

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM

DATE: October 28, 1983
TIME: 10:25 a.m.
LOCATION: Room 235 C
Strand Union Building
Montana State University
Bozeman, Montana
REGENTS PRESENT: Morrison, Keck, Hurwitz, Pace, McCarthy, Knight, Redlin
Commissioner of Higher Education Irving E. Dayton
REGENTS ABSENT: None
PRESIDENTS ATTENDING: Bucklew, Carpenter, Erickson, Tietz, DeMoney
Academic Vice President Hively attending for President Thomas
PRESIDENTS ABSENT: Thomas
COMMITTEE MEETINGS: Budget Committee; By-Laws and Policy Committee; Capital Construction
Committee; Curriculum Committee

Chairman Morrison called the regular meeting of the Board of Regents to order at 10:25 a.m. on Friday, October 28, 1983. Roll call was taken and it was determined that a quorum was present.

Chairman Morrison reported that the Board met in executive session from 8:50 a.m. to 10:10 a.m. to discuss collective bargaining and litigation. He asked that the minutes reflect the protest to the executive session made by Kevin Dolan, reporter for the Exponent.

Chairman Morrison called for additions or corrections to the minutes of the previous meeting. None were stated, and the minutes of the September 16, 1983 meeting were ordered approved.

Chairman Morrison stated that because of time constraints, committee meetings scheduled at this time would be held before the full Board and no separate committee meetings would be held.

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Budget Committee:

Item 41-201-R1083, Authorization to Increase Summer Student Activity Fee at Montana State University was reviewed by Deputy Commissioner for Management and Fiscal Affairs Jack Noble. This item would increase the Summer Student Activity Fee from \$8.00 to \$12.00 per student, and for half summer session from \$4.00 to \$6.00 per student effective summer quarter 1984. A student vote held on July 13, 1983 resulted in 161 votes for the increase and 78 votes against. Mike Stoeckig, President, Associated Students, Montana State University, reviewed the programs supported by the fee and noted that the amount collected now for the summer session does not cover expenses. The fees have not been increased since 1968. On motion of Regent Keck, the item was approved.

Capital Construction Committee:

Item 40-105-R0783, Resolution Authorizing the President of the University of Montana and the Director of the Montana Forest and Conservation Experiment Station to add an additional 20 acres of land to the exchanges of property authorized by the Board of Regents on July 29, 1983 (ADDENDUM) was reviewed by President Bucklew as set out in the item. The State Land Board recommends this additional exchange and the University of Montana concurs in the recommendation. On motion of Regent Hurwitz, the item was approved. Regent Knight abstained from the discussion and the vote on this item, stating that one of the parties involved was his client.

Item 41-501-R1083, Approval of the Transfer of Real Property from the Montana Tech Foundation to Montana College of Mineral Science and Technology was reviewed by President DeMoney as set out on the item. Real property consisting of 8.98 acres and five buildings with a total valuation of approximately \$700,000 will be donated to Montana Tech under this item for use as a Mineral Research Center and for other College purposes. The property is located in the Butte Industrial Park. Effective date of

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acceptance is September 1, 1983. The property has been deemed suitable for acceptance by the State Architect. President DeMoney responded to Regents' questions concerning additional costs the college will assume and explained sources of funding to meet those costs. A brochure showing pictures of the property was reviewed. On motion of Regent Hurwitz, the item was approved.

President Tietz presented an informational report (on file) on the status of the construction of 95 married student housing units to replace the sub-standard units now in use on the Montana State University campus. Construction of the new units was originally authorized by Item 24-202-R0679 on June 25, 1979, but construction was delayed because of the unfavorable interest rate which prevented the bond sale. It now appears financially feasible to proceed with the project. Montana State University is conducting a review and update of the previous construction and financial plans. A possible spring 1984 construction bid opening and bond sale is contemplated. Reports to the Board of Regents will be made as the project proceeds.

Bill Lannan, Director of Special Projects, reported that the agreement among the Montana Tech Foundation, the Department of Administration, and the Board of Regents concerning the Engineering Laboratory/Classroom Building at Montana Tech, (Item 41-501-R0983) was signed by all parties and delivered to the appropriate agency.

