



MONTANA UNIVERSITY SYSTEM
Office of the Commissioner of Higher Education

46 N Last Chance Gulch | PO Box 203201 | Helena, Montana 59620-3201
(406) 444-6570 | FAX (406) 444-1469

AGENDA
Montana Board of Regents Meeting
January 18, 2007
On the Campus of The University of Montana
Helena College of Technology

7:30 A.M. EXECUTIVE SESSION – Dean's Conference Room
Consideration of Honorary Degrees

8:00 A.M. FULL BOARD CONVENES – Student Center

ROLL CALL and INTRODUCTIONS

ACTION

- a. Distance Learning Tuition and Fees – [ITEM 134-105-R0107](#)
- b. Expansion to Washington-Grizzly Stadium; The University of Montana – [ITEM 134-1007-R0107](#)

CONSENT [Link](#)

INFORMATION and DISCUSSION

- Commissioner's Report
 - a. Strategic Plan Update
 - b. Legislative Process and Priorities
 - c. Other
- Update on MGSLP (Montana Guaranteed Student Loan Program) – Bruce Marks
- Update on SAF (Student Assistance Foundation) and MHESAC (Montana Higher Education Student Assistance Corporation) – Jim Stipcich

PUBLIC COMMENT

11:45 A.M. BOARD OF REGENTS ADJOURNS

1:00 P.M. MEETING OF THE BOARD OF EDUCATION [Link](#)



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CONSENT AGENDA

Academic/Student Affairs Supplemental Materials at http://mus.montana.edu/asa/BOR_Supplemental/jan2007suppmat.htm.

- a. Certificate in Practical Nursing, Flathead Valley Community College
[ITEM 128-301-R0905](#)
- b. Resolution on International Studies [ITEM 134-103-R0107](#)

Administrative/Budget

- a. HPER Building Bleacher Project; Montana Tech of The University of Montana -
[ITEM 134-1501-R0107](#)
- b. Transfer of Property from the Helena School District # 1; The University of
Montana-Helena College of Technology – [ITEM 134-1901-R0107](#)
- c. Computer Fee Proposal; Montana State University-Billings – [ITEM 134-2701-R0107](#)

Staff and Compensation

- a. Revise Effective Date Of Vehicle Safety Policy 1910; Montana University
System - [ITEM 134-102-R0107](#)
- b. Approval of University System/Employee Joint Venture Under MUSP 407, Orser
and Pittendrigh; Montana State University-Bozeman – [ITEM 134-2003-R0107](#)
- c. Approval of University System/Employee Joint Venture Under MUSP 407, Gray
and Goodsell; Montana State University-Bozeman – [ITEM 134-2005-R0107](#)
- d. Office Commissioner of Higher of Education [ITEM 134-100-R0107](#)
- e. Montana Tech of The University of Montana – [ITEM 134-1500-R0107](#)
- f. Authorization to Confer the Title of Professor Emeritus of Anthropology upon
Leslie Davis; Montana State University-Bozeman – [ITEM 134-2001-R0107](#)
- g. Authorization to Confer the Title of Professor Emeritus of Biology upon Ernie
Vyse; Montana State University-Bozeman - [ITEM 134-2002-R0107](#)
- h. Montana State University-Billings – [ITEM 134-2700-R0107](#)

January 18, 2007

ITEM 134-105-R0107

Policy on Annual Tuition & Fees for eLearning

THAT:

The Board of Regents authorize the campuses of the MUS to:

- ◆ propose and present tuition and fees for State supported, academic credit bearing eLearning courses in accord with Policy 940.12.1;
- ◆ assess a minimum of 200% of resident student tuition for non-resident students who are registered as solely on-line students;
- ◆ at a minimum, waive Mandatory Athletic, Health & Dental, and Student Government & Activity Fees for solely on-line students enrolled in State supported, credit bearing courses, and to waive additional Mandatory Fees as desired by the campuses, as well as to offer the solely on-line students a positive check-off opportunity to pay those waived Mandatory Fees if the students so desire; and
- ◆ allow the campuses to determine the residency status of their students and to assess the applicable tuition and fees for on-site students who are also taking on-line courses, including Non-mandatory distance delivery fees, and WUE waivers for those who qualify, as appropriate.

EXPLANATION:

This policy will allow for greater consistency across campuses in the assessment of tuition and fees for solely on-line students and for students receiving mixed delivery, both on-site and on-line courses. It will also provide a common minimum base tuition level of 200% of resident tuition for non-resident, solely on-line students. It will reduce the cost of Mandatory Fees for solely on-line resident and non-resident students and improve affordability for resident students, while allowing non-resident tuition pricing to remain competitive in the greater on-line market. This Policy formalizes Board of Regents' Item No. 133-110-R1106.

**MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual**

SUBJECT: FINANCIAL AFFAIRS

Policy 940.xxxx - Annual Tuition and Fees for e-learning; Montana University System

Effective: Fall Semester 2007

Board policy:

1. Approval of a schedule of tuition and fees, and each request to approve tuition or fees for solely on-line students will be done concurrently with the submittals for on-site students, as set forth in Policy 940.12.1.
2. Tuition rates for solely on-line non-resident students shall be set at no less than 200% of the proposed resident student tuition rates. This policy imposes no ceiling for the non-resident tuition rates for solely on-line non-resident students, nor does it prohibit the campus from utilizing, as appropriate, the Western Undergraduate Exchange program tuition rate for qualified non-resident students who are studying solely on-line.
3. Regardless of residency status, students who are on-site, but who are also taking campus on-line courses will be assessed the tuition and fees for all courses as if they were all taken on-site, plus the addition of any applicable Non-mandatory *eLearning* or on-line delivery fee.
4. The campuses registering resident and non-resident students who are taking solely on-line courses shall waive a minimum of the following selected campus Mandatory Fees:
 - a) Student Activity and Student Government Fees;
 - b) Student Athletic Fees;
 - c) Student Health and Dental Fees; and
 - d) Other Fees not related to Technology Fees, Academic Support Fees, or Building Fees, that are for student-based activities which a solely on-line student cannot access or utilize.
 - e) Additional Mandatory Fees may be waived by the campuses at their discretion in order to respond to the higher education on-line market pricing and competition.
5. Campuses, at their discretion, may offer solely on-line students the opportunity to pay any or all of the above fees listed in item No. 4, on a positive check-off basis.
6. This policy applies only to State-supported, credit bearing courses that are delivered entirely on-line to the solely on-line student.
7. Campus policies regarding the residency status of a student shall govern whether a solely on-line student is identified as a resident or a non-resident student for tuition and fee purposes, in the same manner in which on-site students are identified.
8. This policy rescinds all previous Regents' policies that were approved for on-line tuition and fees, except for those related to the delivery of specific academic programs of on-line study.

