Minutes of Thursday, May 2, 1985

Chairman Morrison called the meeting to order at 3:20 p.m., at the conclusion of the interviews with the candidates for the presidency of Northern Montana College. All members of the Board were present except Regent Scully.

Commissioner Dayton introduced Dean Cynthia Bryson, Chairperson of the Northern Montana College Presidential Search Committee. He expressed his own, and the Regents', appreciation to Dean Bryson for the excellent job she had done in managing the search with its complicated logistics, and in her work with the committee.

Dean Bryson stated she wished to express her appreciation to Janice Brady of NMC, who worked with her on the committee as secretary/coordinator, and to Vern
May 2-3, 1985

Sedlacek, a member of the local community who served on the committee, both of whom put in long hours of work. Dean Bryson stated that the committee, consisting of representatives of the community, faculty, staff, students, and administration, worked very well together. She believed that contributed much to the high caliber of the candidates the search produced. She also thanked Regent Redlin and Commissioner Dayton for their input and support, which meant a great deal to the College and to the candidates.

Dean Bryson explained that she would present the committee's recommendations in the order the candidates appeared on campus. That order was drawn from the order in which applications were received. This procedure was used throughout the selection process, and in no way implied a ranking by the committee.

Dean Bryson then reviewed the search committee's recommendations on each of the following candidates:

Dr. William C. Merwin
Provost and Vice President for Academic Affairs
University of North Florida

Dr. Joel M. Rodney
Vice President for Academic Affairs
Salisbury State College

Dr. John L. Butler
Vice President for Academic Affairs
Western New Mexico University

At the conclusion of the presentations, the Regents discussed the committee's recommendations, and the impressions of the candidates gleaned in the personal interviews. Dr. Krause, Deputy Commissioner for Academic Affairs, participated in the discussion.
May 2-3, 1985

Chairman Morrison stated that at this time the meeting would be closed for discussion of the weaknesses of the candidates. The meeting was closed at 4:00 p.m.

The meeting reconvened in open session at 4:25 p.m. with the same members present.

Regent Lind moved that the presidency of Northern Montana College be offered to Dr. William C. Merwin at an annual salary of $55,700, effective September 1, 1985. The motion carried, with Regent Hurwitz voting no.

The meeting adjourned at 4:30 p.m., to reconvene on Friday, May 3, 1985 at the conclusion of the State Board of Education meeting.

Minutes of Friday, May 3, 1985

Chairman Morrison called the meeting to order at 9:55 a.m. All members were present except Regent Scully. Chairman Morrison stated that the Board would recess from 11:30 a.m. to 1:00 p.m. to attend a scheduled luncheon with unit student government representatives.

Chairman Morrison stated that because of time constraints all matters on the committee agenda would be heard by the full Board.

Chairman Morrison called for additions or corrections to the minutes of previous meetings. None were stated, and the minutes of the March 21-22, 1985 meeting, the April 9, 1985 Conference Call Meeting, and the April 26, 1985 Special Call Meeting were ordered approved.

Capital Construction Committee

At the request of Chairman Morrison, William Lannan, Director of Special Projects, reviewed the items on the Capital Construction Committee agenda.
May 2-3, 1985

He explained that Item 47-101-R0585 Ballroom Drapery Replacement: University of Montana requests authorization to replace the draperies at the University Center at a cost of $40,000 to be funded from Auxiliary Services capital reserves accrued for such purposes. He recommended the item be approved.

Mr. Lannan stated that the University of Montana requests that Item 44-104-R0784 Expansion of Parking Lot "W"; University of Montana (REVISED) be amended. The item as submitted requested an additional $30,000 to the previous authorization, and the University asks that be increased to $40,000. Mr. Lannan explained that the original estimate of the planner was low, and he believed the bids received for the project were fair and that the project is necessary. He recommended approval of the item as amended.

Item 44-106-R0784, Renovation of Swimming Pool: University of Montana (REVISED), requests increasing previously authorized project spending authority by $78,000, for a total of $828,000. The additional funds will allow project expansion as set out in the explanation on the item. Mr. Lannan recommended approval.

