

# SUMMER NEBRASKAN

Number Eight

University of Nebraska-Lincoln

4 August 1977

## Legislators, regents studying court ruling

By Steve Boerner

Legislators and the Board of Regents are studying the Nebraska Supreme Court ruling handed down last week concerning governance of the University of Nebraska, but they all seem to agree on one thing: it won't make that much difference.

"The practical effect won't be that significant," said Waverly Sen. Jerome Warner, chairman of the legislature's Appropriations Committee.

In its July 27 decision, the state Supreme Court ruled unanimously that the elected eight-member Board of Regents was the sole governing body for the University of Nebraska.

The court held that the legislature cannot direct the Board of Regents to spend the University's money, or limit

in any way their authority in governing the University.

Before last week's Supreme Court ruling, the legislature had to appropriate or approve all of the money given to the University from all sources before it could be spent: state tax dollars, self-generated funds and gifts.

Both groups—the regents and the legislature's Appropriations Committee—are now seeking clarification of the ruling to see how it applies to budget appropriations.

"As far as the relationship with the legislature, there is no change," said Regent Kermit Hansen of Omaha. "It (the ruling) is mainly a clarification of managerial capabilities after appropriations are made."

"I don't see any change in the budget process," Hansen said, because "the legislature still has the responsibility of appropriation."

The University will still be required to provide detailed budget requests to the legislature in order for it to dole out state tax money for the University budget, Hansen said.

"The Board of Regents has absolutely no role in budget appropriations."

But, according to Hansen, the legislature no longer has the right to specify how the University uses the tax money it appropriates.

"The legislature is still within its rights if it indicates intent and purpose with any appropriation," he said. "But the Board of Regents can treat this only as a recommendation and can spend appropriated money as it sees fit."

Sen. Warner said that appropriations methods, as a result of the decision, are "unclear."

"We can still appropriate tax funds for specific programs," Warner said. The directives may not be binding upon the regents, "but they would generally be followed," he added. "I wouldn't expect them to begin programs that we didn't approve."

John Gourlay, general counsel for the University of Nebraska, said he did not see any "drastic changes" as a result of the ruling.

"The ruling indicates that the legislature has general control over state tax monies, and the Board of Regents has the right to spend self-generated funds (such as tuition and student fees)."

"I know that sounds awfully vague, but that's where we're at right now," Gourlay said. He indicated that the ruling was under study by the Board of Regents.

Some concern had been voiced Friday at the Appropriations Committee meeting that the court decision may create an adversary relationship between the legislature and the Board of Regents.

Since the regents no longer have to follow the legislature's directives in spending tax money, some members felt that if the regents "improperly" spend funds it may result in subsequent budget cuts from the legislature.

Both Hansen and Warner disagreed with this analysis.

"The ruling does not place the University in any adversary relationship with the Board of Regents or the legislature," Hansen said.

From now on, he said, budget appropriations will have to be worked out with the legislature, and responsibility for spending University dollars will be placed squarely on the Board of Regents.

"The ruling gives the Board of Regents no additional responsibility," Hansen said. "But it focuses responsibility and accountability on us. Do we have on our staff all of the expertise and ability that we need to carry that (budget appropriations) out? Or have we been relying on the DAS (Department of Administrative Services) and state too much?"

The court decision has decided, Hansen said, that from now on, "the buck stops at the Board of Regents."

Hansen said that it will be two or three months before the full effect of the ruling can be fully evaluated.

"We have an internal review attitude on this," he said, "to make sure that we do it right and don't step on anybody's toes."