Definitions:

A solely on-line student is defined as one who is taking only web-based, State supported, academic credit bearing courses offered through a unit of the Montana University System. Excluding Continuing Education or Self-Supporting courses and non-credit bearing courses, any on-site course which requires a face to face meeting with the faculty or course instructor is not considered a solely on-line course.

History:

In further development of Item No. 133-110-R1106 (Nov. 2006) and rescinds Item No. 120-2005-R0703 (July 2003).

**Montana University System
Primary Campuses - Fees Only - Spring 2006
BoR Meeting, January 18, 2007**

MANDATORY FEES:

- Are assessed to each student registering at the campuses, regardless of the academic program.
- Are assessed with some starting at one credit at lesser rates, attaining full assessment at seven credits or twelve credits, while others are assessed as a per credit fee throughout the credit load, with or without a flat spot, and occasionally without a ceiling.
- Are applicable to the student and not to a program, and select fees are currently waived by all campuses under the Simultaneous Registration Board Policy No. 305.1
- Are determined by the respective campus, vary widely amongst the campuses, and are generally permissive based on Board policy.
- Are generally deposited into campus non-general operating funds, dependent upon the identified ultimate purpose for the fee.
- Include the Utility Surcharge Fee and Registration Fee which are deposited to the General Operating Fund by all campuses assessing them.

PER SEMESTER FY07	Lower Division, Undergraduate, Student Activity & Related Fees (Proposed for on-line waiver)*									Athletic	Health
	Gov't/Actvty	Starts	Incremental	Ceiling	Radio Fee	Re-Cycle Fee	Stu Paper Fee	Rec Ctr Fee	Trans/Bus Fee		
MSU-Bozeman	Flat \$61.15	Starts @ 7 cr	no	\$59.50 @ 7 cr	incl	n/a	incl	incl	incl	Flat \$64.25 starts @ 7 cr	Flat \$139.50 starts @ 7 cr
MSU-Billings	Flat \$6.50	Starts @ 1 - 3 Cr	\$15.50 for 4-6 cr	\$33.50 @ 7 cr	n/a	n/a	incl	Flat \$15 @ 1 cr	n/a	\$25 for 1-7 cr Flat \$34.50 @ 8 or more	Flat \$49.50 starts @ 7 cr
MSU- Northern	\$3.34/cr	Starts @ 1 cr	\$3.34/cr accumulating	\$40.08 @ 12-18 cr then incremental	Flat \$10.30 Starts @ 12 cr	n/a	incl	incl	n/a	Flat \$20.60 starts @ 7 cr	Flat \$22.28 starts @ 7 cr
MSU-GF CoT	Flat \$8	Starts @ 1 cr	no	\$8	n/a	n/a	n/a	none	n/a	none	not required
UM-Missoula	Flat \$30	Starts @ 7 cr	no	\$30	Flat \$5 Starts @ 7 cr	Flat \$4 Starts @ 7 cr	Flat \$4 Starts @ 7 cr	Flat \$85 Starts @ 7 cr	Flat \$12.50 Starts @ 7 cr	Flat \$18 @ 1-6 cr Flat \$36 @ 7 cr or more	Flat \$21 @ 1-6 cr Flat \$169.75 @ 7 cr
UM-MT Tech	Flat \$20	Starts @ 4 - 6 cr	Flat \$40 @ 7 cr	\$40	incl	n/a	incl	\$2.54/cr Starts @ 1 cr	n/a	Flat \$12.35 for 1-6 cr Flat \$32.45 @ 7 or more	Flat \$27.04 starts @ 7 cr
UM-Western	Flat \$50	Starts @ 7 cr	no	\$50	Flat \$20 Starts @ 1 cr	Flat \$2 Starts @ 7 cr	Flat \$3 Starts @ 1 cr	incl	n/a	Flat \$28.25 starts @ 7 cr	Flat \$35 starts @ 7 cr
UM-Helena CoT	Flat \$10	Starts @ 1 cr	no	\$10	n/a	n/a	n/a	n/a	n/a	none	not req'd

* To be waived ONLY for purely on-line students

CAMPUS	May Add @ Request Under 7 Cr or off-site	Presently Already Waived (Y/N) for off-campus:			
		Student Interns	Student Teachers	On-Line Students	Student Nurses
MSU-Bozeman	Activity, Athletic Health	Activity, Athletic Health	Activity, Athletic Health	Fees do not apply until 7 credits	Activity, Athletic Health
MSU-Billings	Health Recreation	No	No		CoT - No
MSU- Northern	Health	No charge site Fee	No	Gym, Radio, Health Activity, Athletic, SUB	Waive same Fees, charge site Fee
MSU-GF CoT	No	n/a	n/a	No	n/a
UM-Missoula (On-Line MBA Students Only)	Activity, Health Recreation	No	No	Activity, Athletic, Bus, SUB, Radio, Paper	No
UM-MT Tech	Activity, Recreation	n/a	n/a	Athletic, Health, Activity, Acadmic Bldg	n/a
UM-Western	Activity, Health Athletic	No charge site Fee	No charge site Fee	SUB, Radio Yearbook, Paper	n/a
UM-Helena CoT	n/a	n/a	n/a	No	n/a

Updated: 12/19/06

Students at select campuses who are registered for fewer than seven credits (half-time) are allowed the option to pay the additional fees for access to student government, student activity programs, health & dental, or athletic events, on a case by case request basis. Students who are registered for more than six credits must pay those fees if they are on campus. However, even some full-time students who are residing more than 50 miles from campus as interns, student teachers, or at extended nursing campus sites are not required to pay the fees shown in the Table to the left. Some campuses have agreements in place that allow the students of other campuses to use the local campus facilities and services where they are taking classes, if the students pay the local campus fees for such.

