

Foundation trying to finance band

By Betsie Ammons and Ron Ruggless

The University of Nebraska Foundation is attempting to raise about \$42,000 to send the UNL Marching Band to the Fiesta Bowl Dec. 26.

The foundation undertook fundraising after the Athletic Dept. announced it could not finance the trip.

"We haven't much time to raise the required amount of \$42,000," NU Foundation President Harry Haynie said at a press conference Thursday. "We are not planning any large organized fund raising events which will cost money."

The foundation must raise most of the money by Monday from private and personal contributions, he said so the band can make trip preparations should they be able to go.

If funds are raised, band members will charter a plane for about \$25,000, about \$1,000 less than chartering a bus, Snider said.

Acting UNL Chancellor Adam Breckenridge said he found Wednesday money was unavailable from the Athletic Dept. to send the 240-member band to the Tempe, Ariz., bowl.

Hoped for magic

"I suppose we thought something in the way of magic would occur and funds would come in," Breckenridge said, explaining the reason for the two-week delay in telling the band of the situation.

He said he could have informed the band Nov. 24 that athletic funds were short, but he said he had hopes of getting private funds.

Breckenridge said the decision not to finance the band's trip was his own, but he said he contacted several NU regents and UNL administrators before he decided. However, he refused to give names of persons he contacted.

Director of Bands Jack Snider said he was told before Thanksgiving by Miles Tommeraaen, UNL Vice Chancellor for Business and Finance, that there were \$10,000 in athletic funds allotted for the band's trip.

As he understands it, Snider added, further Athletic Dept. figuring shrunk that \$10,000 to the \$1,500 sum Breckenridge said may be available from the bowl budget.

School should pay

"I don't think it is our responsibility to raise money for our trip since it is a university-sponsored event," Snider said prior to announcement of the NU Foundation Fund Drive.

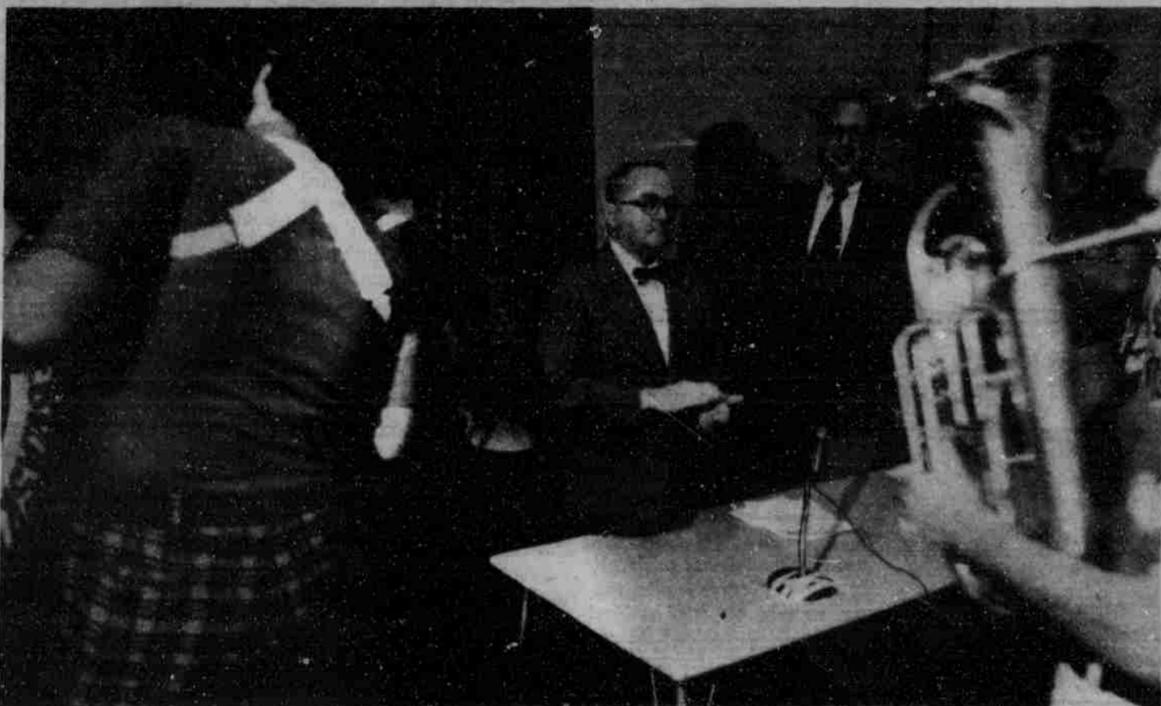


Photo by Kevin Higley

At a press conference Thursday, UNL band members marched and played the Nebraska

fight song. The band is trying to raise money to go to the Fiesta Bowl, Dec. 26.

"If we do it once, they'll expect us to do it again," he said.

Most band members contacted said they were optimistic that the money would be raised.

Don Thursby, assistant drum major, said, "If fans come through, as I think they will because of the support this year, I think we'll get the money."

According to Marching Band Director Robert Fought, there are 30 additional playing members of the band this year, plus 18 flag corps members.

"The band would not be the same without these 30 people," Fought said, "but it does cost more."

