

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

DATE: June 14, 1983
TIME: 1:20 p.m.
LOCATION: Lewis and Clark Room
Mathews Hall
Western Montana College
Dillon, MT 59725
REGENTS PRESENT: Morrison, Pace, Keck, Hurwitz, McCarthy, Redlin, Knight
Commissioner of Higher Education Irving E. Dayton
REGENTS ABSENT: None
PRESIDENTS ATTENDING: Bucklew, Carpenter, DeMoney, Erickson, Tietz, Thomas
PRESIDENTS ABSENT: None
COMMITTEE MEETINGS: Budget Committee; Capital Construction Committee;
Curriculum Committee

The meeting of the Board of Regents of Higher Education was called to order by Chairman Jeff Morrison at 1:20 p.m. on Tuesday, June 14, 1983 in Dillon, Montna. Roll call was taken. All members were present.

Chairman Morrison reported that the Board had met in Executive Session on Monday, June 13, 1983. Individual meetings were held with the presidents of the units to discuss performance appraisals of senior staff members.

Chairman Morrison called for additions or corrections to the minutes of the last meeting. None were stated, and the minutes of the April 11, 1983 meeting were ordered approved.

Chairman Morrison stated the first order of business would be election of officers. He called for nominations for Chairman and Vice Chairman. Regent McCarthy moved that the current slate of officers be re-elected. The motion passed unanimously. Chairman Morrison and Vice-Chairman Pace were re-elected to serve terms of two years as set out in the by-laws.

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Regent Darla Keck, Chairman of the By-Laws and Policy Committee, reported that the only business before the Policy Committee were the following items on the submission agenda, which were received for consideration at a future meeting:

Item 26-021-R0380, Faculty Receiving Board of Regents' Contracts Probation and Tenure, Montana University System (REVISED)

Item 39-003-R0683, Restricting Access to Campus Property; Montana University System

Item 39-603-R0683, Authorization to change the academic structure at Western Montana College, was moved from the submission agenda of the Curriculum Agenda to the submission agenda of the Policy Committee, and was also received for consideration at a future meeting.

Chairman Morrison reported that the Budget Committee reviewed and discussed the following items and recommended their approval:

Item 39-101-R0683, Fees, School of Law, 1983-86; University of Montana

Item 39-102-R0683, Fees, School of Pharmacy, 1983-86; University of Montana

Item 39-103-R0683, Student Health Service Fee; University of Montana

Item 39-104-R0683, University of Montana Student Supplemental Blue Cross Plan

Regent Pace moved the items be approved. The motion carried.

Chairman Morrison reported that Item 39-001-R0683, Computer Fee, Montana University System, had been discussed at length by the Budget Committee. Student testimony was heard which was generally favorable, with certain reservations. Students asked that the policy be amended to make clear what the monies raised by the fee would purchase; to provide student in-put on how the money was spent; and to change the effective date to a later time to allow notification to students that the fee would be assessed.

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Regents debated the wisdom of assessing a special fee against the students to fulfill the obligation of the legislature to provide funds for computing equipment directly or generally related to specific teaching disciplines. The Regents asked that the message be conveyed to the legislature that while the System will do what it can to increase funds available in this area, the responsibility to provide these funds remains with the legislature. Changing the effective date to Winter Quarter was also discussed.

It was reported that the Budget Committee amended the proposed policy to include the changes requested by the students, and sent the policy to the full Board with a split recommendation as to whether it should be approved with a later effective date.

The Student Advisory Council presented a resolution (on file) passed unanimously at a special meeting held over the noon recess which urged the Regents to table the item for action at a later meeting.

After brief discussion, Regent Keck moved that Item 39-001-R0683 be tabled to the July meeting of the Board. The motion to table carried, with Regent Redlin voting no.

