

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

DATE: March 22-23, 1990

LOCATION: Conference Rooms  
Montana University System  
33 South Last Chance Gulch  
Helena, Montana

REGENTS PRESENT: Mathers, Lind, Redlin, Schwanke, Clouse,  
Topel, Kaze  
Commissioner of Higher Education Carrol  
Krause

REGENTS ABSENT: None

PRESIDENTS PRESENT: Koch, Carpenter, Kerins, Norman, Tietz,  
Provost Easton

PRESIDENTS ABSENT: None

Minutes of Thursday, March 22, 1990

Chairman Mathers called the meeting to order at 10:00 a.m. Roll call was taken and it was determined a quorum was present.

Chairman Mathers called for additions or corrections to the minutes of the previous meeting. None were stated and the minutes of the January 25-26, 1990 meeting were approved as submitted.

COMMITTEE SCHEDULE

BUDGET COMMITTEE

Jack Noble, Deputy Commissioner for Management and Fiscal Affairs, stated there were two

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"housekeeping" matters he wished to discuss with the Board before beginning the regular committee agenda. Mr. Noble referenced the report to the Board made at the January 1990 meeting on preliminary budget presentations required by OBPP. The Executive budget process has been considerably accelerated, which will necessitate a probable future meeting of the Budget Committee to discuss how to interface with the timing of the Executive budget process; continue deliberations with the Legislative Funding Study Committee; and assess peer data surveys which have not as yet been received. Mr. Noble suggested a meeting of the Budget Committee in April for discussion of these issues.

Mr. Noble distributed copies of a letter dated February 15, 1990 to Dave Darby, Director of the Office of Budget & Program Planning (on file). The letter responds to a request of that office that the University System provide a preliminary list of issues that the Regents may elect to include in their budget presentation for the next biennium. Mr. Noble noted the Board has not had a chance to review and act on the items contained in the letter, and Mr. Darby was apprised there will be additions, deletions and modifications as the Regents' budgeting process continues through the year. Mr. Noble asked the Board to provide direction on the issues contained in the letter, either at this meeting or in early April, so the System can meet the time frames established by the Executive Branch for development of the budget for the coming biennium.

Mr. Noble next distributed and reviewed copies of a memorandum to the Legislative Finance

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Committee dated March 1, 1990 on the subject of Negative Cash Balances - Restricted Funds (on file). The memorandum responds to a motion passed by the Finance Committee last October requesting a response to a report regarding negative cash accounts in restricted funds at MSU, U of M, and Montana Tech. Mr. Noble noted staff will be meeting with the Finance Committee in the immediate future to present the response, and he wished the Board to be aware of the issues that will be discussed.

Mr. Noble responded to Regents' questions concerning the System's fallback position if the recommendations were not accepted by the Finance Committee.

Mr. Noble also distributed and reviewed copies of a "Special Report on Bonded Indebtedness, 1989." The report was prepared in response to a Legislative Finance Committee request to submit a report by April 1, 1990 on University System funds pertaining to bonded indebtedness and reserves. Mr. Noble explained the request was probably prompted by the System's use portions of "other lawful purpose monies" to liquidate selected negative accounts that have been carried for some years. Responding to a question of the Chairman, Mr. Noble stated he did not believe in most cases the actions impaired the System's required bond reserves. All minimum legal requirements are covered, but some campuses would be more comfortable if they had slightly more repair and maintenance monies available for some of the facilities. Mr. Noble concluded the report reaffirms that all the System's indentures are in satisfactory condition.

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Moving to the regular agenda, Mr. Noble stated state statutes pertaining to approval of budget amendments require they be presented to and approved by the Legislative Finance Committee prior to being brought to the Board for action. That procedure is reversed in the case of some of the budget amendments on today's agenda to allow expenditure of federal funds for grant periods beginning March 1, 1990. If these amendments are held for presentation first to the Finance Committee, 30 - 45 days of the grant period are lost. In other amendments, funds are tied up in purchase order acquisitions and the funds are needed to meet cut-off deadlines of state purchasing requirements. Mr. Noble stated the Board's approval at this meeting would constitute preliminary approval pending review and comment at the April 6, 1990 meeting of the Legislative Finance Committee. If the budget amendments are sent back by the Finance Committee, or raise consequences that are of the nature the Regents should address, they will not be processed and will be brought back to the Board. No serious problems are anticipated, but questions may be raised on some amendments.

Mr. Noble presented and reviewed the following budget amendments, each containing appropriate justification, budget amendment certification, and criteria for evaluating effectiveness of the additional services:

Item 66-103-R0390, FY 90 \$1,268,023  
Tuition and Fees: FY 91 \$1,268,023 Tuition and Fees:  
University of Montana. Mr. Noble noted approval of this item does amend UM's budget for the next fiscal year. It is anticipated this tuition and fee revenue will be

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available in FY 91 and the intent is to have spending authority for those revenues for the budget planning process. Without the authority, the budget must be prepared without the revenues, second year authority requested and obtained, then the budget has to be amended upward. The two-year authority approach is efficient and saves considerable time for the unit's fiscal staff, but may be denied by the Finance Committee. A similar amendment will be presented later for the GSL program.

Regent Lind moved preliminary approval of Item 66-103-R0390 pending review and comment by the Legislative Finance Committee. The motion carried.

Item 66-206-R0390, Budget Amendment: \$365,000 Tuition and Fees; Montana State University was reviewed by Mr. Noble and recommended for preliminary approval. The expenditure authority is requested for FY 90 only. Because of increased FTE enrollment, net tuition and fee collections will exceed the unit's appropriation by \$225,000. In addition, \$140,000 is requested in additional fee waiver authority to compensate for unanticipated increases in fee waivers. Mr. Noble noted the fee waivers added are well within the approved range but would exceed the appropriation level provided by the Legislature. However, many of the System's fee waivers are mandatory and campuses have no control over waiving those fees if policy requirements are met.

Hearing no further discussion, Regent Lind moved preliminary approval of Item 66-206-R0390 pending review and comment by the Legislative Finance Committee. The motion carried.

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Item 66-301-R0390, \$10,500 Unexpended Fund Balance; Agricultural Experiment Station was reviewed. The Station proposes to expend \$10,500 of fund balance to purchase new haying equipment for the Livestock and Range Research Station in Miles City. Mr. Noble noted the Legislative Fiscal Analyst has questioned if this purchase needs to be made this year.

Regent Kaze moved preliminary approval of Item 66-301-R0390 pending review and comment by the Legislative Finance Committee. The motion carried.

Item 66-702-R0390, \$98,000 Tuition and Fees; Eastern Montana College was presented by Mr. Noble. The funds were generated by increased enrollments over the amount budgeted for the fiscal year. Regent Kaze moved the item be given preliminary approval pending review and comment by the Legislative Finance Committee. The motion carried.

Mr. Noble reviewed the appropriate explanations, certifications, and evaluation criteria contained in Item 66-901-R0390, A) Montana Tracks Project - \$72,000 (Private); B) Vo-Tech Administration - \$5,000 (Federal) C) GSL Program FY 90 - \$120,000 (Federal); D) GSL Program FY 91 - \$231,038 (Federal); Office of Commissioner of Higher Education. After discussion, Regent Redlin moved the item be given preliminary approval pending review and comment by the Legislative Finance Committee. The motion carried.

Item 66-6001-R0390, \$2,000 Federal Funds; Fire Services Training School was reviewed by Mr. Noble, and recommended for preliminary approval. Regent Kaze moved the item be given preliminary approval pending review and comment by the Legislative Finance Committee. The motion carried.

