

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

DATE: March 21, 22, 23, 1991

LOCATION: March 21, 1991  
Commissioner's Conference Room  
Montana University System Office  
33 South Last Chance Gulch  
Helena, Montana

March 22, 1991  
Conference Room  
Department of Natural Resources and Conservation  
1520 East Sixth Avenue  
Helena, Montana

Montana State University Presidential Interviews  
Friday, March 22, and Saturday, March 23, 1991  
Montana Room, Colonial Inn  
Helena, Montana

REGENTS Mathers, Schwanke, Topel, Kaze, Boylan  
PRESENT: Musgrove, Johnson

REGENTS Commissioner of Higher Education John M. Hutchinson  
ABSENT:

PRESIDENTS Dennison, Carpenter, Daehling, Acting President  
PRESENT: Malone, Provost Easton; Vice President Hintz for  
President Norman (3/21); President Norman (3/22)

PRESIDENTS Thursday, March 21: President Norman  
ABSENT:

Minutes of Thursday, March 21, 1991

Chairman Mathers called the meeting to order at 1:00 p.m. Roll call was taken and it was determined a quorum was present.

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Chairman Mathers called for additions or corrections to the minutes of the previous meetings as listed on the agenda. Hearing none, the minutes of the following meetings were ordered approved:

January 14, 1991 Special Call Meeting

February 19, 1991 Conference Call Meeting

February 26, 1991 Conference Call Meeting

#### Election of Vice Chair and Committee Appointment

Chairman Mathers stated that with the expiration of the term of Regent Vice Chair Elsie Redlin, it is necessary to fill that office.

Regent Topel nominated Regent Kaze to serve as Vice Chair. No other nominations were heard. By unanimous acclamation Regent Jim Kaze was elected Vice Chair of the Board of Regents.

Chairman Mathers next appointed Regent Paul Boylan to serve on the Administrative Committee of the Board, filling the vacancy created on that committee by Regent Redlin's term expiration.

#### Discussion of Qualifications for Montana State University President

At this point in the meeting, Acting President Malone, a candidate for the MSU Presidency, excused himself from the meeting. Vice President James Isch attended on behalf of Dr. Malone.

Chairman Mathers noted for the record that the impending discussion on qualifications for the Presidency at Montana State University was important not only in selection of the most appropriate candidate, but as an indicator of the future direction the Board anticipates MSU to pursue.

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Regents participated in a discussion, covering a range of topics. Areas suggested for future emphasis at Montana State University included a balance between research and teaching - research should not overshadow teaching, but it also must be recognized for the enormous success it contributes in dollars, prestige, and recruitment of faculty. The ability to successfully attract private outside funding to the institution was endorsed; as was the capacity to make needed changes. The excellence of the existing staff and faculty at MSU was recognized; the Board must select a President who can provide appropriate leadership. There was general consensus that the primary focus of all institutions in the System must be to provide the best academic setting possible under the economic constraints that exist in Montana for educating Montana's citizens.

Commissioner Hutchinson endorsed the need to select a person capable of making change; to have the ability to withstand the inevitable criticism change evokes. Some change in the undergraduate experience at MSU certainly should occur; further the candidate should have the capacity to heal, he should have scholarly commitment and be responsive to a wide array of publics. Dr. Hutchinson noted perhaps understandably he felt the successful candidate should understand and appreciate a System perspective.

Chairman Mathers urged the members of the Board to carry the thoughts expressed in the discussion forward into the interview process to begin Friday afternoon.

Consent Agenda

Regent Musgrove presented the following items listed on the Consent Agenda for discussion and/or approval:

- Item 70-100-R0391, Staff; University of Montana
- Item 70-200-R0391, Staff; Montana State University
- Item 70-201-R0391, Post-Retirement Contract: Richard J. Rosa; Montana State University

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- Item 70-202-R0191, Retirement of Sayed-Ahmed; Associate Professor, Media and Media & Theatre Arts; Montana State University
- Item 70-203-R0391, Retirement of John M. Stonnell, Professor, Media & Media & Theatre Arts; Montana State University
- Item 70-300-R0391, Staff, Agricultural Experiment Station
- Item 70-301-R0391, Retirement of Vern R. Stewart; Agricultural Experiment Station; Montana State University
- Item 70-400-R0391, Staff; Cooperative Extension Service
- Item 70-401-R0391, Retirement of Dale D. Bergland; Cooperative Extension Service
- Item 70-600-R0391, Resolution concerning the retirement of Frank J. Busch, Professor, History; Western Montana College of the University of Montana
- Item 70-700-R0391, Staff; Eastern Montana College
- Item 70-900-R0391, Staff; Office of Commissioner of Higher Education

ADDITIONS TO CONSENT AGENDA

- Item 70-601-R0391, Resolution concerning the retirement of HENRY STISH, Chair for the Mathematics/Science/HPE Division, Professor of Science; Western Montana College of the University of Montana
- Item 70-602-R03991, Staff; Western Montana College of the University of Montana

Commissioner Hutchinson referred to a request of the Regents at an earlier meeting that staff items of particular interest or impact be "flagged" or explained prior to vote on the Consent Agenda. Responding to that request, Dr. Hutchinson called attention to the staff item of the Commissioner's Office which sets salaries for Talent Search Coordinators in various areas around the state. He explained there has been a long-standing inequity in the salaries provided to these very hard working coordinators in that federal funds to provide increases has not been available. A \$50,000 supplemental award received from the federal government



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allows that inequity to be addressed. The item asks that the increases be awarded on an 18-month basis, which is a deviation of standard contract procedure within the System, but in this case justifiable to hold these increases for at least that period of time to provide some stability for these individuals.