President Bucklew, University of Montana, requested a modification of Item 41-106-R0983, Authority to appoint an architect to plan and design the University of Montana Stadium and to proceed with the study to determine the scope of the project; University of Montana, approved by the Regents at the September 16, 1983 meeting. The original item authorized an expenditure not to exceed \$5,000 for this phase of the project, and President Bucklew asked that that amount be increased to \$20,000. The request is made after consultation with Mr. Phillip Hauck,

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State Architect, and would be funded from private funds. On motion of Regent Hurwitz, the motion to increase the authorization in Item 41-106-R0983 to \$20,000 was approved.

Commissioner Dayton stated that it would be helpful to staff to have a brief discussion with the Regents to receive guidance on the kind of circumstances the Board feels would be appropriate for entering into a long-term lease of campus land. The Commissioner noted that the only agreement of that type now in the System involved the land on which the Museum of the Rockies was built. Such agreements are in existence in other state systems.

Regent Knight responded that the question is difficult to address in a vacuum. The Board would need to look carefully at a specific proposal. He stated his belief that the Board should not look at any proposal that is not to the long range benefit to the System in terms of annual revenues and other benefits the System would receive. The Board should not consider such a proposal unless the plans of the institution treat the property in question as surplus land in the long range perspective. The Board should not look at a proposal to erect a structure which is not contemplated to be useful in a relatively short run. That decision would have to be made at the time the decision to lease the land is made, and is not really long range planning. The System should not appear to be providing cheap property for developers. The three general criteria listed above would be immediate concerns that should be evaluated in the absence of a specific request. Chairman Morrison added that if such an arrangement were contemplated, it would have to provide a benefit to the campuses that could not be provided through regular state procedures.

At the request of Regent Knight, William Lannan reported briefly on the status of the maintenance portion of the Long Range Building Program.

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By-Laws and Policy Committee:

Regent Keck reported that the following items on the submission agenda of the Policy Committee were received for consideration at a future meeting:

Item 3-014-R1273, Residency Policy; Montana University System (REVISED)

Item 26-016-R0380, Employment Contract, Professional and Administrative Employees; Montana University System (REVISED)

Chief Counsel LeRoy Schramm made a presentation on Item 3-014-R1273, noting that because the changes are so extensive it was believed a short explanation of some of the changes would be helpful to the Board before the item appears on the action agenda. Residency rules at present are hard and fast irrebuttable presumptions which may be contrary to current law. Chief Counsel Schramm cited as an example the difficulty in interpreting the 12-month continuous residency requirement in current policy. This has been decided on an ad hoc basis, but is frequently challenged and defending the interpretation has taken a large amount of campus and legal staff time. The principal change in thrust of the proposed policy is away from the series of irrebuttable presumptions. Timelines for filing appeals are included in the revised policy.

A questionnaire setting out hypothetical cases was distributed to the Regents with the request that each Regent complete the form and return it to the Commissioner's office within the next week if possible. The responses will provide staff with information to determine if the policy as proposed is within the guidelines the Regents wish it to be.

Chairman Morrison stated that it is essential that the revised policy make it easier for students to understand what they have to do to obtain in-state residency status for fee purposes. Students have testified they were not told specifically what they need to do and the Board wishes that addressed.

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Chief Counsel Schramm reviewed the operations manual which will be distributed when the residency policy is revised, which should help with clarification. Discussion was also held on publishing a System brochure on requirements for establishing in-state status for fee purposes. Dr. Schramm noted that preparing such a brochure is contemplated, but is not dealt with in this policy.

Chief Counsel Schramm briefly discussed Item 26-016-R0380, Employment Contract, Professional and Administrative Employees; Montana University System (REVISED), stating that the intent of the revision is to clarify the notice requirements and to insert the termination for cause sentence to clarify that the notice requirements do not apply to that situation. Dr. Schramm requested that the policy be amended to delete the word "termination" each time it appears in Section 2, and insert "expiration". The Regents concurred, and the policy will be so amended when it appears on the action agenda.

