

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

December 9, 1974  
Helena, Montana

The Board of Regents of Higher Education met at 9:00 a.m., Monday, December 9, 1974, in the conference room of the Office of the Commissioner of Higher Education, Helena, Montana.

In the absence of Chairman Ted James, the meeting was called to order by Mrs. Mary Pace, acting as Chairperson. Present were: Mr. Lewy Evans, Mr. John French, Mr. Gary Gallagher, Mr. T. T. Heberly, Mr. Sid Thomas and Dr. Lawrence K. Pettit. Mr. Sid Thomas, newly appointed student member, was introduced.

On motion of Mr. French, seconded by Mr. Heberly, the minutes of the November 1, 1974 meeting were approved.

Mrs. Pace announced that the State Board of Education was scheduled to meet in the conference room at 1300 Eleventh Avenue at 3:00 p.m. and the Commission on Federal Higher Education Programs would meet immediately thereafter in the conference room of the Commissioner's office.

Mr. Thomas said it was reported to the Joint Budget Committee that the Regents do not have the revised budget figures as yet since the budget has not been totally recalculated on the basis of actual enrollment figures, the Board's intention to attempt to achieve parity on faculty salaries with the other institutions in the Rocky Mountain area within a one-year period rather than a three-year period, and the increased salaries of the classified employees pay plan. He said this would be reported to the State Board of Education meeting this afternoon.

Mr. Evans reported that the Capital Construction Committee had

considered a request from Montana Tech for the construction of a new library on campus and a change order for Montana Tech's classroom-laboratory building to provide space for administrative offices. He said the committee decided to freeze any capital improvements until after the legislative session, but the change order was recommended for approval. He moved that the committee recommendations be adopted. Mr. Heberly seconded the motion and it carried.

Mrs. Pace reported that the Curriculum Committee consider the recent proposals from Flathead Valley Community College and made several recommendations. Dr. Pettit moved that the committee's recommendation that the Commissioner's office be directed to undertake, as soon as possible, a study of transferability of credits throughout the Montana University System, including the community colleges, be approved. The motion was seconded by Mr. Gallagher and carried.

On motion of Dr. Pettit, seconded by Mr. Gallagher, Item 6-3001-R1174, Special Services Program, Flathead Valley Community College, was approved.

Dr. Pettit moved that tentative approval be given to Item 6-3000-R1174, Human Service Technology Program, Flathead Valley Community College, and that Flathead Valley Community College, along with appropriate units of the Montana University System present a joint statement to the Board of Regents regarding this program. The motion was seconded by Mr. Gallagher and carried.

Dr. Pettit moved that tentative approval be given to Item 6-3002-R1174, Total Community Education, Flathead Valley Community College, with the request that Flathead Valley Community College work with the Montana Educational Broadcasting Commission toward the objective of joint financing

and joint planning and that the Director of the TCE project confer with units of the Montana University System where there may be duplication or similar concerns. The motion was seconded by Mr. Heberly and carried. Dr. Pettit stated this is a program that has received national acclaim; that it is a good program which deserves the Board's approval but that the college should seek outside funding. He said they are under a mandate to secure other kinds of funding and coordinate with the broadcasting commission.

Dr. Pettit then moved that the Board of Regents direct the Commissioner to undertake immediately a review of duplication of Ph.D. programs in the Montana University System. The motion was seconded by Mr. Gallagher and carried. Dr. Pettit stated the object is to enrich programs by encouraging joint use of resources and that methods of increasing coordination and consolidation should be investigated. He reported that the Curriculum Committee had asked him to investigate the possibility of a single graduate dean.

Dr. Pettit moved that the Board of Regents direct the Commissioner to undertake as soon as possible a review of all teacher-training programs in the Montana University System with the intent of reducing duplication and improving quality. Mr. French seconded the motion and it carried. Dr. Pettit stated this would be carrying out one of the recommendations of the postsecondary commission.

Dr. Pettit stated with regard to program review, he did not presently have the staff to accomplish this but he was attempting to develop guidelines with people on each campus. He said some review might have to be done before the guidelines are adopted, in which case he would make every effort to observe the due process.