Regent Kaze noted a correction that should be made to page 8 of Item 70-200-R0391, Staff, Montana State University. The termination date of 7/31/91 should be inserted in the salary listing pertaining to William J. Tietz, Ph.D. He move amendment of the item to include that addition. The motion carried.

Brief discussion including a review by Chief Counsel Schramm was held regarding the Regents' policy on post-retirement contracts. Summarizing, the real constraints on post-retirement contracts are that they must be for a maximum term of not more than three years, with a salary maximum of one-third.

Hearing no further discussion, Regent Musgrove moved approval of the Consent Agenda as amended. The motion carried unanimously.

#### State Board of Education Meeting

Chairman Mathers noted the Board must complete the remainder of its agenda in a timely fashion to allow the Board of Regents to participate in the State Board of Education meeting to be held at 3:30 p.m. in the Governor's Reception Room of the State Capitol.

#### Concurrent Committee Meetings

The meeting recessed with the Regents reconvening immediately to hold separate concurrent committee meetings of the Administrative, Academic and Student Affairs, and Budget Committees.

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Minutes of Friday, March 22, 1991

The Board of Regents met in executive session from 8:00 to 8:40 a.m..

The regular meeting of the Board of Regents reconvened at 9:00 a.m. with the same members present. Chairman Mathers noted for the record that honorary degree candidates submitted by Montana State University were reviewed, and are approved by this report.

COMMITTEE REPORTS

Academic and Student Affairs Committee

Announcements

Regent Kaze, Chairman of the Committee, reported Deputy Commissioner Toppen reported on the meeting held with the Academic Vice Presidents, and distributed copies of the agenda of that meeting. Dr. Toppen also announced the beginning of the search for an Associate Deputy Commissioner to work on academic issues in the System. A copy of the report on research activities throughout the System from 1985 through 1989 was provided to the Committee by Dr. Toppen (on file). Dr. Toppen also introduced the new executive secretary for academic affairs, Mrs. Connie Olson.

Regent Kaze reported that Regent Johnson raised an excellent issue concerning a different kind of "brain drain" - that of exceptional high school students leaving Montana to pursue higher education in out-of-state institutions and the need to recruit those students and keep them in Montana. The Committee concurs this is an area that needs scrutiny and positive action.

Under old business, the Committee received an update on designation of courses to the core curriculum. Dr. Toppen reported progress is being made; it is anticipated those designations will be completed before the end of the current legislative session. Chairman Mathers asked if there had been any legislative interest in this process, and was told none had been expressed.

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Submission Agenda

Regent Kaze reported the following two items on the submission agenda were withdrawn, and will be returned for consideration at a future meeting:

- Item 70-102-R0391, Authorization to Offer the Master's of Education Degree (Curriculum and Instruction) on the Dillon Campus; University of Montana
- Item 70-103-R0391, Recision of Authority for the University of Montana Higher Education Center at Dillon; University of Montana

Regent Kaze reported the following items on the Vocational-Technical System Submission Agenda were received for consideration at the June 1991 meeting:

- Item 70-8501-R0391 Proposal to Convert the Approved Two-Year Certificates in Administrative Assistant, Legal Secretary, and Medical Secretary to a consolidated Associate of Applied Science Degree in Office Technology; Great Falls Vocational-Technical Center
- Item 70-9501-R0391, Approval of Proposal to Convert the Approved Two-Year Certificate in Legal Secretarial Technology to an Associate of Applied Science Degree in Legal Secretarial Technology; Missoula Vocational-Technical Center

Action Agenda

Regent Kaze reported Item 18-003-R1077, Admission Requirements; In-State Undergraduates; Montana University System, (Revised) is another in a recent series of revisions of this policy. The change is in paragraph 5 of the policy which previously stated an in-state transfer applicant must not be on probation in the originating institution. The revision strikes the words "not on probation" and inserts the words "in good academic standing." Those two terms are not necessarily

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equivalent. The Committee, after discussion, concurred with the change and recommends approval. Regent Kaze moved the revised item be approved. The motion carried.

Regent Kaze noted Item 70-9501-R1290, Approval of Proposal to Convert the Approved Two-Year Certificate in Accounting to an Associate of Applied Science Degree in Accounting; Missoula Vocational-Technical System has gone through the submission process and no objections or comments have been received. The Committee recommends approval. He so moved. The motion carried.

Regent Kaze noted Item 70-2001-R1290, Approval of Proposed Associate of Science Degree in Parts Specialist Technology; Dawson Community College is a two-part proposal. One part approves a one year certificate program, and the second proposal provides for a two year AAS degree. Questions raised in the Committee discussion caused the Committee to request the Board to defer action on the AAS degree to the June 1991 meeting pending further review by Commissioner's staff. The Committee recommends approval of the one-year certificate portion of the item.

President Kettner spoke to the uniqueness of the program to the Rocky Mountain region. He thanked Commissioner's staff for their assistance in the development of the program. A brief description of the program including market place need for graduates was provided by staff of Dawson Community College.

Regent Kaze then moved that the one-year certificate in parts specialist technology be approved, and that consideration of the AAS degree in the proposal be deferred to the June 1991 meeting. The motion carried.

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Budget Committee Report

Submission Agenda

Regent Topel, Chairman of the Budget Committee, reported the proposed changes Item 3-004-R1273, Student Fee Deferment; Montana University System (REVISED) in part reflect the conversion to the semester system, and set out procedures under which each unit in the System is authorized to offer a deferred fee payment plan. The item was received for action at the May 1991 meeting.

