

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

DATE: December 15-16, 1983
LOCATION: Conference Room
Montana University System
33 South Last Chance Gulch
Helena, Montana
REGENTS PRESENT: Morrison, Pace, Hurwitz, Keck, McCarthy, Redlin, Knight
Commissioner of Higher Education Irving E. Dayton
REGENTS ABSENT: None
PRESIDENTS ATTENDING: Bucklew, Carpenter, DeMoney, Erickson, Tietz, Thomas
PRESIDENTS ABSENT: None

Chairman Morrison called the regular meeting of the Board of Regents to order on Friday, December 16, 1983 at the conclusion of the committee work. He asked that the minutes reflect that the Board met in executive session prior to the committee meetings from 8:30 a.m. to 9:50 a.m. on matters of litigation and personnel. The Chairman stated that the person involved in the personnel matter requested that the hearing be closed. Kevin Dolan, reporter for the Exponent, protested the discussion of litigation in executive session based on Judge Olsen's decision of November 16, 1983 in the First District Court which held that discussion of litigation in executive session was improper. The protest was duly noted by the Board.

It was also reported that on Thursday, December 15, 1983, the Board recessed from committee work to convene as the full Board to act on the following matters which required the presence of persons who would not be available during the regularly scheduled meeting on Friday.

December 15-16, 1983

Mr. William Johnstone, bond counsel from the firm of Dorsey & Whitney, Minneapolis, Minnesota, made a presentation on Item 42-901-R1283, Approval of the Commitment Agreement and Authorizing the Chairman or Commissioner of Higher Education to sign the agreement and incidental instruments (an addition to the agenda). Mr. Johnstone explained that the Montana Higher Education Student Assistance Corporation Board of Directors met earlier in the day and approved the Bond Resolution approving the issuance of student loan revenue bonds, series 1983 B and C. The authorizations set forth in the item are subject to approval of the Corporation's Amended Plan for Doing Business by the United States Department of Education as required by law, and approval by MHESAC's Executive Committee. On motion of Regent Pace, the item was approved.

Collective Bargaining Committee

At the request of Regent Robert Knight, Chairman of the Collective Bargaining Committee, Chief Counsel LeRoy Schramm reported on the current status of collective bargaining in the System, and requested ratification of the following collective bargaining agreements recently negotiated:

International Union of Operating Engineers, Locals 375 and 400;

Butte Teamsters Union, Local 2 and the United Food and Commercial Workers, Local 1981;

International Association of Machinists and Aerospace Workers, Locals 88 and 1434;

Montana State Council of the International Brotherhood of Carpenters and Jointers of America;

International Brotherhood of Painters and Allied Trades, Local 1023, 851 and 167; and

United Association of Plumbers and Pipefitters, Locals 30, 41 and 459.

On motion of Regent Knight, the agreements were ratified.

December 15-16, 1983

Director of Labor Relations and Personnel Sue Romney reported that the faculty at Western Montana College have now ratified the collective bargaining agreement between the faculty and the Montana University System. Ms. Romney outlined the changes between this agreement and the one previously not approved by the faculty at Western Montana College. She noted that that agreement contained substantial changes in the areas of evaluation, promotion and tenure which were important to the System, but which led to some concern on the part of the faculty. Returning to the table allowed those concerns to be worked out to the mutual satisfaction of all parties. She stated her belief that the agreement presented for ratification is a good contract. On motion of Regent Knight, the collective bargaining agreement between the faculty at Western Montana College and the Montana University System was ratified.

Commissioner Dayton reported that only one collective bargaining agreement remains unsigned in the System, and that is with the faculty at Northern Montana College. Negotiations on that agreement are progressing.

At the conclusion of committee work on Thursday, December 15, 1983, Jack Noble, Deputy Commissioner for Management and Fiscal Affairs, distributed and reviewed a report on the funding formula (on file). He also reported on the System's group insurance plan. With regard to the group insurance plan, Mr. Noble outlined the proposal to put the System's plan out to bid in the near future, and explained various administrative changes contemplated which would result in considerable dollar savings, but would require staffing changes in the Commissioner's office to provide the services previously contracted for. Expenditures would be paid from the insurance pool and there would be no general fund obligation. Mr. Noble will keep the Regents advised of any changes in the System's benefit package.

