



MINUTES
Montana Board of Regents
January 5, 2021

Tuesday, January 5, 2021

Meeting convened at 9:37 AM.

Regents Present: Casey Lozar, Chair; Paul Tuss, Vice Chair; Bob Nystuen; Martha Sheehy; Brianne Rogers; Joyce Dombrowski; and Amy Sexton. Ex officio members included: Commissioner of Higher Education Clayton Christian; and Ex officio Superintendent Elsie Arntzen. Ex officio Governor Greg Gianforte was excused.

Welcome and Comments by Chair Lozar

Chair Lozar welcomed all attendees to the meeting. He extended a welcome to students, faculty and staff who are returning to campuses across the state in the next few weeks. He extended, on behalf of the Board, well wishes to all who are studying and working on our campuses a healthy and productive spring semester. He also extended thanks for the willingness of our students to wear masks, social distance and sacrifice some of the social norms of college life made everyone's success possible this last fall. Chair Lozar provided an overview of the meeting agenda.

Approval of Minutes

- November 19-20,2020 Meeting Minutes

A motion for approval of the November 19-20, 2020 meeting minutes was made by Regent Sheehy; motion passed (7-0).

Commissioner's Report

Commissioner Christian welcomed back all students, faculty, and staff as they begin the spring semester. He extended his appreciation to the campuses and communities for their diligence and resilience throughout the past year. He noted the lessons learned over the past 11 months and how higher education has been challenged to grow in ways we could not have imagined at this time last year. He shared his positive expectations that the MUS will reap the benefits of the lessons learned during the pandemic for years to come.

One big lesson is the value of the in-person teaching model that our campuses are designed for, which is critical to student success and equity. He discussed plans for the spring semester, noting that the semester will look similar to the Fall 2020 semester, emphasizing in-person instruction supported by remote learning options and evidence-based safety protocols. OCHE will continue to work with our congressional delegation, the Governor's Office, and local health officials to ensure that we're securing all available resources and using them as effectively and efficiently as possible to support our students and our campuses.



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Commissioner Christian spoke to the Omnibus funding Bill, and a COVID relief Bill signed into law last week. There is support for students and institutions in those Federal Bills. Commissioner Christian extended a warm welcome to Governor and newest Board of Regent Member, Greg Gianforte. He expressed his excitement at working closely with our newly elected Governor and noted a number of productive meetings with Director Alme and his team at the Governor's budget office as we work to support our budget requests in HB2, HB5, and HB13.

Commissioner Christian spoke to the activities of the 2nd day of the 67th Legislative Session, extending thanks to each one of our lawmakers for their willingness to take on the immense responsibility of setting policy that affects the lives of all Montanans, including our university system. He described the OCHE Legislative team members' efforts, who will be working to provide lawmakers with information about the mission and operations of our university system and the value it brings to Montana.

Deputy Commissioner Tyler Trevor provided a brief update on the Legislative session. He discussed the internal process of bill tracking, assignment, hearing coordination, etc. He provided brief updates related to HB 2 – General Appropriations Act; HB5 – Long-Range Building Appropriations; HB13 – State Employee Pay Plan; HB 67 – Generally revise community college funding laws; and HB 102 – Generally revise gun laws. He reviewed each bill and noted its correlation to the MUS. He noted that Governor Gianforte's budget would be released on January 7th. Discussion followed.

- COVID-19 Update

Deputy Commissioner Tessman provided an updated related to COVID-19 efforts across the MUS. He echoed the thanks to all on campuses for their hard work in prepping for the spring semester. He noted that a series of winter courses were offered over the break between fall and spring semester. Initial information shows that the initial offerings were successful. He noted that the MUS Healthy Taskforce have been engaged over the winter break and are working to reassess, get comments and feedback from their campuses to help issue an updated version of the MUS Planning Guidelines for COVID Response. He discussed the costs and benefits of the fall efforts. He noted some modifications to the spring semester calendar related to spring break and efforts to minimize the amount of time between the start date and end date in the name of academic progress and getting students closer to degree completion. Dr. Tessman reviewed lessons learned from this fall including the importance of individual behavior and how decision making come into to play related to case spread. He noted that the approach related to testing, tracing and isolation will remain focused on symptomatic individuals. Discussion followed.

- Campus Reports
- Introductions & Acknowledgements

Commissioner Christian welcome Ali Bovingdon, Chief Legal Counsel, and Marlys Stark, Administrative Support Manger to the OCHE Team. Rachel, Allison, and Jack, 2021 MUS Student Lobbyists made self-introductions. President Bodnar of the University of Montana introduced Dr. Laura Baefsky as Dean of the College of Arts &



Media.