Commissioner Dayton reviewed Item 26-014-R0380, Honorary degrees, Montana University System and Community Colleges, and Item 26-015-R0380, Distinguished Service Awards; Montana University System and Community Colleges (REVISED). He explained that the first item was originally written with the unstated assumption that it was dealing with honorary doctoral degrees. The amendments have been inserted to deal with questions that have come up regarding awarding of honorary degrees by community colleges and the possibility of other honorary degrees.

In review of the second item, the Commissioner stated that it was realized that community colleges should not only be authorized, but should be encouraged, to develop a distinguished service award for use on appropriate occasions. The proposed amendments deal with that situation.

On motion of Regent Keck, Item 26-014-R0380 and Item 26-015-R0380 were approved.

Commissioner Dayton explained that the proposed amendment to Item 24-001-R0579, Institutional organization, Montana University System (REVISED) was in response to requests regarding information which should be submitted in support of a proposal covered by this policy. On motion of Regent Keck, the Item was approved.

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Regent Knight moved that the Board confirm its previous action of ratifying the collective bargaining contract between the American Association of University Professors at Eastern Montana College and the Board of Regents, dated August 1, 1983, by mail ballot. The motion carried.

Regent Knight stated that the collective bargaining contract between the University Teachers Union at the University of Montana and the Board of Regents was before the Board for action. He asked for a report on the action taken on the contract by the union. Jack Noble reported that he was notified by Charles Bryan, President of the University Teachers Union at the University of Montana, that the University of Montana faculty ratified the contract by a vote of 196 for, 165 against, with ninety percent of the bargaining unit voting on the ratification.

Regent Knight then reported that the Regents received the following telegram just prior to the Board meeting: "Please delay action on the University Teachers Union contract until the next Regents meeting. We would like to avoid disruption of classes and to pursue a decertification attempt. Thank you. Signed: Todd and Gayle Cochran, School of Pharmacy." Regent Knight stated that as Chairman of the Collective Bargaining Committee he would report that the vote on the collective bargaining agreement was taken in the duly constituted form by the University Teachers Union and he recommended that the Board ratify the contract. He so moved. The motion carried.

Commissioner Dayton stated that he had been asked by the Five Rivers Chapter of the American Red Cross to make a presentation at this time, which he was very pleased to do. He reviewed the actions taken by Mr. Jim Malmo, a sophomore in business management at Montana State University, which were credited with saving the life of a fellow student through proper first aid administration and presented Mr. Malmo with the Red Cross Certificate of Merit. The Commissioner noted that Jim Malmo is the son of John and Ellen Malmo of Butte, Montana, and stated on behalf of the Board of Regents and the Red Cross he was pleased to present the meritorius award, and congratulated the Malmo's for having such a fine son.

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Curriculum Committee:

Regent Pace reported that Item 41-202-R1083

Authorization to 1) Terminate the Degrees of Bachelor of Science in Agriculture and Bachelor of Science in Agricultural Land Resources and 2) Grant the Degrees of Bachelor of Science in Agricultural Economics, Bachelor of Science in Agronomy, Bachelor of Science in Animal Science, Bachelor of Science in Horticulture, Bachelor of Science in Mechanized Agriculture, Bachelor of Science in Range Science, and Bachelor of Science in Soils at Montana State University

was received for consideration at a future meeting.

President DeMoney requested that Item 39-502-R0483, Bachelor of Science Degree in Employee Health, Recreation and Fitness; Montana College of Mineral Science and Technology, be taken from the table and set for action at the December meeting.

President Bucklew, University of Montana, asked for clarification stating it was his understanding that the item was tabled pending the outcome of role and scope revisions. Dr. Krause responded that the item was tabled at the request of the institution and he believed it would be appropriate to take the item off the table at the request of the institution. After brief discussion Dr. Krause was instructed to place Item 39-502-R0483 on the submission agenda at this meeting and bring it forward for action at the December meeting.

Bill Lannan, Community College Coordinator, briefly reviewed Item 41-3001-R0983, Flathead Valley Community College Center at Libby as set out in his memorandum to the Commissioner dated October 18, 1983 (on file). He introduced Dr. Ed Myers, Acting President of Flathead Valley Community College, who spoke to the development of community college education centers and discussed H.B. 747 which provides the taxing mechanism to establish community college service regions.