Similar problems

Snider said athletic departments at Colorado University and Kansas State University, which had similar bowl

budgeting difficulties, reviewed their budgets and allocated additional money to the bands.

"I'm optimistic if they (UNL Athletic Dept.) scrutinize their budget more carefully, that maybe they'll give more money to us," he said.

Presenting a prepared statement by UNL Athletic Director Bob Devaney, Sports Information director Don Bryant said, "We feel the band is an integral part of the athletic scene and we want to do everything possible to help the band. We feel badly that there is not enough bowl money this year to cover band expenses like we have been able to do on previous occasions."

Band members said they adopted a motto for the fund raising campaign: "A bowl without a band is like a day without sunshine."

McCook to send band

The McCook Board of Education has given the 133-member McCook High School band permission to attend the Fiesta Bowl, Dec. 26, instead of the Mardi Gras in New Orleans next year.

The Arizona trip will cost the band slightly more than \$10,000, \$4,000 less than the estimated cost of the Mardi Gras trip.

Band Director Stan Spomer said the decision to attend the bowl was not related to the announcement that the UNL Marching Band may not attend.

Open meetings law at issue

Reporters denied access to meeting

By Ann Owens and Rex Seline

Daily Nebraskan reporters were denied access to a student affairs staff meeting Thursday morning by Ken Bader, vice chancellor for student affairs in what some have said might be a violation of Nebraska's 1975 open meetings law, LB325.

According to Daily Nebraskan Editor-in-Chief Rebecca Brite, the paper will not take legal action in the matter.

Brite said she wanted the meeting covered because she had reason to believe issues the Daily Nebraskan had been following closely would be discussed, including the Campus Assistance Center and students' role in decision making at UNL.

"It appears to be a borderline case," she said, adding that she thinks the topics at the meeting fall under what is defined as a public meeting in the open meeting law.

Meeting defined

A meeting is defined in the law as "all regular, special, or called meetings of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action."

Brite said at least one journalism instructor she contacted Thursday after the meeting convinced her the case was borderline.

Brite said the Daily Nebraskan will not take action because "we have been advised not to request legal action on the matter, and we will take that advice."

The advice came from several sources, according to Brite, including members of the Daily Nebraskan Publications Committee.

"But the question is whether the student affairs staff is defined as a public body under Section 2.1 of the law," she said.

The law states that "a public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b)

governing bodies of all agencies... (c) all independent boards, commissions, bureaus, committees, councils, subunits or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law."

Not public

Bader contends that the staff meeting does not involve a public body.

"We're not a constitutional body," he said. "We don't have governing power. We're not mandated into existence for any reason. We're a group of people getting together to discuss common concerns."

Bader said Warren Johnson, legal counsel for the university, told him that the staff meeting is not covered by the law. He said he sought Johnson's opinion after the meeting and after being questioned by a Lincoln Journal reporter.

ASUN President Jim Say, a regular participant in student affairs staff meetings said that in some cases student affairs staff meetings are critical as to whether a policy is adopted or not.

"Time will tell whether or not this particular meeting was critical," Say said. "It all depends on whether future policies are adopted as a result."

Not clear

Gilbert Savery, national vice chairman of the Society of Professional Journalists, Sigma Delta Chi Freedom of Information Committee, said that in some matters, the open meetings statute is not completely clear in its definition of what constitutes a governing body.

Savery, assistant managing editor of the Lincoln Journal, said he thinks the opening statement of LB325, which declares it to be the policy of Nebraska to conduct public business in public, should be broadly construed.

"It is my personal belief that a meeting of this kind can be among those falling into the area of a public meeting area,"

Savery said.

The question of whether or not Daily Nebraskan reporters should be allowed to attend student affairs staff meetings first arose last spring at a luncheon between student affairs and Daily Nebraskan staff members, according to Brite and Bader.

'Uncomfortable'

Brite said Bader told the Daily Nebraskan that a reporter's presence at meetings would make the student affairs staff uncomfortable.

"But I remember Bader saying something to the effect that if we were to push it, they would have to let us into the meetings," Brite said.

Bader denied saying the Daily Nebraskan could be allowed at the meetings. He said his staff's mixed reactions to opening meetings prompted him to close them.

"I told Becky last spring that I'd get back to her (about opening the meetings)," he said. "I had a misfailing and did not get back to her."

At Thursday's meeting, the staff discussed typical business matters, the problems of student governance and student input to the university, staff members attending said.

Governance questions

Questions on the governance issue were raised by Ely Meyerson, dean of student development, but no policy was established at the meeting, according to Jim Say.

Meyerson and Say said ASUN was interested in examining the questions.

Attending the meeting were: Bader; Allen Bennett, Nebraska Union director; Gerald Bowker, director of academic services; Richard Armstrong, housing director; James Smith, director of minority affairs; Meyerson; Kenneth Hubble, director of the University Health Center; Kenneth Swerdlow, assistant housing director and Say.

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Weather

Friday: Mostly sunny, continuing unseasonably warm temperatures. Highs in the mid-50s. Northwestly winds ranging from 10 to 20 m.p.h.

Friday night: Partly cloudy and cooler. Lows in the mid-20s.

Saturday: Partly cloudy and much cooler. Highs in the mid-30s.