

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
May 25, 1977
Havre, Montana

The Board of Regents of Higher Education met at 2:00 p.m., Wednesday, May 25, 1977 in the Student Union Building at Northern Montana College, Havre, Montana.

The meeting was called to order by Chairman Ted James. Also present were: Mr. Lewy Evans, Mrs. Lola Hansen, Mr. Jeff Morrison, Ms. Mary Pace, Mr. John Peterson and Dr. Lawrence K. Pettit.

On motion of Ms. Pace the minutes of the April 12, 1977 meeting were approved.

The Commissioner distributed copies of a draft report on projected staff and Board actions to be accomplished during the next biennium. He reported that a staff retreat was being planned for the near future for the purpose of further planning with respect to these projections and that he would appreciate comments from Regents.

The Commissioner also requested authority to hire a consultant to conduct a survey of all bond indentures on the six campuses to assist in formulating a policy respecting the use of student building fee monies. Ms. Pace moved that the Board grant this authority to the Commissioner. The motion carried.

The Commissioner reported that his office would not have resources available during the next biennium to fund the costs of a facilities planner for the university system. He proposed that the present facilities planner prepare a budget and that the cost associated with that position be allocated among the six campuses. Mr. Evans, Chairman of the Capital Construction Committee, explained that during the next two years the

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Board needed to have enough data gathered so that rational decisions could be made on the capital construction program for the university system to be presented to the next legislative session. Mr. Evans stated that if some of the institutions felt it would be difficult to handle this additional cost in light of their tight budgets perhaps they would like to comment. He asked Andy van Teylingen, who is currently acting as Facilities Planner for the university system on a part-time basis, how much money would be involved. Mr. van Teylingen stated that the total cost, including travel, would be about \$35,000 a year. President Van de Wetering said he felt that all institutions were concerned about any additional costs to be borne by their limited budgets. He asked if the matter could be tabled until the Council of Presidents could discuss it. Mr. Peterson mentioned that it might be possible for this amount to be taken from the long range building program renovation funds, and perhaps Mr. Louis Forsell, Chief Legal Counsel in the Commissioner's office, could render an opinion on this. Mr. van Teylingen said that a precedent had been set to date that would not allow this to be done. Ms. Pace moved that the matter be tabled until the next meeting. The motion carried.

Chairman James introduced Mr. Ted Heberly, former member of the Board of Regents, who was in the audience.

Dr. Pettit stated that he needed an interpretation of one of the items in the letter of intent received from the Joint Education Appropriations Subcommittee relating to additional staff in the area of financial matters for his office before his budget could be put together. He said he preferred to consider hiring an on-line staff person rather than a super administrative deputy. Upon the request of the chairman,

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he read the point in question. Dr. Pettit reported that all of these positions exist at the present time except one and there is some question in his mind as to how the directive should be construed. Mr. James asked Ms. Judy Rippingale, Associate Legislative Fiscal Analyst, if she wished to comment on this, and she replied, "no". Mr. James asked the Commissioner to confer with Representative Carroll South to work out a mutually acceptable interpretation.

President Bandy reported that the Commissioner's legal staff had advised the institutions who were involved in faculty collective bargaining that they were obligated by law to conduct prebudgetary negotiations; that these negotiations were not taken into account by the legislators and there is a question in his mind whether or not the money spent in this area was wasted. Mr. Peterson stated he would not wish to see prebudgetary negotiations abandoned because future legislatures might consider funding them.

Ms. Mary Pace, Chairman of the Presidential Search and Screening Committee for Montana State University, reported the Committee recommended that Dr. William Tietz be hired as the next President of Montana State University. Mr. Evans moved that the Board accept the Committee recommendation. The motion carried. Commissioner Pettit explained that Dr. Tietz is now Dean of the College of Veterinary Medicines and Biomedical Sciences at Colorado State University at Fort Collins, that he is fifty years old, has both his DVM and Ph.D., and is a national leader in his field. Commissioner Pettit added that Dr. Tietz has also worked for several years with people in Montana in putting together a regional veterinary medicine program similar to the WAMI program. The Commissioner reported that Dr. Tietz was the unanimous first choice of the Search and Screening Committee.

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Mr. Jeff Morrison, Chairman of the Budget Committee, reported that the Committee had made the following recommendation:

That in the interest of proper management the Board of Regents reaffirms its understanding of the student-faculty ratios and average salaries of HB 145 as guidelines to be adjusted in the interest of equity and sound educational management. The Regents will exercise their constitutional prerogative to manage, govern and control the university system and will allocate funds provided in HB 145 as sound educational judgments dictate. We deem this to be compatible with HB 145 wherein "regents are authorized to transfer appropriations for personal services."

