

# Court plans CSL rescission hearing

By Liz Crumley

Debate over the legality of the ASUN Senate rescinding its student appointments to the Council on Student Life (CSL) will be heard before the ASUN Student Court at 2 p.m. Sunday.

The Senate and CSL student representatives and other students may present their cases at the open hearing.

However, the Senate probably will ask for a one-week extension of the meeting to allow their legal representatives time to prepare, said ASUN Senate President Jim Say. And, the senior political science major from Norfolk said, he thinks the request will be granted.

A petition was filed to the student court on Dec. 6, 1975 by CSL members Dennis Snyder, a senior English major from Lincoln and Chip Lowe, a senior political science major from Sioux City, charging that the Senate had rescinded its CSL appointees without proper authority.

On Dec. 12, their petition was answered by Say and ASUN Second Vice-President Paul Morrison, a first-year political science graduate student from St. Paul.

The court made a preliminary decision on Jan. 12.

The plaintiffs asked for dismissal of Lowe's petition.

They said it failed to name a suitable defendant, failed to state a cause of action, presented no case or controversy and said that the rescinded members had failed to file a proper action.

The court said there was no merit in these objections.

In its decision, court members stated there was no reasonable doubt as to who was being "sued." It added that because Say is the elected Senate president and Morrison is the second vice-president, they were the proper parties to accept the petition.

"It cannot seriously be contended that each member of ASUN must be given notice," the decision stated.

The court also declared that the petition clearly states a cause of action when it alleges that "ASUN has done something which it was without power to do, and that the plaintiffs and the university have thereby suffered damage."

The court, in defining class action (the type Snyder and Lowe filed) as a suit one or more persons brings on behalf of themselves and other persons similarly situated, said the intent of the plaintiffs was to bring class action and include all rescinded CSL members.

The court ruled that any student CSL member who

thinks that the suit does not represent them ("their motives in the litigation will be different or they have an interest adverse to the members of the class"), may "opt out" and the final decision in the case would not be binding on that person.

The decision further said that Lowe and Snyder should contact all "members of the class" and inform them that if they wish to opt out, they should do so in written letter to the court by Saturday.

Snyder said as of Thursday morning, no CSL member had said they wanted to opt out.

The court also ordered that until a final decision has been rendered, the originally appointed members would serve on CSL. It added that all actions taken by CSL, "for which their consent is necessary, shall be valid, regardless of our ultimate disposition in this case."

Justices George Rhodes, a senior law student from Bridgeport, John Vihstadt, a senior law student from Littleton, Colo., Don Wesely, a senior from Lincoln and Jim Curtiss, a senior political science and English major from Lincoln, concurred with the preliminary decision and order, the decision said.

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## Driving program hitting bumps

By Nancy Clark

UNL's week-old defensive driving program, organized by Campus Police, is ironing out enrollment figures, program cost and grading procedures, according to Campus Police Chief Gale Gade and Education and Training Officer Robert Myers.

A September order from Gov. J. James Exon requires state employees who use state vehicles or drive their own cars on state business to complete a defensive driving program by June 30.

The cost of the program, originally estimated by Campus Police at \$10 per participant, was not included in the university's 1975-76 budget. As a result, each UNL department would have had to pay for training its employees for the rest of this fiscal year.

However, Gade said, the \$10 figure is being reviewed by campus police, UNL Business Manager Ron Wright and NU systems personnel. The exact figure each UNL department must pay will be known within three weeks, he said.

### Number required unknown

The number of university employees required to complete the program also is unknown, Myers said.

Employees affected by the order must complete the program to drive state vehicles he said, or to receive reimbursement for mileage travelled on university business. They will be retested every five years.

Myers said they first estimated about 5,000 UNL employees needed to take the course, but that so far, only 1,681 employees have been named to take it.

"Either there aren't as many as was anticipated, or the departments have been slow about turning (name) lists in," he said.

Developed by the Nebraska Safety Council, the program includes eight 50-minute sessions to be given during regular working hours.