Chairman Morrison asked President Bucklew to comment on the need for the additional funds. President Bucklew responded that the pool is being totally renovated and when completed will have the same quality as a new pool. When original authorizations for such projects are requested of the Regents the units have to rely on estimates from outside firms, and it would be helpful if those provided a cushion. Funds are available from interest earned on the reserves resulting from the recent refinancing at the University, and President Bucklew urged the Board to approve the additional authorization.
President Bucklew noted that he would like to comment on the current Board policy which requires any project over $25,000 to be brought to the Board for approval. Replacement of draperies, showers, etc., are "housekeeping" items, and he suggested that the Board might wish to reexamine its policy to determine if it wished to continue to require approval of that sort of detail. Mr. Lannan commented that the legislature had not looked favorably on changing the current policy. After brief discussion, it was the consensus of the Board that it desired no change in current practice, and found the present policy helpful to keep abreast of what is happening on the campuses, and in responding to questions from legislators.

After discussion of the authorizations requested, Regent Hurwitz moved that Item 47-101-R0585, Item 44-106-R0784, and Item 44-104-R0784 as amended, be approved. The motion carried.

Mr. Lannan reported on status of the Long Range Building Program approved by the 1985 Legislature. The System received funding for certain roof and brick repair projects, and health and safety projects. The money requested for the electrical distribution system at the University of Montana was approved, and repair Brockman partition at NMC and repair of the parapet wall. None of the major building requests requested by the Regents was approved.

**BY-LAWS AND POLICY COMMITTEE**

**Submission Agenda:**

Commissioner Dayton explained that Item 2-009-R1073, *Motor vehicle registration fees; vehicle parking fees; Montana University System (REVISED)* is requested to bring Regents' policy into line with the statute passed by the 1985 Legislature. Procedures by
May 2-3, 1985

which a unit president may establish or increase such fees are set out in the proposed revision, and include notification of the governing board of the campus student body and an invitation to comment.

Regent Paoli questioned the use of the words "security force" in the new section 4 under "Procedures". After discussion it was agreed that that section would be amended to delete "security force" and insert "traffic control".

Chief Counsel Schramm explained that changes requested in the revision of Item 21-003-R0778, Appeals; Montana University System (REVISED). The revision clarifies that it is the Regents' expectation that before a court suit is filed on a matter covered by this policy, the appeals process provided by the System will be utilized in an attempt to minimize litigation between the University System and its constituencies.

Repeal of Item 21-002-R0778, Hearings; Montana University System is requested because the policy is redundant, and has been a cause of confusion when an appellant tries to determine under which policy an action should be brought.

Changes to Item 44-002-R0784, Designation of Heritage Property and Removal, Demolition or Substantial Alteration of University System Property were explained in summary as an attempt to clarify the demarkation of authority between the Historic Preservation Board and the Board of Regents in the identification and designation of historic properties belonging to the System.

The four items elaborated on above were received for consideration at a future meeting.

Action Agenda:

Assistant Chief Counsel reviewed the revision to Item 43-002-R0484, Residency policy; Montana University
May 2-3, 1985

**System (REVISED).** He explained that the change grants in-state status for fee purposes to individuals domiciled in a state other than Montana who derive more than 50% of family income from full-time employment in a permanent job in Montana under certain terms and conditions, provided the state of domicile provides reciprocal treatment for Montana residents. Dr. Weinberg noted that because the Wyoming Legislature adjourned without taking action on its reciprocity law the fiscal impact of the revision would be minimal. He also requested that if the revision is approved, it be amended to add an effective date of October 15, 1985 because of the processing of applications for fall enrollments now in process.

In discussion of the item, Regent Lind asked if the policy would be further revised to prevent loss of in-state residency status for fee purposes by students who take summer employment in Yellowstone Park. Dr. Weinberg explained that no change to the policy was necessary to accommodate that issue, and that the campuses have been informed by memorandum that that presumption of loss of in-state status can be overcome. The office is now receiving some appeals based on that action.

On motion of Regent McCarthy, Item 43-002-R0484 was approved as amended, including an effective date of October 15, 1985 on the approved revision.

