that that has caused."

Communication is good between SHS officials and sexual assault victims, she said.

"We always inform them that they have the right to go to the criminal court and to the student judicial system and of the procedures for doing that," Cowan said.

But rape victims are told they must be the ones to pursue legal options, not SHS officials, she said.

"I think (Fox's) only recommendation was that if people are talking about any other possibilities that the young woman would like to work out, that it be made clear that she needs to pursue that herself," she said.

"If a student says, 'I don't wish to pursue either of those legal options,' then a counselor may talk with them to try to sort out what they do wish to do," she said. "I think Mr. Fox felt it should be made clear that these remain students' options and that Student Health cannot be involved in intervening for them."

SHS has followed its present sexual assault counseling procedures since 1983, and counselors have served about 115 people since then, Cowan said.

Donald Boulton, vice chancellor for student affairs, said he had not expected any problems with the complaints against SHS.

"We explained to (Fox) our whole process, and he found our process to be a good one," Boulton said.

Fox was looking at the procedures and not investigating problems at SHS, Boulton said.

"I think basically it was a matter of sharing information, not looking at somebody doing anything wrong," he said.



Rainy day planning

Jim Earnhardt, a first-year graduate student from Raleigh, writes a paper for his planning theory class in the Wilson Library

Reading Room Thursday afternoon. Earnhardt was among the students who decided to evade the rain and study indoors.

DTH/Andrew Cline

Chancellor calls for more state support to aid housekeepers

By Jennifer Mueller
Staff Writer

Chancellor Paul Hardin said Thursday that the University would be unable to help UNC housekeepers win salary increases without state support.

"We don't have the money for a better wage structure," Hardin said.

The housekeepers are the lowest-paid employees at the University with starting wages of less than \$6 per hour. They have asked administrators to help them lobby the General Assembly for pay increases.

The General Assembly might not approve the designation of more money for housekeepers' wages because of the state's bleak financial picture, Hardin said. "The state is still in terrible financial trouble."

Hardin said he had talked with UNC's vice chancellor for business and finance about the housekeepers' situation, but he had not discussed the issue with UNC-system administrators.

Alan McSurely, a local attorney helping the housekeepers, said he hoped Hardin would follow through with his plans to back the employees in their fight for higher wages.

"It would be an incredible help to have the University put its lobbying resources and considerable political clout behind our movement," he said.

Administrators could take several actions to support the housekeepers, such as putting its full-time General Assembly lobbyist to work for their

cause and providing buses to transport housekeepers and their supporters to Raleigh, McSurely said.

"The main thing we're interested in is the University changing its priorities for a while," he said. "We'd like to see the lowest-paid employees being given the highest priority, and the highest-paid employees move down the scale a little."

The housekeepers, who have not had a raise in two years, have received support from students and the community.

Students for the Advancement of Race Relations and the Student Environmental Action Coalition have helped them sell lunches in the Pit to raise money and awareness about their problems.

The local chapter of the National Association for the Advancement of Colored People also is working with the employees.

Hardin, who spoke to students last week in the Pit, said then that he would talk to leaders of the local chapter of the State Employee Association of North Carolina about the problems.

"I'm just going to have some casual conversations with them," he said during his speech. "I am really, really worried about the housekeeper plight."

Hardin said he hoped to present a plan to the public by the first of the year outlining ways to help the employees.

HouTMsekeepers also want the University to provide more training opportunities and to establish a committee to address management practices.

Hardin: NAACP's suggestions already exist at University

By Shea Riggsbee
Staff Writer

Most of the employee advancement programs suggested by the local NAACP chapter already are in place at the University, Chancellor Paul Hardin said in a Nov. 11 letter to the group's president.

Hardin said in the letter that most of the programs were included in the University Performance Management Program, and University training and development programs.

The only suggested program not in place, a plan to test employees' skills, cannot be implemented at the University because it would test non-work-related qualities, he said in the letter.

Hardin said Thursday that his letter to the NAACP president was his only comment on the proposals.

James Brittan, president of the local chapter of the National Association for the Advancement of Colored People, outlined an approach to employee advancement programs in an Oct. 24 letter to Hardin.

Brittan's letter proposed:

- Identifying all employees with apparent potential for upward mobility.
- Establishing a carefully written development plan tailored for employees with potential.