ITEM 134-1007-R0107

Expansion to Washington-Grizzly Stadium; The University of Montana

THAT:

Consistent with the provision of MCA 20-25-441 and 20-25-442, the Board of Regents of Higher Education authorizes The University of Montana–Missoula to implement steps necessary to expand Washington–Grizzly Stadium. In addition, in support of a resolution passed by the Associated Students of The University of Montana, the board authorizes a five year only increase of \$10 per semester in the Student Athletic Fee, in return for which the students will be allocated 750 additional seats in Washington–Grizzly Stadium.

Project scope is to:

- Increase seating on the east side of the stadium by approximately 2000 seats
- Construct additional concessions, restroom facilities and ADA accessible seating
- Miscellaneous minor stadium improvements

This project, at an estimated not-to-exceed cost of \$5,500,000, will be financed with revenues from the sale of tickets, concession revenue and contributions. The project financial plan is attached.

EXPLANATION:

UM has seen an increase in enrollment each fall since 1991. Because of recruiting and marketing efforts by UM at the state and national levels, we expect this trend to continue, with the demand for stadium seats increasing along with growth in student enrollment.

Pursuant to MCA 18-2-102(2)(b) and MCA 20-25-302, the board is authorized to approve this construction. As allowed by MCA 20-25-441 and 20-25-442, it is the intent of the University to transfer ownership of the stadium to the UM Foundation for the duration of the design and construction period of this stadium expansion project.

This authority request is for an amount greater than \$150,000, which requires the following additional information pursuant to Policy 1003.7, Authorization for Building Projects:

(a) Project Description:

The work performed under this authority encompasses the construction of additional seats, concessions, restrooms and circulation systems on the east side of Washington Grizzly Stadium. This expansion will add approximately 2000 seats.

(b) Cost estimate and Funding Sources:

Construction	\$4,000,000.00
Architectural Fees and Administrative Costs	500,000.00
Printing and Bidding Costs	500.00
Non-Contracted Labor	5,000.00
Utilities	44,500.00
Contingency	900,000.00
Equipment	50,000.00

PROJECT TOTAL	\$5,500,000.00
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(c) Programs Served, Enrollment Data, Projected Enrollments:

Due to the success of the UM football program, we expect that there will be a modest increase in enrollment as a result of the stadium expansion.

(d) Space Utilization Data:

The work completed under this authority will provide space that is not currently available on campus.

(e) Projected Use for Available Residual Space:

Not applicable to this request

(f) Projected O&M Costs and Proposed Funding Sources:

O&M costs for the new facilities are projected to be \$5,000 annually and are fully borne by Intercollegiate Athletics.

Financial Plan Summary January 2007

Executive Summary

The University of Montana plans to expand Washington – Grizzly stadium by approximately 2000 seats with the project being completed in time for the 2008 football season. The project cost has been estimated not to exceed \$5.5 million. The project will be financed as indicated below:

- An internal loan of \$2.5 million from UM's Revenue Bond Pool. This loan will be repaid at an interest rate of 5%
- An internal interest free loan of \$1,324,444 from UM's Plant Fund Interest Earnings
- Cash from North End Zone ticket sales, the Eastside expansion ticket sales and contributions from the Bookstore and Dining Services in the amount of \$1,175,556
- The project will be paid off within five years

To insure that the Athletic Department continues to operate within its financial boundaries during the repayment period of the stadium expansion, additional revenue from the temporarily increased student Athletic Fee and from new ticket revenue will be allocated to them for operations. Additionally, a contingency fund will be established to handle any unanticipated fluctuations in ticket sales.

The University of Montana-Missoula
Financial Plan
2008 East Side Stadium Expansion

Project Cost	5,000,000							Student Fee @ \$10 per semester
2,000 new seats/750 additional seats for students Financed through cash up front and internal loans								
		FY08	FY09	FY10	FY11	FY12	FY13	Total
Sources of Funds:								
Student Fee @ \$10/Semester	160,000	220,000	220,000	220,000	220,000	220,000		1,040,000
New Seat Revenue		138,750	138,750	138,750	138,750	138,750	138,750	693,750
GSA Membership (Gold)		40,700	40,700	40,700	40,700	40,700		162,800
GSA Membership (Silver)		50,000	50,000	50,000	50,000	50,000		200,000
GSA Membership (Copper)		22,500	22,500	22,500	22,500	22,500		90,000
Club Seating		500,000	500,000	500,000	500,000	500,000	500,000	2,500,000
Dining/Bookstore	80,000	50,000	50,000	50,000	50,000	50,000		280,000
North End Zone Revenues	420,479	745,000	745,000	745,000	745,000	745,000	745,000	4,145,479
TOTAL	660,479	1,766,950	1,766,950	1,766,950	1,766,950	1,766,950	1,383,750	9,112,029
Uses of Funds:								
Institutional Debt Service		(450,000)	(1,275,000)	(1,250,700)	(1,178,744)			(4,154,444)
Purchase Sound System		(200,000)						(200,000)
Cash to Project Account	(560,479)	(615,077)						(1,175,556)
Project Funds & Loan Repayment	(560,479)	(1,265,077)	(1,275,000)	(1,250,700)	(1,178,744)	0	0	(5,530,000)
Contingency		(190,000)	(190,000)	(190,000)	(190,000)	(190,000)	(190,000)	(950,000)
Athletics Operations	(100,000)	(311,873)	(301,950)	(326,250)	(398,206)	(1,193,750)		(2,632,029)
NET SOURCES	0	0	0	0	0	0	0	0