Action Agenda

Regent Kaze reported after lengthy discussion in Committee, Item 18-005-R1077, Fee Waivers; Montana University System (REVISED) is brought to the Board with no recommendation. The suggested modifications basically bring System policy into compliance with state statutes with respect to out-of-state fee waivers. The Legislative Auditor has taken exception to existing policy. Regent Topel noted his feeling was that the Constitution gives the Regents the responsibility to set and waive fees, and he believed the Regents should decide to either bring all policies into compliance with state statutes or assert their Constitutional right to set and waive fees particularly since most of the statutory language cited by the Legislative Auditor predates the 1972 State Constitution.

Deputy Commissioner Noble explained when the audit report was received the response was that the System did not concur with the recommendation. The commitment made to the Legislative Auditor at that time was to either change the statute to be consistent with Regents' policy or move Regents' policy to be consistent with statute. The choice to make Regents' policy consistent with statute is reflected in the revisions in the policy before the Board.

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Regent Schwanke noted he supported the staff position to bring this policy into compliance with statute.

Discussion was held. Presidents were polled to determine if campuses would be significantly impacted if the change is enacted. The ramifications that might occur if no change is made were discussed, as was the reality of the possibility of moving the athletic fee waivers out of the statute.

Commissioner Hutchinson endorsed the recommendation of staff that the policy be amended to bring it into compliance with statute. Chairman Mathers noted his preference would be to make the change, then attempt to change the statutes during the next legislative session. The audit exceptions will not disappear now that the issue has been raised, and the System has assured the Audit Committee that it will respond to audit exceptions.

Regent Topel noted that before a vote is called on the item the following amendments made to the policy in Committee should be noted:

On page 2, Procedures, 1., strike the last sentence which reads "The Director shall also authorize disbursement of any funds, including payment of wages . . . by, or through the institution.

On page 3, a. (4) strike "and appeals committee".

On page 7, Insert on second line after "to any other waivers" insert "(other than out-of-state waivers set forth in subparagraph (b) above)".

Regent Topel added if the decision of the Board is to approve the amended policy, he would like a provision inserted to sunset the policy in the spring of 1993.

Discussion was held on the sunset provision. It was ultimately the consensus that it would be appropriate to assure the Board and staff flag the item for future possible legislative change.



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Hearing no further discussion, Regent Kaze moved adoption of the revised Item 18-005-R1077 with the amendments listed above, and with the addition of an appropriate sunset clause to sunset the policy effective June 30, 1993. The motion carried with Regent Topel voting no.

Chief Counsel Schramm will insert the appropriate sunset language.

Regent Topel briefly reviewed Item 70-500-R0391, Authorization to Designate Unidentified Monies; Montana College of Mineral Science and Technology. He explained Tech had received an amount of money some years ago which is used for financial aid and scholarship purposes. The Legislative Auditor has noted an exception to the use of these funds because no documentation is in the files that the funds are restricted in use. The item provides those funds to be designated as scholarship funds and continue the use of the funds that has occurred for the past 30 plus years. Regent Topel moved the item be approved. The motion carried.

Regent Topel reported Item 70-6001-R0391, Budget Amendment; Fire Services Training School allows FSTS to accept a federal grant in the amount of \$16,745 to be used for the demonstration of residential sprinkler technology. The Committee felt the use of the funds to be beneficial to citizens health and welfare, and recommends the item be approved, and the request sent to the Legislature for inclusion in the Budget Amendment Bill for the 1991-92 biennium.

Regent Topel reviewed Item 70-8501-R0391, Budget Amendment; Great Falls Vocational-Technical Center seeks approval of expenditure of \$42,972 in tuition and fees which were received in excess of previous authorization level. The Committee recommends approval, and submission of this item to the Legislature for inclusion in the Budget Amendment Bill.



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Deputy Commissioner Noble distributed copies of a memorandum dated March 5, 1991, (on file) which contained a list of the amounts contained in the Budget Amendment Bill before the Legislature (HB 4). Expenditure authority for funds totalling \$2,407,326.25 for the System is contained in that legislation, and bills are being held for payment until the bill is passed. It is hoped the Legislature will act swiftly on this bill.

Regent Topel then moved approval of both Item 70-6001-R0391 and Item 70-8501-R0391. The motion carried.

At Regent Topel's request, Deputy Commissioner Noble distributed and reviewed copies of the 1993 Biennial Budget Comparisons as of March 19, 1991. The appropriation bill was modified very slightly from the recommendation of the Education Subcommittee relating to the appropriation for the System. As of this report, the appropriation bill contains \$27.3 million more in general fund dollars for postsecondary education than was appropriated in the current biennium, for an approximate 12.2% increase. This represents approximately \$6.1 million over the Governor's recommendation for postsecondary education, \$15.3 over the LFA recommendation, and \$29.8 million less than the Regents' recommendation. Mr. Noble reviewed the columns showing how this budget document would impact the individual campuses, and how budget disparities would attempt to be addressed in the remaining days of the legislative session, and responded to Regents' questions.

#### Administrative Committee Report

Chairman Mathers noted that because this is the "freshman meeting" for Regent Boylan, and his first sitting on the Administrative Committee, Commissioner Hutchinson will make the Administrative Committee report at this meeting, with Regent Boylan making the appropriation motions.

