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Referendum Dispute Spurs Lawsuit

By KATIE ABEL
University Editor

The fate of a controversial voter referendum will be decided in Student Supreme Court this week after several students filed a lawsuit to get it placed back on the Feb. 8 ballot.

Congress Speaker Mark Kleinschmidt ordered Friday the removal of a referendum from the elections ballot that would ask students to decide whether to pay about \$3 more annually in student fees to join the United States Student Association, a higher education lobbying group.

In December, Congress voted 12-10 to add the referendum to the ballot.

But the resolution was passed without the necessary two-thirds vote required

by the Student Code, and on Friday Kleinschmidt decided to remove it.

"The nature of my office requires me to follow the Code requirements for the amendment process," he said.

Four UNC students, freshmen Sandra Chapman and David Seymour and seniors Christine Williams and Corye Barbour, filed a complaint Friday afternoon against Kleinschmidt, calling his actions unconstitutional by his conformance with Title II, Article IV, Section 166 of the Student Code.

Under the provision, "No resolution calling for a referendum to amend the Constitution of the Student Body shall be passed at any time without a two-thirds vote of Congress."

But plaintiffs contend the 12-10 vote, which was passed by a simple majority, is

valid under the Constitution, the supreme law of student government.

Title 1, Article VI, Section 1 of the Constitution states that "amendments to this Constitution shall become valid when passed by a simple majority, provided that at least 2.5 percent of the student body votes on the amendment, of those voting in campus elections conducted by the Elections Board at the direction of Student Congress."

According to the lawsuit, "nowhere in the Constitution is there support for the notion that the direction of Student Congress" requires a supermajority of Congress or a two-thirds vote.

The lawsuit also cites several constitutional examples where supermajorities are

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Reading the Fine Print

Differing opinions regarding a resolution passed by a 12-10 Student Congress vote last semester have led student leaders to further examine the Student Constitution and Student Code.

Student Constitution:

The Constitution, in Title 1, Article VI, Section 1, details the procedure for making constitutional amendments and is the supreme law on that procedure. In relevant part, this section states that "[a]mendments to this Constitution shall become valid when passed by a simple majority, provided that at least 2.5 percent of the Student Body votes on the amendment, of those voting in campus elections conducted by the Elections Board at the direction of the Student Congress." Nowhere in the constitution is there support for the notion that "the direction of Student Congress" requires a supermajority of the Student Congress.

Student Code:

Title II, Article IV, Section 166 of the code states that, "No resolutions calling a referendum to amend the Constitution of the Student Body shall be passed at any time without a two-thirds vote of Congress."

SOURCE: STUDENT CONSTITUTION AND THE STUDENT CODE.

Kull's Life Cut Short By Cancer

The funeral for UNC lacrosse player Matt Kull will be held at 10:30 a.m. at the Mormon Church in Yorktown, N.Y.

By BRET STRELOW
Assistant Sports Editor

Matt Kull, a redshirt sophomore on the North Carolina men's lacrosse team, lost his battle with cancer Friday.

Visitation was held Sunday at the Beecher Funeral Home in Pleasantville, N.Y. Kull's funeral will be held at 10:30 a.m. today at the Mormon Church in Yorktown, N.Y.

Kull, a native of Mohegan Lake, N.Y., was a student at UNC during the fall semester and regularly attended the team's practices.

"When he was down here, he was at practice about every day interacting," UNC attacker Chase Martin said. "He wasn't participating, but he was interested in what we were doing."

But just before final exams started, Martin said Kull went to the Memorial Sloan-Kettering Cancer Center in New York, N.Y., to receive treatment.

"We knew that he was sick, that things weren't going very well when he had to go home," Martin said. "We never really thought this would happen."

Martin said about 30 people would travel to New York for the funeral.

UNC coach Dave Klarmann, who left Saturday for New York and could not be reached for comment, told the team at practice Friday that Kull had passed away.

Matt Crofton, a senior attacker on the lacrosse team, said he learned on New Year's Day that Kull was struggling in his fight to beat cancer.

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UNC lacrosse player Matt Kull was being treated at the Memorial Sloan-Kettering Cancer Center.

Naming Who Could Be Next

While the search for UNC's next chancellor continues to progress quietly and without a definite end in sight, The Daily Tar Heel profiles six possible contenders for the post. Turn to pages 8, 9 and 10 as the paper begins to take stock and name names.

By KAITLIN GURNEY
Senior Writer

Now five months into its hunt, UNC's Chancellor Search Committee has failed to find a finalist, but has learned that history does indeed repeat itself.

Much like the process that selected the late Michael Hooker in 1995, this search has contended with media leaks, withdrawals of likely candidates and flimsy deadlines.

The committee created a self-imposed deadline of December, which soon became unreachable as the semester progressed.

And now, Richard Stevens, chairman of the committee, says meetings will likely continue until late February.

The committee is quick to remind the public, particularly the media, that they have until May to pick the next chancellor, the original deadline set by UNC-system President Molly Broad.

This has led some to suggest that the committee is scrounging for candidates, since notable contenders have either withdrawn or expressed disinterest in the post.

As the search meanders and intensifies, speculation about UNC's next leader will continue to mount.