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Item 66-8501-R0390, \$37,200 Tuition and Fees; Great Falls Vocational-Technical Center was reviewed by Mr. Noble. The additional fee revenues were generated from increased enrollments. It was noted the item carries the same unit number as another item submitted by the Center. The item number was corrected to read "Item 66-8503-R0390".

Regent Kaze moved the unit number be corrected in the record, and preliminary approval granted pending review and comment by the Legislative Finance Committee.

Item 66-9502-R0390, \$18,935 Tuition and Fees; Missoula Vocational-Technical Center was reviewed by Mr. Noble. The Center experienced an increase of 51 students over the number appropriated for, and requests authority to expend the additional fee revenues. Regent Clouse moved the item be given preliminary approval pending review and comment by the Legislative Finance Committee. The motion carried.

Budget Status Report: Helena and Butte Vocational-Technical Centers

Mr. Noble reported the Helena Vo-Tech Center's tuition and fee revenue is down \$95,000 this fiscal year. Internal adjustments have been made which do not require termination of tenured faculty.

Butte Vo-Tech Center is down \$100,000. The Center has adjusted its budget accordingly for this fiscal year. This loss of anticipated revenue may cause the Center to operate somewhat below its appropriated authority in the FY 91. Mr. Noble noted operations at the Butte Center are extremely tight; its operational plan may require review in the second year of the biennium. No tenured faculty were terminated.

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Mr. Noble noted the reduction in anticipated revenues at both Centers occurred because of loss of enrollments. The reports are informational only; no action is required by the Board at this time.

Reduction in Force: Billings Vocational-Technical Center

Deputy Commissioner Vardemann reviewed the procedure in Section 9.4 of the agreement between the Board of Regents and vocational-technical educators of Montana which defines lay off as the termination of tenured faculty for programmatic or financial reasons, and sets forth the process whereby that lay off is to be initiated. The written lay off plan which must be submitted to the union under that procedure is contained in the memorandum dated February 28, 1990 (on file) to the Faculty Representative, MFT of the Billings Vocational Technical Center from then Director Johnson. Tenured faculty must be notified of the anticipated lay off by April 1 of the academic year preceding the lay off. Ms. Vardemann explained there are a number of uncertainties in the plan before the Board. There have been major recruitment efforts made at the Billings Center which may lead to higher enrollments in the fall; a new fiscal officer is in place at the Center; as of July 1, 1990 there will be a new administration on campus. For those and other reasons, the reduction in force plan before the Board may be able to be revised with less loss than the 6.25 FTE reduction the memorandum contemplates. However, to meet collective bargaining agreements, approval of the proposal is requested of the Board with the understanding that continued review will occur and the worst case scenario the plan presents may be improved in the coming months.



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Members of the Billings Vo-Tech administrative staff are present, in addition to a representative of the union, to answer questions or comment.

Matthew Thiel, Field Representative of the Montana Federation of Teachers, AFT, AFL-CIO spoke on behalf of the Billings Vo-Tech faculty. He referenced the response from the teachers' union to the Reduction In Force memo dated February 28, 1990, sent to Deputy Commissioner Vardemann and the Billings Vo-Tech Management Team on March 15, 1990 (on file). Mr. Thiel expressed the faculty's regret that they were not more involved in preparing the reduction in force document. It is the union's understanding the problem at the Center is the result of the dramatic drop in student FTE. Mr. Thiel spoke to those aspects of the plan that faculty at the Center and the union believe will adversely impact future student FTE growth, including faculty selected for reduction, elimination of the receptionist position, and existing problems in the financial aid office. Faculty are particularly concerned with the proposed cuts in student services. Mr. Thiel endorsed Ms. Vardemann's statement that the plan could be revised as student enrollments improve.

Commissioner Krause stated his appreciation to Mr. Thiel for the comments he had made, and assured him that if there is a turnaround at the Center reinstatements would certainly be made to accommodate the instructional program. The plan, however, does impact the administration also, and there is no choice but to adopt the plan because of notice requirements. Discussion will continue on the priorities of reinstatement if and when the situation improves at the

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Center. Because of fiduciary responsibility, there is really no choice available to the System or the Board at this time. There have been on-going problems with the Billings Center, and every attempt will continue to be made to correct those. He urged the Board to adopt the plan. The 6.25 FTE reduction, plus the reduction in Plant Operation budget, will allow the Center to balance its budget and continue with its educational mission.

Regents Topel and Kaze expressed concern with the lack of alternatives presented to the Board. Ms. Vardemann responded with further outline of the fiscal and leadership problems the Billings Center has experienced. The central office received first notice of this plan in early February. Meetings were held with the Center Director. Certainly cutting the receptionist and public relations officer, and valuable faculty members, is not the optimal choice. Mr. Thiel's comments that one faculty member was cut because of salary has not been stated before. Ms. Vardemann stated her understanding was the Center looked at FTE generation program by program, and those were the decision factors on positions selected for reduction. Through prioritization, staff believes the flexibility to change the reduction plan exists under the collective bargaining agreement if the financial situation at the Center improves.

Regent Kaze moved the reduction in force plan presented by the Billings Vocational-Technical Center be approved.

Chairman Mathers asked if the members of the Regents Vocational-Technical Committee were apprised of the situation at the Center prior to this meeting. Mr.

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Noble responded the Board was informed last fall that Billings was experiencing a shortfall in enrollments, and after the amount of the shortfall was determined, alternatives would be proposed to meet that shortfall.

Regent Topel stated apparently the Board has no choice but to adopt the plan, but he wanted other alternatives developed for the Board's review. Chairman Mathers concurred, and instructed staff to involve the Board's Vocational-Technical Committee in all phases of discussion so it can report to the Board at future meetings. Regent Redlin noted she understood the concern on involvement of the Board in such issues, but it is a professional arena, and people on the scene are responsible for developing these plans. The Board does rely on its professional staff for response to such crises, and the work is appreciated, even if everyone acknowledges this plan may not be perfect in all respects.

The question was called on Regent Kaze's motion to adopt the reduction in force plan as presented by the Billings Vocational-Technical Center. The motion carried.

Change in Administrative Staff at Northern Montana College

President Kerins stated he appreciated this opportunity to speak to the Board regarding an administrative change at the College. Dr. Jerry Brown is leaving Northern Montana College where he has served in a truly outstanding way for the past seven years. NMC is truly a better academic institution than it was when Dr. Brown arrived, and to a great extent that improvement is due to his efforts. Both personally and

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on behalf of everyone at the College, President Kerins expressed appreciation to Dr. Brown, and wished him well in his new position at the University of Arkansas.

Chairman Mathers expressed the Board's appreciation also to Dr. Brown for his excellent work at Havre and for the System.

President Kerins then introduced Dr. Martha Anne Dow, who, with the Board's approval later in this meeting, will become the Acting Vice President for Academic Affairs at NMC. Her appointment to this position is unanimously endorsed by all constituencies of the College.

#### Introductions

Mr. Noble introduced Mary Ann Wellbank, the new Budget Analyst assigned to work with the System by the Governor's Budget Office. He also introduced Pam Joehler, recently reassigned to work with higher education on behalf of the Legislative Fiscal Analyst.

#### CURRICULUM COMMITTEE

##### Submission Agenda

Item 2-001-R0973, Curriculum Proposals: Montana University System (Revised) was reviewed by Dr. Hutchinson, Deputy Commissioner for Academic Affairs. Dr. Hutchinson noted there are two basic purposes for the suggested policy change, plus the secondary purpose to clean up some cumbersome language in the existing policy.

