

# Regents' suit attempts to define authority

By Marian Lucas

The NU Board of Regents will find out September 15th whether the Nebraska Supreme Court will grant their declaratory judgment request concerning university control, according to Bud Johnson, NU legal counselor.

Johnson said the request asks the court: —If the regents have the authority to govern the university or if legislators do. —If the Legislature can delegate authority over the university to other state officers.

—What control the Legislature has over university trust funds, state taxes and other monies not raised by university taxation. "The basic question is who has what authority," Johnson said.

### Original jurisdiction

The Supreme Court, in delivering the judgment, will rule whether or not the court has original jurisdiction in the case. If it decides it does, proceedings will begin. However, if the court rules it has no jurisdiction and denies the request, the case will be filed in a lower state court which has jurisdiction to state proceedings.

"We feel there has been a violation of the regents' constitutional rights," Johnson said.

Regent Robert Koefoot of Grand Island said legislators have been raising some questions that the regents should ask.

Koefoot, who has opposed legislative control, said the regents have been elected to govern the university. He said he doubted if the regents truly have the power that have been delegated to them.

"I'm not mad," Koefoot said, "but I think this matter should be settled."

Governor J. James Exon has consistently advocated giving a lump-sum budget to the regents, then letting them distribute the monies to campuses.

"A lump sum budget is needed in order for us to do a good job at the university," agreed Koefoot.

But State Sen. Richard Marvel of Hastings said it's unconstitutional to appropriate a lump sum. "It's a simple question of constitutional authority that they (the legislators) can't give," said Marvel.

Omaha Regent James Moylan, the sole dissenter in the regent's initial judicial determination motion, said that according to the state constitution, the regents were a

"governing body under the direction of the Legislature."

### More to lose

"I feel that after the interpretation of the constitution we won't have a chance," said Moylan. "We have a lot more to lose than gain."

Moylan said that according to the constitution, the regents were "a governing body under the direction of the Legislature."

"That will be the constitutional law the court will be looking at," said Moylan.

Robert Raun, a regent of Minden, said the regents have stated all they want to do is clear the air.

"What we want is a ruling where our authority will be given and understood," he said.

NU President D.B. Varner said he would like to revive the system 10 years ago whereby the Legislature appropriated one lump sum for the regents to administer to the campuses.

Schuyler Regent Kermit Hansen suggested the formation of a committee which would examine the operations on the Missouri, Kansas, Illinois, Colorado and Iowa campuses. He said they could explore these campuses to find the strengths and weaknesses of their relationship between administrations.

# Zumberge: issues to cause difficulty

Outgoing UNL Chancellor James Zumberge told the first meeting of the UNL Faculty Senate Tuesday that the university will face difficult times until two major issues are decided.

The two issues, Zumberge told the approximately 120 persons attending, are the question of how much authority the Nebraska Legislature has in university business and how authority should be distributed between the university president and the system's three chancellors.

Zumberge said the crux of the question concerning legislative authority is contained in the Nebraska constitution where it says, "The University of Nebraska shall be governed by a board of regents under the direction of the Legislature."

"This is a haunting and annoying problem," Zumberge said. "It has needed resolution for many, many years."

Zumberge said the second question was raised because the governor and Legislature usually want one person to represent the university, whereas each campus has a chancellor that is responsible for that particular campus.

"Until they (problems) are resolved, the instability of governance will perturb the smooth activity of the campuses," he said.

Steven Sample, executive vice president for academic affairs, reported on a tenure density study ordered by the NU Board of Regents last April. Tenure density is the number of tenured faculty members in proportion to the total number of faculty members.

He gave university tenure percentages as 75 per cent at UNL, 66 per cent at UNO and 42 per cent at the University of Nebraska Medical Center (UNMC).

According to Sample, the study isn't completed but he said the study committee has looked at alternatives for consideration in keeping a lower tenure density. These are:

- Not granting tenure until the full seven-year probation has been completed.
- Raising the academic standards for awarding tenure.
- Setting up university-wide tenure standards.
- Reviewing and evaluating a tenure candidate's teaching record.
- Depending more on outside recommendations for granting tenure.