And the University community will

continue to wait.

The Landscape

In 1995, the University found itself scouring the ranks of academia for a new leader, fighting media leaks, much as it is today.

But in just four years, the set of figureheads presiding over the world of higher education has changed dramatically, as the UNC chancellor search committee is discovering.

Most of the University's top choices from the 1995 search have since assumed lofty university posts elsewhere, so they aren't as likely to be swayed this time by a low-paying, if idyllic, offer to go to Chapel Hill.

Attracting money to universities in all shapes and forms has increasingly become one, if not the, top duty for university leaders. Corporate and foundation heads divest of academic experience are regularly joining the ranks of college presidents.

Even UNC's search committee has declared that a candidate's fund-raising ability will be weighed equally with the more traditional qualifications of administrative experience and academic distinction.

And this year, UNC isn't alone in its search for the best. Two other top-25 universities, Stanford University and Vanderbilt University are also seeking new presidents, heightening the competition for renowned leaders by drawing from a similar candidate pool. The University of Chicago also just chose a new president.

National searches such as these, almost invariably led by executive search firms, are covered with a tight veil of secrecy, for the bright caps and



The late Chancellor Michael Hooker is inaugurated as UNC's eighth chancellor on Oct. 12, 1995. Much speculation still surrounds the search for the next leader who must fill Hooker's shoes.

gowns of academia, regalia mask one of the most cutthroat job markets in the country.

The Path to President

In the days before search firms' headhunters, professors wedded themselves to institutions and patiently waited to be promoted within the university ranks.

But slowly, the custom changed, and ambitious professors didn't wait for their own institution to discover

their talents. Traveling from smaller to increasingly larger universities sped up the process.

Today, promoting faculty to the very top administrative roles is rare, said Nancy Whitcomb, a consultant with the Educational Management Network, a national search firm based in Nantucket, Mass.

"If you hire a president from inside, it might make everyone comfortable, but it also might indicate an individual who won't be willing to

make changes," Whitcomb said.

Nevertheless, hiring from the inside is an easy way to satisfy the search committee's preference for a chancellor with North Carolina ties.

Jeffrey Houpt, dean of the UNC School of Medicine, was one of the few inside candidates reportedly being considered for chancellor, but he withdrew his name from the search after The News & Observer

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Girl Released to Social Services

The Orange County Sheriff's Department is investigating whether Hailey Bogue's mother was negligent.

By KEVIN KRASNOW
Staff Writer

The Orange County Sheriff's Department is close to finishing its investigation into whether Hailey Bogue's 17-hour disappearance into the snow last week was a product of her mother's negligence.

Four-year-old Bogue, who was released from UNC Hospitals at 3 p.m. Friday after what doctors described as a "miraculous recovery," is in the custody of the Chatham County Department of Social Welfare. Authorities kept Bogue away from her mother, Tara Christie,

pending an investigation of negligence.

Orange County Sheriff Lindy Pendergrass said the department was tying up some loose ends and planned to conclude the investigation today before going public with any information.

"The investigation should be completed by Monday morning," Pendergrass said. "At that time, the investigator (Gerald Castle) will speak with Chatham County Social Services."

Maj. Don Truelove said the sheriff's department had narrowed the param-



Four-year-old Hailey Bogue was released from the hospital Friday after recovering from hypothermia.

ters of the original investigation.

"We have ruled out foul play and, at this time, are determining whether the mother was negligent in her daughter's disappearance," said Truelove on Friday. "We just need to finish some interviews first."

Bogue's father, who lives in Roanoke Rapids, is trying to regain custody of his child, he announced at a Sunday news conference. When later phoned by Daily Tar Heel reporters, Oscar Bogue refused to comment and relayed information through a woman who chose to remain anonymous.

"We are keeping our mouths shut," she said. "We are not saying anything until the investigation is complete."

But the woman did confirm that Hailey was being taken care of by the Chatham County Department of Social

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HEADHUNTER



Junior psychology major Gznee Jones hands out "Beat Florida State" buttons at The Shrunken Head Boutique before Saturday's basketball game.

DTH/ASTA YTR

You gotta keep changing. Shirts, old ladies, whatever.

Neil Young

Carolina, Speak Out!
A weekly DTH online poll
Is Bill Guthridge to blame for the team's lackluster season?
Go to www.unc.edu/dth to cast your vote.

INSIDE
Monday

Joanna Howell Fund
Applications are now available for the Joanna Howell Fund, which commemorates a DTH staffer who died in the 1996 Phi Gamma Delta fraternity fire. The fund includes a \$250 grant for an in-depth story. Contact Managing Editor Cate Doty at 962-0245 with questions.

Constructive Critics
The DTH is seeking two members for its Student Feedback Board, which meets to discuss the paper's coverage. We'll even feed you. Contact Managing Editor Vicky Eckenrode at vicky@email.unc.edu with questions.

Everybody's Doing It
Staff applications are now available in the DTH front office and are due Jan. 25. We are seeking staffers for several desks. Contact Editor Rob Nelson at 962-4086 with questions.

Today's Weather
Snow and Rain;
Mid 30s.
Tuesday: Snow;
High 30s.