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WEATHER:

Friday, mostly sunny and warm, high in the low-80s, southeast winds 5 to 15 miles per hour. Friday night, mostly clear, low 45 to 50. Saturday, sunny and warm, high near 80.

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Regents did not violate law, Spire says

By Emily Rosenbaum
Staff Reporter
and Victoria Ayotte
Senior Editor

Attorney General Robert Spire Thursday issued his opinion that the NU Board of Regents did not violate Nebraska's Open Meetings Law when it fired NU President Ronald Roskens July 31.

Although the regents did not violate the law in a "strict legal sense," Spire wrote in his opinion, the regents "remain accountable to the public for their actions . . ."

"If nothing else, the public will assess the propriety of their actions at the ballot box," Spire said. "As a result, even in instances where there is a legally legitimate closed ses-

sion, public officials should attempt to provide some type of explanation for their actions."

Spire said the public is entitled to an explanation because officials are responsible to the public and not to themselves.

"Although not legally required, the concept of open and accountable government suggests a fuller public explanation than that made by the regents," he said.

The regents were acting legally when they removed Roskens, Spire said, because they voted in open session to move into closed session to consider "personnel matters which require closed session discussion in order to prevent needless injury to the persons involved."

Because they were evaluating Roskens' job performance, the regents acted within the legal

limitations of the Open Meetings Law, which provide for a closed session in discussion of personnel matters which may harm an individual's reputation.

They also acted legally because Roskens did not ask for an open session at any time during his performance evaluations, which were May 12, June 23 and July 21, Spire said. On July 31, the regents voted to remove Roskens.

The regents voted for the removal in open session, but provided no explanation. Spire said this was legal since divulging the reasons for Roskens' removal would defeat the purpose of holding closed sessions to protect his reputation.

State Sen. Ron Withem of Papillion, who requested the opinion by Spire, said he's confi-

dent that Spire's findings are accurate.

"The attorney general is an expert," he said. "It's good to have a definitive answer."

Withem said he is pleased with Spire's opinion that the public is entitled to an explanation of Roskens' firing by the regents.

"If they can't explain . . . then I don't believe they've acted prudently or responsibly."

Daniel Meyer, a former legislative aide and lobbyist who threatened to sue the board of regents in August, said that because Roskens is a public figure, the closed session for "personnel matters" should not apply.

See DECISION on 6

Computer viruses warded off

Kendra Gill
Staff Reporter

Nationwide rumors that three computer viruses would strike this week prompted UNL's Computing Resource Center to intensify its defenses against viruses, said Gerald Kutish, associate director of the Computing Resource Center.

Although the viruses predicted to start on Columbus Day and Thursday have not struck, Kutish said, a virus that usually begins every Friday the 13th still could occur.

Virus rumors rise several times a year, he said, but increased concern about the triple threat predicted for this week required extra precaution.

The center started preparations for the viruses three weeks ago, Kutish said. Following its proactive policy, the center sent memos to deans, directors and department heads warning them of the viruses and telling them where antivirus software is available, he said.

Computer coordinators from all colleges are sent flyers on procedures used to fight and prevent the spread of viruses, Kutish said. Newsletters from the center and Business Services alert faculty members to the possibility of

a virus outbreak, he said.

Faculty members are particularly concerned about viruses because they tend to save vast amounts of research on freeware and shareware, common software that is vulnerable to viruses, Kutish said.

The center also runs a hotline that tells computer users how to avoid viruses, Kutish said. It subscribes to Virus-L, a bulletin board that tracks viruses and rates the effectiveness of antivirus programs, he said.

An extra precaution the center took was to send antivirus software to five microcomputer labs on campus, Kutish said. Programs called Disinfectant and Vaccine detect and remove viruses, he said, and can be copied onto lab users' disks.

* Kutish said users can help reduce the spread of viruses by using only legal software, keeping the original copies of programs and creating backup copies of their work.

The center has received many calls from concerned computer users, Kutish said.

"This is the biggest rumor mill I've seen since the Martians invaded Grovers Mill," he said. "But with increased precautions, we'll keep the Martians at bay."

Possible lawsuit has UNL groups adopting 'wait and see' attitude

By Jana Pedersen
Senior Reporter

Members of both COLAGE and ASUN are adopting a "wait-and-see" attitude after Dick Wood, general counsel for the University of Nebraska, told the Association of Students of the University of Nebraska it could lead NU into a lawsuit if it denies funding for COLAGE speeches.

Dave Whitaker, chair of the Committee Offering Lesbian and Gay Events, said the committee would "wait and see" if legal action would be necessary after Fund A allocations are decided.

ASUN's Committee for Fees Allocation will recommend Fund A allocations to ASUN near the end of the semester, Whitaker said.

Until then, he said, COLAGE members will prepare to justify their funding requests and will follow the same process as last spring.

Whitaker said COLAGE probably will request funding for such programs as panel discussions and educational films.

If ASUN refuses to approve funds again this year, he said, COLAGE then will have to

decide if it wants to take the student government to court.

But, he said, because COLAGE is part of the NU system, any lawsuit will have to come from outside the university, not directly from COLAGE.

Whitaker said the Nebraska Civil Liberties Union already has been contacted and expressed interest in acting on behalf of COLAGE.

"We're hoping it won't come to that," he said.

Steve Thomlison, ASUN general studies senator, said he would have to "wait and see what the student body thinks" before deciding whether he will oppose funding for COLAGE.

When COLAGE asked for funding in the spring, Thomlison opposed it.

Because few students supported the idea, he said, senators didn't support it.

"There would be no difference if students would voice the same opinion on, for example, the African student group," he said.

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William Lauer/Daily Nebraskan

The morning after

Newspapers, pizza boxes, popcorn and a few beer bottles clutter the sidewalk outside the south stadium ticket office. Students bought the last of 1,000 Nebraska-Colorado football tickets Thursday morning.

Alumni Association plans to appeal postal audit

By Ryan Steeves
Senior Editor
and Theresa Sindelar
Staff Reporter

An official with the Nebraska Alumni Association said the organization plans to appeal an audit by the U.S. Postal Service, which is billing for postage due on "improperly used discounted mailing rates."

Bryan Van Deun, the Alumni Association's executive president, said the audit, which was conducted

earlier this year, was targeted at brochures that offer discount rates for alumni group tours.

The trips offer alumni an opportunity to travel to places like Africa and Asia, he said. A faculty member usually travels along with the group to explain the regions and customs, he said.

About 10 trips a year are announced by the brochures.

Van Deun said his group feels the tours are educational, but the postal service disagrees.

"The issue is that we followed the

rules before and they accepted our mail," Van Deun said. "But now they're reinterpreting the rules."

Van Deun said the Alumni Association has been following the same mailing procedures for at least 15 years.

Although he refused to reveal the amount paid to the post office, Van Deun said the association paid the audit bill and is considering an appeal to get the money back.

If the appeal fails, the audit bill would go to the travel agencies for last year's mailing, he said, and

would lead to a 40 percent increase in future mailing for the association.

The postal service is investigating university alumni associations nationwide.

Van Deun said the Nebraska Alumni Association is joining the Council of Alumni Association Executives, which is considering legal action against the postal service.

"They (CAAEE) have a good case," Van Deun said.

Dave Failor, manager of communications for the post office in Omaha, said the postal service is

concerned that materials mailed by non-profit groups are benefiting for-profit businesses like travel agencies.

Non-profit organizations can mail at reduced rates as long as the materials mailed benefit the organizations only, Failor said.

Bill Atkins, program manager of the post office's central region financial office in Chicago, said postal inspectors began investigating non-profit organizations when postal officials discovered that some groups

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