Remarks by Superintendent Arntzen

Superintendent Arntzen expressed her excitement at starting her second term as Superintendent. She spoke about her excitement related to the Legislative Session and noted about the upcoming session and provided a brief overview of her Legislative priorities including BASE AID plus inflation; adding special education to BASE Aid; fund in-state residential treatment for at-risk students; transfer the Broadband for Montana Schools program to OPI. She extended invitations to join her standing caucus meetings, scheduled throughout session. She discussed the reenactment of the learning/flexibility task force, charged with reviewing what impact the COVID-19 virus is having on the K-12 world. This panel will consider elements like learning environment (blended, online, traditional classroom) as well as what social and emotional learning looks like across the state. She stressed the importance of strengthening the partnership on social and emotion needs for all students. Superintendent Arntzen provided an update on Federal COVID-19 waivers. She expressed her appreciation for the continuation of strong partnerships with OCHE.

CONSENT

Emeriti Faculty

- a. Smith; MT Tech ITEM 192-1502-R0121
- b. Karplus Hartline; MT Tech ITEM 192-1503-R0121

Other

- c. Request for Authorization to Revise BOR Policy 303.7 – Online Learning; MUS/OCHE ITEM 192-101-R0121 | Attachment #1
- d. Request for Authorization to Revise BOR Policy 940.20 – Annual Tuition and Fees for eLearning; MUS/OCHE ITEM 192-102-R0121 | Attachment #1
- e. Request for Authorization to Grant a Permanent Easement; University of Montana-Missoula ITEM 192-1003-R0121 | Attachment #1 | Attachment #2 | Attachment #3
- f. Request for Authorization to Remodel Fixed Seating Classrooms; University of Montana-Missoula ITEM 192-1004-R0121 | Attachment #1
- g. Request for Authorization to Revised BOR Policy 507 - Title IX; MUS/OCHE ITEM 192-103-R0121 | Attachment #1

Regent Sheehy had two questions on item D.

Regent Sexton asked going forward for students have a choice of choosing online or on campus courses, in support of additional fees and noting her encouragement to students to utilized COVID related relief funding to ease any financial burden they are



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experiencing, agrees it makes sense long term.

Regent Sheehy acknowledged and expressed well wishes to the two retirees listed on the agenda.

A motion for approval of the Consent Agenda items a. – g. was made by Regent Nystuen; motion passed 7-0.

ACTION

- a. Request for Approval of Spending Authority for Supplemental COVID Relief Funding; MUS/OCHE ITEM 192-104-R0121 | Attachment #1

Deputy Commissioner Tyler Trevor and Shauna Lyons MUS Budget Analyst presented this request, for the Board of Regents to approve spending authority for supplemental COVID relief funding in the Montana University System. Since the time of the last spending approval in September 2020, the MUS has been awarded additional Coronavirus Relief Funds and Governor's Emergency Education Relief from the Office of the Governor. Subsequently, on December 2020, Congress approved additional funding to support COVID relief that will be appropriated directly to campuses within the MUS. These mid-year additions to campus operating budgets require spending authority approval by the Board of Regents or the Commissioner. Discussion followed.

A motion for approval of action item a. Item 192-104-R0121 was made by Regent Tuss; motion passed (7-0).

- b. Request for Authorization to Revise BOR Policy 203.5.2 – Appeals; MUS/OCHE ITEM 192-105-R0121 | Attachment #1

Helen Thigpen, Associate Legal Counsel at OCHE, presented the request for authorization to revise BOR Policy 203.5.2. The Board's appeal policy is set forth in 203.5.2 and outlines the procedures by which a party may appeal a campus decision to the Commissioner and, subsequently, to the Board. The proposed revisions would revise the appeal policy to provide that appeals may be made directly from an affiliate campus to the Commissioner, clarify that a final campus decision may be issued by the campus president/chancellor or their designee; provide that the Board's standard of review is the "arbitrary and capricious" standard, which is the same as the Commissioner's standard of review; and clarify that the Board may accept an appeal without a full or partial hearing (paper appeal) if it accepts an appeal for review. OCHE recommends the Board clarify the policy to apply consistently to all campuses across the system.

A motion for approval of action item b. Item 192-105-R0121 was made by Regent Sheehy; motion passed (7-0).

- c. Request for Authorization to Remodel Level Four of the Mansfield Library; University of Montana-Missoula ITEM 192-1005-R0121 | Attachment #1

Ron Muffick, Director of Operations & Administration MUS/OCHE, presented this request, consistent with MCA 18-2-102 and in accordance with Board of Regents Policy



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1003.7, that the Board of Regents of the Montana University System authorize the University of Montana-Missoula to expend up to \$2,500,000 to remodel Level Four of the Mansfield Library.