Professor Sam Davis said he had nothing to report from the Faculty Council except to request that chairmen of the Faculty Council and Faculty Senates be once again put on the mailing list to receive Board of Regents detailed agendas. Dr. Pettit stated that several copies were sent to each campus; that he could discuss the matter of supplying a copy to the chairman of the Inter-Unit Faculty Council and request that people on the campuses do the duplicating for others who request it.

President Crowley introduced Steve Sherman, President of the Associated Students at Northern Montana College, who distributed a copy of some recommendations of the Student Advisory Council. (ATTACHED AS EXHIBIT I) Mr. Thomas moved that the recommendations be adopted. Mr. Gallagher seconded the motion. Dr. Pettit said he would like to have the motion amended to include the statement, "to the extent that resources are available". He said he felt the request was a good idea since many people even on the campuses do not understand the present governance structure, but his present staff was just not able to do everything requested because of the tremendous workload at the present time. After further discussion a substitute motion was made by Mr. Heberly that the Board accept the recommendations and place them on file. The original motion was withdrawn and Mr. Thomas seconded the substitute motion. The motion carried.

Mrs. Pace asked Dr. Pettit to report on the meeting with the Idaho Board of Regents on November 22. Dr. Pettit stated this was not a business meeting; that it was a joint discussion of mutual programs. He said board members discussed the athletic problems in the Big Sky conference, the mineral industries programs and the WAMI program. Dr. Pettit said it was agreed that negotiations regarding policy in the athletic conferences should take place at the board level, as well as between presidents and athletic

directors. He said the boards also agreed that it would be better to have a single institution supply two or more states with mineral-industries instruction but it was not agreed where this should take place. He said the Idaho Board met subsequently and requested that the officials of the mining college at Moscow explore the possibilities with those at Montana Tech in Butte. Dr. Pettit said he felt the Board should also agree that these negotiations take place at the Board level, since this would have to be Board policy eventually. He then moved that the Idaho Board of Regents be notified that this Board would like to discuss the regional concept for mineral sciences at the same time these are being discussed at the institutional level. Mr. French seconded the motion and it carried.

Dr. Pettit said the main concern with regard to the athletic program is that policy for the athletic conferences is made by athletic directors and presidents without any input or approval by the governing boards and then when boards attempt to establish policy for their institutions they are limited by existing conference policy. He said it was agreed that this was not the best way to proceed. He said it was suggested that boards from Montana and Idaho would adopt a policy and then communicate with the boards in Arizona and Utah to see if each governing board could direct a representative to meet with the conference in order to approve of the policies established there. He then moved that the Board of Regents designate a representative to both the Big Sky Conference and the Frontier Conference when policy is being negotiated, that governing board clearance be obtained before policy becomes official, and that this action be communicated to other governing boards involved in these two conferences. Mr. Gallagher seconded the motion and it carried.

Dr. Pettit said another area discussed was the possibility of a regional school for veterinary medicine but no decisions had been made. He said that in both regional mining engineering and veterinary medicine the two boards should seek external funding to conduct studies. He requested that the Board authorize him to act in collaboration with the executive officer of the Idaho board to seek external funding in these areas. He so moved. The motion was seconded by Mr. Gallagher and carried.

Dr. Pettit reported that the Council of Presidents had agreed to finance, on a pro rata basis, a special task force to affect a systemwide update of financial accounting and budgeting systems, the object being to properly implement the policies which were adopted by the Board earlier in the year. He said at the present time the institutions were about 90% uniform in their accounting practices but there are some areas where this had not been achieved. He said the national standards have finally been set out in what is called the JAG manual. He said the task force would be comprised of senior fiscal officers of each institution and independent experts in the field of college and university accounting and in addition, invitations would be extended to representatives of the Executive Branch and the Legislative Branch to participate in the study.

Dr. Pettit said another matter agreed upon by the Council of Presidents was to undertake a study, again on a pro rata basis, in the amount of \$1,500, of the workmen's compensation plan currently being used. He said it is the feeling that the premiums for the university system are quite high and the claims are quite low and the system may be subsidizing other state agencies. He said the object of the study is to determine what the university system position is and the legislative strategy to be used. He said the university system might find it beneficial to use private carriers.