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Capital Construction Items

Commissioner Hutchinson briefly reviewed each of the items on the agenda, and provided a report and supporting documentation on each of the items listed as additions to the capital construction agenda. Detailed explanations are set out on the items mailed with the agenda material. Except as noted, the Committee recommends approval of the following items:

- Item 70-104-R0391, Parking Lot Improvements; University of Montana  
Item 70-204-R0391, Authorization to perform an engineering study of the complete campus exterior lighting system; Montana State University  
Item 70-205-R0391, Authorization to install a pedestrian access bridge for Mullan Hall; Montana State University (President Malone provided the additional information requested in the Committee's discussion regarding status of the project.)  
Item 70-501-R0391, Authorization to Expend in Excess of \$24,000 to Complete Anaconda Job Corps/Montana Tech Alumni Coliseum Facilities Renovation Project; Montana College of Mineral Science and Technology

Additions to Agenda:

- Item 70-104-R03991, Install New Sewer Line, Grounds/Motor Pool Building; University of Montana  
Item 70-701-R03991, Authorization to sign Lease Agreement with the State of Wyoming; Eastern Montana College

Commissioner Hutchinson reported all the items are recommended by the Committee for approval.

On motion of Regent Boylan all capital construction items listed above were approved.

Action Agenda:

Commissioner Hutchinson reported Item 70-8500-R0391, Reduction in Force; Great Falls Vocational-Technical Center was reviewed by the Committee. The reduction affects the welding

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area which is part of the automotive curriculum at the Center. One individual's time will be reduced, and under the collective bargaining agreement retains tenure rights, and would also have rights of recall. The program is not diminished; curricularly it has been updated and refined, and the portion of the curriculum taught by the affected individual has been removed. The Committee discussed the recommendation and received a report from the GFVTC, and recommends approval of the item.

Regent Boylan moved the item be approved. The motion carried.

Commissioner Hutchinson reported the Committee discussion on Item 70-9000-R0391, Reduction in Force; Helena Vocational-Technical Center. Originally a larger reduction in force was contemplated. This represents a lesser reduction than anticipated and the reduction occurs in the automotive service technician program. Declining enrollments in the program no longer justify four instructors and will reduce to three. The Committee recommends approval. Regent Boylan so moved. The motion carried.

Dr. Hutchinson deferred the report on Item 70-101-R0391, Appointment of Paul Gordon Lauren as Regents' Professor; University of Montana, to President Dennison. President Dennison stated it is with a great deal of pleasure that he presents the request for the designation of Regents Professor for Dr. Paul Lauren. Dr. Lauren has served the last several years as Director of Mansfield Center at the University of Montana. He performed an outstanding job in bringing that Center to reality. The annual conferences arranged by Dr. Lauren at the Center have been extraordinary events in-state, and have made a real difference in the intellectual life on the campus and the State. Dr. Lauren was also the major figure in a United Nations Conference held last December, which focused

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on human rights. Dr. Lauren's publications were the texts for that conference. President Dennison concluded that Dr. Lauren is widely recognized, is an extraordinary teacher as well as a fine administrator and scholar. Dr. Lauren will return to the Department of History and pursue his first love, teaching and research. The item before the Board is the campus's recognition of his many talents and contributions.

On motion of Regent Boylan, Item 70-101-R0391 was unanimously approved.

Request of Approval for Operational Plan for the Lincoln County Center; Flathead Valley Community College

Dr. Hutchinson reported on the presentation made on the operational plan presented by FVCC on its Lincoln County Center. The College has an operational plan which has been functioning since 1984, and the request for approval before the Board today is for approval of certain revisions of that plan. The plan specifies the various responsibilities of the Board of Trustees of Flathead Valley Community College, the Board of Regents, and the Center's Advisory Committee. The recommendation of the Committee is that the operational plan be approved. Representatives of the College and the Center are present if there are questions.

Hearing no further discussion, Regent Boylan moved approval of the Operational Plan as presented. The motion carried.

Commissioner Hutchinson explained the rationale for presenting Item 70-801-R0191, Authorization to Change the Title of the Northern Montana College Higher Education Center at Malmstrom Air Force Base, Great Falls, to the Northern Montana College Higher Education Center at Great Falls; Northern Montana College is that the delivery of coursework by NMC in Great Falls is much broader than just the offerings at

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Malmstrom Air Force Base. There are courses offered at a special center on the northwest bypass; this change in authorization would make what is already occurring more in accord with Regents' policies. Dr. Hutchinson noted it is important to understand the System is about to begin an evaluation of all of the delivery of public postsecondary education in the Great Falls area. It is possible that down the road a request might be brought forward to designate a System-wide higher education center in Great Falls. On the item before the Board it is clearly stated NMC is aware of that possibility, and has no objection to it and would relinquish its ownership of the center and allow System-wide designation. Dr. Daehling is present to answer questions.

Regents questioned the number of existing System higher education centers in Great Falls. There was consensus on the part of the Board that the proposed study of those offerings should occur.

On motion of Regent Boylan, Item 70-801-R0191 was approved.

#### Additions to Administrative Committee Agenda

Dr. Hutchinson reported two additions to the agenda were received and discussed by the Committee.

The first, Item 70-702-R0391, Authorization to enter into Special Improvement District (SID) with the City of Billings; Eastern Montana College arose from an action of the City of Billings which will widen 27th Avenue. The immediate physical effect this would have on EMC is that it would include curb, gutter and sidewalk along the east side of EMC property running from the BBWA bridge south to Ply Drive. There is a possibility the City will request an easement along this edge of the property if they find they do not already have one.