**Item 12-005-R0676, Alcoholic Beverages: Montana University System (REVISED)** was reviewed by Dr. Schramm. He explained that the revision changes current policy principally with respect to consumption of alcoholic beverages, and adds a section to provide for the sale and consumption of alcoholic beverages at the University of Montana golf course in accordance with state law. On motion of Regent McCarthy, the item was approved.
May 2-3, 1985

Commissioner Dayton reviewed Item 18-002-R1077, Admission requirements; general policies; Montana University System, (REVISED). He explained that the new section 10 adds the requirement that all foreign students entering the System must show a physician-validated immunization record to certain contagious diseases before the student is permitted to register. Dr. Dayton noted that health officers are particularly concerned about what would occur if one of the units suffered an outbreak of measles. Various methods to increase student awareness of the need for immunization have been discussed in the Council of Presidents, and campuses within the System are working on methods to alert incoming students of the seriousness of the situation. At this time, only Montana State University requires proof of immunization prior to registration. It is believed that about 20%-25% of the students in the System are not immunized. Now that all states require mandatory immunization the situation will vastly improve in the next four to six years, but foreign students will still be at risk. On motion of Regent McCarthy, the item was approved.

Commissioner Dayton explained that Item 39-001-R0683, Computer Fee, Montana University System (REVISED) was before the Board to make the policy conform to changes adopted by the Regents at the January 1985 meeting. The changes add the requirement that a computer fee advisory committee made up of a minimum of 25% students will be established to provide student advice in the use of these funds, and add the requirement that a report on the use of the fee shall be submitted annually to the Board of Regents. On motion of Regent McCarthy, the item was approved.

Budget Committee
May 2-3, 1985

Bill Lannan, Community College Coordinator, reviewed Item 46-3001-R0385, Authorization to increase the building fee and implement a computer fee; Flathead Valley Community College as set out in his memorandum to the Commissioner dated April 11, 1985 (on file). The item requests approval of FVCC's building fee to $3.00 per credit hour, includes a definition of the building fund, and authorizes implementation of a $1.00 per credit hour computer fee. The item was tabled by the Regents at the March 1985 meeting. Mr. Lannan noted that for the reasons set out in his April 11 memorandum he does not recommend that the Regents approve the definition of the building fund. The Regents have not approved or disapproved a fund definition for a community college in the past, and Mr. Lannan did not recommend that they do so now and establish a precedent. The building fee increase is necessary from the perspective of the college, and the computer fee is desirable. Mr. Lannan recommended approval of those fees. Chairman Morrison called the question. No motion was made, and Item 43-3001-R0385 failed for lack of a motion.

Item 47-701-R0585, Authorization to Expend Computer Fee Funds; Eastern Montana College, was reviewed and discussed. The item authorizes EMC to expend $116,646 to improve computer facilities as detailed on the item. On motion of Regent Hurwitz, the item was approved.

Jack Noble, Deputy Commissioner for Management and Fiscal Affairs, distributed copies of the Final Summary of Legislative Action in the Senate, and reviewed the actions taken by the Senate with regard to House Bill 500 (the Appropriations act). Mr. Noble concluded the report stating that while the System realized some gains, those came from increased student tuitions. The System received the smallest general fund increase it has received since 1971.
May 2-3, 1985

Administrative Salary Guidelines Discussion

Mr. Noble explained that the Regents are requested to authorize moving last biennium's administrative salary scale forward by the 1-1/2% authorized by the legislature in the state pay plan so that next year's operating budgets can be prepared for presentation to the Board. Each president and the Commissioner will speak directly to the Board on how administrative salaries will be adjusted later in today's meeting. After discussion, Regent Hurwitz moved that the Montana University System's administrative salary scale guidelines for 1985-86 should be adjusted to reflect the salary increase rates provided in the state pay plan (HB 375). The motion carried.

The Curriculum Committee and the Collective Bargaining Committee had no reports.

New Business

Appeal of Wayne G. Olmstead

Chairman Morrison stated that there were two appeals before the Board for hearing, and the same procedures would be followed for both. Each appellant would be given fifteen minutes to present his arguments, and the administration would then have fifteen minutes to defend the decision, after which the Board may choose to ask questions of either party.

Mr. Olmstead was present and spoke in his own behalf. In addition to the material before the Board, Mr. Olmstead distributed copies of a summary of the chronology of events which showed the amount of time lapsed between filing of the original grievance and the hearing on that grievance, and that the second grievance was filed because of that delay. Mr. Olmstead's appeal to the Commissioner of Higher Education requested specific action be taken regarding future use of acting positions in the Bureau of
May 2-3, 1985

Mines; that the affirmative action officer responsibilities at Montana Tech be assigned to someone other than the director of personnel; and that the Commissioner address "the problem of not having a continuous grievance committee."