# 'Enjoyable job' greeted Acker at Kansas State

By Randy Blauvelt

Better pay, more responsibility and a "very enjoyable job greeted a former UNL administrator Duane Acker when he moved to Kansas State University (KSU) early this summer.

Acker, KSU president and former vice chancellor for the UNL Institute of Agriculture and Natural Resources, resigned last spring to become KSU president July 1.

"I just couldn't pass up the opportunity to lead a major land-grant university," the 44-year-old Acker said.

### \$10,000 increase

Acker, who was associate dean of agriculture at KSU before coming to Nebraska, said he now earns \$46,000 yearly. He was paid about \$36,000 for his UNL position.

Although he has been at KSU since July 1, Acker said he does not miss Nebraska yet.

"I've been so busy that I haven't had time to miss anything," he said. "But there is such a similarity among people of the Plains States that I don't know if I'll miss Nebraska."

When he became president, Acker also acquired KSU's athletic department's

financial problem. A problem which he said caused withdrawal of financial support for wrestling, tennis and golf.

"We've withdrawn support just for this fiscal year," Acker said. "When next year comes around, we'll just have to see if we have enough money."

As of June 30, Acker said the KSU athletic dept. was \$365,000 in debt, after using \$200,000 from 1975 football ticket sales to pay bills.

"I don't like the idea of borrowing from the future to pay bills," he said. "We've spent the money and we still have to deliver the entertainment."

### Cash and pledge

Acker said KSU had to cut back funding of minor sports, reduce the number of scholarships, and start a cash and pledge fund-raising drive in order to "break even." So far, he said there have been more than \$100,000 in pledges. The drive is aimed at gathering alumni and other individual's contributions, he added.

According to Acker, the agricultural program at KSU is strong.

"We have what UNL has, plus programs in bakery management, feed milling and flour milling," he said. "We have about 500 students in horticulture programs, many more than UNL."

KSU now offers a course in horticultural therapy. The course involves using plants to aid emotionally or physically distressed persons.

"I don't think that type of course is offered anywhere else," Acker said.

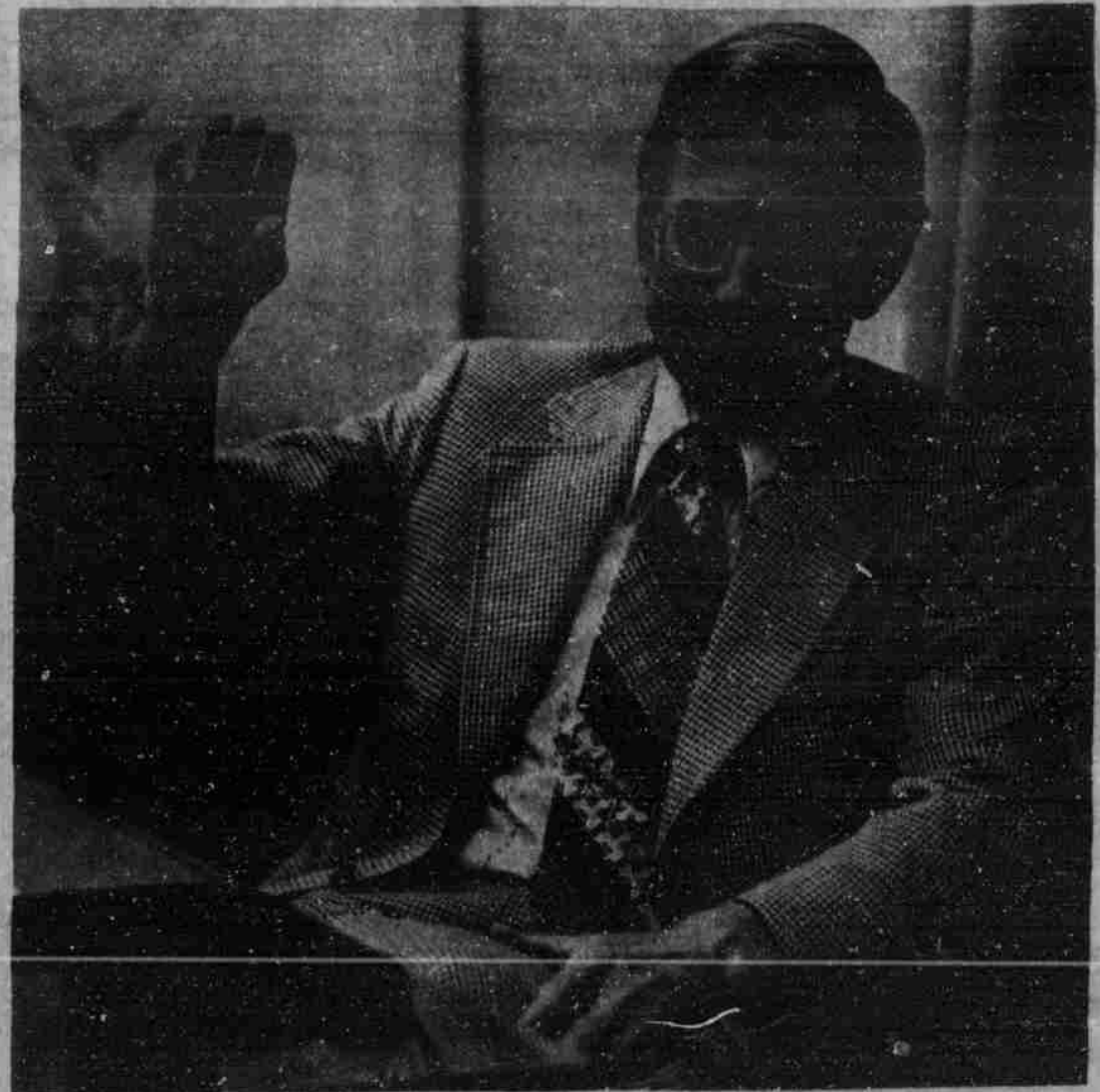
UNL's agricultural courses include plant pathology, animal science, agronomy, agricultural engineering, horticulture and forestry.

