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Bowing out

The original Kamikaze Kids, who started a University legend four years ago, said farewell to McArthur Court Saturday. Ronnie Lee, Mark Barwig, Geoff Nelson and Bruce Coldren eyed the final seconds of the Washington State game with plenty of sadness, a few tears and the overwhelming cheers of The Pit ringing in their ears. More sports on Page 5.

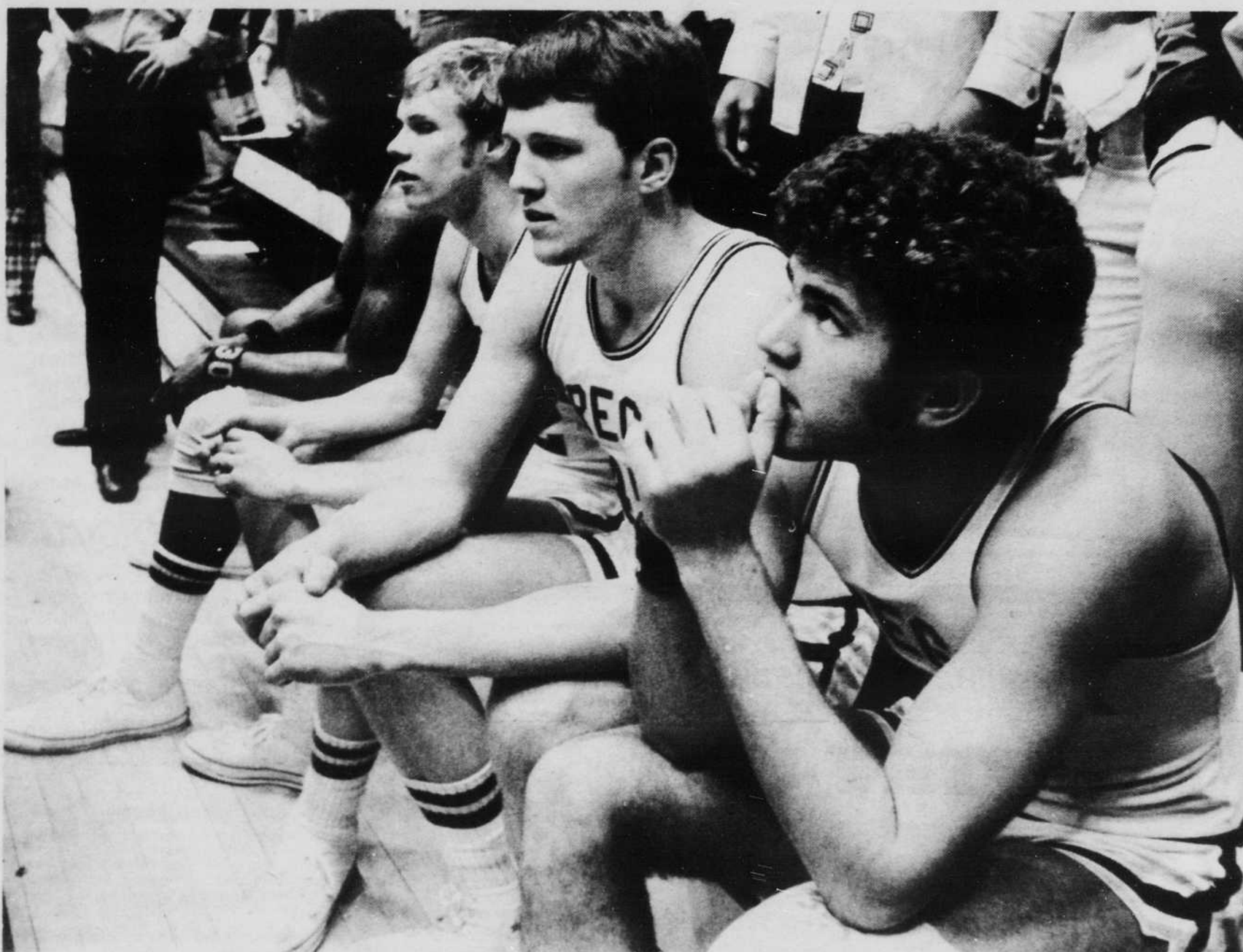


Photo by Greg Clark

Students to file tennis court suit today

By LOIS LINDSAY
Of the Emerald

A nearly half-million dollar suit against the State Board of Higher Education is scheduled to be filed today in Lane County Circuit Court, representatives of the ASUO said Saturday.