ITEM: 134-1007-R0107 Attachment

September 21-23, 2005

ITEM 128-301-R0905 **Authorization to Establish a Certificate Program in Practical Nursing; Flathead Valley Community College (FVCC)**

THAT: Board of Regents of Higher Education authorizes Flathead Valley Community College to establish a certificate program in Practical Nursing

EXPLANATION: Flathead Valley Community College seeks approval from the Montana Board of Regents for a Level II Certificate program in Practical Nursing. Students take a combination of lecture, lab and clinical courses that prepare them to work as licensed practical nurses (LPNs). LPNs in Montana earn an average annual income of \$25,450 with experienced LPNs earning up to \$34,000. Licensed practical nurse employment will increase in response to long-term care needs of an increasing elderly population and general growth of health care. FVCC's Practical Nursing program will prepare students to sit for licensure, address current health workforce supply challenges and establish a curriculum that provides opportunities for continued studies in nursing.

MONTANA BOARD OF REGENTS

LEVEL II REQUEST FORM

Item No.: 128-301-R0905 Date of Meeting: September 21- 23, 2005
Institution: Flathead Valley Community College
Program Title: Practical Nursing Program

Level II proposals require approval by the Board of Regents.

Level II action requested (check all that apply): Level II proposals entail substantive additions to, alterations in, or termination of programs, structures, or administrative or academic entities typically characterized by the (a) addition, reassignment, or elimination of personnel, facilities, or courses of instruction; (b) rearrangement of budgets, cost centers, funding sources; and (c) changes which by implication could impact other campuses within the Montana University System and community colleges. Board policy 303.1 indicates the curricular proposals in this category:

- 1. Change names of degrees (e.g. from B.A. to B.F.A.)
- 2. Implement a new minor where there is no major;
- 3. Establish new degrees and add majors to existing degrees;
- 4. Expand/extend approved mission; and
- 5. Any other changes in governance and organization as described in Board of Regents' Policy 218, such as formation, elimination or consolidation of a college, division, school, department, institute, bureau, center, station, laboratory, or similar unit.

Specify Request:

Flathead Valley Community College proposes creating a certificate program in Practical Nursing.



Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

December 14, 2006

Cheryl Richards, BSN, RN
Flathead Valley Community College
777 Grandview Dr.
Kalispell MT 59901

RECEIVED
DEC 22 2006
Montana University System

Re: Initial Program Approval
Practical Nursing Certificate Program

Dear Ms. Richards:

The Montana Board of Nursing is pleased to notify you that it has formally given its initial approval to Flathead Valley Community College to offer a Practical Nurse Certificate Program, contingent upon FVCC's receipt of authorization from the Montana Board of Regents. I am sending a copy of this letter to the Board of Regents.

The Board of Nursing is satisfied that all administrative rule requirements applicable to initial program approval are met by FVCC's PN certificate program proposal including but not limited to availability of qualified faculty for the program, the availability of appropriate clinical experiences for students, and the sufficiency and appropriateness of the proposed curriculum. As you know, FVCC is among the first nursing programs in the Montana University System (MUS) that will be implementing the core curriculum common to both PN certificate programs and RN associate degree programs. That curriculum was recently developed by the nursing program directors for the purposes of facilitating transfer of credits among units of the MUS and providing an avenue for practical nurses to transition into a registered nursing program should they wish to do so.

The Board of Nursing will initiate and facilitate the convening of nursing program directors after the curriculum has been more fully implemented to further assess, evaluate, and modify the curriculum as needed to continue to assure the preparedness of graduates for the rigors of practice and to protect the public health, safety and welfare.

Cheryl Richards, RN, BSN
December 14, 2006
Page Two

The board notes that FVCC will be using simulation to complement students' live clinical experiences, particularly in the area of pediatrics. The board is supportive of using simulation in that manner. Your assessment that simulation should not supplement or supplant but only complement live clinical experiences is correct. The board would appreciate feedback on your assessment of the benefits and drawbacks of simulation as a teaching and learning tool.

Best wishes to you and your faculty.

Sincerely,

A handwritten signature in black ink that reads "Susan Raph, RN". The signature is written in a cursive style with a large initial "S" and "R".

Susan Raph, RN, President
Montana Board of Nursing

cc: Montana Board of Regents



MONTANA UNIVERSITY SYSTEM
Office of the Commissioner of Higher Education

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Minutes
Academic & Student Affairs Committee Teleconference
December 21, 2006

Regent Lynn Hamilton, Committee Chair, called the meeting to order at 10:04 a.m.

Roll Call

Deputy Commissioner Roger Barber took roll: all committee members were present.

ACTION

- a. Certificate in Practical Nursing, Flathead Valley Community College. Item 128-301-R0905. Deputy Commissioner Roger Barber recommended that the item be approved with the proviso that Flathead Valley Community College bring all courses into compliance with the model and report that accomplishment to the Board of Regents at the September, 2007 meeting.
Regent Taylor moved to carry this forward to the full Board of Regents. Motion passed 4-0.
- b. Resolution on International Studies. Item 134-103-R0107.
Regent O'Loughlin moved to carry this forward to the full Board of Regents. Motion passed 4-0.

Public Comment

No additional comments were offered.

Chair Hamilton adjourned the meeting at 10:56 p.m.

Next meeting will be held February 28, 2007.

Submitted by Jeanne Horvath.

February 28 – March 2, 2007

ITEM 134-103-R0107

Joint Resolution of the Senate and the House of Representatives of the State of Montana Encouraging and Supporting International Education in the Advancement of the Global Society

THAT:

The Montana Board of Regents of Higher Education hereby supports a joint resolution of the 2007 Montana Legislature encouraging and supporting international education.

EXPLANATION:

In recognition of the growing importance of international education in our world, Regent Heather O'Loughlin has presented to the board a proposed joint legislative resolution which will be presented to the 2007 Montana Legislature. The resolution provides that the legislature encourages international education to ensure that students and future leaders are prepared to meet the challenges of a global society. The resolution has the support of the Commissioner of Higher Education and the Academic and Student Affairs Committee of the Board of Regents, which met by teleconference on December 21, 2006, to consider the proposed resolution.