### Veterinary lab addition

Another improvement in KSU's agricultural program is construction of a \$15 million addition to its veterinary medicine laboratory, Acker said.

Acker said enrollment in agricultural programs at KSU is 15 per cent higher than last year. Total KSU enrollment is more than six per cent higher, he said.

He attributed the increased agricultural enrollment to an increased interest in agribusiness, more exposure of agriculture in



Duane Acker, new Kansas State University President.

the news media (such as Russian grain deals), and a general trend by many to avoid metropolitan life.

He said the overall enrollment increase probably was caused by the increased number of transfer students, 300 more freshmen than expected and a higher return rate of students who dropped out for at least one semester.

### 800 re-enrollees

"We usually have 300 to 350 re-enrollees every year," Acker said. "But this fall, we were amazed when 800 former students re-enrolled."

As president, Acker will have to deal with the Kansas Legislature concerning KSU's budget. He said he expects no problems.

"The Kansas legislators I've met have a good attitude," Acker said. "They're interested in a good educational program, but are cautious in spending public money."

According to Acker, the Kansas Legislature has approved a 10 per cent faculty pay increase each year for the past two consecutive years. He said he is optimistic that they would do the same again in January.

### 'Pleasing consistency'

Acker also said he likes the KSU campus better than UNL's.

"UNL's campus has a lot of variety in architecture," he said, "but KSU has a pleasing consistency that Nebraska doesn't have."

Acker said KSU's one-campus system has a distinct advantage over UNL's two-campus set-up because of easier communication. The two-campus system, he said, will be a "permanent handicap" to UNL.

Although he may never miss Nebraska, Acker said he is thankful to those who worked with him to make the agricultural and natural resources institute a success.

## inside today

- New Police Chief: approved by Lincoln City Council. . . . . p.3
- New Ideas: in physical education covered in Third Dimension . . . p.5
- Also Find:
  - Editorials. . . . . p.4
  - Entertainment. . . . . p.8

- Sports . . . . . p.10
- Crossword . . . . . p.11

### Weather

Wednesday: Partly sunny with temperatures in the low to mid-80s.  
 Wednesday night: Cooler temperatures and thundershowers expected.  
 Thursday: Decreasing cloudiness, highs in the mid-70s.