A motion for approval of action item c. Item 192-1005-R0121 was made by Regent Sexton; motion passed 7-0

- d. Request for Authorization to Sell Vigilante Field/Stadium; UM Western ITEM 192-1601-R0121 | Attachment #1 | Attachment #2

Ron Muffick, Director of Operations & Administration MUS/OCHE, presented this item, consistent with Board of Regents Policy 1003.6, that the Board of Regents of the Montana University System authorize Montana Western to sell the property and buildings known as Vigilante Stadium (deed and legal description attached). Discussion followed.

A motion for approval of action item d. Item 192-1601-R0121 was made by Regent Sheehy; motion passed (7-0).

Public Comment

President Ron Slinger of Miles Community College shared concerns related to the community college funding formula outlined in HB 67.

Regent Sheehy reflected upon her time as a member of the Board of Regents. She spoke to the importance and direct impact that higher education has played in her personal life and extended well wishes and appreciation to her fellow board members, OCHE staff, MUS community, and MUS students.

Chair Lozar convened an executive session. He determined that the matters of discussion relate to matters of individual privacy and that the demands of individual privacy outweigh the merits of public disclosure.

Executive Session

- Honorary Doctorate Nomination - UM

Meeting to adjourned at 12:24 PM.

Approved by the Board of Regents on

Date

Date

Clayton T. Christian
Commissioner of Higher Education
and Secretary to the Board of Regents

Casey Lozar
Chair, Board of Regents

APPENDIX A

Dear Regents,

Thank you for the opportunity to provide public comment, and for all of your work on behalf of MUS students, staff and faculty during these difficult times. As a member of the Gallatin City County Board of Health, and as a daughter who helped her father through hospitalization and hospice while he was dying from pulmonary fibrosis, I am writing to urge you to allocate – or encourage each campus to allocate – a adequate share of the new COVID federal funding to conduct asymptomatic screening for COVID-19 on all MUS campuses.

We absolutely need this to protect the health of all MUS students, staff and faculty, as well as in-person classes and the economics of the whole MUS system:

- MSU now has the capacity to do this screening for the entire MUS system. The Chang lab at Montana State University has validated a rapid saliva-based method, RT-LAMP (reverse transcriptase loop-mediated isothermal amplification), which can be used to identify and isolate COVID positive individuals, even if they are asymptomatic. LAMP has 93% sensitivity and 98% specificity, and can be conducted quickly and cheaply. Hence it can be used cost effectively for screening large numbers of people, with follow up qPCR testing for those testing positive. Further, epidemiologists at MSU have developed a model showing that regular screening would reduce prevalence on campus, help protect the health of everyone on campus and hence help to maintain in person classes and retention. I understand that this team has said that with the funding to purchase supplies and run the lab, they have the capacity to not only test MSU students, faculty and staff, but the entire MUS system – just as Dr. Walk’s lab is currently serving the entire state.
- The majority of land grant campuses across the US are doing asymptomatic testing, and are finding that it is helping them to reduce their COVID-19 prevalence rates. This screening approach is *proven*.
- Public health experts at Harvard and Brown Universities have recommended prioritizing college students as one of four groups of high-risk populations for weekly testing. (The others are health care workers, first responders, prison staff and inmates, with K-12 students and nursing home staff and residents in the next tier down for frequent screening.) <https://www.npr.org/sections/health-shots/2020/12/22/948085513/vaccines-are-coming-but-the-u-s-still-needs-more-testing-to-stop-the-surge>
- The new variant of Covid-19 is already in the United States, and has been confirmed in Colorado and California. According to BBC news (1/1/21), a new study has found it “is ‘hugely’ more transmissible than the virus's previous version.. the new variant increases the Reproduction or R number by between 0.4 and 0.7.” According to Oxford University researchers (and common sense), this means we *must* implement additional measures to slow the spread of infections (BBC news).
- A New York Times analysis of 203 counties where college students are 10% of more of the population, found that “since the end of August, deaths from the coronavirus have doubled in counties with a large college population, compared with a 58 percent increase in the rest of the nation. Few of the victims were college students, but rather older people and others living and working in the community.” (Ivory et al. 12/13/20, New York Times)
- College student travel has been shown to contribute to COVID-19 spread in communities (Mangrum & Niekamp. 2020. Journal of Urban Economics), and we are about to have thousands of students return to MUS campuses across the state.
- If our hospitals are overwhelmed – as Billings was and others were very close to being in November before the semester ended, not only will we not be able to provide adequate care for people with COVID-19, but we may not be able to provide care for people with other medical emergencies such as heart attacks, serious trauma, childbirth, strokes, etc.

Thank you for the opportunity to comment. Sincerely, Mari Eggers