1 _____ JOINT RESOLUTION NO. _____

2 INTRODUCED BY _____

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING AND
6 SUPPORTING INTERNATIONAL EDUCATION IN THE ADVANCEMENT OF THE
7 GLOBAL SOCIETY

8

9 WHEREAS, Advances in communication and transportation technology over the
10 past half-century have made today’s world increasingly interconnected; and

11 WHEREAS, Successful businesses, universities, and governments depend on a
12 global perspective; and

13 WHEREAS, This new era of global exchange has created a marketplace of ideas
14 in which citizens of the world from distinct social, cultural, religious, and linguistic
15 backgrounds cooperate and compete on a daily basis; and

16 WHEREAS, Evidence of the growing connection between Montana and the rest
17 of the world can be found in the Institute of International Education’s “Open Doors
18 Report 2005”; and

19 WHEREAS, 966 students studying abroad were enrolled through Montana
20 institutions in 2004, a ten percent increase from 2003, and these foreign students and their
21 families contributed over \$21 million to the Montana economy in 2004-2005; and

22 WHEREAS, International education is critical to promoting a broadened world
23 view and thereby preparing Montanans for life and work in the global economy; and

January 18, 2007

ITEM 134-1501-R0107

**Authorization for HPER Building Bleacher Project;
Montana Tech of The University of Montana**

THAT:

Consistent with the provisions of MCA 18-2-102 and 20-25-302, the Board of Regents of the Montana University System authorizes Montana Tech of The University of Montana to complete the HPER Building Bleacher project which includes removing the old bleachers and replacing the bleachers in the HPER Building at an estimated cost of \$412,000. The new bleachers will address a very serious safety issue now inherent with the old antiquated bleachers and also complete the total arena project. Funding for this project would come from private donors, revenue from sales of reserved seating, and advertising.

EXPLANATION:

The HPER Building is a two-story, brick veneer building constructed in 1980. The bleachers currently located in the arena are the original bleachers plus a set of bleachers that were donated by Butte High School. The procedure by which the current bleachers are manually set up and taken down lends itself to potential physical injuries. The side railings and gaps between the current bleacher sections are hazardous.

This project is being requested to complete the arena in conjunction with the already approved new gym floor. It will provide an opportunity to complete the entire arena project in the most cost effective and efficient way possible. It is a lengthy project and must be completed in the summer and early fall so as not to substantially interfere with next season's volleyball and basketball schedules. The project will be started as soon as possible after commencement on Saturday, May 12, 2007.

January 18-19, 2007

ITEM 134-1901-R0107

Authorization to Accept the Transfer of Property from the Helena School District #1; The University of Montana – Helena College of Technology

THAT:

The Board of Regents of the Montana University System authorizes The University of Montana – Helena College of Technology to accept the transfer of title of property located on the south side of the Donaldson campus building from the Helena School District #1.

EXPLANATION:

1. The property consists of approximately 401.91 feet by 35 feet of street right-of-way vacated by the City of Helena to the Helena School District #1 in accordance with City Ordinance 1501.
2. The University of Montana – Helena College of Technology has been using the property for emergency vehicle access and parking since assuming ownership of the College from the Helena School District #1 in 1989.
3. The University of Montana – Helena College of Technology began construction on a building expansion during the summer of 2006 that includes modifications to the parking on the north and east sides of the Donaldson campus.
4. The Helena School District #1 approached the College with the desire to construct a sidewalk that would provide a safe pathway for elementary and high school students through the Donaldson campus that would avoid parking areas.
5. The University of Montana – Helena College of Technology reached an agreement with the Helena School District #1 for the immediate transfer of title to the property with the understanding that The University of Montana – Helena College of Technology will construct a sidewalk across School District property connecting an existing pedestrian crosswalk to pedestrian walkways currently under construction on the Donaldson campus.
6. The new sidewalk must be completed by June 1, 2008.

ATTACHMENTS:

Helena School District #1 Board of Trustees Resolution

**HELENA HIGH SCHOOL DISTRICT NO. 1
RESOLUTION**

WHEREAS, it has been determined that the University of Montana - Helena College of Technology, whose Donaldson Building is located on a parcel of property located adjacent to and north of the Helena High School athletic fields, has been utilizing a portion of the District's real property since 1992 for emergency vehicle access and private vehicle parking. The parcel of real property involved is approximately 401.91 feet by 35 feet, consisting of one half of the section of Townsend Avenue that was vacated by City Ordinance No. 1501.

AND WHEREAS, the University of Montana - Helena College of Technology is expanding the Donaldson Building which includes parking lot revisions on the existing site and an off site parking lot located on the south east corner of the intersection of Harris Street and Townsend Avenue.

AND WHEREAS, the University of Montana - Helena College of Technology is constructing sidewalks on the south side of Townsend Avenue between Harris and Sanders Streets and on the west side of Sanders Street between Livingston Street and Townsend Avenue as a portion of its construction project.

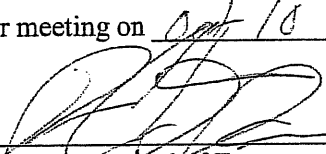
AND WHEREAS, the University of Montana - Helena College of Technology will construct and maintain a sidewalk from the intersection of Townsend Avenue and Sanders street to the designated pedestrian crossing located on Roberts Street that connects the Helena High School campus to the HHS athletic fields as consideration for relocating the property boundaries to resolve the encroachment issues.

AND WHEREAS, the proposed construction of approximately 1300 lineal feet of sidewalk systems by the Helena College of Technology will enhance pedestrian safety for Bryant Elementary School and Helena High School students

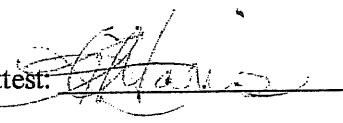
AND WHEREAS, the University of Montana - Helena College of Technology and District agree that all conditions of an agreement between the parties will be met on, or before, June 1, 2008, or said agreement shall be terminated in its entirety and the property obtained by the Helena College of Technology shall be subject to reversion.