The primary change is to require Regents' approval for new options existing within a degree program already in place. Higher education nationally has experienced a very real proliferation in new programs, and this has led to segmentation of existing

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majors in the form of options within a given major. Currently there is no Regents' policy requiring approval of options, but in some ways an option may be more comprehensive in scope and more complex than a minor, which does require Regents' approval. There is also the possibility that having an existing major, and the creation of a option within that major would be to use that major as a "breeding ground" for new program proposals and degree structures. Proposed revisions to the policy to address this were reviewed by Dr. Hutchinson, including the new language on page 3 of the item defining options.

Item 2-001-R0973 was received for consideration at the June 1990 meeting.

Action Agenda

Item 63-501-R1089, M.S. in Environmental Engineering; Montana College of Mineral Science and Technology, was reviewed by Dr. Hutchinson. In 1982 Montana Tech introduced a proposal for the master of science in environmental engineering. This was denied at that time with the directive to Montana Tech to strengthen its faculty and infrastructure that could be devoted to this program. Tech did all of those things, and resubmitted the proposal in the spring of 1986. At that time, primarily for financial reasons, the proposal was deferred, and resubmitted in fall of 1989. In January of 1990 action was again deferred to provide opportunity for meetings with appropriate representatives of Montana State University and Montana Tech to develop a memorandum of understanding that would provide for an orderly and cooperative development of environmental engineering over the next several years. Those meetings

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were held, and the resultant memorandum of understanding is being distributed at this meeting.

Dr. Hutchinson highlighted important agreements between the two institutions contained in the memorandum, including agreement that both will be allowed to award the M.S. in environmental engineering, and setting out ten points of cooperation agreed upon to build a statewide expertise that represents an equal partnership between the two institutions. In addition, to foster this cooperation, an inter-institutional Environmental Engineering Advisory Committee with equal representation from Montana Tech and MSU is to be appointed.

Dr. Hutchinson noted the memorandum of understanding has been signed by the presidents of the two cooperating institutions, and by their academic vice presidents, and represents an important step that should occur more often in higher education in Montana -- that is, the sharing of resources in a way to make a real expertise in a particular area of study.

Dr. Hutchinson recommended approval of the M.S. in Environmental Engineering at Montana Tech, and ratification of the signed memorandum of understanding.

President Tietz and President Norman spoke in support of the recommendation of Dr. Hutchinson, and of the potential for establishing a pattern for inter-institutional cooperation that could be a hallmark for this Board and the other institutions. President Tietz asked the nature of the cooperative venture be forwarded to Mr. Rick Foote of the Montana Standard.

Responding to concerns of Regent Topel that rather than leading to cooperation, the cooperative

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agreement may in the future lead to charges of duplication, President Tietz and Dr. Hutchinson elaborated on the memorandum of understanding, explaining one of the purposes of its development was to avoid that occurring. All future areas of exclusivity or cooperation are not clearly defined and at this time probably could not be because the whole discipline is not that well delineated.

Regent Redlin spoke of her gratification for the cooperative development of this offering, and the importance of training engineers who are aware of the impact of their actions on the environment as a whole.

On motion of Regent Redlin, Item 63-501-R1089 and the accompanying memorandum of understanding were approved.

JOINT MEETING: CURRICULUM COMMITTEE/VOCATIONAL-TECHNICAL EDUCATION COMMITTEE

Submission Agenda

Deputy Commissioner Vardemann presented each of the following three vocational-technical education curriculum proposals, and responded to Regents' questions. The items will be more fully discussed when they are on the action agenda.

Item 66-8501-R0390, Associate of Applied Science in Respiratory Care; Great Falls Vocational-Technical Center

Item 66-8502-R0390, Associate of Applied Science in Occupational Therapy Assisting; Great Falls Vocational-Technical Center, and

Item 66-9501-R0390, Approval of Proposal to Convert the Approved Two-Year Certificate in Legal Assisting to an Associate of Applied Science Degree in Legal Assisting; Missoula Vocational- Technical Center.

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The three items were received for consideration at the June 1990 meeting.

Action Agenda

Commissioner Krause referenced the policy passed by the Board at a previous meeting setting forth procedures through which a feasibility of merger study would be conducted among units of the System and the vocational-technical units. Item 66-701-R0390, Request from Billings Vocational-Technical Center and Eastern Montana College to conduct a formal feasibility study of cooperation/consolidation/merger between the two units is brought forward under the guidelines that policy established.

Dr. Krause recommended the feasibility study be approved as outlined by the two institutions, allowing data to be gathered to determine if it is appropriate to proceed further. Chairman Mathers endorsed the Commissioner's second recommendation that the data be gathered as quickly as it can efficiently be done.

On motion of Regent Kaze, Item 66-701-R0390 was approved.

Following a recess for lunch, the regular agenda was briefly interrupted to allow Dr. Bruce Gilliland, Acting Dean of the School of Medicine, University of Washington, to be introduced and address the Board on the importance of continuation of support for the WAMI program.

Dr. Krause distributed copies of the current issue of the "Montana Magazine" which contains an interesting article on what higher education does for Montana. He urged all recipients to read the article,



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noting it would also be distributed to the Education Commission for the 90's and members of the legislature.

BY-LAWS AND POLICY COMMITTEE

Submission Agenda

Item 12-006-R0676, Governance and Organization; Campus Entertainment; Montana University System (Revised) was received for consideration at the April 1990 meeting. The proposed revision would allow up to \$30 to be expended for the purposes set forth in the policy without prior approval. Current policy, which has not been reviewed for several years, allows expenditure of only \$10 without prior approval.

Action Agenda

Dr. Hutchinson reviewed the rather lengthy process involved in bringing before the Board today for action Item 66-001-R0190, Role and Scope Statements; Montana University System. It was an important exercise, and Dr. Hutchinson noted from his perspective it has been done right in that the institutions themselves developed their own role and scope statements. The Commissioner's office provided a shepherding responsibility in the process; good advice was received from the Regents, and other units provided checks and balances on their sister institutions.

The full set of role and scope documents before the Board consists of fourteen separate components (on file), and these were enumerated by Dr. Hutchinson. He then read into the minutes certain last minute corrections.

(1) In its statement, the University of Montana has claimed exclusive responsibility for instruction in certain areas. Some feel use of that

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word is too restrictive because other institutions should and do offer instruction in some of those areas. Therefore, in the Role and Scope Statement for the University of Montana, on page 2, line 3, the word "instruction" is deleted and in its place should be inserted "instructional programs" which makes it consistent with the glossary of terms contained as part of the role and scope item.

(2) In Montana State University's Role and Scope Statement, under "Areas of Emphasis", the sentence relating to the Center of Excellence should be corrected to read: " Montana State University has been designated by the Montana Science and Technology Alliance as the site for the Center of Excellence in Synthesis and Characterization of Advanced Materials in cooperation with the University of Montana and Montana Tech."

The last line of "Areas of Emphasis" should be corrected to read "and the University of Montana" to correct a proofing error.

Concluding his review, Dr. Hutchinson responded to Regents' questions, noting that as instructed by the Board, the senior institutions role and scope statements no longer contain a section of "future plans." Planning will certainly continue, but as a process separate from adoption of the role and scope statements. Those plans should also be brought forward to the Regents.

Ms. Vardemann referenced the vo-tech policy requiring documentation of "declaration of intent" with regard to future plans including new program development. She suggested a similar procedure might be developed by the senior institutions that would be

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helpful systemwide in planning for all institutions. Regent Kaze concurred with development of that type of institutional planning.

