

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
April 9, 1979

The Board of Regents of Higher Education convened at 1:30 p.m. Monday, April 9, 1979, in the conference room of the Commissioner of Higher Education, Helena, Montana. The meeting was called to order by Chairman Ted James. Also present were: Mr. Lewy Evans, Mrs. Lola Hansen, Ms. Shelley Hopkins, Mr. Jeff Morrison, Ms. Mary Pace, Mr. John Peterson, and Acting Commissioner George Bandy.

Chairman James declared the minutes of the March 19, 1979 meeting to be approved.

In response to a question from Ms. Pace, the Commissioner explained that the legislators who had planned to attend the meeting declined to do so because of the Regents' insistence that the meeting be held in open session rather than executive session as the legislators had requested.

Ms. Pace moved that the recommendation of the Search and Screening Committee for the Commissioner be adopted—that Dr. John A. Richardson be named to the position of Commissioner of Higher Education effective July 1, 1979. The motion carried unanimously.

Ms. Pace presented the report of the Policy Committee. She indicated that the Policy Committee recommended that Item 16-005-R0577, Policy Regarding State Classification System, State Pay Plan and Coordination of Classified Collective Bargaining (REVISED) be referred to the Council of Presidents, and that Item 23-201-R0479, Policy Regarding Montana State University Carrying Out Seed Potato Certification, had been withdrawn at the written request of President Tietz, who explained that the relationship between Montana State University and the Montana Potato Improvement Association is currently the subject of litigation and should be discussed in executive session. The report was accepted on motion of Ms. Pace.

Mr. Lewy Evans, Chairman of the Capital Construction Committee, reported the Committee had discussed Item 24-101-R0479, Request for Authorization for Construction of Facilities at Yellow Bay Biological Station and Lubrecht Experimental Forest, University of Montana (an addition to the agenda), and recommended approval as amended on line seven following the word "is", to delete the word "necessary" and insert the word "desired". He so moved. The motion carried. Commissioner Bandy noted that this item, along with Montana Tech's item for a specialized instructional laboratory classroom building (Item 23-501-R0379), approved at the March 19, 1979

meeting, will be included in the Long Range Building Program bill, subject to approval of the Legislature.

Mr. John Peterson, Chairman of the Collective Bargaining Committee, reported that Eastern Montana College's collective bargaining contract will be ratified by the faculty in the next week or so. He stated at that time the Committee will determine whether to ask the Board to ratify the agreement and will make some recommendation to the Board at the next meeting.

Ms. Pace, Chairman of the Curriculum Committee, moved adoption of the Commissioner's recommendations naming Montana State University as the lead institution for the gerontology program and the development of protocols or procedures for participation of other units in the program. The motion carried. Shelley Hopkins requested that a policy proposal be brought to the Board at its next meeting setting forth procedures for developing centers, institutes and similar entities at units of the University System. Dr. Dayton was asked to meet with the chief academic officers to prepare such a policy to be considered by the Council of Presidents and subsequently by the Board at its next meeting.

Ms. Pace moved that the Curriculum Committee recommendation to approve Item 24-801-R0479, Termination of Licensed Practical Nursing Program, Northern Montana College, be adopted. The motion carried.

Commissioner Bandy reported that the Council of Presidents would be meeting on May 1, 1979, and would be considering some of these requests.

Ms. Hopkins moved that the staff in the Commissioner's office and Presidents Bowers and Tietz prepare a status report on the Helena-based Master of Public Administration program and present it at the next meeting of the Board. The motion carried.

There were no reports from the Budget Committee, Community College and Vocational Education Committee, the Council of Presidents, or the Faculty Association.