NOW THEREFORE, BE IT RESOLVED; that the Trustees of the Helena High School District No. 1 find that the proposed conditions for a land dedication to the Helena College of Technology through a relocation of common property lines in exchange for the construction of a sidewalk system serving Bryant Elementary School and Helena High School are in the best interests of the District and approve entering into an agreement with the Helena College of Technology. The Superintendent, or designee, is directed to consummate the land dedication agreement and record the necessary plat amendments, filings and public records per the conditions of the agreement.

Adopted by the Board of Trustees at a regular meeting on Sept 10, 2006.



Chairperson, Board of Trustees

Attest: 

January 18-19, 2007

ITEM 134-2701-R0107

**Authorization to Expend Student Computer Fee
Allocation; Montana State University-Billings**

THAT:

Consistent with the provisions of Board of Regents' policy 940.23, the Board of Regents authorizes Montana State University-Billings to expend Student Computer Fee funds for the following projects that exceed the local approval threshold: purchase laptop and desktop computers, multi-media classroom equipment, and a content management system. **Total = \$387,000**

EXPLANATION:

Board of Regents' policy 940.23 requires Board approval of all purchases over \$25,000. The Student Computer Fee Committee, whose membership includes 50 percent students as required by Board policy, endorses this proposal.

January 18-19, 2007

ITEM 134-102-R0107

Revise Effective Date Of Vehicle Safety Policy 1910; Montana University System

THAT:

The Montana Board of Regents hereby revises the effective date for the MUS Vehicle Safety Policy, which was adopted on November 16, 2006 as Item 133-106-R1106, from an immediate effective date to an effective date of July 1, 2007.

EXPLANATION:

The Board of Regents adopted a vehicle safety policy on November 16, 2006, which is now identified as BOR Policy No. 1910. The item presented to the Board in November inadvertently failed to provide for a delayed effective date in order to allow the campuses time to implement the directives of the policy, including staff training, campus policies, etc. The Commissioner of Higher Education and the campuses recommend that the effective date of the policy be extended to July 1, 2007, to allow time for campus compliance.

ATTACHMENTS:

January 18-19, 2007

ITEM 134-2003-R0107

Authorize Request For Employee Participation In Company Under Regents Policy 407; Montana State University-Bozeman

THAT:

The Board of Regents of Higher Education approves MSU-Bozeman employees Gary Orser and Sandy Pittendrigh for ownership of an equity interest in and for work as part-time employees of, Bridger Informatics, in accordance with board policy and state law.

EXPLANATION:

Gary Orser, Research Engineer, and Sandy Pittendrigh, Research Associate, are employees of MSU-Bozeman. They seek approval to hold equity in and to serve as part-time employees of Bridger Informatics, a company which will commercially disseminate and utilize intellectual property developed by Orser and Pittendrigh. The company has an option to license the technology from MSU-Bozeman. Orser and Pittendrigh will work in accordance with a conflict management plan developed by MSU. Under Policy 407 and MCA 20-25-109, university employees must have board approval to serve as officers, employees, or members of a governing board, or to hold equity in a company which has an agreement with, or shares ownership of intellectual property with, the university, relating to the development, licensing or commercial exploitation of that intellectual property.

MSU benefits from this approval. MSU-developed technology will be moved closer to being licensed and commercialized with resulting royalties to MSU; useful technology (dynamic and flexible data base management) will be developed for use in various businesses; and the work of Orser and Pittendrigh will contribute to the success of a new Montana-based business.

ATTACHMENTS:

407 Submission Form

**EQUITY INTEREST/BUSINESS PARTICIPATION SUBMISSION FORM
REGENTS POLICY 407**

This form is to be submitted with any Board of Regents item when a campus seeks the approval of an agreement with or arrangement regarding an employee pursuant to 20-25-109 MCA and Regents Policy 407.

If any submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

1. a. Name(s) of the university employee(s) involved.

Gary Orser, Resarch Eng. M.S.
Sandy Pittendrigh, Research Associate B.S.

- b. Name(s) of business entity(ies) involved and its contractual relationship with the university or other public agency.

Bridger Informatics, (BI) of Bozeman Montana.

BI has an option to license the intellectual property described below.

2. Summarize the nature of the intellectual property that was developed by the employee seeking approval

Orser and Pittendrigh participated in the development of computer software which facilitates data sharing in the scientific community. The software, Neurosys, is the subject of a patent application filed by MSU. Neurosys is a comprehensive database management system characterized by an unprecedented level of dynamic flexibility and automatic functionality.

3. The university and employee(s) are seeking approval for (check as many as appropriate):

a. The employee has or will be awarded equity interest in the Business Entity.

b. The employee who is serving or may serve as a member of the board of directors or other governing board of the business entity.

c. The employee to accept employment from the Business Entity.

4. How will approval of this relationship contribute to the objectives of the university's technology transfer and intellectual property development programs?

BI wishes to commercialize NeuroSys outside of the scientific community for application in a variety of businesses. Orser and Pittendrigh are uniquely able to assist BI in its efforts by customizing the software to meet individual customer needs. This will enhance BI's ability to transfer this University-developed and -owned intellectual property.

January 18-19, 2007

ITEM 134-2005-R0107

Authorize Request for Employee Participation in Company Under Regents Policy 407; Montana State University-Bozeman

THAT:

The Board of Regents of Higher Education approves MSU-Bozeman employees Charles M. Gray and Albert Baldwin Goodell for ownership of an equity interest in, for service on the governing board of, and for work as part-time employees of, GrayMatter Research LLC, in accordance with board policy and state law.