The cost to EMC for this project would be

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approximately \$50,000 for a one time cost paid up front on July 1, 1991, or a first year payment of \$7,300 assessed the fall of 1992 on a 15 year Special Improvement District. If payment is made in this manner an additional \$24,000 in interest will be paid over the 15 year period. Alternatively, a request could be made to the Legislature during the present session requesting money to pay off EMC's obligation. Dr. Hutchinson reported the Committee contemplated paying the initial installment, and then contacting the Legislature in the next session for additional monies due to the short period of time the present Legislature has to consider additional requests.

President Carpenter reported that after investigation it was learned that while the SID can be paid at any time, one-third of the interest is paid the first two years.

The question before the Board is whether it wishes EMC to go to the Legislature now in session and request additional funds, or pay at a minimum an additional \$8,000 in interest if payment is deferred.

After discussion, it was the consensus of the Board that EMC will work with the Commissioner of Higher Education and present a request to the present Legislature for the additional funding. If a satisfactory resolution is not reached, the item will be brought back to the May 1991 meeting.

Commissioner Hutchinson reported that final matter discussed by the Committee was the problems with Northern Montana College's pool and gymnasium. A document was presented to the Committee outlining the results of the study performed by the architects and engineers (on file). When NMC made its presentation before the Long Range Building Committee that topic was addressed because it was part of the Governor's bonding program. That Committee asked Dr. Daehling to return with a series of plans as to how that problem could be



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addressed ranging from simply "shoring things up" to complete razing of the facility and development of an entirely new facility. That presentation was made just two days prior to this meeting. No motion was made in the LRB Committee.

AT Dr. Hutchinson's request, Dr. Daehling presented a "snapshot" of the situation with the PE facility at Northern. The final recommendation of the architectural firm, in looking at the costs estimates, would be to repair the lower gym and pool area and bring the remainder of the facility up through a 7-10 year use period, and add a new gymnasium to the current facility. The cost of the recommendation is approximately \$7 million. Dr. Daehling noted it was not the intent of the LRB Committee to build a facility to meet the needs of the community; those needs are not included in the estimate presented.

Other alternatives were reviewed by Dr. Daehling. He noted the existing facility meets only approximately 30% of needs of the instructional program. NMC is planning on going to bid for approximately \$100,000 in emergency repairs to the roof over the lower gym and swimming pool because of concern the roof will fail with disastrous results. If the recommendation to renovate only to meet current fire and safety requirements, etc., is adopted, there will still have to be extensive repairs to the lower gym and pool area at a cost of nearly \$1.3 million. Dr. Daehling stated he realized the sensitivity of House Bill 5, and that in no way should this emergency situation affect what has come out of the Long Range Building Committee, but what the campus needs at a minimum is approximately \$3,000,000. He urged the Regents' consideration and support for NMC's efforts to attract funding for this facility from the Legislature.



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Chairman Mathers reported on the portion of the Committee's discussion centering on previous requests for repair of facilities built with student fees that were turned down. Dr. Daehling pointed out, however, that those colleges all receive I and I money; Northern does not. It was also noted the Legislature has consistently opposed providing state funds for buildings such as auditoriums, gymnasiums, etc.

Dr. Hutchinson commented on the two problems that would occur with any effort to amend House Bill 5: (1) displacement of the two buildings presented to the Legislature as the Regents' top priorities; and (2) an amendment to the bonding portion of the bill would not provide monies until 1993 and this building can not fit into that time frame.

Regents' discussion included the possibility of raising funds from the local area through increased taxes or a bonding program; offering of physical education classes at off-campus locations; raising funds through issue of county bonds; a combination of student fees and a county mill levy; the extensive time and effort expended in development of the Regents' long range planning recommendations; and the possibility and/or likelihood of a Hi-Line legislator introducing special legislation or proposing amendments to House Bill 5 to address the emergency situation at NMC.

At the conclusion of discussion, Chairman Mathers requested President Daehling, working with the Commissioner, consider all alternatives to repair of the PE facility at NMC. If the Legislature is unable to supply a solution to the situation, Dr. Daehling will bring back a set of alternatives and recommendations to the full Board at the May 1991 meeting. In the meantime, emergency repairs as outlined will begin.

Regent Topel noted for the record his objection to the emergency need for repairs at the Northern P E facility

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being considered entirely in the same manner that replacement of 50 year old or older buildings has been considered. Those buildings had outlived their usefulness; this building is relatively new and has deteriorated to its present state mainly through the Legislature's inability or unwillingness to provide adequate maintenance funds for such facilities. The Legislature, in his mind, should in this instance shoulder a good portion of the responsibility for the condition of the building. This occurs over and over again at all the campuses, and will continue to occur until deferred maintenance monies are made available by the Legislature.

Presentation of Award

Chairman Mathers introduced Ms. Mary Sheehey Moe, daughter of former Justice and former Senator John Sheehey and his wife Rita, both of whom were present in the audience.

Dr. Alex Capdeville, Director of the Helena Vocational-Technical Center and representatives of State Farm Insurance Company made a joint presentation to Ms. Moe of \$5,000 to be utilized at the school where Ms. Moe taught last year, prior to coming to the Helena Vo-Tech Center. Ms. Moe is an outstanding teacher of English, and was Montana's Teacher of the Year in 1986. The intent of the State Farm program to recognize teachers was to proclaim to the public and to the rest of the profession that excellence and innovation still exist in today's classroom. Ms. Sheehey, one of six teachers selected by their peers who have received this award, is an outstanding example of these qualities. For these, and other accomplishments too numerous to mention, Ms. Sheehey was presented with a plaque containing the article in U S A Today. on her award, and a check for \$5,000 to her favorite charity, designated by Ms. Moe as Columbia Falls High School.

