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Correction: A student advisee of Mary Jane Visser in a story about Visser's suit against university officials (DN, Nov. 7) was incorrectly identified. The correct name is Nicole Keith. The Daily Nebraskan regrets this error.

WEATHER:
Wednesday, windy and cooler, cloudy, high of 50, winds gusting from 20 to 35 miles an hour. Wednesday night, partly cloudy, low of 30. Thursday, partly cloudy, high of 50.

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Judge denies motion to dismiss lawsuit

By Victoria Ayotte
Senior Editor

U.S. District Court Judge Warren Urbom Tuesday denied motions by university attorney David Buntain to dismiss a lawsuit by former general studies adviser Mary Jane Visser, but did dismiss one part of the lawsuit against the NU Board of Regents.

Buntain made his motions after Visser's attorney Thom Cope rested his case Tuesday morning.

Buntain said there is not enough evidence to support a jury verdict in the case. Visser's lawsuit alleges that the university fired her for exercising First Amendment rights of free speech when she told other university employees of athletic irregularities.

The conversations in question, Buntain said, are casual discussions of athletic irregularities and are not covered by a provision for free speech.

Urbom first agreed with Buntain that the conversations were not covered by free speech, but then decided to leave the issue to the jury.

But Urbom did dismiss Visser's suit against the NU Board of Regents, which stated that regents failed to protect her First Amendment

right to free speech, because of insufficient evidence.

Donald Gregory, director of the Division of General Studies, and James Griesen, vice chancellor for student affairs, still are being sued for firing Visser for exercising her First Amendment right to free speech.

Buntain also wanted Visser's sexual discrimination suit dismissed because of insufficient evidence. But Urbom said there is sufficient evidence to rule whether Visser and co-worker Michael Shada were treated differently because of their sex.

Visser's attorney, Thom Cope, said there is "plenty of evidence" that Visser had complained of athletic irregularities and was dismissed as a result. There also is evidence, Cope said, that Visser's supervisors complaining of poor work performance was a "mere pretext for the real reason."

"It's a matter for the jury to decide the cause of her termination," Cope said.

Urbom said regents are still liable in the sexual discrimination claim as the employers of Gregory and Griesen.

Urbom has yet to rule on the issue of treble damages, which would triple the amount of

damages given to Visser in case of a decision in her favor.

Before Buntain's motions, general studies adviser Michael Shada continued testifying.

Shada said he had left the office early on occasion to visit his doctoral adviser and sometimes came into the office late.

Shada said he thought Gregory had been "lenient" with Visser in allowing her to take time off for a class in the spring of 1988.

Shada also testified that co-worker Susan Carpenter had complained about Gregory's commenting on her "picking men up on street corners."

Gregory did call Carpenter on occasion "Miss General Studies," Shada said, but Carpenter also referred to herself that way on occasion and it was a standing office joke.

Gregory testified that he was concerned about alleged athletic irregularities before he became Visser's supervisor in the general studies office.

He became a non-voting member of the Intercollegiate Athletic Committee because of these concerns, he said, and discussed what happened in the committee's meetings with Shada and Visser.

"It was an ongoing office conversation," he said.

Gregory said he became concerned about Visser's work performance from the beginning of his tenure as director of the Division of General Studies in August 1987.

Visser asked for days off, which he granted even though it was a busy time of year, he said.

"I was concerned that she seemed not always to be attending to Division of General Studies business," Gregory said. "I noticed that she was virtually always late."

Gregory said Visser left the office early four or five times when Gregory had left for a weekly meeting.

Gregory said he did not discuss these problems with Visser because he was new to management in the general studies situation and did not want to seem like a "clock puncher."

"I thought we were all in this thing together and we should be on a level playing field," he said.

Gregory said he wrote a memo Dec. 10 telling Visser to "keep the calendar clear" the week of Jan. 4 because he thought the office

See VISSER on 6



Eric Gregory/Daily Nebraskan

NROTC midshipman 2nd class Richard Schwarte replaces midshipman James Walgren's "cover" after examining it during a midshipman's Battalion Commander inspection Tuesday.

Educational aid recipients battle food stamp decreases

By Jana Pedersen
Senior Reporter

University of Nebraska-Lincoln students who receive social services assistance may find their monthly food stamp allocations decreased if they are awarded federal financial aid for education.

Edie Marshall, senior criminal justice major, said her monthly food stamp allocation decreased \$64 after she received a federal student loan and Pell Grant to attend UNL.

Because the Pell Grant money wasn't specifically earmarked for tuition and fees, Marshall said, social services counted it as income and reduced her food stamp allocation.

"I'm grateful for anything I can get to make it through school and take care of my family," she said. "But as soon as I get a benefit, other (federal assistance) money is taken away."

Cindy Cox, sophomore criminal justice major, said she also is facing food stamp reductions since receiving a federal student loan.

"It's like they give with one hand and take with the other," she said.

Michelle Buresch, programs specialist for social services in Lincoln, said some forms of federal financial aid can be prorated over the granted period of time and deducted monthly from students' food stamp allocations if the money is not designated for tuition, mandatory fees, loan origination fees or loan insurance.

Any financial aid designated for child care or housing assistance is counted as income, Buresch said.

But if a student submits documentation that financial aid is not being used for child care or housing assistance, she said, food stamp allocations won't be reduced.

Marshall said after she submitted a list of expenditures to her case worker, her monthly food stamp allocation was restored and even increased over the original amount.

"I had to prove to them that it's all school-related," she said. "I even put clothing down -- anything I could think of."

But she said most non-traditional, single-parent, female students, who are most likely to be affected by the

See AID on 6

Survey shows students eat unhealthy snacks

By C.J. Schepers
Staff Reporter

Munch... crrrunch... gulp. When college students sneak a snack, they're more likely to munch on chips and cheese doodles than on nuts or popcorn, a national survey reports.

They may not know it, but their favorite snack foods are full of more than flavor. They also mostly are filled with fat and sodium -- and loads of calories, said one nutrition expert.

Kathleen Lehr of the University Health Center said chips have some amount of complex carbohydrates, but sodium and fat lead the list of chip ingredients.

"There are certainly more nutritious snacks that a person could have," Lehr said.

Lehr, a registered dietician at the University of Nebraska-Lincoln for nearly three decades, said that snacking is good for students if it's done right.

Eating between meals is fine, she said, as long as the snacks students choose provide the body with energy, vitamins and minerals, not just calories.

Students' third popular choice is popcorn, according to the recent national survey by MarketSource Corp. Popcorn is a preferable choice to candy and chips -- if it's plain, Lehr said.

Although there are "no outstanding vitamins or minerals," in popcorn, the treat is a reliable source of complex carbohydrates, Lehr said.

And bodies need carbohydrates, she said. "We need to have 50 to 60 percent of our calories coming from carbohydrates," Lehr said.

So eaters are wrong if they think they can cut out carbohydrates, she said.

Sugar-filled candy was the No. 2 favorite snack. What does the simple carbohydrate sugar have to offer? Some energy, but mostly calories, Lehr said, and zero vitamins or minerals.

Lehr said that vegetables and fruits offer better sources of energy without the calories.

That finding is probably more important to women than men.

According to UNL's Student Health Survey, women worry more about calorie intake than men.

The report shows that the majority of UNL women who were rated as having an "average," healthy weight still wanted to lose more, said Greg Barth, information systems manager for the health center.

"Females were more likely to consider themselves overweight," Barth said.

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