On motion of Regent Pace, the following items were approved as recommended by the Budget Committee:

Item 39-004-R0683, Operating Budgets, 1983-84;
Montana University System

Item 39-005-0683, Budget Amendments; Montana University System

Chairman Morrison noted that the Regents spent most of yesterday reviewing Item 39-002-R0683, Administrative Salaries, 1983-84 Scale; Montana University System in their performance evaluation meetings with the presidents. The Administrative Salary Scale before the Board is a revision of the scale adopted last year inflated by 3.5%. The Budget Committee recommended approval. Regent Hurwitz so moved. The motion carried.

It was noted that a survey will be conducted and the Administrative Salary Scale will be revised before it is presented to the Regents in 1984 because of changes in certain positions.

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Regent Burt Hurwitz, Chairman of the Capital Construction Committee, reported that Item 39-201-R0683, Request Approval for Naming of Small Sports Gymnasium, Montana State University was withdrawn at the request of the institution.

Regent Hurwitz reported the Capital Construction Committee reviewed and discussed the following items, and recommended approval:

- Item 39-202-R0683, Request Approval for Naming of Health & Physical Education Complex; Montana State University
- Item 39-203-R0683, Authorization to request the appointment of an engineer for and proceed with the installation of an exhaust system to replace that damaged by the fire at Hedges Food Service; Montana State University
- Item 39-504-R0683, Authorization to Increase the Estimated Cost of the Construction of the HPER Playing Field including Adequate Sprinklers, Landscaping, Roadways, and Demolition of Structure from the authorized \$250,000 to \$400,000; Montana College of Mineral Science and Technology
- Item 39-703-R0683, Expansion of Scope and Increase in Expenditure Authority, Parking Lot Project; Eastern Montana College
- Item 39-506-R0683, Authorization to Montana College of Mineral Science and Technology to sell Real Property located at 651 West Granite Street and 3 North Excelsior Street, Butte, Montana (ADDITION TO AGENDA)
- Item 39-507-R0683, Purchase of Real Property, Montana College of Mineral Science and Technology (ADDITION TO AGENDA)

Regent Hurwitz moved the above items be approved. The motion carried.

Regent Hurwitz reported the Capital Construction Committee received a report from President Bucklew on the status of the Venture Center building at the University of Montana. The building has been declared unsafe by the City of Missoula, and the University has been directed to close the building. Negotiations are under way with the Missoula City Attorney to allow the building to be used until mid-August. President Bucklew will keep the Regents informed.

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Regent Knight reported the Capital Construction Committee reviewed and discussed the proposed allocation of the cash portion of the Long Range Building Program. Near the end of the legislative session the Long Range Building Committee reduced the major maintenance recommendation by \$100,000 without indicating which projects should be cut. The Commissioner's office prioritized the projects authorized and requested the University of Montana submit a re-evaluation of projects recommended by the Regents. If that recommendation is approved, the \$100,000 reduction in the cash portion of the Long Range Building Program will come from the University of Montana's portion. President Bucklew appealed that decision to the Capital Construction Committee.

At the Regents request, each president responded to the recommendation. Commissioner Dayton explained the criteria used to determine the allocation.

Regent Knight stated that as a result of the reports and discussion, the Capital Construction Committee recommended the following motion be approved:

In light of the action of the Montana Legislature eliminating \$100,000 from the major maintenance appropriation of the University System, the following shall occur:

1. \$50,000 of the reduction shall be funded by the University of Montana, and shall be accomplished by that unit taking action to reprioritize its major maintenance requests.

2. All remaining capital construction projects shall be put out to bid. Any surplus in any project shall be allocated to the remaining \$50,000 deficiency. Each campus is encouraged to take any action within its power to assure that a surplus will occur on its projects while still accomplishing the individual projects

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3. In addition, all campuses will prepare a report to the Board of Regents for consideration at its next meeting, which report shall reflect all modifications which can be made in any of its projects which will result in a surplus. The source of funding of the remaining \$50,000 deficiency will be determined at the next meeting of the Board of Regents, with appropriate consideration to individual campuses which make reductions through the bidding process.

Regent Knight so moved. The motion carried unanimously.

The Collective Bargaining Committee had no report.