At the conclusion of the report of actions taken by the Board the previous day, roll call was taken and it was determined a quorum was present.

December 15-16, 1983

Chairman Morrison asked if there were additions or corrections to the minutes of the October 28, 1983 meeting, and the special call meeting held on November 14, 1983. None were stated, and the minutes were ordered approved.

Committee Reports

By-Laws and Policy Committee

Regent Keck, Chairman of the By-Laws and Policy Committee, reported the following items were received for consideration at a future meeting:

- Item 31-004-R0681, Holiday Exchanges, Montana University System (REVISED)
- Item 18-005-R1077, Fee Waivers; Montana University System (REVISED)
- Item 42-002-R1283, College Preparatory Program; Montana University System
- Item 42-003-R1283, Television Policy; Montana University System

It was also reported that Item 26-021-R0380, Faculty Receiving Board of Regents Contracts; Probation and Tenure; Montana University System (REVISED) was received for consideration at a future meeting. The item was inadvertently omitted from the submission agenda at the time of mailing. Faculty groups were sent a copy of the item with a memorandum explaining the omission, and stating that no action would be taken on the item at the December meeting.

In the meeting of the By-Laws and Policy Committee, Commissioner Dayton briefly reviewed each of the submission agenda items. He stated that although the proposed policy on Holiday Exchanges had been reviewed by the Council of Presidents, no consensus was reached on the merits of implementing such a policy, and more feedback will be received from the campuses before the Regents are asked to act on the item. The Fee Waiver policy revision is in response to changes in federal regulations, and the

December 15-16, 1983

Television Policy is submitted in response to the Regents' request that such a proposal be brought forward. Commissioner Dayton reported to the Committee that the proposed policy on the College Preparatory Program will remain in submission status until sometime in the spring of 1984, and will be widely disseminated throughout the state for public comment before it is placed on the action agenda. The Regents will be kept apprised of the amount and kind of response to the proposal as it is reviewed.

By-Laws and Policy Committee Action Agenda

Regent Keck reported that the Committee recommended that Item 26-016-R0380, Employment Contract, Professional and Administrative Employees, Montana University System (REVISED) be approved. The revision makes two changes in the policy. The first exempts situations involving termination for cause, and the second clarifies that the policy deals with times prior to the expiration of the employment contract. On motion of Regent Keck, the item was approved.

Regent Keck reported that Item 41-003-R0973, Post-retirement Employment; Montana University System, was discussed at length by the Policy Committee. Presentations were made by faculty group representatives and union representatives which were generally favorable to the proposal. President Bucklew proposed the following amendments to sections "C" and "D" of the Terms and Conditions on page 2 of the item:

B. The term of a post-retirement agreement shall be determined on an individual basis. The individual agreement will describe the term of intended appointment subject to availability of funds. The agreement will be negotiated by the campus administration subject to approval of the Board of Regents.

C. The employee covered by a post-retirement agreement shall be subject to a performance evaluation process which is generally consistent with the unit's normal evaluation process. If special conditions and criteria are to be

December 15-16 , 1983

applied as part of the evaluation, such conditions and criteria will be described as part of the post-retirement agreement.

The presidents endorsed President Bucklew's amendments, and the need on each of the campuses for the administrative flexibility the policy would provide. Commissioner Dayton spoke in opposition to extending the term of the post-retirement contracts beyond three years, and explained his belief that the portion of the Bucklew amendment which inserted the phrase "subject to availability of funds" changed the nature of the proposed policy considerably. Problems with negotiating individual contracts with members of the unions on bargaining campuses were discussed, as were statutory limitations on length of contracts, projecting faculty workload needs beyond three years, and the impact of health insurance costs on early retirement decisions. The key issue of discussion was the term of the contracts.

Chairman Morrison proposed that the By-Laws and Policy Committee work with the presidents and Commissioner's staff to re-write the item based on today's discussion. Regent Knight concurred, and stated there needed to be consensus of the Board as to the parameters of the policy. On motion of Regent Knight, the following recommendation on Item 41-003-R0973 was made to the Board:

That the By-Laws and Policy Committee, working with the presidents and Commissioner's staff, analyze and redraft the provisions of the post-retirement policy as they relate to:

1. The proposed policy as to unit involvement;
2. The general policy prescription issue;
3. Board policy on adoption of individual contracts and the relation of the collective bargaining campuses and requirements of the collective bargaining contracts in implementing policy;
4. The issue of evaluation;

December 15-16, 1983

5. Flexibility as to term, generally consistent with President Bucklew's proposal. The item should be placed on the action agenda of the Policy Committee at the January meeting of the Board.