EXPLANATION:

Dr. Charles M. Gray, Professor of Cell Biology and Neuroscience, and Albert Baldwin Goodell, MSEE, Research Staff, are employees of MSU-Bozeman. They seek approval to hold equity in, to serve as part-time employees of, and to serve on the governing board of, GrayMatter Research LLC, a company which will commercially disseminate and utilize intellectual property developed by Gray and Goodell. The company will operate in accordance with a license agreement to be negotiated with MSU-Bozeman. Gray and Goodell will work in accordance with a conflict management plan developed by MSU. Under Policy 407 and MCA 20-25-109, university employees must have board approval to serve as officers, employees, or members of a governing board, or to hold equity in a company which has an agreement with, or shares ownership of intellectual property with, the university, relating to the development, licensing or commercial exploitation of that intellectual property.

MSU benefits from this approval. MSU-developed technology will be licensed and commercialized with the potential for resulting royalties; useful technology (improvements in instruments for animal research) will be disseminated to other researchers around the country; and a new Montana-based business will be created.

ATTACHMENTS:

407 Submission Form

**EQUITY INTEREST/BUSINESS PARTICIPATION SUBMISSION FORM
REGENTS POLICY 407**

This form is to be submitted with any Board of Regents item when a campus seeks the approval of an agreement with or arrangement regarding an employee pursuant to 20-25-109 MCA and Regents Policy 407.

If any submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

1. a. Name(s) of the university employee(s) involved.

Charles M. Gray, Ph.D., Professor, Cell Biology and Neuroscience
Albert Baldwin Goodell, MSEE, employee

b. Name(s) of business entity(ies) involved and its contractual relationship with the university or other public agency.

GrayMatter Research, LLC

2. Summarize the nature of the intellectual property that was developed by the employee seeking approval.

The intellectual property developed by Gray and Goodell and licensed from MSU by GrayMatter Research, LLC consists of four instruments that were designed to facilitate the conduct of neurophysiological experiments performed on experimental animals.

3. The university and employee(s) are seeking approval for (check as many as appropriate):

a. employee has or will be awarded equity interest in the Business Entity.
(yes)

b. employee who is serving or may serve as a member of the board of directors or other governing board of the business entity.
(yes)

c. employee to accept employment from the Business Entity.
(yes)

4. How will approval of this relationship contribute to the objectives of the university's technology transfer and intellectual property development programs?

The approval of this relationship will enable the dissemination of improved research technologies to the scientific research community.

ITEM 134-100-R0107, Staff; Office Commissioner of Higher Education **January 18, 2007**

NAME (Last, First)	Title/Rank	Dept.	SALARY BASE (Based on 1.0 FTE, FY unless noted)		Stipend		(N)ew or (R)eplacement & Date/Hire	% Change	Actual FTE	Effective (Indicate end date if temp)	Reason	SPECIAL CONDITIONS	Tenure (Change Only)
			From:	To:	From:	To:							

I. NEW HIRES / REPLACEMENTS

A. Administrators/Professionals/Coaches

Conover, Cathy	FR: MSU-Bozeman Dir. Univ Relations TO: Assoc Comm of Higher Ed	OCHE	90,893	125,000			R D. Gibson	37.52%	.20 MSU .80 CHE	12/1/06 - 5/31/07	Increased resp & duties	TEMPORARY Pro-rated for 6 months	
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TOTALS			90,893	125,000				37.52%					
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LEGEND

TENURE:	*IMPORTANT NOTE: Additional Comp is reported annually in September
NT = Nontenurable	
P = Probationary	^ Subject to continuation of federal funds, proprietary funds and/or grants.
T = Tenured	

SALARY ADJUSTMENTS:

P = Promotion
L = Lump Sum Bonus
M = Merit
R = Retention
N = Normal
O = Other/Specify

EXTRA COMPENSATION:

T = Teaching
R = Research
G = Grant Administration
O = Other (provide brief explanation)

ITEM 134-1500-R0107, Staff; Montana Tech of The University of Montana

January 18-19, 2007

NAME (Last, First)	Title/Rank	Dept.	SALARY BASE (Based on 1.0 FTE, FY unless noted)		Stipend		(N)ew or (R)eplacement & Date/Hire	% Change	Actual FTE	Effective (Indicate end date if temp)	Reason	Special Conditions	Tenure (Change Only)
			From:	To:	From:	To:							

I. NEW HIRES

A. Administrators/Professionals

None

II. CHANGES

A. Administrators/Professionals

None

III. ONE TIME BONUS ONLY

A. Administrators/Professionals

None

III. END OF EMPLOYMENT/LEAVES (Report only non-renewals per 711.1 and Leaves of Absence)

NAME (First, Last)	Title/Rank	Dept.	Effective Date	REASON (If Leave of Absence)									
A. Administrators/Professionals													
Patton, Susan Ph.D.	Vice Chancellor, Academic Affairs & Research	Administration	12/8/2006										

LEGEND	
TENURE:	*IMPORTANT NOTE: Additional Comp is reported annually in September
NT = Nontenurable	
P = Probationary	
T = Tenured	
SALARY ADJUSTMENTS:	^ Subject to continuation of federal funds, proprietary funds and/or grants.
P = Promotion	
L = Lump Sum Bonus	
M = Merit	
R = Retention	
N = Normal	
O = Other/Specify	
EXTRA COMPENSATION:	
T = Teaching	
R = Research	
G = Grant Administration	
O = Other (provide brief explanation)	

January 18-19, 2007

ITEM 134-2001-R0107

Authorization to Confer the Title of Professor Emeritus of Anthropology upon Leslie Davis; Montana State University-Bozeman

THAT:

Upon the occasion of the retirement of Leslie Davis from the faculty of Montana State University, the Board of Regents wishes to express its appreciation for his service to the University, the Montana University System, and the people of the State of Montana.

EXPLANATION:

Dr. Davis received his undergraduate degree from the University of Montana (Missoula) in 1959, an MA from the University of Montana in 1961, and a Ph.D. in North American Archaeology from the University of Calgary in 1972. While at the University of Calgary, he received a National Science Foundation graduate fellowship for the 1968-69 academic year.