Hearing no further discussion, the Chairman called for a motion on the System's role and scope documents for the senior institutions.

On motion of Regent Lind, Item 66-001-R0190 was amended as requested by Dr. Hutchinson, and approved as amended.

Regent Kaze, Chairman of the Vocational-Technical Education Committee referenced the lengthy past discussions of the role and scope statements for the vo-tech centers contained in Item 66-7001-R0190, Role and Scope Statements; Vocational-Technical System. He asked if further discussion was felt to be needed before a motion was made.

Hearing none, Regent Kaze moved the item be amended to delete the sections in each statement relating to future plans, and that Item 66-7001-R0190 be approved as amended. The motion carried.

Item 18-002-R1077, Admission Requirements; General Policies; Montana University System (Revised) was reviewed by Dr. Hutchinson. He noted it is rather a cumbersome set of policy changes, and received thorough review when placed on the submission agenda at the January 1990 meeting.

Dr. Hutchinson spoke to new Section 4 under Board Policy recommending students requesting admission based on G.E.D. examination be admitted as "Conditional Freshmen" with the additional requirement they be required to complete a prescribed program of study during the first term. At the last Board meeting

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Regents asked how many students the System has now who are traditional age G.E.D. students enrolled. Information supplied by the admissions officers indicates 270 such students enrolled in academic year 1989-90.

The second question asked was when the policy change should be effective. The recommendation is now that it be effective Fall Term 1990.

Hearing no further discussion, Regent Clouse moved Item 18-002-R1077 be amended to include the effective date of Fall Term 1990, and approved as amended. The motion carried. An outline of the proposed course of study will be brought to the Board, probably at the April meeting.

Item 18-003-R1077, Admission Requirements: In-state Undergraduates; Montana University System (Revised) was presented by Dr. Hutchinson. He referenced and reviewed his memorandum to the Board and the Commissioner dated March 12, 1990 on proposed changes to admission policy concerning transfer students (on file). An essential element of the proposed revision to this policy was to develop a consistent definition of transfer students to be used throughout all Regents policies. After discussion of the reasoning set forth in the memorandum, Dr. Hutchinson recommended the originally recommended definition of transfer students be changed to:

A transfer student is one who has attempted 12 or more GPA credits at another college or university, who is entering a new institution for the first time, and whose credits at the previous institution have been accepted by the receiving institution.

All other aspects of the proposed solution are unchanged.

After further brief discussion, on motion of Regent Clouse, Item 18-003-R1077 was amended to change

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the definition of transfer student as proposed by Dr. Hutchinson, and approved as amended.

Dr. Hutchinson noted the proposed revision to Item 18004-R1077, Admission Requirements; Out-of-State Undergraduates; Montana University System (Revised) has to do with definition of a transfer student. Currently the definition is based on age - over the age of 21. The use of age is in some cases arbitrary, and Dr. Hutchinson cited examples in support of that. It is a more defensible position to base the definition of non-traditional students on the number of years since graduation from high school. The proposed revision makes that distinction. The definition of out-of-state transfer applicant should be changed to be consistent with that just approved in Item 18-003-R1077 regarding in-state undergraduates. On motion of Regent Topel, Item 18-004-R1077 was amended to correct the definition of in-state transfer and approved as amended.

Dr. Hutchinson presented Item 42-002-R1283, College Preparatory Program; Montana University System (Revised), explaining the changes proposed simply clean up language to make this policy consistent with the changes affecting it just made to the admissions policies. No unique or substantive changes are proposed. On motion of Regent Redlin, the item was approved.

MEETING OF THE BOARD OF REGENTS WITH THE COMMUNITY COLLEGE TRUSTEES

Presidents of the community colleges introduced members of their Boards of Trustees who were present for the combined meeting.

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President Kettner introduced Dawson Community College Trustee George Rice, member of the Board of Trustees for seven years and also a board member of Mid-Rivers Telephone Company working closely with DCC on telecommunications.

President Flower introduced Miles Community College Trustees - Jim Lucas, Chair of the Board of Trustees, and Trustees Marshall Gardner, Eilleen Carlson, Sharon Wilcox, and Paul Mottram.

President Fryett introduced Flathead Valley Community College Trustee member Michael Jenson, Board member for six years and Board Chair; and Trustees Bill Irvin and Shirley Bowdish.

Chairman Mathers welcomed the community college trustees, stating he hoped meetings like this will be scheduled more often in the future, and that he believed it would be the beginning of a sound relationship among the trustee boards and the Regents.

Commissioner Krause stated topics on which there has been discussion in the past were selected for the agenda for this meeting. Although there is continual interaction with the presidents of the community colleges, there is little opportunity for such interaction with the trustees.

1. Relationships of Regents to Community College Boards (MCA 20-15-103 (4))

President Fryett discussed briefly the Regents' authority in the area of budgets and policies that impact the community colleges. The community college trustees are interested in developing a mechanism through which the local community college boards would have opportunity for dialogue before the

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actions occur. The loss of the position of Community College Coordinator in the Commissioner's office has adversely affected communication with the colleges. The attendance of the presidents of the colleges at Regents meetings is now more important than ever for exchange of information and concerns.

Dr. Hutchinson concurred it is extremely difficult to provide the kind of communication sought with present staffing in the Commissioner's office. Assignment of that coordination responsibility to the Deputy Commissioner for Academic Affairs, whose "plate is already pretty full" has not provided more than connection with the presidents. Assigning the responsibility to the Deputy Commissioner for Vocational-Technical Education is not much more promising because of the weight of responsibilities of that office. There are significant coordination responsibilities that are not being met.

Chairman Mathers summarized that the need for improved coordination and communication is real. He pledged the Regents' support to do all things possible to improve those areas, recognizing, however, that it is doubtful that the position of Coordinator will be restored under present fiscal constraints. Reorganization of the Board's committee structure could provide enhanced recognition of the Board's responsibilities to the community colleges.

## 2. Community College Funding

It was agreed the principal need in this area is stability. Frequent changes in percentages of state/local funding reducing the state's share and increasing the local share have occurred. Community

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college funding is included in the Legislative Funding Study Committee. The System has requested a return to the 53% state/47% local funding level. The per student base of support is low; peer data is being gathered to substantiate that it should be increased. A broader tax base is also needed drawn from the statewide population of students. Fees at the community colleges were increased nearly 50% last year, but help is needed to convince legislators that the institutions serve students statewide. High cost programmatic funding at the community colleges should be studied and receive consideration as units of the System are advocating.

Regent Redlin noted the record should also reflect that citizens in community college districts pay the same as all other citizens of the state pay for all of higher education. In addition, they have seen the decrease in state support for their "over and above" contribution to higher education in the local districts.

Local trustees were urged to participate in the legislative process, and work with local legislators to try to resolve the funding issues.

### 3. University System Units Offering Upper Division Courses at Community Colleges

President Fryett reported on efforts to bring the M.Ed. and the M.A.S. to the Flathead. Considerable interest has been evinced by area residents. That is not possible unless a center is approved by the Board of Regents. The attendant fee cost has been considered and is acceptable to local residents. Telecommunications may meet this need in the long term. In the short term the Commissioner suggested it might well be possible for the University of Montana



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to make these offerings, though the cost to students is substantial. FVCC should work with the University of Montana to develop a proposal and bring it to the Board of Regents.