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Lincoln County will vote on that issue on November 8, 1983.

President Myers will inform the Board of the outcome of that election.

President Myers introduced three Lincoln County residents who were present to make presentations in support of the center at Libby, and who have been instrumental in getting the proposal on the ballot and before the Board. Mr. Bill Gould, Lincoln County Commissioner, and Ms. Sandy Matheny of Libby spoke in support. Ms. Sandy Wagner made a presentation on behalf of the Lincoln County Community College Steering Committee (on file).

Chairman Morrison expressed the Board's appreciation to the Lincoln County residents who had traveled such a long distance to make the presentations. President Bucklew stated that the presentation was most helpful, and expressed the University of Montana's endorsement of the development of the center at Libby.

On motion of Regent McCarthy, the following resolution approving Item 41-3001-R0983 was adopted:

WHEREAS on June 29, 1983 the Board of Trustees of Flathead Valley Community College passed a resolution requesting the Board of Regents of Higher Education to authorize the establishment of the Flathead Valley Community College Education Center at Libby; and

WHEREAS on June 2, 1983 the Board of Trustees at Flathead Valley Community College received a written request to establish a center from the Board of Lincoln County Commissioners; and

WHEREAS on September 16, 1983 the Board of Regents of Higher Education received Item 41-3001-R0983, Flathead Valley Community College Center at Libby and the necessary information, description, and assurances relative to the request to establish the center at Libby.

NOW THEREFORE BE IT RESOLVED that the Board of Regents of Higher Education approves that item which establishes the Flathead Valley Community College Center at Libby for Lincoln County.

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Mr. Lannan reviewed Item 41-4001-R0983, Community College Education Center at Colstrip, Miles Community College which would establish an education center at Colstrip for the Colstrip Elementary District No. 19. President Judson Flower, Miles Community College, spoke to the need of that community for such educational offerings, noting that the Colstrip population is projected to level off at approximately 5,500 persons, which makes it one of the larger population centers in that area of Montana. He spoke of Montana Power Company's support of the center, and explained the grant made by the Coal Board of just under \$100,000 which will assure adequate faculty, library and facility resources at the Colstrip Center for a full year. Speaking to the concerns of some of the units of the University System, President Flower stated that Miles Community College has no plans to expand the center program out of the part of the state that Miles now serves. He also addressed the question of transferability of programs. President DeMoney spoke to the concerns expressed in the review of the proposal concerning the quality and breadth of the program, concluding that Montana Tech supports the concept of providing educational opportunities for that area of the state as well as endorsing the concept of education centers. President Carpenter, Eastern Montana College, stated that Miles Community College has kept Eastern Montana College fully apprised of their activities and Eastern Montana College is supportive of this proposal.

On motion of Regent Redlin, the following resolution approving Item 41-4001-R0983 was approved:

WHEREAS on August 15, 1983 the Board of Trustees of Miles Community College passed a resolution requesting the Board of Regents of Higher Education to authorize the establishment of the Miles Community College Education Center at Colstrip; and

WHEREAS on August 10, 1983 the Board of Trustees of Miles Community College received written requests to establish a center from the Director of Community Education of Colstrip Public Schools and from the personnel supervisor for Bechtel Power Corporation; and

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WHEREAS on September 16, 1983 the Board of Regents of Higher Education received Item 41-4001-R0983, Community College Education Center at Colstrip, Miles Community College, and the necessary information, description, and assurances relative to the request to establish the center at Colstrip.

NOW THEREFORE BE IT RESOLVED that the Board of Regents of Higher Education approves that item which establishes the Miles Community Education Center at Colstrip for the Colstrip Education District No. 19 (legal entity 0796) situated in Rosebud County.

Mr. Lannan noted that Miles Community College has communicated with the Northwest Accrediting Association to inform them the center is being established. Flathead Valley Community College needs to notify the accrediting association also. This has been discussed with Flathead Valley Community College, and that action will be taken in the immediate future.

