

Sunny
Wednesday will be sunny with a high in the upper 50s. Today will also be sunny with a high in the upper 60s to low 70s and an overnight low in the middle 50s.

The Daily Tar Heel

Janus Inductions
In the wee hours of the morning the Society of JANUS today inducted 42 new members. For details, turn to page 2.

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Please call us: 933-0245

Bus workers attack layoff procedures

By MARK ANDREWS
Staff Writer

Chapel Hill Transportation Department employees expressed dissatisfaction over management policies in an open letter to town residents Monday.

The letter, signed by 41 department employees, listed layoff policy as the chief grievance with town management. It complained that some transportation employees are being denied seniority rights by being laid off during the summer while others who have been on the job less time are retained.

There are 48 drivers in the town bus system. Twelve drivers will be laid off May 13 for the summer season with the positions reopening three months later.

Otis Stroud, the drivers' representative to the Amalgamated Transit Union, urged a complete return to the seniority system. Otherwise, there would be no job security, and "little things" could be held against the driver in employment decisions, he said.

Transportation Director John Bartosiewicz maintained that full-time employees will be given first consideration for summer employment. After that, he added, performance carries more weight than seniority in deciding who stays.

"Town policy does not allow layoffs strictly on the basis of seniority," he said.

Stroud insisted that management cannot always adequately judge an employee in six months, yet he said some bus drivers who have been on the job a couple of years are being laid off in favor of those who have been on the job considerably less time.

A worker may behave like a perfect gentleman for six months and then reveal his true nature, Stroud explained. If problems exist with a longer-term employee, he continued, "he should be given a chance to straighten up his work record."

The letter maintained that the layoff policy had been manipulated by management in order to retain and lay off whichever workers suit their purposes. It insisted that laying off an employee only because he was five minutes late for work one morning is unfair.

Bartosiewicz defended the merit system and said that while excused absences are not held against the employee, unexcused absences are considered in deciding which drivers to lay off.

Bartosiewicz said that no full-time drivers would be laid off during the summer. He added that those drivers who are laid off probably would be rehired in August.

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Staff photo by Bill Russ

It was raw, wet and chilly Monday afternoon when staff photographer Bill Russ took this sunset picture. And yet, and yet . . . students are in the last month of classes, the major league

baseball season starts this week and the dogwoods are blossoming; surely, it must be spring.

NCAA ruling may violate free trade law

By MERTON VANCE
Staff Writer

The success of the UNC basketball team this season prompted five UNC students to form a partnership to print and sell a bumper sticker which reads "Dr. OK: Mike O'Koren," saluting the freshman forward on the team.

But when they tried to market the bumper sticker, they ran afoul of a National Collegiate Athletic Association (NCAA) rule which prohibits the sale of any bumper stickers, posters or similar memorabilia which bear the name or picture of a student athlete at an NCAA school.

The five students—Jay Tannen, Vann Vogel, Robert Fentress, Dan Deitz and Keith Morgan—printed 2,500 bumper stickers and sold them on commission to several stores in the area.

They tried to sell some of them to the UNC Student Store, but store manager Tom Shetley said he wanted to check with the NCAA to see if the sticker violated the rule.

In a letter to Shetley, NCAA Assistant Executive Director Warren S. Brown said it did violate the rule, and Shetley declined to sell the sticker.

The stickers still were sold in off-campus stores, but all of the approximately 1,000 unsold bumper stickers have now been removed from the shelves, Tannen said.

The members of the partnership have serious doubts about the ability of the NCAA to enforce the rule.

The controversy centers on a part of the NCAA constitution which reads: "Subsequent to becoming a student-athlete . . . an individual shall not accept any remuneration for or permit the use of his name or picture to directly advertise,

recommend or promote the sale or use of a commercial product or service of any kind, and he shall not receive any remuneration for endorsing a commercial product or service through his use of such product or service."

In the July 15, 1976 issue of the *NCAA News*, the organization's newsletter, the NCAA expanded the interpretation of this rule to mean "if a student-athlete's name or picture appears on an item without his knowledge or permission, he (or the institution acting in his behalf and in his name) is required to take affirmative action to have his name or picture removed from the item."

"Affirmative action" means that the school must do all it can, up to and including legal action, to stop the manufacture of the item, according to David Berst, NCAA executive assistant for enforcement.

"It could jeopardize an individual's eligibility if he does not take action to stop it," Berst said.

He said that in the cases in which schools have asked manufacturers to stop making an item, the manufacturers have complied voluntarily, and so far there have not been any law suits involving the rule.