President Kettner reported on the exciting events occurring in Eastern Montana through the use of fiber optics. This will open a whole new area of higher education to isolated rural areas, and may be ready by Fall 1991. It will also raise issues of how student credit hours generated through telecommunications will be dealt with in the budget process.

Dr. Hutchinson reported on a recent meeting of the Telecommunications Advisory Committee which has appointed a subcommittee to look at the very questions raised by President Kettner. That report should come to the Regents sometime next fall.

#### 4. Coordination of Semester Transition - Community Colleges/University System Units

The aspect of the semester transition that is troubling to the community colleges is there is no mechanism in place for coordination among all units of higher education. Each institution is proceeding on its own. The community colleges believe this will result in their having to repeat a lot of effort after the System units have completed their transition and it is found there is not a successful mesh.

Commissioner Krause stated for the record there is no question the semester conversion will occur. The Board established parameters, including a date when the conversion must be accomplished, allowing each campus to develop its own procedures for the conversion. The Board has not wavered on that decision, nor does it wish to reconsider it action.

Dr. Hutchinson concurred the Board has not

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been prescriptive on how that conversion occurs - each institution has developed its own procedure. The plans are moving along reasonably well. He suggested that now the calendar guidelines are established for start and stop dates, vacation times, etc., the institutions could get together to share what the nature of the process is on each campus. He suggested such a meeting occur between the Academic Vice Presidents and the Deans of Instruction in conjunction with a Regents' meeting. Deputy Commissioner Vardemann asked her office be included in this meeting for inclusion of the vo-tech centers.

President Kettner urged adoption of a single calendar for the entire System, including community colleges. Dr. Krause said we are indeed close to that, but there are philosophical differences on specifics.

Dr. Hutchinson concurred - the institutions will start their school years within a day or two of one another. There will be some variance at the University of Montana for one year only as they change to the semester system.

#### 5. Articulation

Dr. Krause reported great progress has been made in the area of articulation. Most institutions have curriculum guides; students know what courses will transfer. Finalization of the core curriculum will have corrected most of the transfer questions that are correctible. Some are not - there will always be disputed areas particularly transferring into upper division courses. The crucial element remains careful advising of students.

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Regent Kaze requested clarification. When the core curriculum is adopted, his understanding is that it will be 100 percent transferable across the System. He was assured that is correct. There are some differing aspects in transfer of vocational-technical courses, but those are being addressed.

6. Curriculum Approval for Degrees and Certificates

FVCC asked this item be on the agenda. President Fryett sketched the history of FVCC's request in 1986 of approval for an associate of arts degree at the Lincoln County Center in Libby. That was put on hold at that time for valid reasons. The College would like to bring that issue to the Board again.

President Fryett requested a review of the offerings listed in FVCC's catalog to ascertain if they all have, in fact, been approved by the Regents.

President Flower spoke also to differing levels of approval developed in the past to meet the needs of the community colleges to quickly implement a program to meet a specific community need for a limited amount of time, and those programs intended to be "permanently" in place - for instances five years or longer. If that duplicate process of approval is no longer appropriate, he also would appreciate a revising of the curriculum proposal approval process at the colleges.

Dr. Hutchinson reported on a project recently completed for the Legislative Fiscal Analyst comparing approval of programs listed in the Policy Manual with degrees awarded by the campuses. In every case where there was a discrepancy it was the Policy Manual listing which was in error and in fact approvals

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had been received. No comparison was made of the individual catalogs - that is, comparison of programs the campuses say they have with what has been approved. That audit probably needs to be done. He suggested Deputy Commissioner Toppen handle that after July 1, 1990.

Referring back to President Fryett's request for a revisiting of approval of a Center at Lincoln County, Commissioner Krause explained it was denied in 1986 because of financial reasons, and because after he visited the area he felt the local proponents envisioned quite a good deal more than establishing a center. If FVCC believes it is important, it could be brought back of course. President Fryett concurred with the Commissioner's evaluation; he felt now the zeal to move beyond establishment of a center is considerably reduced.

7. Effect of Current Policy on Community Colleges' Ability to Respond to Rural Areas Through Telecommunications

President Flower explained he asked for this discussion because of a requirement in the present telecommunications policy which requires every program and individual course be approved one year in advance. This would be detrimental to the community colleges in their mission of outreach and quick response to local needs.

Deputy Commissioner Hutchinson reported the Telecommunications Advisory Council has addressed this concern. The proposal developed by that Council is that institutions submit their institutional plans, doing the best they can predicting what they want to teach. However, if a request is received which would require a

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quick response to meet the need, the institution would contact the Deputy Commissioner of Academic Affairs. It would be that contact person's responsibility to see if there are conflicts with other institutions that need to be dealt with. Approval would then be given to move ahead with that particular course, and the action would be reported at the next meeting of the Council. It was recognized that the one year planning requirement might be "too wide a window" for many of the campuses, and there was need for a procedure for more rapid response.

Regents asked if that should be reflected in existing policy. Dr. Hutchinson responded at this time it was the recommendation of the Telecommunications Council to try this procedure for year before beginning policy changes. There are a great many unknowns in telecommunications offerings, and there may be other policy changes needed after a bit more in-the-field experience.

At Regent Redlin's request, Mr. Rice of the DCC Board of Trustees, reported on telecommunications activities in the eastern part of the state through the connection with Mid-Rivers Telephone Company. President Fryett reported also on FVCC's offerings through inter-active television, at this time restricted to in-district students.

#### 8. Associate Degrees for Vocational-Technical Centers

Deputy Commissioner Vardemann explained that the AA and the AS degrees, offered by the community colleges, are the first two years of a baccalaureate degree. The vo-tech centers have no intention of coming before the Regents with a proposal for those offerings. The AAS degree, which is designed primarily to be an

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entry level degree into occupations, is offered at the community colleges; a policy has been approved authorizing the offering of those degrees at the vo-tech centers. The vo-tech system sees this as an action which will strengthen all two-year institutions. The community colleges have been kept apprised of this movement. Ms. Vardemann stated she had spoken with the community college presidents about the movement in this direction. She did not perceive there were difficulties. If there are, she would be most pleased to discuss it. Ms. Vardemann stated it is important that if a student were to begin work towards an AAS degree at a Center, and and for whatever reason needed to move to an area having a community college offering a similar AAS degree, there should be interfacing of the offerings. That is a natural sharing of state resources, rather than to have to have students lose time, energy and money by repeating coursework. Ms. Vardemann noted it is essential everyone involved understand what associate degrees are contemplated for the vo-techs.

President Fryett referenced the information in the packet distributed earlier that outlined the concerns of trustees at FVCC on this issue. He stated there is no quarrel with vo-tech's having such degrees. The issue would then become inequity of funding of associate degree granting institutions if such degrees are offered at the vo-techs, and they are 100 percent state funded. Presidents Kettner and Flower stated they had no negative feelings concerning associate degree offerings by the vo-techs if the requirements of accreditation, duplication, etc., were the same as those required of the community colleges. President Flower

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stated he was more distressed by the offering of associate degrees by units of the University System.

Discussion was held on whether the community colleges should in fact be state supported institutions. That is a legislative decision; the districts may also be reluctant to give up local control. The history of the vo-tech centers moving from local funding to total state support was discussed.

9. Regents Center Approval for Sanders and Lake Counties

President Fryett stated this topic was placed on the agenda for discussion of how a properly documented request for such a center might be received, given the moving emphasis of the system towards telecommunications and distance offerings. Thompson Falls has requested a center.