Mr. Morrison moved that the Board accept the recommendation. The motion carried.

Mr. Morrison reported that upon the request of President McIntosh, Item 16-211-R0577, Authorization to Adjust Salaries, Montana State University, was added to the agenda and recommended for approval. He so moved. The motion carried.

Mr. Morrison reported that the Budget Committee received a recommendation from the University of Montana concerning allocation of funds for salaries for the faculty at the Law School which should satisfy the concerns of the American Bar Association. He moved that this recommendation be accepted. (Copy attached as Exhibit I). The motion carried.

Mr. Morrison reported that the Budget Committee had received and discussed a statement of academic program review objectives presented by President Richard Bowers for the University of Montana. He moved that the Board go on record as supporting the program. The motion carried. Walter Hill, Chairman of the Faculty Senate at the University of Montana, indicated that the Faculty Senate would appreciate it if the Board would scrutinize the student-faculty ratios set forth by the Legislature to see if some adjustments could be made to reduce the

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numbers in some fashion, that an attempt should be made to meet the legislative intent without losing so many faculty members.

It was reported that the Budget Committee also considered Item 16-601-R0577, Student Referendum Request, Western Montana College, which was an addition to the agenda. President Bandy introduced Mark Neill, the past student body president at Western Montana College, who distributed a statement pointing out the sentiments of students who had recommended that the Board approve this item. (Copy attached as Exhibit II). The item was approved on motion of Mr. Morrison.

On motion of Mr. Morrison Item 16-002-R0577, Operating Budgets, Montana University System, was approved.

On motion of Mr. Morrison the following budget amendments were approved:

U of M

FY 77 Sales and Service Revenue	\$ 30,000
FY 77 Continuing Education Revenue	65,000
FY 77 Library Acquisitions (Current Unrestricted)	21,851
	<u>\$116,851</u>

Board of Regents

Transfer <u>From</u> Commissioner of Higher Education	\$ 1,500
Transfer <u>To</u> Board of Regents (General Fund)	1,500

Tech

FY 77 Current Unrestricted Revenues	\$ 14,000
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On motion of Mr. Morrison the Board recommended that the Commissioner of Higher Education be authorized to arrange for a trustee to administer the Peter Potter Loan Fund and to report to the Board at the July meeting.

Ms. Pace mentioned that a letter had been sent to the Board by Representative Dorothy Bradley respecting the film and television building at Montana State University. She asked if anything could be done at

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this time. Mr. van Teylingen said he thought Representative Bradley was hoping that an architect could be hired to do some preliminary planning so that by the time the next legislative session was at hand the Board would be in a better position to request that a building be funded. Commissioner Pettit pointed out that he would have a staff report on the legal ramifications to present at the next meeting.

Commissioner Pettit reported that the Council of Presidents had discussed the matter of granting faculty tenure at their last meeting. He said that in the future the presidents would present justification for those who will be recommended for tenure and possibly the Board may want to consider adopting a policy statement on this in the near future, affirming that tenure should not be automatic, but should be granted only after a strong positive case has been made.

Commissioner Pettit read the following report of the Council of President with respect to the common calendar question:

Approximately a decade ago the Council of Presidents agreed that the units of the Montana University System would follow a common calendar. This was understood to mean that the opening and closing dates of the various units would be within one week of each other. At its meeting on April 28, 1977 the proposed calendars of the units for the 1977-78 academic year were examined, and it was determined that this policy is still being observed. The Council agreed that Montana Tech's proposed experiment with the early semester calendar would not violate this policy and would facilitate transfer of students between units.

Chairman James asked if the Faculty Council had a report. President Bowers introduced Dr. Kenneth Brett of the University of Montana, who is at present serving as Interim Chairman of the Faculty Council. Dr. Brett reported that the Faculty Council has been appointing subcommittees to work with Board of Regents' committees in various areas of responsibility. He suggested that in the fall when all of the subcommittees have been

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appointed they meet with the committees of the Board to ensure that all are pursuing the same goals. Mr. James stated he was sure that the Board committees would be happy to meet with the subcommittees of the Faculty Council.

It was indicated that the Student Advisory Council had no report at this time.

Commissioner Pettit reported that the Council of Presidents had agreed that work should be started in the near future on the six-mill levy campaign for 1978. He recommended that several members of the Board be designated to work with the committees assigned to coordinate this effort. He said perhaps the Board would want to consider hiring a staff person to coordinate the campaign at a later date.

Commissioner Pettit reported the minutes should note that the Board received copies of House Joint Resolution No. 58.