At UNC, when a problem arises, the player involved is asked to write a letter to the manufacturer asking that the product be removed from the market. So far, this procedure has worked, according to Moyer G. Smith, assistant athletic director.

The NCAA's insistence that athletes and their schools police the manufacture of posters and bumper stickers has disturbed some people and raised some unanswered legal questions.

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Discussion continues on budget request

UNC President Friday to push for additional money

By TONY GUNN
Staff Writer

UNC President William C. Friday will continue to push for more money in the 1977-79 UNC system budget today at a hearing of the joint appropriations committee on higher education.

The discussion will center on the system's supplementary budget request, which totals \$142 million.

"They'll start looking at it to see if anything needs taking out," Friday says.

"Of course, we're going to be right over there arguing to keep it in. In other words, we're getting down to decision time now. It's going to get very difficult."

Topics expected to be discussed today include faculty salary increases, the proposed veterinary school at N.C. State and funding for enrollment growth and libraries.

Last week Friday proposed a 20 per cent faculty pay increase over the next two years, a motion endorsed by

the University system Board of Governors and the UNC-CH Faculty Council.

Gov. James Hunt and the Advisory Budget Commission (ABC) have recommended an increase of only 6.5 per cent for 1977-78. They have not mentioned an increase for the following year.

"It's still a very fluid thing," Friday says. "Nobody is saying anything that would lead you to believe that they want to reduce the six and one-half (per cent increase); the idea is to add on."

"We've been in very strenuous negotiations on that point, but it's still, I think, a considerable distance from an ultimate decision."

Friday says that he doesn't think, and never has thought, that a pay hike would result in an increase in tuition costs.

He says he feels that if the legislature appropriates the increase for faculty, then additional money must be appropriated for University employees who are not classified as teachers but who are state officers.

"For us that is the equivalent of about three and one-half million dollars add-on money, which would mean we would have more than six and one-half once we get through the allocation."

Friday says that it is too early to predict what allocations will be granted, but he says he feels discussions will be getting more specific in about three weeks.

"People are sympathetic, and they understand, and they want to help. The question is—how far can they reach?"

He notes that the legislature will meet again in January to make more appropriations.

"It's not as though they were going to be gone for two years, and we're hopelessly trapped. They'll appropriate one budget, be gone six months, and be right back."

Teachers have discussed unionization if the pay increase is not granted.

Another issue at the hearing today will be the vet school. "The problem is, it is so expensive," Friday says.

"It's up to \$36 million to build the plant. And you can't do it piecemeal. You either get it or you're out of it."

The University system wants \$2 million for operating funds and \$9.25 million for the initial capital investment.

"I think they'll wait probably until there's a little more settlement on the revenue side; then we'll know better," Friday says.

The amount of money available will not be known until at least April 15, when income-tax returns are due.

In addition to the system's request, a senator and a representative have introduced similar bills for the vet school.

Two rural legislators, Rep. Robert Z. Falls, D-Cleveland, and Sen. Vernon E. White, D-Pitt, introduced the bills March 16. They also requested \$10 million in construction money.

The bills and the UNC system's request are treated separately, Friday says.



Staff photo by Bill Russ

More than 1,000 persons are enrolled in the UNC Evening College. Most have full-time jobs and attend college part time.

Night students no longer in dark

By PATTI TUSH
Staff Writer

Twice a week Frederick Palmdahl leaves his full-time job as operations manager for the UNC Computation Center and returns to campus at night as a part-time student. Palmdahl has been doing this for 15 years and has earned 84 hours of college credit.

He's one of more than 1,000 students who attend the Evening College. In its 18th year, the Evening College offers up to 90 hours of college credit to area residents and University employees who cannot attend UNC full time.

"I think the courses have been great," Palmdahl says. "The members of the faculty are encouraging, and I see no real difference between night classes and day classes."

Palmdahl has attended both day and night classes through the Evening College. Each student may register for one day course each semester after day students have preregistered.

In fact, approximately half the Evening College students take only one day course and no night courses each semester, Director Dwight C. Rhyne says.

"The Evening College is just like the General College or the College of Arts and Sciences," he says. "It's merely a means through which students can take courses."

It is the only way students can attend UNC part-time because all other colleges in the University require students to enroll for at least 12 hours a semester.

"The Evening College was set up to accommodate people working full time who want to go back to school," Rhyne says. These people cannot attend school full time.

A questionnaire completed last spring determined that 80 per cent of Evening College students work during the day, and 57 per cent work at least 40 hours a week.