Sue Rommney, Director of Labor Relations and Personnel, representing the administration, reviewed the actions which led to the appeal as set out in the material sent to the Board with the agenda. She concluded that the remedies requested by Mr. Olmstead go far beyond a "make whole" action and are inappropriate. The objectivity of the personnel officer is an administrative issue. Asking for specific guarantees of how acting positions will be used in the future is beyond the context of a grievance procedure. Ms. Romney stated that the remaining issue of a continuous grievance committee was not properly forwarded to the Commissioner and is not appropriate for action by the Board. She urged the Board to uphold the Commissioner's decision on those matters which are properly before it for action.

After discussion of the issues, Chairman Morrison stated that the Board's responsibility is to set policy, not to interfere with the day-to-day problems that arise on the campuses. Those are the responsibility of the administration. For the Board to interfere with specific internal management decisions and mandate specific changes is inappropriate. However, the Board can express concern and request that changes in policy be made to reflect those concerns. Chairman Morrison stated his recommendation would be that the campus attempt to revise its internal grievance policies so that delays in hearings are minimized, and those policies be brought to the Board for approval. He did not believe it appropriate for the Board to direct what those policies should be.
Regent Lind concurred, stating that the time which elapsed between the filing of the original grievance in this instance, and the hearing on that grievance, was not beneficial to the campus or the grievant. It is deserving of a look by the campus to implement internal procedures to see that doesn't happen again. Speaking to the question of conflict of interest in the dual position of affirmative action officer and director of personnel, that may occur on a case by case basis and the administration should be aware that that may occur, but the management prerogative to make assignments to carry out policy should not be tampered with by the Board. The Board, in its proper role, can not be familiar enough with every situation to make specific recommendations on the administration's use of acting positions.

Regent Lind then stated that for the reasons discussed above, and based on the testimony presented by both sides, he would move that Mr. Olmstead's appeal be denied and the decision of the Commissioner be upheld, but in that denial express the Board's concern that the administration at Montana Tech look at the grievance committee procedures to assure that timely appeals are processed. The motion carried.

The meeting recessed at 11:30 to reconvene at 1:00 p.m.

The meeting reconvened at 1:10 p.m. with the same members present

Appeal of Dr. John Sonderegger

Dr. Sonderegger was present and presented testimony on his own behalf. In addition to the material before the Board sent with the agenda, Dr. Sonderegger presented a summary outline of his interpretations of the actions which led to the grievance. At issue principally was whether the use of a search committee was part of the
informal settlement of an earlier complaint and as such requires that the Acting Deputy Director position should be filled from the two candidates recommended by the search committee, and second that the committee procedures were flawed to the extent that the appellant was denied due process.

Sue Romney represented the administration, and responded to Dr. Sonderegger's allegations. She stated in summary that it is the administration's position that search committee's recommendations are only that, and though they are to be seriously considered, are not binding. Speaking to the allegation of denial of due process, Ms. Romney stated that Dr. Sonderegger had ample opportunity to request that President DeMoney and Dr. Bingler attend the hearing and did not do so. She explained the procedures which provided him that opportunity, and stated that objection is without merit.

Ms. Romney also addressed Dr. Sonderegger's objection to the hearing process concerning a private discussion between a grievance committee member and President DeMoney. She explained that the campus policy specifically states that the intent is to have a generally fair hearing, and minor deviations do not render the hearing inappropriate. It is the attempt of a lay board to assure that a co-worker has been treated fairly, and is not expected to mirror a jury trial under the supervision of a judge. If the Board believes this is a defect that should be remedied, her recommendation was to remand it back to the campus committee. The major issue remains whether the recommendations of a search committee are binding.

Following discussion by the Board, Chairman Morrison stated he recommended that the appeal be denied, with the caveat that when the new Director of the Bureau
is hired, if it is his decision to retain the position of Deputy Director a search be conducted and anyone can apply. Regent Lind agreed, adding that all campuses conducting such hearings should be cautioned against obtaining statements that do not become part of the process in order to assure that everyone has the opportunity to know what has been said. It is indeed bordering on denial of due process when that occurs.