Under the Commissioner's Report, President Van de Wetering explained that an easement for a domestic water line across a lot owned by Eastern Montana College had been requested by Robert M. and Isabel W. Rodney. On motion of Mr. Peterson, the following resolution was unanimously adopted:

The Commissioner of Higher Education is hereby authorized to enter into an agreement and execute a right of way deed granting an easement for a domestic water service line traversing lot 2, block 1 of the Normand Estates addition to the City of Billings, Montana in E²-NW⁴NW⁴, Section 32, T1N, R26E. The grantees are Robert M. and Isabel W. Rodney as joint tenants. Their tract to be served with the water line is lot 8 of the east 29'8" of lot 9, Babcock Subdivision in the SW¹/₂ NW¹/₂ NW¹/₂, Section 32, T1N, R26E.

Commissioner Bandy read into the record a letter written by Representative Francis Bardanouve, Chairman of the House Appropriations Committee, stating the intent of the Legislature is that funds provided for the athletic programs of the University System units be used for compliance with the Department of Health, Education and Welfare guidelines. Commissioner Bandy also read Chairman James' response to Representative Bardanouve's letter. Commissioner Bandy noted that the final guidelines for Title IX compliance have not been adopted by HEW, and also that the Legislature did not appropriate additional funds to the University System for compliance with Title IX guidelines as they are now proposed.

In response to a request from Chairman James, the athletic directors from each campus were present, and each reported what was being done, what had been done, and what is proposed to be done to attempt to comply with Title IX guidelines in view of the fact that no funding will be forthcoming. At the conclusion of the reports by the athletic directors it was noted that the situation will have to be monitored closely by the presidents, and when final guidelines are set, the problem will have to be addressed because sanctions for noncompliance could be severe, including the removal of federal funds from campuses who do not comply with the guidelines. At the request of the presidents Commissioner Bandy was directed to write a letter for the Regents to the Legislature stating that the University System had completed an analysis of its needs for Title IX funding, had made a request for that funding which was approved by the Regents and submitted to the Legislature through the normal budget channels.

Dr. Irving Dayton reported on the Title VIII Coal Lab, stating that \$25,000 in funding has been received from the Old West Regional Commission for preparing the technical proposal. He said six panels are working on various aspects of the proposal, that there will be two Montanans on each panel, and that thirteen such laboratories are to be designated. He indicated that the deadline for the technical proposal to be submitted is September 1, 1979, and that funding is vital.

Dr. Dayton then reported progress on the NSF Program to Stimulate Competitive Research, stating that a committee has been appointed to prepare the proposal. He gave a brief analysis of funding, which is being requested for the planning program and the matching requirements, and added that the committee is optimistic that it has a good outline on how to proceed,

Dr. Dayton mentioned several amendments to the proposed policy respecting rules for tenure and termination. After a brief discussion, which included objections to some of the wording, Chairman James referred the proposal back to the Council of Presidents.

Jack Noble reported on the status of the legislative appropriation, explaining the amendments made by the Senate Finance and Claims Committee, and the Senate additions to the House version of H.B. 483. Mr. Noble stated that the total requested by the campuses was \$189 million; the Commissioner recommended \$180 million; the Regents' approved budget request was \$179 million; the Executive budget recommended \$165 million, as did the Legislative Fiscal Analyst. He said at this time the bill provides for \$2 to \$3 million over the Analyst's and Executive recommended budget for the System. He expressed his opinion that in addition, approximately \$1 million would be added to H.B. 483 by conference committee for Montana State University's computer.

Chairman James then asked President Tietz to explain the program cuts at Montana State University. President Tietz advised the Board that seventy-nine classes and portions of classes affecting over two thousand enrolled students would not be offered spring quarter due to lack of funds. He said that thirty-seven of the seventy-nine classes are in the College of letters and Science (mathematics, English composition and speech courses), and that the business courses affected are in another college. He explained that these courses and sections of courses are taught by contract faculty hired on a quarter-by-quarter basis who could not be retained because of lack of funds. He concluded that this lack of course work would be rolled forward and students would have to make them up.