The discussion turned once again to the matter of relocating the Law Enforcement Academy. Commissioner Pettit reported that Mr. Ronald W. Smith, Hill County Attorney and Mr. John Onstad, Gallatin County Sheriff, were present to speak to the matter. He said that members of the Board had before them a legal statement from his Chief Counsel, Mr. Louis Forsell, concerning the matter. Dr. Pettit said the Attorney General had notified him that he would not make a decision on the location of the Academy until after this meeting. A package of letters of support for having the Academy remain on the campus at Montana State University was distributed. It was reported that five members of the Montana Peace Officers Association were also present. Several arguments for having the Academy remain in Bozeman were heard, after which time Mr. Peterson explained the dormitory situation at Montana State University, Northern

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Montana College and Western Montana College. Dr. Pettit remarked that he did not understand why nobody had ever sought to amend the law that states that the Academy be located on a campus of the university system. There is no problem with its being in the city of Bozeman, he said, but the campus of Montana State University simply cannot accommodate it. After some further discussion, Mr. Peterson moved that the Board reaffirm its position that the Law Enforcement Academy be moved to Western Montana College, that a contract for services be entered into to provide for construction of a firing range at Dillon equal to the range presently existing on the campus of Montana State University, at a cost not to exceed \$60,000, and that appropriate budget amendments be approved as necessary. The motion carried.

Commissioner Pettit reviewed the facts with respect to the residency appeal of Michael G. Fournier. Mr. Morrison moved that the Board uphold the Commissioner's recommendation that Mr. Fournier's request for in-state resident status be denied. The motion carried.

The Board recessed at 3:10 p.m.

The Board reconvened at 3:30 p.m. with Governor Thomas L. Judge present.

Mr. James reported that an executive session had just been held on written requests of President Bowers, Ms. Pace and Mr. Evans.

Mr. James introduced the Governor, stating that the Board was delighted that he was in attendance for a portion of the meeting. Governor Judge mentioned that he was holding a public forum on the campus and extended an invitation for anyone to attend who might be interested.

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Commissioner Pettit moved approval of the honorary degrees presented in executive session by President DeMoney and President Bowers. The motion carried.

Respecting Item 16-001-R0577, Policy Statement on Role and Scope, Montana University System, President DeMoney distributed copies of a letter he had written to Dr. Irving Dayton, Deputy Commissioner for Academic Affairs, requesting that some changes be made in the statement relating to Montana College of Mineral Science and Technology. President Bowers requested that this item not be approved until it is given further study by those concerned. Mr. James said he would refer the matter to the Policy Committee for consideration at the next meeting in July. Commissioner Pettit stated that every campus had had an opportunity of several months to comment on the draft policy and if there were any further comments they should be sent to his office immediately.

On motion of Commissioner Pettit the following items were rescinded:

- Item 2-013-R1073, Policy Statement on Curriculum Calendar, Montana University System
- Item 4-002-R0474, Policy Regarding Retroactive Payment for War Orphan Scholarships, Montana University System

On motion of Commissioner Pettit the following items were referred to the Policy Committee for consideration at the next meeting.

- Item 16-006-R0577, Graduate Record Examination, Montana University System
- Item 16-003-R0577, Appointment of Adjunct Faculty, Montana University System
- Item 16-004-R0577, Accreditation; Montana University System units and community colleges
- Item 16-005-R0577, Policy regarding state classification system, state pay plan and coordination of classified collective bargaining, Montana University System

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On motion of Commissioner Pettit the following items were approved:

- Item 16-700-R0577, Staff, Eastern Montana College
- Item 16-500-R0577, Staff, Montana College of Mineral Science and Technology
- Item 16-200-R0577, Staff, Montana State University
- Item 16-201-R0577, Retirement of Mrs. Ethel M. Nelson, Montana State University
- Item 16-202-R0577, Retirement of Mr. Robert DeWeese, Montana State University
- Item 16-203-R0577, Retirement of Miss Virginia Felton, Montana State University
- Item 16-204-R0577, Retirement of Mrs. Lula W. Esmay, Montana State University
- Item 16-205-R0577, Retirement of Edmund P. Sedivy, Montana State University
- Item 16-208-R0577, Construction of Additional Darkroom Laboratories in Hannon Hall for the Still Photography Option of the Film and Television Department

Dr. Pettit moved approval of Item 16-209-R0577, Retirement of

Dr. Carl W. McIntosh, President, Montana State University, commenting

on the fact that the Board was very pleased to confer upon Dr. McIntosh the rank of President Emeritus. President McIntosh expressed his appreciation for the relationship he enjoyed with the Board, his colleagues in the Council of Presidents and for Dr. James Edie, Chairman of the University Council at Montana State University. The motion carried.