Mr. Barry Hjort reported that the revised faculty contract had been widely distributed and was being submitted now for approval of the Board. Dr. Pettit moved that the proposed form be adopted. Mr. Thomas seconded the motion. After considerable discussion the following amendments were approved on motion of Dr. Pettit, seconded by Mr. Gallagher:

Paragraph two - Incorporate language to clarify the practice of allowing the transfer of only three years of service from a previous institution.

Paragraph three - The underlined title which now reads "notice and hearing", strike the words "and hearing".

Add the following to the end of the paragraph:

4. Non-renewal of appointment of non-tenured faculty. A system of appeal from a non-renewal of contract determination may be developed by any of the separate units of the University System. The resolution of such appeal shall constitute final administrative review of such cases.

Dr. Pettit said this may require a change in Article 8 of the by-laws of the Board and if so, he would propose a change at a subsequent meeting.

Section 9a, Retirements, fourth line, delete "an appropriate elected faculty committee" and substitute "the appropriate department, division, school or other administrative unit".

Section 9b, Strike the word "suitable" and add the words "for which he is qualified"

Page three, 11c - An editorial change with regard to paying twelve months salary in the case of termination of program, i.e. some are on FY and some on AY contracts. The original language under "Committee on Service" be retained

Page five, paragraph two - Change the word "statement" to "affidavit".

Dr. Pettit moved adoption of the original motion to approve the revised contract form, as amended. The motion was seconded by Mr. Gallagher and carried. Dr. Davis reported that the Faculty Council very much appreciated the consideration given them by Mr. Hjort during the revision process on this contract.

The Board recessed at 10:30 a.m.

The Board reconvened at 10:50 a.m.

The residency appeal of Michael Clark Roberts was considered by the Board. After reviewing the facts Mr. French moved that the Board of Regents affirm the non-resident status until spring quarter, 1975, at which time resident status can be granted. The motion was seconded by Mr. Heberly and carried.

Mr. Hjort introduced Mr. Greg Morgan, stating he was an attorney who wished to address the Board on the matter of admission of non-resident students to the clinical program in the School of Nursing at Montana State University. Mr. Morgan stated he did not feel that a satisfactory solution had been reached regarding the implementation of the policy established by the Board in April of restricting nursing students in the clinical portion of the program.

After a lengthy discussion of the priorities established by Montana State University with regard to admission to the clinical portion of the program, Mr. Morgan requested that the Board consider an alternative proposal for priority based upon an overall grade point average. The Board recognized that there were some additional problems contained in Mr. Morgan's proposed policy. It was agreed that the intention of the Board is to give preferential treatment to students from the State of Montana but that the problem of dealing with those already enrolled in the program must be solved since these students had not been given due notice. After considerably more discussion, Dr. Pettit moved that the Board endorse the principle of according priority to in-state students for admission to the clinical portion of the nursing program at Montana State University, that the Board insist that due notice be given to out-of-state students so they will be aware of the priority accorded to in-state students, and that for those out-of-state



students who were enrolled before this policy was promulgated, individual adjustments be made to accommodate them. The motion was seconded by Mr. Gallagher and carried.

Dr. Pettit stated he would have his staff research this problem with regard to all programs and perhaps present a general policy for consideration by the Board.

The Board recessed at noon.

The Board reconvened at 1:15 p.m. with the same members present.

Mrs. Pace appointed Mr. Thomas to serve on the Community College and Vocational Education Committee, the Curriculum Committee and the By-laws and Policy Committee.

Dr. Pettit reported that Item 182-005, Policy Concerning Employment of Near Relatives, adopted by the Board in 1962 goes beyond the statutory provisions and therefore should be rescinded. He so moved. The motion was seconded by Mr. Thomas and carried.

Dr. Pettit reported that Item 221-001, Establishment of Uniform Fee for Non-Resident Students for Summer Session, Montana University System, should also be rescinded since it is now in conflict with a more recent policy. He so moved. The motion was seconded by Mr. Heberly and carried.

Item 7-001-RI274, Authorization for University System Personnel to Act on Behalf of the Montana University System in the Incorporation and Management of the Montana Energy and MHD Research and Development Institute, was approved as amended on line six to add the words "on behalf" after the word "act"; delete the words "as incorporators" and on line seven to add the words "and to serve" after the word "System", on motion of Dr. Pettit, seconded by Mr. Heberly.

