

# The Daily Tar Heel

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News/Sports/Arts 962-0245  
Business/Advertising 962-1163

Volume 100, Issue 42

Thursday, June 25, 1992

Chapel Hill, North Carolina

## Anti-harassment rules in question after court decision

By Matthew Easley  
Senior Writer

A U.S. Supreme Court ruling Monday striking down a St. Paul, Minn., hate speech law has cast into doubt anti-harassment provisions in the University's regulations governing student and employee behavior.

The court's ruling, which held that laws targeting racial, gender or religious insults or threats as "hate speech" are unconstitutional, strikes a blow at university speech codes nationally.

"My first impression is that what we have done probably would not stand constitutional challenge," said Bob Adler, a business professor and a mem-

ber of the University's Committee on Student Conduct.

Some sections of UNC's anti-harassment regulations may have to be rewritten, while others may stand, Adler said, adding that he was reacting to news reports and had not seen the decision.

The University's employee policies prohibiting racial and sexual harassment provide sanctions for "the infliction of severe mental or emotional distress" through slurs, epithets or insults that demean a person's race or gender.

The Code of Student Conduct prohibits intimidation and harassment that demeans a person's race, gender, religion, creed, sexual orientation, age, national origin or handicap. One sec-

tion prohibits repeated offenses, while others forbid even a single offense.

"The simple solution, it seems to me, is to include it all in some generic way and say you can't intentionally inflict severe emotional distress on someone" regardless of motive, Adler said.

Chief University Counsel Susan Ehringhaus said she had not seen the Supreme Court's ruling. "Until I read that, I can't tell you with any confidence whether or not our policy will be affected," she said.

### 'Mental anguish' examined

Law Professor Bob Byrd, chairman of the Committee on Student Conduct, said the University's anti-harassment

policies were more tolerant of free speech than those of some other universities. The committee drafted the Instrument of Student Judicial Governance, which includes the Code of Student Conduct.

"I think our provisions for the most part are consistent with what the court did," Byrd said.

The Code of Student Conduct's provisions that prohibit the infliction of mental anguish, without related specific injury or interference, probably are the most shaky student regulations under the new ruling, he said.

The Committee on Student Conduct probably will review the Code this fall, he said. "We could very well defer any

further prosecutions ... until we've had an opportunity to review it further in light of this opinion."

Student Attorney General Ian Fay could not be reached for comment.

The University's sexual harassment policy is its most vulnerable anti-harassment provision, because it prohibits, among other things, verbal or physical sexual conduct that creates "an intimidating, hostile or offensive environment," Byrd said.

"It seems to be that the 'demeaning environment' language will have to be looked at closely in light of this decision," he said.

Similarly, the Code of Student Conduct prohibits verbal or physical sexual

conduct that "creates an intimidating, hostile or demeaning environment for (academic) pursuits, (University) employment, or participation" in University-related events.

University guidelines state that behavior that might constitute racial harassment includes offensive race jokes, insults, threats, offensive notes or telephone calls and any racially demeaning remarks.

Offensive sex or gender jokes, sexual propositions, insults, threats or bribes, offensive notes or telephone calls, unwanted sexual remarks or inferences, remarks that demean either gender, leer-

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## Edwards trial begins in Hillsborough; Chancellor heads list of defendants

18-year University Police veteran breaks down into sobs while describing discrimination



Keith Edwards and her attorney, Alan McSurely, confer outside court Wednesday.

By Anna Griffin  
Associate Editor

HILLSBOROUGH—After 15 years and countless grievances, Keith Edwards' day in court—two weeks in court, to be precise—began this week.

Edwards, the first black woman ever hired by the UNC police department, is accusing seven present and former UNC administrators, including Chancellor Paul Hardin, with denying her constitutional right to equal opportunities and a discrimination-free workplace because of her race and gender.

During morning testimony Wednesday, Edwards told jurors about what she described as a lifetime of discrimination. Breaking into sobs at one point, Edwards said: "All I want is to be treated like a human being. They tried to destroy me, but I wouldn't die."

"The constitution of the United States says I have rights. I have rights until a court system tells me, 'Keith Edwards, you don't have any rights.'"

"I will keep fighting, but I would rather die than have no rights."