Regent Keck moved that the committee recommendation be approved. The motion carried.

Budget Committee

Regent Hurwitz reported that the committee reviewed Item 42-501-R1283, Authorization to Institute a New and Separate Fee to Fund the Student Newspaper, Montana College of Mineral Science and Technology. In the review, questions were raised concerning policy implications of earmarking special fees to fund student newspapers, which results in raising to Board level the allocation of student activity fees. Mr. Noble will review the Regents' Inventory and Validation of Fees and report back to the Board. On motion of Regent Hurwitz, Item 42-501-R1283 was approved.

Regent Hurwitz reported that the Budget Committee reviewed Item 42-001-R1283, Tuition increase; Montana University System. The recommended increases are consistent with discussions with the legislative appropriations committee during the session, and agreed to by the Regents. The appropriations in HB 447 are based on these tuition levels. The committee recommended the item be approved. Regent Hurwitz so moved. The motion carried, with Regent Keck voting no.

Capital Construction Committee

Regent Hurwitz reported the Capital Construction Committee discussed the following three items, and recommended approval.

Item 42-101-R1283, Residence Halls and University Center Energy Conservation Measures; University of Montana

Item 42-202-R1283, Authorization to proceed with construction of the Married Student Housing Units originally authorized in 1979 and increase the project cost to \$4,150,500; Montana State University

December 15-16, 1983

Item 42-701-R1283, Appointment of an Architect to Plan Improvements of and additions to the Student Union Building; Eastern Montana College

He so moved. The motion carried.

Regent Hurwitz reported the Capital Construction Committee discussed Item 42-601-R1283, Authority for Western Montana College to lease campus property, with the lessee to construct thereon housing suitable for married students. After review of the legal ramifications and other problems inherent in a long-term involvement between private enterprise and the state, it was agreed between Western Montana College and the committee that no action will be taken on this item.

William Lannan, Director of Special Projects, reported to the Capital Construction Committee on the status of the System's maintenance and repair under the Long Range Building Program. Several of the projects in the System have not yet been bid, and until that process is completed it is not possible to know what savings might be realized that can be allocated to the University of Montana as the Regents instructed. Mr. Lannan will continue to advise the Board of the status of the bids as they are awarded.

Curriculum Committee

Regent Pace, Chairman of the Curriculum Committee, reported that the following items were received for consideration at a future meeting:

Item 42-203-R1283, Authorization to Separate the Department of Electrical Engineering and Computer Science into Two Units--The Department of Electrical Engineering, and the Department of Computer Science at Montana State University

Item 42-204-R1283, Authorization to Change the Name of the School of Nursing to the College of Nursing; Montana State University

Item 42-205-R1283, Authorization to Change the Name of the School of Business to the College of Business; Montana State University

December 15-16, 1983

- Item 42-702-R1283, Changing the Name of the School of Extended Studies and Community Service to the Center for Continuing Education and Community Service; Eastern Montana College
- Item 42-801-R1283, Authorization to Grant a Graduate Minor in Guidance and Counseling K-12; Northern Montana College
- Item 42-2001-R1283, Request for Regent Authorization to continue the existing Educational Agreements with Fort Peck Community College at Poplar, Montana; Dawson Community College

Regent Pace reported the Curriculum Committee reviewed the following items and recommended approval:

- Item 41-102-R0983, Approval of a Non-Teaching Minor in Library-Media Services; University of Montana
- Item 41-104-R0983, Approval of a New Minor in Soviet Studies; University of Montana
- Item 41-105-R0983, Approval of a New Minor in Native American Studies; University of Montana
- Item 41-701-R0983, Changing the Name of the School of Liberal Arts to the School of Arts and Sciences; Eastern Montana College

She so moved. The motion carried.

Regent Pace reported the committee recommended that Item 41-103-R0983 Approval of a combined Bachelor of Arts degree in physics - computer science, University of Montana be approved, with the requirement that students be provided conscientious advising and scheduling to assure opportunities to take courses in the humanities while pursuing this degree. She so moved. The motion carried.