According to the student body

officials, the suit is being filed for the return of \$430,000 in excess dormitory revenue which they claim the board used illegally in 1970 to authorize the construction of tennis and handball courts at the University.

The suit will also ask for the award of six per cent interest per

year dating from the time of the alleged misappropriation.

Action on the case began in late January when Robert Ackerman, attorney for the ASUO, and 11 individual student plaintiffs accused the board of violating its own policy, the Oregon Constitution, Oregon law, and direction from

the Oregon State Emergency Board (OSEB) in authorizing the expenditure.

In a Jan. 26 letter to Edward Branchfield, legal counsel for the State Board, Ackerman claimed depletion of dormitory reserves created by the board's alleged misuse of funds had led to artificially inflated dormitory rates. He gave the board 30 days to make "substantial progress" toward settling the matter before seeking a court ruling — a time period which elapsed Thursday.

But Roy Liewallen, chancellor for the State System of Higher Education (SSHE), denied Ackerman's claims saying he felt "confident that there was no grounds for the allegation." He claimed the board acted in complete compliance with the law and its own policy in allowing the reserve funds to be spent for construction of the facility.

The formal complaint filed at Lane County Courthouse today will ask the court for a declaratory judgment finding that the 1970 actions of the board were "in excess of its power and/or contrary to its policy."

If the court issues the requested judgment, the plaintiffs will then ask it to require the defendant (the State Board) to reimburse the

dormitory fund plus interest at the rate of six per cent per year from the date of such misappropriation. The plaintiffs will also ask the court to grant them "judgment for their costs...including reasonable attorney fees" and possible supplemental relief.

The complaint is signed by ASUO Pres. Jim Bernau and 11 individual plaintiffs representing various campus dormitories. In addition, the suit involves a class action suit on behalf of all dormitory students at the University, past and present, who were inconvenienced by the board's action, according to Bernau.

Although the suit is being filed today it probably won't be docketed until October, according to Mark Cogan, ASUO administrative assistant for legislative affairs. He said the courts are badly backlogged and will probably be unable to address the issue before then.

But once the case comes to court "we have a good chance of winning," Cogan said. The administrative assistant claimed legal backing for the plaintiffs' claim is "clear" and that State Board representatives had "admitted the factual basis for our case is correct."

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GTFs continue unionization drive

The University's Graduate Teaching Fellows (GTFs) will take another step toward obtaining collective bargaining rights Tuesday, when the Employment Relations Board (ERB) hears the GTFs' testimony in their attempt to establish a bargaining unit.

Rupert Park, ERB hearings officer, will conduct the hearing at 9:30 a.m. in 101 EMU. The Organization of Graduate Teaching Fellows (OGTF) and the State System of Higher Education are expected to present opposing views on the right of GTFs to unionize.

The GTFs circulated a collective bargaining petition in December and the ERB accepted it as valid in January. But the state has challenged their right to bargain.

The state says the GTFs are

primarily students rather than teachers, as they are only employed from 15 to 50 per cent of full time. It also questions whether the GTFs have the common interest required of members of a bargaining unit under the state's bargaining laws.

While they are only part-time employees, the GTFs note their real wages have fallen 18.5 per cent since 1970. They also express a need to have hours per week and work requirements written into a contract.

Health insurance is also a big issue for the GTFs. Since they are University employees, they feel they should be entitled to the same health insurance benefits that faculty, staff and their families receive.

The OGTF is associated with the American Federation of

Teachers, one of three unions seeking to represent the University faculty in collective bargaining.

But the GTF unionization plans are not expected to interfere directly with the faculty's bargaining efforts. The GTFs are not included in the faculty bargaining unit because "faculty" in that case is defined as those with rank of instructor and higher, which GTFs are not.

Following the hearing, Park will report his findings to the ERB. The board will then give both sides a chance to object before adopting, modifying or rejecting Park's order. Should the board's ruling favor the GTFs, an election will be scheduled. If the board rules against the GTFs, however, the bargaining effort will have to be dropped.