Edwards is seeking \$250,000 in damages and has pledged to take her case to the U.S. Supreme Court if necessary.

"The University will never find discrimination against itself," said attorney Alan McSurely, the civil rights activist representing Edwards. "The University has an economic reason not to find discrimination against itself. The buck has got to stop somewhere. Officer Edwards hopes it will stop here."

In their opening statements Tuesday, UNC attorney Lars Nance, a special deputy attorney general, and McSurely both said the case would focus on five key incidents or issues:

■ The June 22, 1987 departmental

reorganization, which saw several officers rise in rank. Edwards contends that she was denied the opportunity to compete for a promotion, and that Hardin did not answer complaints arising from the changes.

"When Officer Edwards complained about this reorganization, her complaint was not addressed," said McSurely, who is working his first jury trial. "The University basically shut its eyes."

■ What Nance described as the "black-female issue"—the lack of black women on the UNC police force prior to 1988.

Edwards said Wednesday that being the only black woman on the force was emotionally draining. "Mentally, it was very damaging," she said.

■ An incident that occurred Nov. 24, 1989 between Edwards and Lt. Marcus Perry, her assistant shift supervisor at the time. Edwards says that Perry changed her work schedule on Thanksgiving Friday to retaliate against her for testifying about him in an earlier Step-3 grievance.

The revised work load was unfair and unprecedented, McSurely said, adding that John DeVitto, acting chief at the time, failed to respond to Edwards's grievance. "If a black person can't testify without fear of retaliation, then all of the lives lost trying to get the 14th amendment passed were lost in vain," McSurely said.

■ The University's failure to post a vacancy in the crime prevention officer's position pending the May 1990 retirement of CPO Sgt. Ned Comar, and the final decision by an outside panel to give the position to

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## Legislators: UNC-system undergrads should aim to earn degrees in 4 years

By Peter Wallsten  
Editor

RALEIGH—Some members of the General Assembly want to discourage UNC-system students from taking extra time to graduate, but UNC officials say they don't need the added pressure to deal with the issue.

"It's not a question of saving money, but of allowing more people the opportunity of going to school," said Sen. Marvin Ward, D-Forsyth, chairman of the Senate education appropriations committee.

Meanwhile, UNC-Chapel Hill's graduation rates lead the system and are not nearly as problematic, UNC-CH officials said.

A budget provision approved Saturday in the Senate calls for the UNC Board of Governors to "adopt policies that will encourage the constituent institutions to have their students complete their degrees more quickly."

The provision continues by stating that UNC General Administration officials should present a specific plan to the legislature by Feb. 1, 1993. The UNC system's presentation should include "means of measuring (the policy's) success and progress," the provision states.

The numbers of students spending extra time in school has increased over the last several years, Ward said, adding

that such practices drain money that could subsidize tuition for other students from the state's General Fund.

"There is great concern in the legislature about the length of time people are taking to finish courses," Ward said. "There is also concern about the load people are taking and the fact that the state pays for your tuition. Theoretically, you should be able to finish in four years."

According to statistics compiled in the fiscal research branch of the legislature, about 28 percent of undergraduates matriculate after four years in school, while 48 percent graduate in five years and about 53 percent get their degrees in five to six years, legislative budget analyst Jim Newlin said.

The numbers are much more positive at UNC-Chapel Hill. UNC-CH Registrar David Lanier said graduation rates have been increasing here for several years. According to statistics from Lanier's office, 61 percent of the 1987 freshman class earned their degrees by 1991, while only about 57 percent of the 1983 freshman class graduated by 1987.

Lanier said an increase in the quality of students entering UNC-CH could be responsible for the improving graduation rates.

"It's puzzling," he said. "Students are just doing real well, I guess. The

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Class	Initial Pool	AFTER 3 YRS		AFTER 4 YRS		AFTER 5 YRS	
		DROP	GRAD	DROP	GRAD	DROP	GRAD
1983	3,186	18.6%	80.7%	20.9%	79.1%	21.2%	78.8%
1984	3,390	19.1%	80.2%	23.4%	76.6%	23.2%	76.8%
1985	3,329	15.4%	84.6%	21.1%	78.9%	19.1%	80.9%
1986	3,304	14.4%	85.6%	19.8%	80.2%	17.6%	82.4%
1987	3,151	12.5%	87.5%	18.9%	81.1%	19.9%	80.1%
1988	3,293	10.8%	89.2%	-	-	-	-

## Hardin: Discord a 'source of absolute agony'

By Peter Wallsten  
Editor

In an emotional meeting Wednesday afternoon with members of a coalition demanding a free-standing black cultural center, Chancellor Paul Hardin defended his civil rights record despite his opposition to a new building for the BCC.