Dan Dolan, Mathematics and Computer Education Specialist, Office of Public Instruction, gave a brief report on the SLATE conference regarding the use of educational technology in Montana held at Carroll College on June 23-24, 1983. Copies of the conference report were distributed (on file). Mr. Dolan called particular attention to page 6 of the report, which lists the final priorities concerning use of educational technology in Montana developed by the entire SLATE group.

Mr. Tom Crosser, Governor's Office of Budget and Program Planning, followed with a report on the Governor's proposal to address the SLATE Conference recommendation to establish a State Commission on Educational Technology. Mr. Crosser stated that the Governor recommended the membership of the Commission include University System representatives, Public Education, community colleges, vo-techs, business, private sector, labor, and a member of the Board of Regents. In addition to that membership, Mr. Crosser stated that the Governor would like to provide a linkage with the State Commission and the Build Montana program by

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having a member of the Build Montana Committee on Science and Technology on the Commission recommended by SLATE. Mr. Crosser explained that the Committee on Science and Technology includes members of the University System, private sector and other parties interested in the economic development of the state. Mr. Crosser requested the Regents' support and participation in the Governor's proposal.

Commissioner Dayton endorsed Mr. Crosser's recommendations, and briefly outlined his involvement with the Committee on Science and Technology. He noted Regent representation on the State Commission would provide an excellent opportunity to participate in the policy recommendations that will probably be made by the State Commission.

Regent McCarthy moved that the Regents endorse and support the Governor's recommendations concerning the State Commission. The motion carried.

Chairman Morrison called for a Regent to volunteer to serve on the State Commission on Educational Technology. Regent McCarthy stated her interest, and was unanimously appointed as the Regents' representative.

Commissioner's Report

Commissioner Dayton reported that in accordance with Regents' Policy 505.1, United Student Aid Funds, Inc. has been authorized to increase the loan commitment amount for the Montana Guaranteed Student Loan program from \$75 million to \$100 million. The program continues to move forward in a positive manner and is well accepted.

Commissioner Dayton reported on the status of legislation before the Congress which would have placed a cap on the sale of certain bonds including those which fund the guaranteed student loan program and the secondary market. Information was supplied to Senator Baucus in opposition to the legislation by the Commissioner's office and the Guaranteed Student Loan program. The legislation has been withdrawn by the sponsor.

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Chairman Morrison and Commissioner Dayton expressed their appreciation to President Tietz and the staff at Montana State University for the many courtesies extended and the excellent arrangements provided by Montana State University for the Regents' meeting on the campus.

Commissioner Dayton stated it was his pleasure to announce that Dr. Lynda Sexson, Director, Summer Session, Montana State University, had received the North American Association for Summer Sessions Merit Award for innovative and creative programming, and the Western Association of Summer Session Administrators' award for creative programming in recognition of the LOGON Conference.

Council of Presidents

President Bucklew, University of Montana, spoke to the loss to the University and to the state caused by the death of Dr. Fred Shafizadeh, Professor of Chemistry, at the University. He noted that every death is a loss, but Dr. Shafizadeh's death is a special loss to the campus and the state. He reviewed Dr. Shafizadeh's many accomplishments, and extended deepest sympathies to the family of Dr. Shafizadeh.

The Superintendent of Public Instruction had no report.

Board of Public Education

Commissioner Dayton stated that the Regents have received a resolution adopted by the Board of Public Education which addresses teacher training and educator competency within the state of Montana (on file). Staff was asked to prepare a response. On motion of Regent Knight, the following response to that resolution was adopted:

The Board of Regents has received the resolution adopted by the Board of Public Education pertaining to improvements in the area of teacher training and educator competency. The Regents share the desire of the Board of Public Education to have only highly qualified teachers entering the profession in Montana.

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With specific reference to part one of the resolution, the Regents believe that a standardized admissions test will not assure quality of those entering teacher training programs. Rather, measures of quality can best be addressed through evaluations in basic general education courses, in courses within the students' major and in the professional components of pedagogy and student teaching.

As indicated in part two of the resolution, the Board of Regents could support testing of teachers prior to certification provided that an identical test is used for all candidates and the results are used uniformly for all who seek initial certification. This would include those who graduate from the Montana University System, private institutions within the state and all those seeking certification from outside the State of Montana.