Item 7-700-RI274, Staff, Eastern Montana College, was approved on motion of Mr. Heberly, seconded by Mr. Gallagher.

Item 7-200-RI274, Staff, Montana State University, was approved on motion of Dr. Pettit, seconded by Mr. Gallagher.

Item 7-201-RI274, Retirement of Professor Maurice E. Brookhart, Testing and Counseling Service, Montana State University, was approved on motion of Mrs. Pace, seconded by Dr. Pettit.

Item 7-202-RI274, Retirement of Professor Eldon R. Dodge, Montana State University, was approved on motion of Mr. Heberly, seconded by Mr. Thomas.

Item 7-203-RI274, Retirement of Dean of Women Marjorie Paisley, Student Affairs and Services, Montana State University, was approved on motion of Mr. French, seconded by Mr. Thomas.

Item 7-204-RI274, Montana State University School of Nursing Designation as a Receiving Institution for WICHE in Graduate Nursing Education, was approved on motion of Mr. Heberly, seconded by Mr. Thomas.

Item 7-300-RI274, Staff, Agricultural Experiment Station, was approved on motion of Mr. Gallagher, seconded by Mr. Heberly.

An addendum to Item 7-400-RI274, Staff, Cooperative Extension Service, was distributed. The item, including the addendum, was approved on motion of Mr. Gallagher, seconded by Mr. Heberly.

Item 7-401-RI274, Retirement of Director Torlief S. Aasheim, Cooperative Extension Service, was approved on motion of Dr. Pettit, seconded by Mr. French.

President McIntosh said that Mr. Phil Hauck, Administrator of the Construction and Maintenance Division of the Department of Administration, was in attendance to bring the Board up to date on the problems with the married student housing project at Montana State University. A detailed report of the estimated net revenue loss to Montana State University was distributed, showing the loss to be in the amount of \$11,000 per month.

Mr. Hauck said the total cost of the general contract was over two million dollars, that the project was only about 78% complete at this time. He said the completion date was a year ago and probably it would be six to eight months more before it could be occupied. He said the matter has been in the hands of the Attorney General for the past six months and all efforts are being made to get the job completed. He said no doubt there would be a law suit filed but attempts were being made to try to get the job completed before the legal problems are settled. He said the bonding company could not take any legal action until the general contractor declares himself bankrupt or insolvent. Mr. Hauck said he felt the Board should be apprised of the facts but apparently the only action open to it at the present time would be to request their attorney to work some of the problems out with the Attorney General's staff, if possible. Mrs. Pace asked Mr. Datsopoulos to do this.

Item 7-800-R1274, Staff, Northern Montana College, was approved on motion of Mr. Heberly, seconded by Mr. Gallagher.

Item 7-100-R1274, Staff, University of Montana, was approved on motion of Dr. Pettit, seconded by Mr. Heberly.

Copies of Item 7-101-R1274, Settlement of Claim by United States Department of Health, Education, and Welfare for Restitution of Work-Study and Education Opportunity Grant Funds, University of Montana, were distributed as an addition to the agenda. President Bowers said it was his recommendation that this matter be handled in this way and that this was a result of committee deliberations in which students participated. The item was approved on motion of Dr. Pettit, seconded by Mr. Gallagher. Mrs. Pace asked for comments by the students. Tom Stockburger said the ad hoc committee on campus had done a great

deal of research on the use of building fund reserves. He said the students feel that this proposal meets with their approval, even though there are still differing opinions on whether or not these funds are legally available to the institution. He said he hoped the Board's approval of this particular item does not further complicate the question of the legality.

Item 7-600-R1274, Staff, Western Montana College, was approved on motion of Mr. Gallagher, seconded by Mr. Heberly.

President Bowers reported he had met with Dean James P. White, Consultant on Legal Education for the American Bar Association, and that Dean White would be visiting the campus sometime in the spring to discuss the accreditation of the School of Law. He said Dean White did not feel it was necessary for him to meet with the Board at this time.

It was agreed that the next meeting should be called by the chairman but that it probably would be sometime in January.

The meeting adjourned at 2:15 p.m.