Regent Hurwitz then moved that Dr. Sonderegger's appeal of the Commissioner's decision be denied, with the caveat that if and when the Acting Deputy Director position is filled on a permanent basis, a search will be conducted. The motion carried.

Residency Appeal of Mary McFadzen

Chairman Morrison determined that it was the Board's wish to hear the appeal, and that Ms. McFadzen was present to give testimony on her own behalf.

Dr. Weinberg, Assistant Chief Counsel, outlined the facts as set out in the memorandum to the Board dated March 25, 1985 (on file) and in the supporting material sent to the Board with its agenda. He explained that at issue is the timeliness of the appeal, which was six months after Ms. McFadzen's notification by the Commissioner's office that her appeal of the campus decision was denied. Dr. Weinberg stated he believed it would be a serious and incorrect precedent to allow a student to appeal a decision six months after the decision has been made for the reasons set out in the Commissioner's memorandum to the Board.

After discussion with Ms. McFadzen and review of the facts, the Board concurred with Dr. Weinberg's recommendation that the amount of time between notification of denial of the campus appeal and filing the appeal to the Board essentially caused the Board to be
May 2-3, 1985

without jurisdiction. On motion of Regent McCarthy, the Commissioner's decision was upheld and Ms. McFadzen's appeal for in-state residency status for fee purposes was denied.

Residency Appeal of John Rawling

Chairman Morrison determined that it was the Board's wish to hear the appeal, and that Mr. Rawlings was not present.

Dr. Weinberg presented the basis for the appeal as set out in the memorandum to the Board dated April 1, 1985 and in the documents sent to the Regents with the agenda. The appeal was denied by the Commissioner based on Mr. Rawlings' failure to obtain a Montana driver's license until such a late date that it was inconsistent with his claim of residency beginning in September 1983.

After discussion, on motion of Regent Hurwitz, the decision of the Commissioner was upheld and Mr. Rawlings appeal for in-state residency status for fee purposes was denied.

Residency Appeal of Leslie Burnett

Because it could not be determined whether Ms. Burnett had received notice that her appeal would be before the Board at this meeting, the appeal was deferred for action to the June 1985 meeting of the Board.

Educational Talent Search Report

Rene' Dubay Church, Director of the program, reviewed the activities of the program. The primary goal is to provide broader access to higher education for disadvantaged students with particular emphasis on providing opportunities for Native American youth. A change in thrust of the program has been to expand efforts from concentrating on high school seniors to counseling students beginning with the freshman year, and to act as
liaison between the school and the parents, particularly with reservation students. The importance of financial aid counseling was also stressed. The program serves approximately 850 students annually in 13 high schools.

Ms. Church distributed an informational fact sheet on the program, and a report titled "Helping Disadvantaged Youth and Adults Enter College" prepared by the Washington Office of the College Board (on file).

Commissioner's Report

Commissioner Dayton noted that the art exhibit currently on display in the Regents' Conference Room is on loan from the student art loan program at Montana Tech. The program at Tech began with a small grant to encourage engineering students to develop aesthetic sensibilities. The program has been highly successful on the campus. The student art loan committee has purchased 26 pieces, with the majority of the purchases being from local artists.

Commissioner Dayton reported that he was pleased to report on behalf of the Board that presidents have been selected for two of the campuses in the System. Dr. Douglas Treadway has been hired as the new president of Western Montana College, and will assume that position on May 27, 1985. Dr. William C. Merwin was hired as the new president at Northern Montana College, and will assume office on September 1, 1985.

Dr. Dayton also reported on the Regents' workshop scheduled to be held in June on the System's role and scope. That workshop will be held just prior to the regularly scheduled June meeting of the Board. In conjunction with the regular June meeting, an IBM seminar has been scheduled which provides perspectives on computer planning. Other state agencies will be invited to participate in the IBM seminar.
May 2-3, 1985

The Council of Presidents, Board of Public Education, Office of Public Instruction, and Faculty Association had no reports.

The Montana Associated Students introduced the newly elected student government officers that were present. President Erickson commended the work of Les Morse, President of the Associated Students of Northern Montana College for the last two years. President Erickson stated Mr. Morse had revitalized student government at NMC. Chairman Morrison commended the out-going student government officers, stating that he believed this group was one of the finest the Board has had the pleasure of working with, and expressed the Board's appreciation for their cooperative efforts in working with the Regents.