December 15-16 , 1983

Regent Pace reported that Item 39-502-R0483, Bachelor of Science Degree in Employee Health, Recreation and Fitness; Montana College of Mineral Science and Technology was reviewed extensively by the committee. Testimony in support of the proposal was presented by Montana Tech. The program was carefully developed and documented, and was presented as a logical extension of the institution's role and scope under the mandate of serving the needs of the mineral industry. Opposing testimony was heard from representatives of Montana State University and the University of Montana who stated programs are in place at those two institutions which will serve the needs of students wishing to enter this field, and those programs have been under campus review and are expanding into the areas of health and fitness. Duplication and inappropriateness of mission were put forth by the two universities as reasons why this program should not be approved. Commissioner Dayton and Deputy Commissioner Krause both recommended that the program not be approved as set out in the memoranda sent to the Regents with the agenda (on file). Both view approval of this degree as a movement away from Tech's traditional role to that of a multipurpose institution. If this is indeed the Regents' intent, it is the belief of Commissioner Dayton that it should be done after the review of the System Role and Scope statement. The item was sent by the Curriculum Committee to the full Board without recommendation.

Regent Redlin moved that Item 49-502-R0582 be tabled. She explained that the purpose of the motion would be to recognize that the program has merit and should be considered, but at this time the Regents have agreed to a freeze of role and scope expansion until the review is concluded, and for that reason she did not want to recommend approval. The motion to table carried with Regent Pace voting no.

Regent Keck asked that the Board at this time reaffirm its statement made at the June 1983 meeting that while this item is in deferred status, the Board would expect that no other similar proposals will come forth from other institutions.

December 15-16, 1983

Regent Pace noted that there are some very similar programs now on other campuses, and if it is the Board's intent that until the role and scope statement review is completed there will be no movement within other institutions to develop a program similar to the Tech proposal, that should be clearly stated.

President Bucklew requested clarification. He noted he did not recall a specific discussion making reference to degree authorizations. He distributed a "Chronology of Events leading to a proposal for a Health and Fitness Specialist Emphasis presently before ASCRC" at the University of Montana (on file) which indicated development of this option beginning in 1978. These actions predate any proposal presented by Montana Tech to the Board or the University for review. President Bucklew noted that under the established degree at the University of Montana, development of the health and fitness emphasis would not normally be a matter brought to the Board and is within the University's role and scope mission. He asked if the Board's action would preclude the University from continuing to develop the HPE Core options set out on the handout under the already existing degree. Chairman Morrison stated it would. President Bucklew stated this would preclude the University from moving in a direction that would serve students effectively consistent with the degree structure at the University. The University of Montana did not believe development of this option under its existing Bachelor's degree in HPE would modify, change or infringe on the current role and scope statement, but would be "normal operating procedure."

Chairman Morrison stated it was the intent of the Board that there would be no intrusion in the area of health and fitness until the role and scope questions were resolved, and any program at any unit related to this curriculum is to be considered on hold until that time.

December 15-16, 1983

Commissioner Dayton explained that while development of the health and fitness emphasis under University of Montana's existing B.S. in HPE is an appropriate option and does not require Regents' approval, the Regents are within their rights to place such actions on hold. In the absence of such action, University of Montana has a degree under which this is an appropriate option.

Regent Redlin then moved that the Board reaffirm and clarify its previous statement that there will be a moratorium on all health and fitness emphases at all units of the System until role and scope review is completed. The motion carried, with Regent Pace voting no.

New Business

On motion of Regent Pace, the gubernatorial appointment of Nicholas R. Cladis to replace Vera Gerke as a member of the Local Executive Board of Eastern Montana College was confirmed. Mr. Cladis will fill the unexpired term ending April 16, 1984. Commissioner Dayton noted that Mr. Cladis was a former Student Body President at Eastern Montana College.

Commissioner's Report

Commissioner Dayton stated that conflicts have occurred which necessitate changing the January meeting date of the Board. After discussion, it was agreed that the Board of Regents would hold a one-day meeting on Monday, January 30, 1984. The previously scheduled meeting dates of January 26-27, 1984 would be cancelled. The Regents will meet with the Board of Public Education as the State Board of Education on January 30 also.