On motion of Commissioner Pettit the following items were approved:

- Item 16-300-R0577, Staff, Agricultural Experiment Station
- Item 16-400-R0577, Staff, Cooperative Extension Service
- Item 16-800-R0577, Staff, Northern Montana College

Commissioner Pettit read the following resolution and moved its

adoption:

WHEREAS, Mr. T. T. (Ted) Heberly served on the Board of Regents of Higher Education from February, 1969 until February, 1977, and,

WHEREAS, Mr. Heberly has always shown a continuing, deep concern for education in Montana and in particular the welfare of students in the Montana University System, and,

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WHEREAS, Mr. Heberly's professional expertise and sound judgment contributed immeasurably to the Board's decision making, and,

WHEREAS, Mr. Heberly, as a member of the Board of Regents, earned the respect and appreciation of fellow Board members, presidents and faculty from the units of the Montana University System and the Commissioner of Higher Education and his staff, and

WHEREAS, we recognize that a formal expression of thanks can only partially convey our gratitude and appreciation,

NOW THEREFORE BE IT RESOLVED, that the Board of Regents of Higher Education commends Mr. Heberly for his noteworthy service to the State of Montana. His conscientious efforts and personal contributions were highly valued by the Board and respected by educators and administrators. This resolution is adopted with sincere appreciation for Mr. Heberly's productive work to improve higher education in Montana. He has distinguished himself by the quality of his service on the Board and richly deserves the honor expressed in this resolution.

The motion carried.

On motion of Commissioner Pettit Item 16-4001-R0577, Construction of a Business-Vocational Trades Building and an addition to the Present Academic Building to House a Library, Miles Community College, was approved.

On motion of Commissioner Pettit the following items were approved:

Item 16-701-R0577, Doctor Fred R. Crawford to Professor of Education Emeritus, Eastern Montana College

Item 16-702-R0577, Doctor McDonald Held to Professor of Communication Arts Emeritus, Eastern Montana College

Item 16-703-R0577, Doctor Robert M. Rodney to Professor of English Emeritus, Eastern Montana College

President Van de Wetering reported that Eastern Montana College had adopted a new policy for conferring emeritus status.

On motion of Commissioner Pettit Item 16-100A-R0577, Staff, University of Montana, was approved.

On motion of Commissioner Pettit Item 16-103-R0577, Resolution Relating to \$4,300,000 University of Montana (Formerly Montana

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State University) Revenue Bonds, Second Series 1966; Authorizing the Issuance of Coupon Bonds to Replace Registered Bond R2, was approved.

Commissioner Pettit called attention to the fact that Dr. Laura Walker, who is a representative to the Faculty Service Committee for Montana State University is retiring at the end of June, 1977. Chairman James said he would appoint someone to replace her at a later date.

Commissioner Pettit reported that a question had been raised by the bond counsel on the financing of the married student housing project at Montana State University. He moved that the Board of Regents instruct Montana State University, under the coordination of the Commissioner's office, to seek clarification of the legal status of the proposed financing of the married student housing complex under the provision of the 1954 bond indenture, and that in order to avoid the possibility of delaying the awarding of the construction bids, the Regents further authorize Montana State University to:

- A) provide for the possibility of issuing additional revenue bonds, if necessary,
- B) provide for short-term interim financing of the married student housing, if necessary, and
- C) apply to the Department of Housing and Urban Development for interest subsidy funds if additional revenue bonds must be sold.

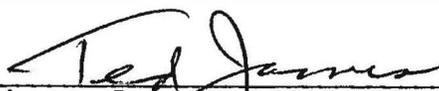
The motion carried. Mr. Nopper explained that the financing question arose during the legislative session. Mr. James asked Ms. Rippingale if she wanted to comment on the problem. Ms. Rippingale said she would like to have time to analyze the motion just approved before she could make a statement. Mr. Nopper called attention to the fact that the bonds in question are Board of Regents' bonds and not those of the State of Montana.

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President McIntosh reported that Mr. van Teylingen had just received the bid on the married student housing project and it was \$175,000 over the authorized cost of one million dollars. President McIntosh stated that authorization was needed from the Board if the bid was to be awarded at that figure. Mr. Peterson moved that the project be authorized for an amount up to \$1,175,000, subject to the availability of funds. The motion carried.

It was agreed that the next meeting date would be announced by the Commissioner.

The meeting adjourned at 4:00 p.m.


Chairman, Regents of Higher Education
Montana University System


Secretary