Bill Mercer, President of the Associated Students of the University of Montana, responded to questions raised by the Board on the activities of the Women's Resource Center at UM. It is the intent of ASUM to monitor activities of organizations which receive ASUM funding, and steps have been taken to encourage the Resource Center to become more responsive to women's needs on-campus.

Chairman Morrison stated that he believed Mr. Mercer had addressed the concern of the Board that on-campus organizations operating under the ASUM umbrella must be to some degree responsible to ASUM, and the programs offered should be acceptable to ASUM. Mr. Mercer responded to Regents' questions on how ASUM funds are allocated to organizations. It was explained that ASUM tries to gauge student interest in activities, and use that as a tool in the budgeting process. Regent Hurwitz asked that Mr. Mercer report back at a future meeting on how the Women's Resource Center is meeting needs of the students, and the number of students served by the Center.
May 2-3, 1985

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

Item 47-100-R0585
Staff: University of Montana

Item 47-102-R0585
Resolution concerning the retirement of Glenn R. Barth, Professor of Management, School of Business Administration; University of Montana

Item 47-103-R0585
Resolution Concerning the Retirement of Paul B. Blomgren, Dean, School of Business Administration; University of Montana

Item 47-104-R0585
Resolution Concerning the Retirement of Robert B. Chaney, Jr., Professor, Communication Sciences and Disorders, College of Arts and Sciences; University of Montana

Item 47-105-R0585
Resolution Concerning the Retirement of Evan P. Jordan, Professor of Communication Sciences and Disorders as amended to delete the compensation figure of $31,243

Item 47-106-R0585
Resolution Concerning the Retirement of Walter N. King, Professor of English, College of Arts and Sciences; University of Montana

Item 47-107-R0585
Resolution Concerning the Retirement of George D. Lewis, Professor of Music, School of Fine Arts; University of Montana

Item 47-108-R0585
Resolution Concerning the Retirement of Joseph Agee Mussulman, Professor of Music, School of Fine Arts; University of Montana

Item 47-109-R0585
Resolution Concerning the Retirement of Charles D. Parker, Professor of Communication Sciences and Disorders, College of Arts and Sciences; University of Montana

Item 47-111-R0585
Resolution Concerning the Retirement of Thomas Payne, Professor of Political Science, College of Arts and Sciences; University of Montana
May 2-3, 1985

Item 47-112-R0585, Resolution Concerning the Retirement of Robert L. Peterson, Professor of History, College of Arts and Sciences; University of Montana

Item 47-113-R0585, Resolution Concerning the Retirement of Dexter M. Roberts, Associate Professor of English, College of Arts and Sciences; University of Montana

Item 47-114-R0585, Resolution Concerning the Retirement of John L. Wailes, Professor of Pharmacy; University of Montana

Item 47-115-R0585, Resolution Concerning the Retirement of John H. Wicks, Professor of Economics, College of Arts and Sciences; University of Montana

Item 47-200-R0585, Staff; Montana State University
WITH ADDENDUM (includes one post-retirement contract

Item 47-300-R0585, Staff: Agricultural Experiment Station

Item 47-400-R0585, Staff, Cooperative Extension Service

Item 47-500-R0585, Staff: Montana College of Mineral Science and Technology

Item 47-600-R0585, Staff: Western Montana College
WITH ADDENDUM

Item 47-700-R0585, Staff: Eastern Montana College

Item 47-702-R0585, Dr. F. Maurice Evans to Professor Emeritus; Eastern Montana College

Item 47-703-R0585, Dr. William A. Stannard to Professor of Mathematics Emeritus; Eastern Montana College

Item 47-800-R0585, Staff; Northern Montana College

The meeting adjourned at 2:40 p.m. The Board of Regents met in executive session for evaluation discussions of senior campus administrative staff from 3:00 to 6:20 p.m.

The next regularly scheduled meeting of the Board of Regents will be held on June 20-21, 1985, in Helena, Montana.
May 2-3, 1985

Signature Page
Board of Regents Minutes

APPROVED:

[Signature]

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

Secretary