President Bucklew asked that the record reflect the recognition given by the Board yesterday to Dr. Maxine C. Johnson, Director, Bureau of Business and Economic Research, University of Montana. One of the responsibilities of the Center is the publication of the Montana Business Quarterly and that magazine was recently selected for a national award

December 15-16, 1983

in recognition of its being the best publication of its kind in the nation. President Bucklew expressed his own great pride, and that of the University of Montana, in the outstanding job performed by Dr. Johnson culminating in this award.

President Bucklew also called attention to another honor bestowed on a faculty member at the University, stating that Dr. Lee Vonkuster, faculty member in the School of Education, was selected as the recipient of the Montana Council of Teachers of Mathematics "Teacher of the Year" award.

President Bucklew distributed copies of the "University of Montana Framework for Planning, 1983-1984", and briefly reviewed the document (on file). He stated that the University implemented a planning process for the campus which is now in its third year, and each year publishes such a document. President Bucklew briefly reviewed the general purposes of planning, and the specific purposes of planning in this cycle.

Commissioner Dayton reported that Montana State University has received notification from the American Home Economics Association verifying continued accreditation to its Home Economics Department. In addition, the American Chemical Society has approved Montana State University's five-year report and verified continuation of ACS approval of Montana State University's Chemistry program.

The Council of Presidents, Office of Public Instruction, and Faculty Association had no report.

Board of Public Education

Dr. Carrol Krause, Deputy Commissioner for Academic Affairs, asked that the Board respond with suggestions on changing the concept or content of the draft questionnaire developed jointly with the Board of Public Education. The final version of this questionnaire will be used in the public meetings on excellence in education which will be held statewide on February 14, 1984. A second draft will be prepared and distributed as soon as responses are received from both Boards.

December 15-16, 1983

Student Advisory Council

Dallas Curtiss, Chairman, Student Advisory Council, reported on a meeting held with Jack Noble of the Commissioner's office and J. Michael Young, Administrator of the state's Insurance and Legal Division to discuss audit recommendations pertaining to liability of student organizations. Mr. Curtiss also reported that the SAC Conference has been scheduled to be held on January 21, 1984 with Representative Pat Williams as the guest speaker.

Regular Agenda

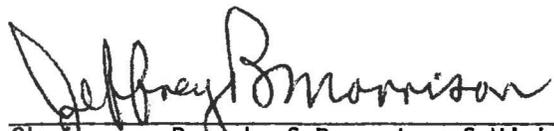
On motion of Regent Keck, the following items were approved:

- Item 42-100-R1293, Staff, University of Montana
University of Montana 1983-84 Faculty Roster (Submitted for Information Purposes Only)
- Item 42-200-R1283, Staff, Montana State University
- Item 42-201-R1283, Retirement of Duane J. Hoynes;
Montana State University
- Item 42-206-R1283, Retirement of Leslie A. Lawrence;
Montana State University
- Item 42-207-R1283, Retirement of Robert A. Sencer;
Montana State University
- Item 42-208-R1283, Retirement of Ervin P. Smith;
Montana State University
- Item 42-300-R1283, Staff, Agricultural Experiment Station
- Item 42-301-R1293, Retirement of Robert F. Eslick;
Agricultural Experiment Station
- Item 42-400-R1283, Staff, Cooperative Extension Service
- Item 42-500-R1283, Staff, Montana College of Mineral
Science and Technology
- Item 42-502-R1283, Professor Emeritus Status for Professor
Frank H. Kelly; Montana College of
Mineral Science and Technology
- Item 42-500A-R1283, Staff, Montana Bureau of Mines and Geology
- Item 42-700-R1283, Staff, Eastern Montana College
- Item 42-900-R1283, Staff, Office of Commissioner of Higher
Education with ADDENDUM

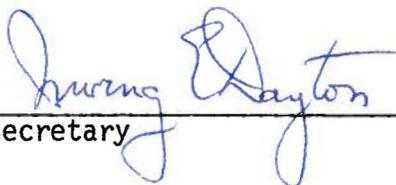
The meeting adjourned at 1:50 p.m. The next regularly scheduled meeting of the Board of Regents will be Monday, January 30, 1984 in Helena, Montana.

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OF HIGHER EDUCATION
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APPROVED:



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



Secretary