In addition, Hardin proposed that student government support a referendum that would establish a new student fee to fund a larger BCC. If students voted on the issue, they would feel more a part of the decision-making and would be more inclined to support the BCC, he said.

"It's been a source of absolute agony and tears for me ... that the disagree-

ment on this issue has put a wedge between" the opposing sides, Hardin said after sparring with students and other administrators at the meeting in his South Building conference room. "I get emotional even thinking about it."

During the meeting, which lasted several hours, students and administrators accused Hardin of ignoring the plight of the campus' black community.

"We are the only people who have had to stand up to distortions about our culture," said Margo Crawford, director of the Sonja H. Stone Black Cultural Center, now located in a room on the first floor of the Student Union. "Our graduates from colleges hardly know anything about their ancestors and their strength to survive slavery."

Advocates of the free-standing building who attended the meeting, including Harold Wallace, vice chancellor for University affairs, said that by agreeing to support a free-standing building, the University would be making an important statement to the community.

Edith Wiggins, associate vice chancellor for student affairs, said: "A major commitment of resources by this institution to the black cultural center will speak in ways that other things will not."

Crawford said a free-standing BCC would not promote separation, but would be open to everybody.

Hardin explained his reasons for opposing a free-standing building, including the lack of available funding, his

own self-described conservative attitude toward new buildings and his desire for all minorities feel comfortable.

"I want to go with you to the Union and the Student Congress," Hardin said. "I would like to draw plans for an expanded Student Union."

Hardin said he didn't enjoy disagreeing with the coalition. "I do worry about splintering of American society, and I do worry about separatism."

Students in the coalition, including Elizabeth Kolb, co-president of the Campus Y, told the chancellor they were not interested in hearing his position. Rather, they wanted Hardin to listen to them. "In our opinion it doesn't matter if that's what you think because it's our university," Kolb said.

## Building to be named for pioneers of faculty integration

By Peter Wallsten  
Editor

University officials today will name UNC's admissions building after two leaders of faculty integration.

The Monogram Club building, located on Country Club Road across from the Forest Theatre, will honor former professors Blyden and Roberta Jackson, a retired couple living in Chapel Hill. The Jacksons, English professor

Trudier Harris, Provost Richard McCormick and Chancellor Paul Hardin are expected to speak at a 4 p.m. ceremony.

"We are both very happy," said Blyden Jackson, professor emeritus of English, who was the University's first black full professor when he started here in 1969. "We are both delighted and honored."

Blyden Jackson also helped found the African-American studies curricu-

lum. Hardin said he was enthusiastic about naming the building for the Jacksons. "I think it's a great plan," he said. "These are highly deserving people. Both Blyden and Roberta Jackson were pioneers in the diversification of our faculty."

Roberta Jackson, former associate professor of education, was hired in 1970 and was the first black woman appointed to a tenure-track position in the Division of Academic Affairs.

She earned her bachelor's degree from Bluefield State College in West Virginia. She received her Master's and doctoral degrees in education from Ohio

State University and New York University, respectively.

Blyden Jackson, 82, received his undergraduate degree from Wilberforce University in Ohio and earned his Master's and Ph.D. in English from the University of Michigan in 1938 and 1952, respectively.

Blyden Jackson, who is known among his colleagues as a fighter for civil rights on campus, said he didn't encounter much racism when he arrived on campus 23 years ago.

"I didn't experience much racism, no

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## What is a 'mail-home' issue, anyway?

Hello — what's this? This week, The Daily Tar Heel is pleased to publish its annual mail-home issue. For our regular readers, consider this edition more food for thought during your first class this session.

But all you incoming freshmen who received this week's paper through the mail can consider it a foreshadowing of what you'll enjoy five days a week while at UNC next year. Good luck and we'll see you in the fall! — the editors

The birds and the bees are not Vulcan, Captain. — Mr. Spock