Ms. Moe received a standing ovation for her

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accomplishments, and a welcome to postsecondary education in Montana from the Board of Regents.

OLD BUSINESS

Presentation by Student Affairs Officers on Campus Life

Vice President for Student Affairs for the University of Montana, Dr. Barbara Hollmann, introduced the student affairs officers who were present to make the presentation, and called attention to the packet of information on student life at the various campuses distributed to each of the Regents. Dr. Hollmann noted that as student affairs officers, those making the presentations see the quality of campus and student life and the quality of academic programs both being critical factors in the student's college decision. Student life has changed, however, since many of those in the audience attended higher education institutions. Prior to the 1970's colleges and universities dealt with students in a parent/child relationship. However, the legal age of adulthood changed, and the age of the students has changed. The situation is no longer that of parents dealing with children, but that of adults dealing with adults. Today campuses are academic communities not unlike the communities in which the campuses are located. Student affairs officers believe campus life is so important that "Campus Community: A Student Affairs Commitment" which is the theme of the first statewide conference for student affairs professionals in the state of Montana, which will be held next month. Regent participation in the conference is urged and encouraged.

Dr. Hollmann quoted from a recent Carnegie report, "In Search of Community", described six principles which Montana's higher education communities strive for, including the need that as communities campuses need to be open, purposeful, just, disciplined, caring, and to celebrate who we are.

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Dr. Hollman stated today's report centers on the discipline of students, so the focus will be on the disciplined community. That community is one where there is a clear code of conduct, and governance procedures that guide behavior. Individuals in such a community accept responsibility to the group, and also respect the rights of others.

Dr. Hollmann then introduced the following student affairs officers within the Montana University System, who gave reports on aspects of the disciplined community as follows:

Dr. Edward Whipple; Vice President for Student Affairs; Eastern Montana College: Privacy Rights

Dr. Gregory Hauser; Dean of Student Affairs; Northern Montana College: Disciplinary Procedures

Dr. Rolf Groseth; Vice President for Student Affairs (Acting); Montana State University: Firearms Policies/Housing

Mr. Jim Berna; Dean of Students; Western Montana College of the University of Montana: Drug & Alcohol Use, Policies Programs

Dr. John Hintz; Vice President for Administration & Student Services; Montana Tech: Other Issues

At the conclusion of the presentation and the question and answer period, Regent Kaze stated his sense of the efforts being made by the student affairs officers to treat students not just as "kids whom we are no longer just educating" but as adult human beings is the right approach. He stated he was pleased with the student affairs officers willingness to stand before the Board and defend and explain the kinds of policies in place despite the rather unfavorable press the incident at Montana State University received.

Regent Schwanke endorsed the statements of Regent Kaze, but spoke to his deep concern with the reports of

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partying on campuses which involved underage drinkers. Student affairs officers concurred that problem exists. There are policies in place that are intended to be fair and just and within the law; nevertheless that problem continues, and will ultimately be determined by the kind of developmental environment students are allowed to experience. Some will abuse the opportunity to be treated as adults, but the essential belief that students will grow and will act as adults is an important aspect of the campus experience. Various controls in place and aspects of residence halls supervision were discussed. There is concern about individual rights and growth, but there is increasingly less tolerance of an individual's disturbing a good community. Drunken and abusive behavior in an academic community is simply violation of academic standards; there appears to be a definite swing to a less tolerant view of that kind of behavior and intervention occurs more quickly now in such instances than it did just a few short years ago.

Chairman Mathers noted his approval of presidential involvement in all aspects of student life including dormitory "walk-throughs" and provision for students to make their feelings known to the person highest in administration through as much of an open door policy as is realistic.

The Board expressed its appreciation to the student affairs officers for their extremely interesting, informative, and well-prepared presentation on a topic of high interest to the Board.

#### Report on Open Meetings

Dr. LeRoy Schramm, Chief Legal Counsel for the System, distributed a one-page handout (on file), and presented a brief report on the open meeting law as a follow-up to discussion on the same subject at a meeting on the campus of Salish-Kootenai Community College last year. Dr. Schramm noted that on the hand-out, one side contains an excerpt from the Montana Constitution that creates the presumption that all meetings of public bodies are open except in cases of

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individual privacy; a section of Montana statute that lists certain litigation and collective bargaining discussions as exceptions to that presumption; and on the reverse, a copy of the decision of the Supreme Court on whether the legislature had the right to carve out additional subsets to the Constitutional mandate.

Dr. Schramm reviewed the facts of the lawsuit among members of the press versus the Board of Public Education which ultimately led to the decision upholding the argument of the press, and putting into question whether litigation discussions can be closed under any circumstances. Dr. Schramm elaborated at some length on the questions raised by the decision issued in the lawsuit, and on the statements made to the press by the Attorney General that there might be further interpretations. It was Dr. Schramm's opinion that there might be some occasions when litigation could be discussed in executive session if the discussion involved privacy concerns. Executive session collective bargaining discussions on strategy are prohibited.

Dr. Schramm concluded his report and responded to Regents' questions. There will probably be further clarification, and he will keep the Board informed.

#### Legislative Update

Dr. Hutchinson provided an update on bills of interest to the University System which are being tracked and/or testimony provided. The report included updates on HB 2, the appropriations bill; the Kadas bill not yet introduced to continue the 2% surtax and provide additional funding for higher education; HB 30, the telecommunications bill; HB 5, the long range building program; HB 125, putting the minority achievement position on hard dollars; HB 406, transfer trade school oversight to the Board of Regents; HB 514, state pay plan; HB 692, pharmacy licensing fees for UM School of



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Pharmacy; HB 755, Museum of the Rockies; HB 775, college savings bond program; HB 843, funding for Yellow Bay Biological Station; HB 967, peer funding bill different than the Kadas bill; HB 969, public tv bill.