Commissioner Bandy asked Bill Lannan to review the provisions of SB 32 affecting funding of the community colleges, which has been signed by the Governor, and on SB 448, which authorizes the establishment of a guaranteed student loan program to be under the authority of the Board of Regents. He did so.

Andrew vanTeylingen, Facilities Planner, reported on the status of the Long Range Building Program bill, noting that the priorities set by the Regents and those set by the Governor are not at all the same and that, of the money appropriated in this bill, only ten percent is from the State general fund, the remainder being University System funds.

In response to a question from Mr. Morrison, Mr. vanTeylingen explained that funds to be used to construct a library at Northern Montana College and to remodel the gymnasium at Montana Tech would come from the sale of bonds, which would be authorized by the passage of HB 425. Chairman James stated he had heard that legislators still have some question as to where the Film and TV building is to be built. Mr. vanTeylingen confirmed that this question had been raised by legislators at a meeting of the Long Range Building Committee. He suggested that the Board reiterate its intent with respect to this building. It was agreed unanimously that the Board had declared its intent several times and that there is no uncertainty in the minds of the Regents that the Film and TV building is to be constructed on the Montana State University campus. Mr. Morrison said that after the library at Northern and the remodeling at Montana Tech, the Film and TV building at Montana State University is the number three priority of the Board of Regents.

There was some discussion on the attempt of the Legislature to appropriate student building fees and auxiliary enterprise funds. It was explained that "auxiliary enterprises" covers what the Legislature refers to as plant funds, and that student building fees are pledged to indentures under the power of the Board of Regents and these provisions cannot be changed. It was noted that if the Legislature appropriates these funds the constitutional authority of the Board of Regents will have been overridden.

Spencer Fred Thomas, Associated Students of Montana State University, spoke in opposition to the Legislature appropriating student building fees. He said that students are very concerned about this, and if such a move should occur it could deplete the source of funds and could definitely harm the building programs on the campuses. Mr. Morrison asked Mr. Thomas if the students would consider instigating litigation if these funds are appropriated. Mr. Thomas replied that this would be a possibility, after consultation with the Regents, of course. Curt Johnson, student lobbyist, spoke in opposition also, stating he had addressed this question at a hearing of the Long Range Building Committee and told that committee that continuation of student building fees would be in danger if this appropriation were made. At the conclusion of this discussion, the following resolution was unanimously adopted by the Board of Regents:

Be it resolved that in accordance with the authority granted to the Board of Regents under the Constitution of the State of Montana, the Board is unalterably opposed to

legislative appropriation of student, building fees and auxiliary enterprise funds. Further, the Board will continue to administer these funds under its established policies and procedures and existing state statutes.

Commissioner Bandy then reported there may be a refusal on the part of the Legislature to appropriate federal funds into the Commissioner's office. He recommended that the Board take no action at this time, but it should be apprised that the matter may need to be addressed in the future.

Commissioner Bandy reported on the progress of the enrollment manual, stating that it will be ready for implementation on all campuses for the Summer Session of 1979.

Spencer Thomas, reporting for the Student Advisory Council, advised the Board that elections for student body presidents are being held at this time and the names of the new student body presidents should be available by the next Board meeting date. He indicated that Cary Holmquist had already been elected to that position at the University of Montana.

The following staff items were approved on motion of Mr. Morrison:

Item 24-700-R0479, Staff, Eastern Montana College

Item 24-500-R0479, Staff, Montana College of Mineral Science and Technology

Item 24-500A-R0479, Staff, Montana Bureau of Mines and Geology

Item 24-800-R0479, Staff, Northern Montana College

Item 24-100-R0479, Staff, University of Montana, except for the portion relating to tenure, which was deferred.

It was mentioned that the Budget Committee would need to meet as soon as the Legislature adjourns.

Chairman James reported that the State Board of Education meeting would be held in the Governor's Reception Room at 4:00 p.m.

The meeting adjourned at 3:12 p.m.