The Board of Regents looks forward to continued joint efforts with the Board of Public Education to improve the total educational process in the State of Montana.

Faculty Association

Dr. Kenneth Bryson spoke briefly to the organization, membership and activities of the Faculty Council. He spoke particularly to the Faculty Council's belief in the effectiveness of the subcommittee which consists of members of the Council and Commissioner's staff in addressing concerns of the Council and maintaining positive communication with the Commissioner's office.

Student Advisory Council

The Student Advisory Council reported on the breakfast meeting held with the Regents. It was also reported that the SAC held a telephone conference call meeting earlier in the day with the Governor to discuss their recommendation to the Governor that the method of selecting the Student Regent be revised. It was noted that while the Governor encouraged the SAC to maintain a high level of activity, he did not support the proposal.

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Dan Bauer, President, Associated Students, Montana Tech, reported that Montana Tech has been successful in its petition for membership in Tau Beta Pi, the national honorary engineering society. At the convention held in Illinois in October, 1983, four schools petitioned for membership, and the Montana Tech Chapter was the only one accepted by unanimous vote.

Regular Agenda

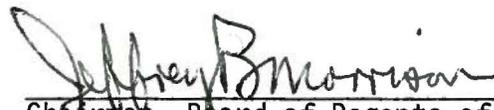
On motion of Regent Keck, the following items were approved:

- Item 41-100-R1083, Staff, the University of Montana
- Item 41-101-R1083, Resolution Concerning the Death of Fred Shafizadeh, Professor of Chemistry University of Montana
- Item 41-200-R1083, Staff, Montana State University
- Item 41-300-R1083, Staff, Agricultural Experiment Station
- Item 41-400-R1083, Staff, Cooperative Extension Service
- Item 41-500-R1083, Staff, Montana College of Mineral Science and Technology
- Item 41-700-R1083, Staff, Eastern Montana College
- Item 41-900-R1083, Staff, Office of Commissioner of Higher Education with Addendum to appoint Sue I. Romney, B.S., Director of Labor Relations and Personnel, effective November 7, 1983 at an annual salary of \$35,000 prorated for shortened contract year.

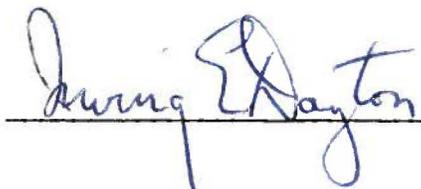
The afternoon schedule of the Regents as set out on the agenda was reviewed, including the tour of the Visual Communications Building, the computer-automated demonstration of Montana University System's funding formula, and the open forum with the Regents for students, faculty and all interested persons.

The meeting adjourned at 12:05 p.m. The next regularly scheduled meeting of the Board is December 15-16, 1983 in Helena, Montana.

APPROVED:



Chairman, Board of Regents of Higher Education, Montana University System



Secretary

9.
October 27, 1983

ITEM: 41-201-R1083

AUTHORIZATION TO INCREASE SUMMER STUDENT ACTIVITY
FEE AT MONTANA STATE UNIVERSITY

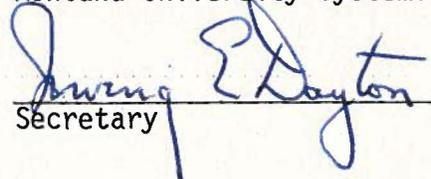
THAT:

The Board of Regents of Higher Education authorize Montana State University to increase the Summer Student Activity Fee for the full summer session from \$8.00 to \$12.00 per student and for half summer session from \$4.00 to \$6.00 per student effective summer quarter 1984.

EXPLANATION:

The summer session supports most of the summer activities that are not credit hour producing. These activities are a major component of summer quarter. The fees have not been increased since 1968. The student government supports this increase and a student vote on July 13, 1983 resulted in 161 votes for the increase and 78 votes against the increase.

The foregoing Item 41-201-R1083 was approved on October 28, 1983 by Regents of Higher Education, Montana University System.


Secretary