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

Item 39-204-R0683, Authorization for Montana State University to establish a Research Institute for Biological and Chemical Process Analysis; Montana State University

Item 39-601-R0683, Authorization for a Bachelor of Arts Degree in American Studies; Western Montana College

Item 39-602-R0683, Authorization for a Bachelor of Science Degree in Business; Western Montana College

Item 39-802-R0683, Authorization to grant a minor in Information Processing Technology, Northern Montana College

Dr. Carrol Krause noted that the record should reflect that items received for future consideration by the Curriculum Committee will be held two months before being placed on the action agenda in order to give adequate time for response by other campuses.

Dr. Krause briefly reviewed the discussion held on the action agenda items by the Curriculum Committee. Regent Pace reported the Curriculum Committee recommended each of the following items be approved:

Item 39-103-R0483, Approval of the Maureen and Mike Mansfield Center at the University of Montana

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Item 39-201-R0483, Authorization for the School of Business to change the name of the Department of Business, Office and Distributive Education to the Department of Business Education and Office Systems; Montana State University

Item 39-501-R0483, Changing the Name of the Department of Business to the Department of Business and Economics; Montana College of Mineral Science and Technology

She so moved. The motion to approve carried.

Dr. Krause reviewed the previous discussions held by the Board on Item 38-601-R0683, Role and Scope, Western Montana College (REVISED). The item was tabled at the June meeting to provide other campuses an opportunity to respond to the proposed seven areas of emphases which, if approved, would modify Western's Role and Scope. Dr. Krause also responded to Regents' questions raised at the June meeting concerning the graduate program at Western, and the music major. Dr. Krause explained that reports on those programs are being prepared, and will be submitted to the Board. Dr. Krause elaborated briefly on the seven areas of emphases. He noted that Western, and the System as a whole, should title programs carefully so it is clear to everyone what the program is intended to do. He also pointed out that emphases 2 and 3 as set out on the item modify and reaffirm what Western is currently doing. Emphases 4, 5, 6 and 7 provide guidance for institutional development and stability. Dr. Krause also explained that Western submitted the items on the submission agenda of the Curriculum Committee at this meeting in response to requests from other institutions that an opportunity be provided to respond to concrete proposals which would result from adoption of the revised Role and Scope.

Chairman Morrison stated it was his belief that the Board is in favor of the recommendations made by Dr. Krause. Action was delayed to this meeting to allow the other campuses to express their concerns, and it appears most of those have now been heard and discussed.

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Chairman Morrison added that the Regents have consistently affirmed to the legislature and the public that Western Montana College is one of the six units of the Montana University System, and will continue in that capacity. Approval of the proposal now before the Board is a meaningful step to assure all constituencies that the Regents stand behind that statement.

On motion of Regent Keck, Item 38-601-R0683 was approved.

Assistant Chief Counsel Laurence Weinberg reviewed the matter listed under New Business requesting a private letter ruling from the Internal Revenue Service on the tax status of interest paid on property purchased by the campuses. If the ruling is favorable, it would enable the units to obtain a better interest rate in negotiating land purchases. Regent Burt Hurwitz moved that such a ruling be requested on behalf of the Board of Regents. The motion carried unanimously.

Commissioner Dayton stated that House Bill 785 passed by the legislature mandated, among other things, the formation of a Natural Resource Data System Advisory Committee. Various state agencies who are impacted by the legislation will be represented on the committee, including a representative of the Montana University System appointed by the Board of Regents. On motion of Regent Pace, Dr. Carol Krause was appointed as the Regents' representative.

The Board of Public Education and the Superintendent of Public Instruction had no report.

Commissioner Dayton began the Commissioner's report by thanking Western Montana College for the hospitality and warm reception given to the Board of Regents, Presidents and staff. The Commissioner noted the many other activities occurring concurrently on the campus, and congratulated all those involved in making everyone feel welcome, and providing such comfortable accommodations for the meeting.