An objective test, given upon completion of the course, may not be graded but "used only as a learning device," Myers said.

The defensive driving program is only part of Exon's total package for decreasing state employees' traffic accidents.

A five-member accident review board, including of-

ficials from the governor's office, the State Patrol, the State Claims Board, the Motor Vehicles Dept. and the Department of Roads was formed in November.

Under the new policy, all motor vehicle accidents by state employees on state business must be reported to the board within 15 days.

The board will review each case to determine the cause and any possible corrective action. The board is required to make semiannual accident reports to Exon, because no complete accident record files previously were kept.

## Employees low in traffic accidents

UNL's employe traffic accident record is "remarkably low," Richard Bennett, director of special business services, said.

According to UNL records, there were 80 employe accidents in 1975, costing \$3,228. This compares to 1974 figures of 56 accidents at a cost of \$6,296.

The figures show the repair costs for UNL vehicles and do not include liability payments made by the university, Bennett said, and added that UNL only is covered by the state's collision insurance.

While no records are kept on employe responsibility for accidents, Bennett said, insurance claims indicate the other driver often was shown to be at fault. UNL collected \$4,200 from other parties in 1975 insurance claims, he said.

"There figures are remarkable when you consider that about 3.5 million miles are traveled by employees in the course of a year," Bennett said.

Bennett partially credited the accident figures to the university's employe accident policy. A department must pay the first \$200 of any costs incurred by the university when one of its employees is determined responsible for the accident.

This policy tends to make each department take an "active interest" in promoting safe driving habits, he said.



Photo by Steve Boerner

This youngster was one of about 30 Right to Life protesters, an anti-abortion organization, that gathered outside the west door of the Statehouse Thursday morning to muster support for changing existing abortion laws. Indoors, the Nebraska Legislature was debating the issue. See related stories on page nine.

## East Union construction might raise student fees

By Bryant Brooks

Construction costs for the East Campus Union could force a minimum increase in student fees of \$1.50 per student, a maximum increase of \$12 and a probable increase of \$4 to \$5, according to Miles Tommeraasen, vice-chancellor for business and finance.

He said decisions by the Fees Allocation Board (FAB) and the Nebraska Legislature will determine the amount of increase. The fee now is \$61.50 a semester.

Students now pay \$6.48 to support programs in the Nebraska Union, Tommeraasen said. Another \$2.50 has been taken out of each student's fees for the past five years to collect the \$500,000 needed to pay for equipment and furnishings for the new East Campus building.

If FAB starts putting that \$2.50 from student fees into Union operation or program expenses instead of using it to pay back the \$3.8 million bond used for construction of the East Union, only the \$1.50 increase may be necessary, according to Tommeraasen.

But if student fees have to help repay the \$3.8 million bond, the increase is probable, he said.

A bigger increase depends on the Legislature's treatment of LB690, the higher education appropriations bill. That bill contains a resolution for utilities in the new Union to be paid for by state taxes. Taxes pay utilities for

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the Nebraska Union now, but budget cuts could result in tax support being withdrawn for the Nebraska Union and withheld from the East Union.

Ken Bader, vice-chancellor for student affairs, said such action could result in as much as a \$12 increase in student fees.

He defended tax support of both Unions.

"The Union is not just a student union," he said. "It is a community center that fosters opportunities to enhance educational programs of the university."

He added that records from meetings, speakers, banquets and cultural events show at least 125,000 non-students used the Nebraska Union last year.

"Since it is a community center used in educational ways, it follows logically that the state of Nebraska should pay some costs," Bader said.

He said there probably will be no fee increases until the summer of 1977.

"My commitment is to hold the line on any increased fees for next year," Bader said.

Bader said a re-alignment of the current fees allocation could prevent an increase in fees.

"A full assessment of the present fee use will be made to determine how much increase over the \$61.50, if any, will be necessary to meet the East Campus Union financial needs," he said.