■ Developing an organized training and development program, using a direct instead of random approach.

■ Naming personnel responsible for supervising programs.

■ Conducting a skills inventory for each employee in Salary Grades 50-53.

Hardin said in his letter that the management program had included a career development program for all employees since July 1.

This program helps employees "to assess their skills and interests, to develop career goals and to identify needed skills and knowledge in order to attain these goals," Hardin said in the letter.

An organized training and development program also is already in place, Hardin's letter stated.

But the programs might be affected by the University's budget problems, he said. "... It is not possible to guarantee that short-term workload increases or fund shortages will never impact the training programs on this campus," Hardin's letter stated.

The administrators in charge of all the training programs have been identified, Hardin said in response to Brittan's request that personnel responsible for supervising programs be named.

Laurie Charest, associate vice chan-

See PROPOSAL, page 2

Grievants, state dispute impartiality of personnel board, Step 4 rulings

Editor's note: This is the second article of a two-part series.

By Anna Griffin
Staff Writer

Even at the state level of appeal, many UNC employees and former employees contend the University grievance process is biased, slow and ineffective.

By the time employees reach Step 4, they have met with their supervisor, that person's supervisor and the University's Staff Grievance Committee. Some employees believe Step 4, which state organizations direct, can be the longest and most unjust part of the procedure.

The final step in the system involves a set of fact-finding hearings with an administrative law judge and a final hearing with the State Personnel Commission, the ruling body in grievance cases.

"The administrative hearing is for the purpose of establishing the facts," said Julian Mann, director of the N.C. Office of Administrative Hearings. "It's like a trial and is the only point in the process where there is sworn testimony."

One of the state's administrative law judges, an employee of the Office of Administrative Hearings, gathers facts, hears both sides of the case and makes a recommendation to the Office of State Personnel. The State Personnel Commission then uses information gathered in the hearings when making a final decision.

"At the conclusion of the hearings, the administrative law judge will (suggest) a recommended decision," Mann said. "(The State Personnel Commis-



sion) is the one that decides and is the one delegated the official function of ruling."

The State Personnel Commission consists of seven members, all appointed by the governor. Although the N.C. attorney general's office usually does not help write the commission's decisions, the commission includes a member of the office's staff who provides legal assistance, said J.C. Davis, deputy state personnel director.

Recently, the commission overruled several administrative law judges' recommendations involving University employees, including University Police officer Keith Edwards' 4-year-old racial discrimination case.

Mann said the commission adheres to the Office of Administrative Hearings' recommendations in 80 percent of the cases it hears and completely ignores law judges' recommendation only 10 percent of the time.

State Personnel Director Richard Lee said although the commission occasionally corrects misinterpretations of state grievance codes by ignoring law judges' decisions, commission members typically agree with all or part of a judge's ruling.

"In a majority of cases, the members of the SPC agree with the OAH," Lee said. "They will disagree sometimes on a technicality, or maybe when a hearing judge misinterprets a point or law (involved in the decision)."

Lars Nance, the N.C. assistant attorney general who represented the University during Edwards' Step 4 hearing, contends that the judge in the case did not fully understand the state policy on racial discrimination when she made her recommendation.

Many employees believe the State Personnel Commission should not have the power to make final rulings, since the administrative law judge conducts a firsthand investigation of the facts.

"The decision of the administrative law judge could be binding," said Paula Schubert, chairwoman of the Orange County branch of the State Employees Association of North Carolina. "The members of the State Personnel Commission don't hear the testimony, they don't see the people. It would be hard for me to overrule a judge without having seen any of the hearings."

But Nance argues that the commission gets enough information from the hearing at the Office of Administrative Hearings to make a fair ruling.

"They have the transcript, they have the recommendation by the administrative law judge," Nance said. "They have exhibits, they have various arguments, they have motions that have been ruled on. They are cited to particular areas of the transcript. They hear the arguments of attorneys."

State officials also contend the use of judges as fact-finders helps make the system less biased and more thorough.

"The Office of Administrative Hearings was established to add a degree of impartiality to the process,"

See GRIEVANCE, page 9

Let's face it, everyone knows the name of the game is 'get the quarterback.' — Joe Namath