Dr. Krause cautioned again that the approval process for center authorization must remain very specific. He recommended cautious exploration of such requests, particularly to the seriousness of the pool of prospective students making the request. The Regents generally concurred this was the sensible approach, regretting the need to always cite financial crisis as the reason for reluctance to expand. Community college law allowing annexation of contiguous districts was discussed. If such enthusiasm to have community college offerings exists, residents of the counties may wish to become part of the district and be equally taxed to support the offerings.

At the conclusion of the listed agenda items, Chairman Mathers asked if there were any other matters the trustees wished to bring before the Board at this time.

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Trustee Jim Lucas expressed thanks to the Board of Regents on behalf of all the community college trustees for this very productive meeting. He endorsed the statement made earlier that such a meeting be made an annual occurrence. Mr. Lucas said he believed the community colleges in Montana are doing an exceptional job. They have responded quickly to academic and vocational needs in their areas. The importance of the individual colleges to their own areas is something that cannot be underestimated. The districts are willing to incur extra costs to maintain local control; however, some of the matters touched on today - stability, level of state support, legitimate raises in FTE calculations to name a few - are of considerable importance to the local taxpayers. Programmatic adjustments in areas such as nursing at DCC need to be pursued and understood by people who deal with community colleges. The Board of Regents can and do assist in this endeavor.

Mr. Lucas spoke to the many contributions the community colleges make to their local communities, and the importance of the institutions to the local areas.

Mr. Lucas continued, stating perhaps the most reassuring aspect of the meeting today is the feeling of assurance that the Board of Regents really understands the role of the community colleges, that the trustees are not trying to promote exceeding that role, and the evidences of the Regents' intent to continue to support and assist the community colleges in their appropriate role in the System. Mr. Lucas pledged the support of the local trustees to work with the Regents toward a productive future.



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Commissioner Krause thanked the trustees for traveling such distances to take part in today's meeting. He and Chairman Mathers assured the trustees that the System would make every effort to increase coordination from the Commissioner's office, and to continue the excellent relationship the System enjoys with the three community college presidents.

All participants look forward to another such meeting next year.

Minutes of Friday, March 23, 1990

The Board of Regents met in executive session from 8:30 a.m. to 9:45 p.m. Topics included discussion of approval of honorary degrees at Montana State University.

The Board of Regents and the Board of Public Education met as the State Board of Education from 10:00 a.m. to 12 Noon in the Governor's Conference Room, State Capitol Building, Helena, Montana.

1:15 p.m. - Continuation of Regular Meeting of the Board of Regents

REGULAR AGENDA

Chairman Mathers stated that without objection the agenda would be revised to act first on the staff items listed under "L. Regular Agenda."

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

Item 66-100-R0390,	<u>Staff; University of Montana</u> (Includes 3 post-retirement contracts) (WITH ADDENDUM)
Item 66-200-R0390,	<u>Staff; Montana State University</u>
Item 66-205-R0390,	<u>Retirement of Wayne Larson; Montana State University</u>
tem 66-300-R0390,	<u>Staff; Agricultural Experiment Station</u>

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- Item 66-400-R0390, Staff; Cooperative Extension Service  
Item 66-600-R0390, Staff; Western Montana College of  
the University of Montana  
Item 66-601-R0390, Faculty Roster FY 90; Western  
Montana College of the University  
of Montana  
Item 66-700-R0390, Staff; Eastern Montana College  
(Includes 1 post-retirement  
contract)  
Item 66-800-R0390, Staff; Northern Montana College  
(WITH ADDENDUM)  
Item 66-801-R0390, Resolution on the Retirement of Dr.  
David Hugh Greenwood, Professor of  
Health and Physical Education;  
Northern Montana College  
Item 66-803-R0390, Resolution on the retirement of Dr.  
Charles H. Holmes, Professor of  
Humanities and Social Sciences;  
Northern Montana College  
(ADDITION TO AGENDA)  
Item 66-900-R0390, Staff; Office of Commissioner of  
Higher Education  
Item 66-7500-R0390, Staff; Billings Vocational-  
Technical Center

COLLECTIVE BARGAINING COMMITTEE

Chairman Mathers, on behalf of the Board, confirmed the action of the Regents taken by mail ballot approving settlement agreement with the University Teacher's Union and the University of Montana, dated February 2, 1990. The ballots are on file in the office of the Commissioner.

Chairman Mathers noted for the record that the agreement was approved with six Regents voting yes; one Regent voting no. Chairman Mathers stated his was the dissenting vote, which was consistent with the position he had taken throughout the negotiations.

On motion of Regent Topel, settlement of the Northern Montana College Federation of Teachers Salary Grievance was approved.

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On motion of Regent Topel, the Tentative Agreement with International Union of Operating Engineers, Local #400 was approved. This is a completely new agreement covering twenty-eight custodial, maintenance and food service employees at the five vocational-technical centers.

On motion of Regent Redlin, the Tentative Agreement with Western Montana College of the University of Montana Faculty Association was approved.

CAPITAL CONSTRUCTION COMMITTEE

After appropriate review and discussion, the following actions were taken on items on the Capital Construction Committee agenda:

On motion of Regent Kaze, Item 66-101-R0390, Authorization Renovate Tennis Courts; University of Montana was approved.

On motion of Regent Topel, Item 66-102-R0390, Authorization to Accept Gift of Land; Montana Forest and Conservation Experiment Station of the School of Forestry; University of Montana was approved.

On motion of Regent Redlin, Item 66-201-R0390, Authorization to Replace the Roof of Swingle Health Center; Montana State University was approved.

On motion of Regent Redlin, Item 66-202-R0390, Authorization to Replace the Roof of Strand Union Building; Montana State University was approved.

On motion of Regent Clouse, Item 66-203-R0390, Authorization to Replace the Strand Union Building Fire Alarm System; Montana State University

On motion of Regent Clouse, Item 66-204-R0390, Authorization to grant a right of way to the Montana Department of Highways for highway construction

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on the Central Agricultural Research Center located at Moccasin, Montana; Montana State University was approved.

On motion of Regent Kaze, Item 66-601-R0390, Authorization to Grant a Restrictive Easement; Western Montana College of the University of Montana was approved.

On motion of Regent Lind, Item 66-802-R0390, Authorization to Proceed with the Third Phase of Parking Lot Construction at an estimated cost of \$95,000; Northern Montana College was approved.

Item 66-104-R0390, New Weight Room, Washington Grizzly Stadium; University of Montana, an addition to the agenda, was reviewed. The item requests authorization to implement the remodel of unfinished space in Washington-Grizzly Stadium into a new weight room at an estimated cost of \$125,000. The project will be totally funded by the Grizzly Athletic Association and in-kind donations. On motion of Regent Lind, the item was approved.

At the conclusion of the committee agenda, Bill Lannan of the Commissioner's staff distributed the schedule of long range building program campus visits. He urged participation by the Regents. Chairman Mathers noted this schedule had been discussed by the Regents. It was agreed that Regent Schwanke would participate in the University of Montana tour; Regent Kaze at Northern Montana College and Great Falls; Regent Topel at Billings; all Regents will attend the tour scheduled in conjunction with the meeting in Dillon on April 27. This does not preclude other Regents participating in any of the tours if they are able to do so. The Commissioner or Deputy Commissioner Hutchinson will also participate.