Bills that have been tabled or withdrawn include: HJR 26, postpone switch to semester system; HB 226, O'Keefe's bill regarding fees charged to part-time students; HB 463 and HB 658, change in Regents' powers; HB 444, exemption of community colleges from I 105.

Dr. Hutchinson reported the lump sum funding bill provides only enablement: it is almost a statement of willingness on the part of the Legislature to consider lump sum funding, and is not binding. The possibility exists that bill could pass through both houses, and the System still might not receive lump sum funding. Regents should be aware that possibility exists.

Dr. Hutchinson concluded his report with the status of numerous other bills including ones to add a Native American to the Board of Regents; provide rural physician's incentive, and others, and responded to Regents' questions on details of various pieces of legislation.

#### NEW BUSINESS

#### Appointment of Dr. George Bell to Director of the Billings Vocational-Technical Center

Commissioner Hutchinson stated it was his pleasure to recommend to the Board that Dr. George Bell, Acting Director of the Billings Vocational-Technical Center, be appointed to Director of that Center. Dr. Hutchinson expressed his thanks to Dr. Bell for coming into a difficult situation and doing an excellent job.

Regent Topel moved that Item 70-7500-R0391, Staff: Billings Vocational-Technical Center, appointing Dr. George Bell Director of the Billings Vocational-Technical Center at an



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annual salary of \$54,000 effective March 21, 1991 be approved. The motion carried unanimously.

Commissioner's Report

Dr. Hutchinson reported on the second meeting of the Regents/Legislative Committee held yesterday. One more meeting is planned before the Legislative session ends. Dr. Hutchinson stated he believed it was a productive conversation with clear opinions expressed on both sides on a variety of topics of mutual interest, particularly lump sum funding and the overall funding situation. The Legislative members commented they believed the presentation by the Commissioners office and the Regents was going well. There is a level of cordiality that may have been absent in the past. Dr. Hutchinson noted it does appear Representative Swysgood's bill will pass that establishes a permanent Regents/Legislative Committee with a different configuration than the existing committee, and with funding provided.

Next Dr. Hutchinson reported ground breaking has occurred on the new MHESAC building which will house among others the Commissioner's office. That project is underway.

At the request of the Commissioner, Ms. Sib Clack distributed and reviewed a chronological status report on Montana's State Plan for the Carl D. Perkins Vocational and Applied Technology Education Act required (on file). The report summarized actions taken since September 15, 1990 when the Act (P.L. 101-392) was signed into law, and listed future actions that must occur.

Ms. Clack also reviewed Section B: Assurances for the Use of P.L. 101-392 Funds which must be signed by the Chairman of the Board of Regents and the Commissioner which was included in the handout. Included as one of the assurances is that the State did not take into consideration payments under

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P.L. 101-392 in determining, for any educational agency or institution in Montana, the eligibility for State aid, or the amount of State aid, with respect to public education within Montana. The assurances will need to be signed no later than April 28, 1991, and the State Plan will need to be approved by the full Board after the public hearings are held.

It was agreed the State Plan would be sent to the Regents, and a telephone conference call meeting would be scheduled for its approval.

Dr. Hutchinson concluded his report by asking if any member of the Board would be interested in attending the Association of Governing Board's National Conference on Trusteeship in late April. He asked if any Regents were interested the office would try to find funds to assist in making that possible.

#### CAMPUS REPORTS

President Carpenter, Eastern Montana College, reported that as a result of a revisit by the Office of Public Instruction committee the rest of EMC's state accreditation in education was approved with exceptionally fine comments attributed to Dean Powell and the work he has done.

President Dennison, University of Montana, deferred to Chris Warden, President, ASUM, who presented a report on campus discussions on the use of auxiliary funds at the University of Montana. Mr. Warden stated students are generally pleased with discussions on the topic held with President Dennison. The use of auxiliary funds outside of auxiliaries has been discussed with President Dennison, resulting in the memorandum from Dr. Dennison to the Dean of Students and Acting Vice President for Administration and Finance distributed at this meeting to the Regents (on file).

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Mr. Warden stated the several students present at this meeting are here because they believe it is important to recognize the importance of the Board of Regents in the cycle of events that occurs in making decisions on expenditure of auxiliary funds. The Board of Regents is the last stop where the final decision on auxiliary income revenues is approved.

Mr. Jay Titchbourne, Chairman of the ASUM Committee on Auxiliary Revenues, spoke to the change in the membership of the Committee and its different slant on priorities. A resolution prepared by the Auxiliary Services Review Committee suggesting recommendations to be considered for resolution by the ASUM Senate was distributed and reviewed by Mr. Titchbourne. The proposed resolution requested the Board of Regents mandate various restrictions on use of auxiliary funds to restrict their use to only those matters which directly affect students and auxiliary entities. Improved lighting on campus and disability access were two areas of particular interest to the Committee. Regents' consideration of the requests in the proposed resolution was requested. It was stated that conversations had been held with individual Regents on the philosophy of use of auxiliary revenues. What is requested now is that the Board respond as to its official position on use of the funds.

After brief discussion, it was the consensus of the Board that the issue be placed on the agenda of the Academic and Student Affairs Committee at the June 1991 meeting. Students were requested to provide information they wished considered to the Commissioner's office for consideration at that meeting.