In 1969 he joined the Department of Sociology as an Assistant Professor of Anthropology. He was promoted in 1973 to Associate Professor of Anthropology and to Professor of Anthropology in 1978. He served as Adjunct Curator of Anthropology, Museum of the Rockies, from 1972 through 1989. In 1990, he was appointed Curator of Archaeology and Ethnology and Department Head at the Museum of the Rockies and Kokopelli Archaeological Research Fund Director while maintaining a joint appointment as continuing Professor of Anthropology with the Department of Sociology, Montana State University.

Dr. Davis received consistent and well-deserved praise for his teaching at all levels. At the lower level he was particularly well known for his Introduction to Archaeology course, which he taught each spring quarter for over 20 years. As part of this class each year, between 30 and 90 students participated in excavations, a truly unusual opportunity for undergraduate students which also produced publications and presentations that enhanced our knowledge of the prehistory of Montana. For many years Dr. Davis also taught popular and well-received courses on Indians of Montana, Indians of North America, Archaeology of North America and Medical Anthropology.

Dr. Davis edited and contributed to several seminal volumes

ITEM 134-2001-R0107 (continued)

on topics ranging from Plains bison hunting studies to lithic resource procurement and utilization. His research focused on Montana, including excavations at the Lindsay Mammoth bone bed near Glendive, MT, the 1982 excavations at the India Creek site, the Barton Gulch site, the Machaffie Paleoindian site near Helena, and more recently in Blacktail Cave located between Helena and Great Falls. Montana State University recognized his excellence in research with the 1995 Charles and Nora Wiley Faculty Award for Meritorious Research.

Dr. Davis has consistently concerned himself with the public sector. He has made a number of films on archaeology with the intent of disseminating information on the prehistory of Montana and informing the public of the complex process involved in doing archaeology. He contributed a sequence of articles for *Montana Outdoors*, the official organ of the Montana Department of Fish, Wildlife and Parks, that introduced readers to the diversity of issues surrounding the study of prehistoric Montana. His contributions have been recognized with a number of honors. He was awarded the 1981 Montana Historic Preservation Review Board Commendation for contributing to the public understanding of archaeology. He also received the 1993 National Award for Excellence from the Chief of the Forest Service, and was first place winner in the American Association of Museum's Fourth Annual Muse Award in the Cultural Study Category for the video, *People of the Hearth: Paleoindians of the Northern Rockies*. More recently, he was awarded the 2003 Historic Preservation Award from the Montana Historical Society.

For these and other contributions, the Board of Regents of Higher Education is pleased to confer upon Leslie Davis the rank of Professor Emeritus of Anthropology at Montana State University and wishes him well for many years in the future.

January 18-19, 2007

ITEM 134-2002-R0107

Authorization to Confer the Title of Professor Emeritus of Biology upon Ernie Vyse; Montana State University-Bozeman

THAT:

Upon the occasion of the retirement of Ernie R. Vyse from the faculty of Montana State University, the Board of Regents wishes to express its appreciation for his service to the University, the Montana University System, and the people of the State of Montana.

EXPLANATION:

Dr. Ernie R. Vyse made many significant contributions throughout his 28 year career at Montana State University. He began as an Assistant Professor of Zoology in September, 1972. In 1984 he was awarded promotion to Full Professor. Through the high quality of his performance and progress, he served as an outstanding role model for young, aspiring faculty. Because of his interest in students and his teaching abilities, he was chosen as Mortar Board's Professor of the Month for May, 1985. The Faculty Council unanimously commended his service to the University in revising the Promotion and Tenure section of the Faculty Handbook in 1988. He was again formally commended for his service as member and chair of the Conciliation Committee in 1992. He accepted a one-year term as Acting Department Head of the Biological Sciences Department in 1995 and served in an exemplary manner. He again served as Department Head during the 1999/2000 academic year. He was honored at Montana State University Banquet of Excellence in November, 1995. During his tenure he continued to mentor MS and PhD graduate students, make funding available through grants for research in the department, and receive appreciation for his service in the community. His record speaks for itself, and he is still well-known and highly regarded by the national academic and MSU communities.

For these and other contributions, the Board of Regents of Higher Education is pleased to confer upon Ernie R. Vyse the rank of Professor Emeritus of Biology at Montana State University and wishes him well for many years in the future.

ITEM 134-2700-R0107, Staff; Montana State University Billings

January 18-19, 2007

NAME (Last, First)	Title/Rank	Dept.	SALARY BASE (Based on 1.0 FTE, FY unless noted)		Stipend		(N)ew or (R)eplacement & Date/Hire	% Change	Actual FTE	Effective (Indicate end date if temp)	Reason	Special Conditions	Tenure (Change Only)
			From:	To:	From:	To:							

I. End of Employment / Leaves (Report only non-renewals per 711.1 and Leaves of Absence)

NAME (First, Last)	Title/Rank	Dept.	Effective Date	REASON (If Leave of Absence)
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A. Administrators/Professionals/Coaches

Matavao, Paulasi	Head Women's Volleyball Coach	Intercollegiate Athletics	11/20/06	
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TENURE:

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T = Tenured

SALARY ADJUSTMENTS:

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L = Lump Sum Bonus
M = Merit
R = Retention
N = Normal
O = Other/Specify

EXTRA COMPENSATION:

T = Teaching
R = Research
G = Grant Administration
O = Other (provide brief explanation)

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

Board of Education Agenda
January 18, 2007
1:00 PM – 4:00 PM

Helena College of Technology
1115 N. Roberts
Helena, Montana

- 1:00 pm Roll Call
- 1:05 pm Approve Minutes – July 2006
<http://governor.mt.gov/boed/default.asp>
- 1:10 pm Opening Remarks – Governor Brian Schweitzer
- 1:25 pm Kindergarten to College Workgroup Update
Erin Williams, Chair
- 1:45 pm Legislative Agenda
*Governor, State Superintendent McCulloch, Commissioner Stearns,
Exec. Secretary Meloy*
- 2:45 pm Break
- 3:00 pm Homework Assignments Update
*State Superintendent McCulloch, Commissioner Stearns,
Exec. Secretary Meloy*
- 3:30 pm Public Comment
- 3:45 pm Other Business
- 4:00 pm Adjourn