The survey also showed that 68 per cent of the students were female and the average age was 27. Just over 50 per cent were married with no children.

Palmdahl, now in his mid 40s, says the age gap presents no problems for him. "You do not feel like some kind of an oddball in classes with younger students. They do have an appreciation for older students."

Students may enter the Evening College as prospective degree candidates or continuing-education students. Prospective degree candidates must have graduated from an accredited high school and meet minimum University requirements. Depending upon their qualifications, they may be admitted on probationary status.

The cost of the Evening College is the same as for any other University college. Students enrolled for more than six hours a semester must pay all tuition and fees, \$239 for North Carolina residents and \$1,061 for nonresidents. Students enrolled for fewer than seven hours pay according to the number of hours they take.

But for full-time University employees such as Palmdahl, tuition is free. It is also free for students 65 and older.

Continuing-education students need not meet minimum University requirements but must maintain a C average.

This semester, 257 Evening College students are working toward degrees, 389 are not. In addition, 386 students take graduate courses part time through the Evening College.

The evening course curriculum consists of about 30 courses each semester on the freshman-sophomore level—the basic requirements prerequisite to most departmental degrees.

This semester there are general or introductory courses in psychology, accounting, English, botany and many other subjects. There are also more specialized courses such as gems and gem materials.

The Evening College offers no degree program. Evening students who want a bachelor's degree must eventually transfer into the day program or take day courses part time.

Rhyne, who has been director since 1966, has tried to implement a degree program for several years.

The degree program proposed by Rhyne involves departments offering core courses in the evening.

"The major problem is money," he says. "Take, for example, the chemistry department. They're taking as many students as they can right now. In order to expand, there would be additional faculty needed and also additional lab facilities. And that's just one department."

"The Evening College is simply an administrative structure within the University."

As such, it must compete for funds with all other University schools and colleges.

Action delayed on student legal service

By JAY JENNINGS
Staff Writer

A court judgment on whether the UNC Student Legal Service can institute a program of completely prepaid legal aid to UNC students was postponed until May 2 in Charlotte Federal District Court Monday.

At issue was whether UNC Student Legal Service can operate under what is called a closed-panel system, whereby the office is not required partially to reimburse students who choose to opt for private legal services instead of using the attorney provided by the Student Legal Service. Fees paid by all students fund the service.

The Student Legal Service office is trying

to overturn an N.C. statute which prohibits the closed-panel system. The N.C. Bar Association is opposing the effort in court.

At present, the Student Legal Service operates under an open-panel system, which means there is an opt-out fund of \$1,750 to partially pay the legal fees of students who choose to be represented by a private lawyer rather than by the student service.

In the court action Monday, the judge denied three motions by the state bar association which disputed Student Legal Service's right to institute a closed-panel system, and reserved judgment until May 2 on the service's motion for summary

judgment on the constitutionality of the closed-panel system.

Student Atty. Dorothy Bernholz said she was hopeful that the judge would rule in favor of the legality of closed-panel systems at the May 2 hearing. She said the motions by the state bar association which were denied did not argue the legal merits of the student service's case, but merely focused on alleged procedural irregularities.

Bernholz said the closed-panel system would be analogous to the system prevailing at Student Health Service, where each student pays a health fee but is not reimbursed if he or she opts for a private doctor.



Staff photo by Bruce Clarke

A Chapel Hill Police Department policy requiring off-duty officers to carry guns will soon be reviewed by the Board of Aldermen.

Town evaluates off-duty officer weapons policy

By CHIP PEARSALL
Staff Writer

The Chapel Hill Police Department's policy of requiring off-duty officers to carry their weapons whenever practical could be affected by a department report to be submitted to the Board of Aldermen within the next two weeks.

The report by Police Chief Sidney Hilliard and Lt. Arnold Gold was spurred by the fatal shooting last Nov. 11 of Kenneth Edwards of Chapel Hill. Edwards was shot by Detective Lt. Robert Brooks.

Brooks was off duty at University Mall when he spotted Edwards, wanted by local police on several warrants. After calling the police station to request an on-duty officer to assist him with the arrest, Brooks watched Edwards. When Edwards started to leave the mall, Brooks approached him, and a scuffle ensued. Brooks' service revolver slipped from his holster during the scuffle. He was holding it while in pursuit of Edwards, who had broken away from him, when the shooting occurred.

In accordance with standard procedure, Brooks was suspended from the police force while the State Bureau of Investigation (SBI) looked into the incident.

He was reinstated to the department in mid-December after the SBI report cleared him of any wrongdoing in the case.

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