President Dennison stated he appreciated the "forthcomingness" of the students in bringing forward this proposal in this manner. There will be a positive effort to reach mutual understandings with the students on this issue.

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President Dennison then reported other activities occurring on campus at UM. On May 19 - 21, 1991, the last Mansfield Conference to be run by Dr. Paul Lauren will be held. An impressive list of speakers will participate. The focus will be on Japan. He urged Regents' participation in the Conference.

Regent Schwanke took this opportunity to commend the University of Montana for winning two championships in their athletic conference in one year, which he believed might be some sort of national record. It speaks well for the athletic program at the University, and provided a great deal of positive recognition both regionally and nationally.

President Malone, Montana State University, reported the Wheeler Conference will be held on MSU's campus on May 16-17. The focus is the Montana population in 1991. He also presented a copy of an article appearing in U S A TODAY which listed students selected for the All-USA College Academic Team. This is the first year that any university in America achieved two students on the first team. Both the University of Illinois and Montana State University shared that honor this year. Three students who grew up in Montana were named to the first team, and two of the students, Jennifer DeVoe, and Jefferson Kommers, attend Montana State University. This is something Montana State University is extremely proud of, and shows Montana can keep its best students in Montana and that they can compete successfully nationally.

Another Montana native at MSU, Jan Wright, made the academic third team. Ms. Wright was present, and spoke in support of the honors program at MSU, urging Regents' support for this outstanding program.

President Lindsay Norman spoke to accomplishments at Montana Tech. That institution won two of its conference

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championships, and at the same time has more national academic all-Americans among its athletes than any other school in the northwest United States.

Chairman Mathers expressed the Board's pride in the three institutions reporting these accomplishments, and the national recognition the institutions and the students have received. He wished these announcements might have been made to the Legislature, and stated his hope that the Legislature took time to note these accomplishments in the press.

President Daehling, Northern Montana College, reported the outstanding comments received from the Office of Public Education on the standards held in NMC's teacher education program. He thanked Gerald Becker, Chairman of that department at NMC, and all members of the faculty for their hard work in preparing the materials for review. They did an outstanding job.

President Daehling also reported he had the pleasure of testifying this morning in support of HJR 46, which urges the Governor to proclaim the Northern Montana College Lights "Wrestling Appreciation Day." While not perhaps the most significant sport, it is an important sport to a number of the institutions of the System. Western, Northern, and Tech all fielded teams in the national meet in Butte in 1991. NMC was fortunate to come out on top in defeating 45 other schools participating. Western finished third; Tech tenth. Montana was well represented at that championship event.

Chairman Mathers noted for the record that at this time the Board will recess, to reconvene at 2:30 p.m. in the Montana Room of the Colonial Inn to conduct Montana State University presidential candidate interviews. Each interview is scheduled to be two hours in length, and will be conducted

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in open meeting. The Chairman noted the interviews may be closed for short periods of time if it is determined the subject matter involved matters where the individual's right to privacy exceeded the public's right to know. The schedule of interviews was as follows:

Friday, March 22, 1991.

Montana Room

Colonial Inn

Helena, Montana

2:30 p.m. Dr. Harold Allen - Vice President for Graduate Studies, Research and Economic Development and Professor of Biology; University of Toledo.

4:30 p.m. Dr. Rex Cottle - Dean of the School of Business and Professor of Economics; University of Mississippi.

Saturday, March 23, 1991

(Colonial Inn location listed above)

8:30 a.m. Dr. Michael Malone - Acting President and Professor of History; Montana State University

Minutes of Board of Regents Meeting

Saturday, March 23, 1991

Chairman Mathers called the meeting of the Board of Regents back into regular session at 10:40 a.m., at the conclusion of the final Montana State University presidential candidate interview.

Ms. Nancy Kessler, representing the Bozeman Chronicle, read the following statement into the record:

The right to know provision of the Montana Constitution guarantees the public the right to attend such proceedings except in some cases of rights to privacy. The Montana Constitution states that no person should be deprived of the right to examine documents and observe the deliberations of all public bodies or agencies of state government and its subdivisions except in cases where the demand of individual privacy clearly exceeds the merits of public disclosure. The Montana Open Meeting Law states in 2-3-201: It is the intent



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of this part that actions and deliberations of all public agencies shall be conducted openly. The people of this state do not wish to abrogate their sovereignty to the agencies which serve them. Toward these ends the provisions of the part shall be liberally construed. Closure must be a last resort, taken only after (1) a showing of the compelling interest that demanded, and (2) that less restrictive alternatives are unavailable.

At the conclusion Ms. Kessler's statement, the Board of Regents recessed and reconvened immediately in executive session.

The Board of Regents' meeting resumed in open session at 12:15 p.m. Chairman Mathers asked that the decision of the Board regarding selection of the new President for Montana State University be conveyed.

Regent Kaze moved that Dr. Michael Malone be hired as President of Montana State University effective immediately at an annual salary of \$89,000 to include the standard perquisites of the position. The motion carried unanimously.

Congratulations were extended by the Board to President Malone.

President Malone replied he was deeply and truly honored to accept the position. He noted he had made his career in Montana and at Montana State University. Dr. Malone stated further he was humbled by the honor paid to him by his selection, and he will do all he can to live up to the Board's and the institution's expectations.

The regularly scheduled meeting of the Board of Regents adjourned at 12:18 p.m. The next regularly scheduled meeting of the Board will be held on May 6-7, 1991, in Helena, Montana.