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President Fred DeMoney, Montana College of Mineral Science and Technology, reported that Tom Waring, Professor and Head of the Environmental Engineering Department at Montana Tech, has received a Fullbright Scholarship. He will go to the University of Otago in New Zealand for six months. Professor Waring is Tech's first recipient of the Fullbright Scholarship.

President DeMoney also reported that Tech's men's team won the International Mining and Mucking Contest held recently at the Colorado School of Mines in Golden, Colorado. This is the fourth consecutive year this team has claimed the championship. The women's team placed first in the same contest for the second year in a row.

President Bucklew, University of Montana, reported that Beth Redlin, a student at the University and the daughter of Regent Redlin, has been awarded a Sears Congressional Fellowship. These fellowships are awarded in the field of journalism based on national competition. The University of Montana has had nineteen Sears Fellows, more than any other school in the United States. President Bucklew offered congratulations to Regent Redlin and her family in recognition of this outstanding achievement.

Commissioner Dayton briefly outlined the agenda of the State Leadership Assistance for Technology in Education (SLATE) Conference to be held at Carroll College in Helena on June 23-24. The Regents are invited to participate and should let the Commissioner know if they are interested in doing so.

At the Commissioner's request, Dr. Krause reported on the development of a program to evaluate math competency of entering students. Dr. Krause explained that a group representing the mathematics departments at the units of the System, along with their counterparts at some of the private institutions, have identified certain math competencies students should be learning in preparation for college level work. As these were developed they were distributed to the high schools and the Montana Mathematics

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Association. The end result has been to develop an examination which will be given to entering freshmen this fall, and will also be used in some pre-testing this summer. Procedures are being developed to provide feedback to the high schools which will be used in the development of curriculum. The program has had a very positive reception, and the cooperation has been excellent among the University System units and the private colleges.

The Council of Presidents and the Faculty Association had no report.

The Student Advisory Council introduced the new student government officers who were present at the meeting, Mike Stoeckig, ASMSU, Les Morris, ASNMC, and Paula Jellison, Vice President of ASUM.

Chairman Morrison stated that the next item of business was the residency appeal of Ms. Jennifer Butler. It was the consensus of the Board that the appeal be heard. Attorney Max A. Hansen, Dillon, Montana was present representing Ms. Butler. Mr. Hansen reviewed the material submitted to the Regents in support of Ms. Butler's appeal (on file). He emphasized the unusual aspects of the appeal, and stated that at no time did Ms. Butler intend to establish domicile in any other location. If she is not a resident of Montana, then she has no residency. Mr. Hansen also noted that the "absence guidelines" were not explained to Ms. Butler until the time of her appeal.

Assistant Chief Counsel Weinberg reviewed the reasons the appeal was denied as set out in the memorandum to the Regents from the Commissioner dated May 26, 1983 (on file). Dr. Weinberg particularly discussed the difficulties in administering the residency policy with respect to the requirement of actual physical presence in the state during the 12-month residency period, and explained how the length of permitted absences has been developed.

Chairman Morrison stated he would entertain a motion to uphold or overturn the Commissioner's decision. Regent Pace moved that the decision of the Commissioner be upheld. Regents Pace, Redlin and Hurwitz voted yes; Regents McCarthy, Knight and Keck voted no. Chairman Morrison voted yes, and the motion to uphold the Commissioner's decision to deny Ms. Butler in-state status for fee purposes was upheld.

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Chairman Morrison commented on the number of residency appeals that have been appealed to the Regents. The Regents have discussed what appears to be creating the problems, and the policy is presently under review. It is the belief of the Board that the policy should be distributed to anyone wishing to file a statement of intent to establish residency. When the statement of intent is filed, it should include a signed statement that the residency policy was received, read and understood to assure that the person is aware of all requirements.