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OLD BUSINESS

A. REPORT LAND TRANSFERS

Billings Vocational-Technical Center

Dr. Schramm referenced the memorandum to the Board dated March 12, 1990 (on file) containing details of the transfer, and distributed a map showing the area transferred to the Board of Regents from School District #2, Yellowstone County, Montana. The Regents are obligated to make payments to the school district equivalent to the district's remaining VTC bond obligations. These run to 1999 and amount to about \$1,100,000. The Regents assume no responsibility to make the bond payments, nor are the buildings security for the bonds. Security for the bonds is the taxing power of the school district. The Regents are reliant on the legislature to make appropriations for the bond payment amounts. Dr. Schramm explained this transfer is very similar to the one entered into for transfer of the Butte Vo-Tech facility. In this instance, the school district is retaining the right to use a small portion of the land for playing fields in exchange for the right to use school district water for lawn watering and fire fighting. School District #2 will act on the agreement within the next two weeks. No problems are anticipated.

On motion of Regent Kaze, the Agreement to Buy and Sell Real Estate between the Board of Regents and School District #2, Yellowstone County, Montana was approved.

Great Falls Vocational-Technical Center

Dr. Schramm distributed copies of a memorandum to the Board with the Buy-Sell Agreement and Warranty Deed for transfer of the Great Falls Vo-Tech

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property attached (on file). Dr. Schramm reviewed the terms and conditions of the transfer, including the disputed restrictive covenant. He also distributed a map showing the land transferred, and the approximately eleven acres retained by the school district for future use.

Dr. Schramm noted the terms of the Buy-Sell are slightly more complex than some of the other transfers. The school district is allowed to continue using some VTC space for special education under stated conditions for five years. In return, the school district will make some improvements to the areas they use. Other space the district will continue using in the unfinished portion of the VTC building on a space available basis was noted. This property will revert to the school district if the Regents fail to make bond payments or end vo-tech education in Cascade County before 1994. If the Regents wish to transfer the property, the school district has first option to purchase at the appraised value. Regent Topel requested Dr. Schramm discuss with the school district insertion of a 90-day period for acceptance of such option.

Dr. Schramm cautioned the restrictive covenant is still on the property. The System is operating on the assumption there will be a challenge if college level courses are offered there that are not part of the regular vo-tech program. The System asserts that while some courses may earn college credit, if they are part of a regular vo-tech program, that is a legitimate use even if the covenant was determined to be a valid restriction. The school district will vote on the agreement next week.

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Brief discussion was held on whether the restrictive covenant will indeed impede offerings at the Vo-Tech Center. President Koch noted the University of Montana has for some years been offering graduate courses on the campus of the Vo-Tech, certainly with the recognition of the College of Great Falls, and he believed even with its encouragement. He noted he had many conversations with President Shield about these courses. Dr. Krause noted CGF's concern seems to lie with offering of baccalaureate courses. If the issue arises, Dr. Krause stated his best sense was that nothing would be lost that has been gained so far.

Hearing no further discussion, on motion of Regent Kaze, the Agreement to Buy and Sell Real Estate between the Board of Regents and the Board of Trustees of High School District A, Cascade County, Montana was approved.

#### NEW BUSINESS

#### APPEALS

Dr. Schramm referenced his memorandum to the Board sent with agenda material and dated March 12, 1990 on a new appeals procedure (on file). Board members requested a method be devised to expedite the appeals process. Present policy states that while anyone may appeal a decision to the Board, "the Board may choose not to entertain the appeal. . ." The two appeals before the Board today are presented for a preliminary determination as to whether the Board wishes to entertain arguments from the appellants. Full

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documentation on the facts of the two appeals were sent with the Regents' agenda material.

Dr. Schramm stated he believed the two appeals on preliminary agenda are types of appeals the Board might choose not to entertain. They present no unique nor difficult issues. If this process is acceptable to the Board, Dr. Schramm asked that flexibility be provided so certain appeals could be placed directly on the agenda for hearing.

Regents discussed the proposed procedure. Regent Kaze suggested perhaps appeals could be first referred to a committee of the Board, recognizing the constituents of the Board's inherent right to appeal to the Board, and not wishing to see that right infringed in any way.

Dr. Schramm questioned how the Regents wished to proceed under the new process. Chairman Mathers stated the material on both appeals was sent with the agenda material and all Regents have had ample opportunity to read the material. No further discussion was deemed necessary.

Regent Kaze moved the Board choose not to hear the appeal of Linda Swan and the appeal of Joseph Laspina. The motion carried. By this action, the Commissioner's decision in each appeal was upheld.

Regent Redlin spoke to language in the residency policy that seems ambivalent - that stating any of several listed items can start the clock running to establish residency for fee purposes. She suggested the language might be reviewed to more clearly state exactly which ones have to be done, for instance registering an automobile in accordance with state



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statutes. Dr. Schramm concurred that the language might be too legalistic. He will review the policy language and suggest clarifications.

MONTANA STATE PLAN FOR VOCATIONAL-TECHNICAL EDUCATION

At Deputy Commissioner Vardemann's request, Sib Clack, reviewed the filing requirements of the Department of Education with respect to the 1991-92 state plan for vocational education. The document before the Board complies with those requirements. Appropriate assurances have been signed by the Chairman. She recommended the plan be approved. On motion of Regent Schwanke, the 1991-92 Montana State Plan for Vocational Education Under Public Law 98-524 was approved.

REGENT COMMITTEE ASSIGNMENT

Chairman Mathers stated he had distributed a plan for reorganization of the Board's committee structure to the Regents and the presidents. It is a major change in the way the Board would operate through its committees. He asked that the proposal be reviewed by the presidents, academic vice presidents, and chief fiscal officers, and the Regents, and comments made to the Commissioner's office in a timely manner so that it may be acted on at the April 1990 meeting.

Regent Lind stated that because this is his last official meeting as a member of the Board he wished to comment on the proposal now. He encouraged the Regents to move in the direction proposed. In particular he endorsed the immigration of the vo-techs into the various categories rather than into a separate committee which in his view integrates them into the System more effectively and efficiently.

The committee structure will be discussed and acted on at the April meeting.

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REVISION OF ROLE AND RESPONSIBILITIES OF THE  
COMMISSIONER (ADDITION TO AGENDA)

Copies of a proposed revision to Item 2 -901-R0973, Commissioner of Higher Education; establishment (Revised) were distributed for review and comment. The revision was prepared at the request of Regent Topel, and will be placed on the submission agenda of the April 1990 meeting, and acted on at the June 1990 meeting. Written comments should be submitted to the Commissioner for presentation to the Board at the April meeting.

COMMISSIONER'S REPORT

Report on Minorities Task Force Meeting

Commissioner Krause reported on the recent meeting of the Minorities Task Force. Goals have been adopted and resubmitted back to the committee members for comment. A formal report will be brought to the Board at a future date.

Commissioner's Expense Reimbursement

Dr. Krause spoke next to the need that the Commissioner have access to some type of expense reimbursement fund to cover certain types of unavoidable entertainment costs the job requires which are not reimbursable by the state. It has been suggested that each campus make some small amount of money available to the Commissioner's office for that purpose. The presidents have been asked to establish a \$2,500 account from non-state funds. The account will be available for use July 1, 1990.

The Board concurred with the need and the suggested allocation, and urged the presidents to discuss this with their foundations.

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Regents Spring Workshop

Discussion was held on setting a date for the Regents' Spring Workshop. It was agreed it would not be scheduled at this time, but would probably be held in May in Helena in conjunction with some of the presidential interviews that will occur in that month.

Agenda items will include discussion of the overall governance of the System and a budgeting process briefing. The number of items on the agenda should be limited; additional suggestions for such items should be submitted to the Commissioner.