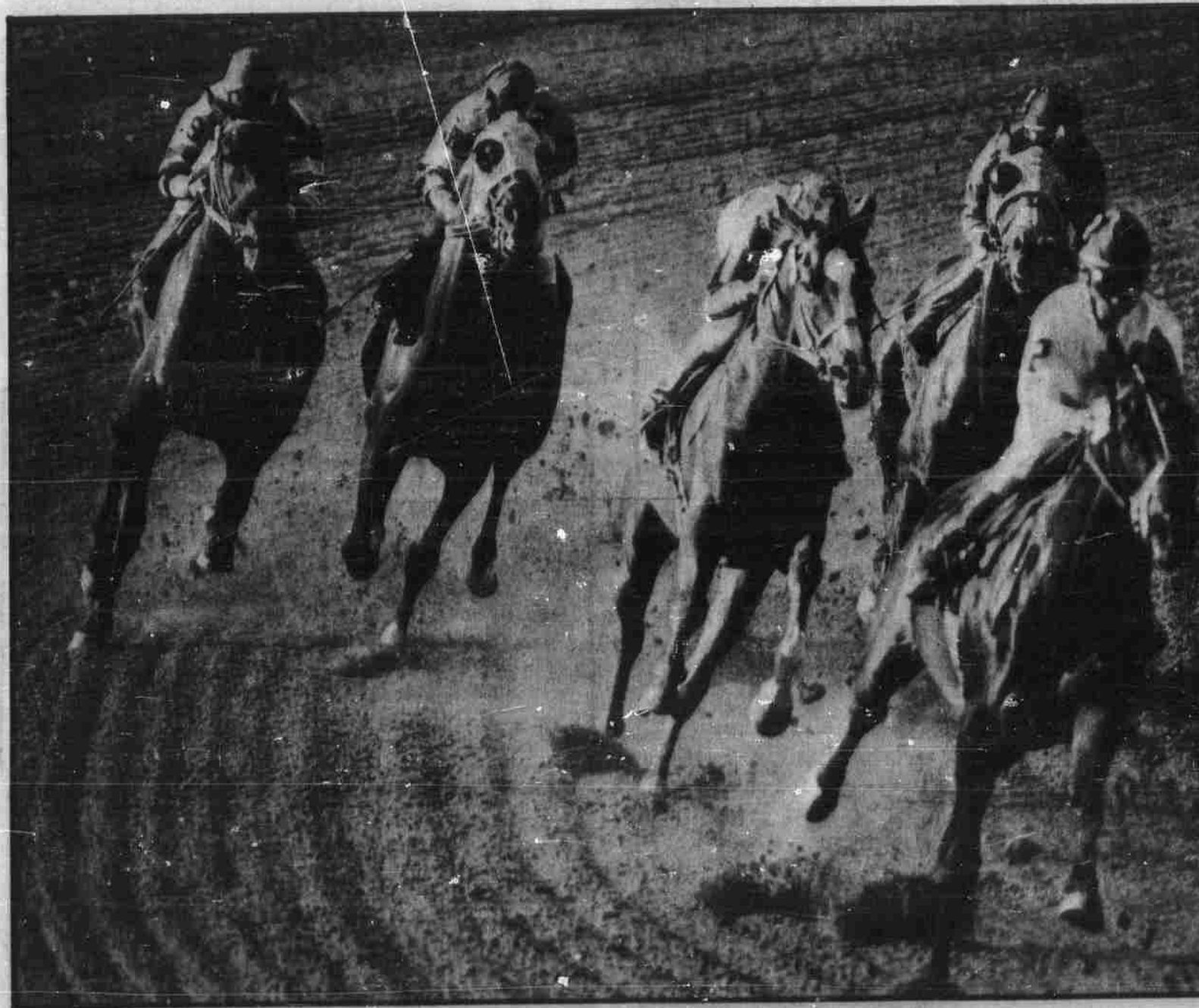


Photo by Steve Boerner

Horses and riders make the last turn in a race at the new Nebraska State Fairgrounds racetrack. See page three for photos and story.

## Tuition hikes, salary increases in future budget guidelines

Action taken at the Board of Regents meeting last Saturday could affect everyone's pocketbook at the University of Nebraska-Lincoln.

Faculty, administration and other non-academic employees' pocketbooks could be a little fatter. Student pocketbooks could be proportionately thinner.

The regents approved NU President Ronald Roskens proposed budget guidelines for 1978-79 and 1979-80. The proposal includes a 9 per cent salary increase for faculty, a 7 per cent increase for non-academic staff, and a 7.1 per cent tuition hike in 1978-79.

Roskens said the proposals emphasize salary improvement and that he has "pared back inflationary provisions and all other requests (for funds in 1978-79)" to make the increases possible.

Roskens told the regents that the average faculty salary at UNL ranks very low compared to other Big 8 and other land grant universities in the American Association of Colleges and Universities (AAU).

"We ought to make a credible effort to improve our competitive position" in faculty salaries, Roskens said.

The salary increases will be paid for by the tuition hike and a request for a 12.5 per cent increase in state general fund money, appropriated by the Nebraska Legislature.

UNL is already near the top of the Big 8 and the AAU land grant universities in tuition costs, Roskens said, and

the tuition hikes would keep it there.

The proposed increases would push state tax support of NU to \$113 million in 1978-79 and in-state tuition to \$22.50.

The 1979-80 budget guidelines give all employees a 7 per cent salary increase and pushes tuition up another 5 per cent, the same as this year's increase.

Tuition in 1979-80 would go up to \$23.60 a credit hour.

The request for state general funds would increase 13 per cent in 1979-80, Roskens said.

UNL Student Regent Greg Johnson offered an amendment to hold tuition at the present level to the proposals. Johnson's amendment was silenced on a 5-2 vote.

The Regents also voted to study the possibility of differentiating graduate student tuition from undergraduate tuition.

University of Nebraska at Omaha Student Regent John Malone made the suggestion, saying that differentiated graduate tuition is a trend many universities are following.

The graduate students make use more of the University's resources and get more individual instruction from higher paid faculty members, Malone said.

In attempting to stay within the regents' recommendations at the June meeting to keep the general fund increases to about 12 per cent, Roskens said the

University will forgo needed improvements in the next two years.

Roskens mentioned the College of Dentistry, the College of Law, the College of Pharmacy, the Institute of Agriculture and Natural Resources, UNO, and the Medical Center as areas that would be hurt.

Roskens' proposal also included a 10 per cent increase for utilities, a 5 per cent increase in the general operating fund, a 4 per cent increase in the library budget for book purchases and a 5 per cent increase for the Medical Center to pay for medical supplies.

The Regents also approved the 1977-78 operating budget, which includes a 5 per cent tuition hike and 5.5 per cent faculty salary raises.

The capital construction request for the next two years approved by the Regents, is \$9.3 million in 1978-79 and \$10.4 million in 1979-80. The request allows the renovation of one building on each of the three NU campuses, but no new construction.

Roskens mentioned Bessey Hall as the prime candidate on the UNL campus for renovation.

The Regents also approved the nomination of Dr. Delbert D. Weber as the new chancellor of UNO.

Weber was the dean of the College of Education at Arizona State University and is a native of Columbus, Neb.