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

- Item 39-100-R0683, Staff, University of Montana with Addendum attached to and made a part of these minutes
- Item 39-200-R0683, Staff, Montana State University as amended to delete pages 1-67 inclusive
- Item 39-300-R0683, Staff, Agricultural Experiment Station as amended to delete pages 74-84 inclusive
- Item 39-400-R0683, Staff, Cooperative Extension Service as amended to delete pages 86-100 inclusive
- Item 39-500-R0683, Staff, Montana College of Mineral Science Technology as amended to delete pages 3-9 (except New Positions on bottom half of page 9); delete also pages 11-12, and with Addendum attached to and made a part of these minutes
- Item 39-502-R0683, Professor Emeritus Status for Professor Gustav Stolz, Jr., Montana College of Mineral Science and Technology
- Item 39-503-R0683, Professor Emeritus Status for Professor Sidney L. Groff, Montana College of Mineral Science and Technology
- Item 39-505-R0683, Staff, Montana College of Mineral Science and Technology
- Item 39-510-R0683, Degrees, Montana College of Mineral Science and Technology
- Item 39-500A-R0683, Staff, Montana Bureau of Mines and Geology

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- Item 39-600-R0683, Staff, Western Montana College amended to change Dominic P. Carestia to Associate Professor of Business and with Addendum attached to and made a part of these minutes
- Item 39-700-R0683, Staff, Eastern Montana College with Addendum attached to and made a part of these minutes
- Item 39-701-R0683, Dr. C. Robert Waterman to Professor of Emeritus; Eastern Montana College
- Item 39-702-R0683, Dr. Robert N. Noyes to Professor of English Emeritus; Eastern Montana College
- Item 39-800-R0683, Staff, Northern Montana College as amended on page 6 to correct the Adjusted 1982-83 Salary of Dr. Hepler to \$29,891 and Dexter Rammage to \$19,375, and with Addendum attached to and made a part of these minutes
- Item 39-803-R0683, Resolution on the Retirement of Keith Clawson, Acting Vice President for Academic Affairs and Associate Professor of Business Northern Montana College
- Item 39-900-R0683, Staff, Office of Commissioner of Higher Education with Addendum attached to and made a part of these minutes

Regent Knight reported that the Commissioner and the presidents would receive an across-the-board increase of 3.5% over current salary for FY 1984. The amounts are as follows:

Commissioner of Higher Education	\$68,310
University of Montana	66,240
Montana State University	67,275
Eastern Montana College	56,925
Montana College of Mineral Science & Technology	57,960
Northern Montana College	53,820
Western Montana College	51,750

Regent Knight then made the following Comments on behalf of the Board. He said the Board was constrained by virtue of the budgetary and legislative process established in the last legislative session to comply with the 3.5%

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guidelines for salary increases set by the legislature. It is the strong feeling of the Board that every president has been doing an excellent job, and some have performed with outstanding merit. The Board would like to be able to do more for all of the presidents and the Commissioner, and believes firmly that more is merited than the Board is able to give. Merit and extraordinary performance deserve award, but under current restraints the Regents are not in a position to do that. Regent Knight stated that not only are the Regents aware of the performance and dedication of this group, the people of the state are also aware. There is strong commitment on the part of the Board to continue to try to obtain an appropriate level of compensation for the presidents, Commissioner, administrators, faculty and all others who are employees of the Montana University System.

The last legislative session was a difficult one for all agencies. The System did well under the circumstances; the Regents are sorry they can't do more. Regent Knight concluded by expressing again the Board's sincere appreciation for what has been done in the past, and the hope that the present leadership in the System will continue, trusting the Regents will be able to do better for them in the future.

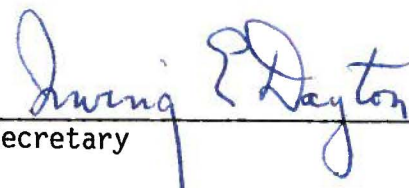
Chairman Morrison added that it should be clearly understood the Board has not abandoned its belief in awarding merit and that is not the message the Board intends by these across-the-board increases.

The meeting adjourned at 3:30 p.m. The Board reconvened in executive session immediately upon adjournment to discuss collective bargaining.

The next regularly scheduled meeting of the Board is July 28 - 29, 1983, in Helena, Montana.

APPROVED:


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


Secretary