Report on Status of UM and NMC Presidential Search Committees

Dr. Krause reported both search committees have reduced the candidate pool to those on whom they will be checking references. The goal of both committees is to have recommendations to the Board in May 1990.

Chairman Mathers noted for the record that Regent Dennis Lind will remain on the University of Montana Presidential Search Committee to its conclusion, even though this is his last official meeting as a member of the Board.

COUNCIL OF PRESIDENTS

President Tietz reported on activities he participated in recently while in Japan. It was an outstanding opportunity to present the Museum of the Rockies and the dinosaur exhibit. He also brought greetings to the Board from the Kumamoto University of Commerce, Kumamoto University, and Asian University in Tokyo. It was an exceedingly interesting trip.

Next President Tietz stated he wished to take this opportunity to thank retiring Board member

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Dennis Lind for his exceedingly sensitive chairmanship. Over the course of his tenure on the Board Regent Lind was extremely fair, he listened well to every issue brought to the Board, and was extremely empathetic on all manner of issues. On behalf of Montana State University, and personally, President Tietz thanked Regent Lind.

VOCATIONAL-TECHNICAL CENTER DIRECTORS

Director Weaver, speaking on behalf of the Council of Vo-Tech Directors, also thanked Regent Lind for the leadership he provided in the short period of time the Centers have been part of the System.

Chairman Mathers expressed appreciation to Regent Lind on behalf of the community colleges. They, too, will miss Regent Lind.

The Board of Public Education, Superintendent of Public Instruction, and Faculty Association had no report.

MONTANA ASSOCIATED STUDENTS

At this point, with regret, Chairman Mathers explained that he, Regent Redlin and Regent Topel would have to be excused. Weather conditions necessitate an earlier than anticipated flight to Billings. Regent Lind assumed the Chair for the remainder of the meeting.

Larry L. Watson, President, Alliance for Disability and Students at the University of Montana (ADSUM) presented testimony (on file) on the status of the University of Montana's compliance with Section 504 in response to the recent Office of Civil Rights report of compliance violations on the UM campus.

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Mr. Watson also distributed copies of ADSUM's proposal to eliminate discrimination against students with disabilities on the University of Montana campus (on file) which has been presented to President Koch.

Summarizing, the ADSUM proposal requests a mandate from the Board of Regents for all Montana University System units to come into compliance with Section 504 of the Rehabilitation Act of 1973. The mandate should clearly define the Regents' commitment not only to follow the letter of the law, but also to keep good faith with the spirit of the law. Specific recommendations were made to accomplish this.

Acting Chairman Lind thanked Mr. Watson for his presentation, and noted Legal Counsel for the University of Montana, Joan Newman, was present and would respond on behalf of the University.

Ms. Newman stated she was the President's designee in coordinating and participating in the very lengthy investigation and process with the Office of Civil Rights that resulted from student complaint that the University was not in compliance with the Rehabilitation Act. The process included a statement of the kinds of complaints made; the production of a great deal of documentation by the University; a week-long site visit by four investigators; preliminary findings; and an opportunity for the University to enter a conciliatory process or go to adversary proceedings. Finally, a final progress report after UM's agreement to make improvements and correct violations and a detailed final plan of action were provided.

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The University plans a great many actions to improve access for disabled students. The University is concerned and sympathetic with the circumstances of students with disabilities. What the University would like to do, and what it has the money to do, remain two very different things. Ms. Newman made one clarification. After the 1984 investigation at UM statements continue to be heard that corrections and improvements were swept under the rug - the University did nothing. The documentation has continuously been available from the Office of Civil Rights that the University complied with every single request as a result of the 1984 investigation. It intends to comply now as well, and follow through with its plans. The key power in many areas is a great deal of money. The student view is that it is never enough and it is never soon enough.

Ms. Newman stated the University has requests to address the compliance issues in the long range building program, in the budget process, and in program modifications ready for next year. UM is entering the second year of retrenchment. Needless to say, if UM was funded at 100% of its peers, none of these problems would exist. UM has listened to the students, participated in the process, and is making progress as best it can given the financial circumstances.

Mr. Watson responded, stating the 1984 compliance violations have not been corrected. Corrections that are shown on paper to have been made have not been made. That is documented, and contributed to the out-of-compliance findings of the most recent

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investigation. Disabled students have been waiting 14 years for these changes. MSU has come through for its disabled students in the same financial climate faced by UM. If students with disabilities rights are made a priority, the money will be made available - that is what the law states.

Chairman Lind responded. He stated he appreciated ADSUM making its concerns known, and asked that the written testimony presented be made part of the record so the Commissioner's office can review it with the University of Montana and the University System to determine if the Policy and Procedures Manual needs revision with respect to federal statutes and compliance therewith, and to prepare an appropriate response to what was presented in today's meeting. The Board is concerned with disabled students, and lack of access in certain instances. He asked the students be assured the Commissioner's office will review the comments and requests, and respond in appropriate and timely fashion so the Board can determine what kind of action, if any, is appropriate. All documents presented today will be distributed to the Regents also.

President Koch commented he believed the disabled students and the University are on the same team, and have the same objectives. From the standpoint of the University, President Koch assured the students the concern is real. He can also demonstrate the increased allocations to this area during his term as President of the University including creating the first Disabled Students Coordinator. It is difficult to balance these very real issues against accreditation in pharmacy, or business, or whether a roof on the library

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should be repaired. There are difficult choices. President Koch assured Mr. Watson he will work with the OCR to put the University in compliance. The University is committed to that.

Next Ms. Lynn Israel read testimony (on file) outlining student concern with how student computer fees are spent at the University of Montana. Ms. Israel stated the alleged questionable uses of student computer fee monies have resulted in ASUM requesting a legislative audit on the funds use. Specifically, ASUM President, Chris Warden, makes written request that the Board of Regents consider two recommendations: (1) that the Legislative Audit Committee to look into the management of the projects associated with the Special Purpose Revenue Bond of 1985; and (2) consider redistributing current bond payments that are not in accordance with the previously determined Board of Regents' policy concerning the spending of student computer fees.

Chairman Lind asked if the Legislative Audit Committee's findings are complete. President Koch replied two audits dealt with this issue. In December 1989 Peat Marwick audited the University's computer bond circumstance and gave the University a clean bill of health. A preliminary report of the Legislative Auditor reached the same conclusion.

Chairman Lind stated the Board is aware there are concerns over the division of proceeds in the payment of the bonds. There have been discussions among the Regents and Commissioner's staff to assure appropriate student fees are expended for the intended purposes. A review of these issues is underway by the



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Commissioner's office, and appropriate distribution of student fees will continue to be monitored.

President Koch stated he felt the record should reflect the important point that in paying off the computer bonds, about one-half of the dollars pledged to pay off those bonds does not come from student fees. It comes from land grant monies and the computer center. Only about one-half of the bond payment comes from student computer fees. The bonds will be paid off in December 1992. The University is certainly agreeable to and supportive of a Board study of the entire computer situation with special reference to student participation, because it is a severe problem on all campuses in terms of how to supply students and administrators with computing services.

Ms. Israel noted her membership on the Computer User Advisory Committee at the University of Montana. One of the students frustrations is inconsistent information is received, particularly related to individual projects.

John Crocker, President of ASUM, on behalf of the entire MAS membership, expressed appreciation to Regent Dennis Lind for his outstanding support of students and student issues during the time he served on the Board of Regents.

The meeting adjourned at 3:12 p.m. The next regularly scheduled meeting of the Board of Regents will be held on April 26-27, 1990, on the campus of Western Montana College of the University of Montana, Dillon.

