

Board of Regents Conference Call Meeting Transcript

January 14, 2020

Amy Unsworth: Roll Call: Chair Lozar?].

Chair Lozar: Here.

Amy Unsworth: Thank you, Regent Nystuen?

Regent Nystuen: I'm here. Good morning.

Amy Unsworth: Regent Sheehy?

Regent Sheehy: Here.

Amy Unsworth: Regent Miller?

Regent Miller: Here.

Amy Unsworth: Regent Rogers?

Regent Rogers: Here.

Amy Unsworth: Regent Dombrowski?

Rgt Dombrowski: Here.

Amy Unsworth: [Thank you, Regent Tuss?].

Regent Tuss: Here.

Amy Unsworth: Commissioner Christian?

Clay Christian: I'm here.

Amy Unsworth: The governor's office is represented by McCall Flynn who will be dialing in at some point.

McCall Flynn: Here.

Amy Unsworth: And then Superintendent of the Office of Public Instruction, Elsie Arntzen is also joining the call morning.

Phoebe Williams: This is Phoebe, I just want to let you guys know Superintendent Arntzen had to run up to a hearing at the Capitol and sends her regrets, she won't be on the call.

Chair Lozar: Okay, thank you.

Phoebe: Uh huh.

Casey Lozar: And those that are on the line, can you hear us well?

Regent Sheehy: Very well.

Chair Lozar: Okay. Excellent.

Regent Rogers: Thank you.

Chair Lozar: And we can see Regent Nystuen. Good morning, everyone. Thank you for joining us. I know several board members have traveled across the state to come here and I know that the weather and the road conditions haven't been excellent the last couple days so we appreciate you risking the roads to be with us this morning. I want to also welcome back to campuses all the students. I believe students started on Monday of this week for the spring semester and we wish them a productive and a successful spring semester. I'd also like to welcome all of you who are joining us by phone this morning. We have folks participating from 11 different conference call hubs located in Billings, Bozeman, Butte, and all throughout the state of Montana. So if you're calling in, just a quick reminder to mute your phone and we'll provide time for comments before each of the votes and will open up a general public comment session before we go into executive session this morning. Again, I'd like to just note that Regent Sheehy is calling in from Billings and Regent Nystuen is calling in from from Kalispell, they weren't able to make it to Helena this morning. Here in the room, we have the remaining regents, Commissioner Christian and several of our OCHE staff here. And so just a reminder this meeting will be recorded for the public record. As most of you are aware, the January meeting is the shortest meeting of the year for us. So we will be here for an hour, hour and a half. And we'll start this morning off. If you will all refer to the agenda for this morning's meeting, we'll start off with approval of the minute. Do I have a motion to approve?

Regent Tuss: So moved.

Chair Lozar: Moved by Regent Tuss. All those in favor signify by saying aye.

Board Members: Aye.

Chair Lozar: All those who oppose same sign. Motion passes. We'll take a quick moment to see if there is any public comment on the meeting minutes from our last meeting November 21st and 22nd. Any public comment? Okay, seeing no public comments, we'll move on to the next item on the agenda, the commissioner's report. The commissioner doesn't have a report this morning but you'll note that in all of our regents meetings, we do have campus reports from each of the campuses posted on the agenda and we appreciate campuses taking their time to provide some meaningful updates to this board. So if you have any particular questions, please either ask the commissioner offline or ask the leadership at each of those campuses. Next up on the agenda is our consent agenda. We've got a couple of staff items on the consent, a couple of emeriti faculty and then we have several, maybe eight or nine other agenda items in the consent agenda, ranging from the typical intellectual property, joint participation agreements, to operating agreements between our campuses and their foundations.

Chair Lozar: So, just a quick note on that as a reminder, we have for probably the last 18 months or so, at least the last year, working with our foundation folks to align the agreements with campuses and their foundations. So they're all in the same agreement cycle and reporting cycle. And we've done that to align with this meeting, the January meeting. So in front of you have quite a few different operating agreements with our foundations and then we have a request to revise a

regents policy. Maybe before we move on to the action items, is there any comments on any of these items? Or is there any requests to move the consent items to the action agenda?

Regent Sheehy: Chair, this is Martha. I have a request to discuss consent items H, I, J, K, L, M, N, the agreements with the foundations if that requires us to move them to the action agenda. They could still be one item, but I would like to at least comment on the work that's been done on those.

Chair Lozar: Yes. Regent Sheehy let's have some comments now just knowing your question or comments referred to a package of the operating agreements. So Regent Sheehy, your thoughts.

Regent Sheehy: My thoughts, first of all want to acknowledge the hard work that's gone into this overall and revision. I've looked through all the agreements. These are agreements between foundations and individual campuses. They all provide for confidentiality of certain information from the perspective of the foundation. I have no problem with that. The agreements differ in specificity with respect to the confidentiality that's granted and one of the agreements even talks about a process, that the university in Bozeman agrees too, should there be a conflict about confidential information.

Regent Sheehy: So I just want to make clear as we vote on these, I have no opposition to these but I want to make clear that we acknowledge the foundation's position regarding confidentiality when we enter into these agreements, but we do not contend that that is necessarily the governmental entity's position the governmental entity in this case, the university, the individual system units, those are bound by the Constitution in the cases that interpret Montana's constitution, we will follow the process required by Montana law of governmental entities. And that process requires that should the dispute arise in those few occasions, we will provide those disputed items to a court for adjudication, in camera review. So I just wanted to make clear that we understand what the foundation's position is. We get they get to take that position but we will comply even after approval of these agreements and because of approval of these agreements, the university entities will comply with the constitutional requirements of governmental entities under the Montana right-to-know statute and constitution provision.

Chair Lozar: Thank you Regent Sheehy, that too is my understanding. I'm seeing some heads nodding, several heads nodding. So thank you bringing up for bringing that up.

Regent Rogers: Chair Lozar? This is Bob.

Chair Lozar: Yes, Regent Nystuen.

Regent Rogers: Maybe from Clay's perspective, what's difference between ... is there really inherently any difference between these agreements, between these various campuses? In other words, does campus A they have something in their contract or their agreement that campus B doesn't have. Is there any similarities between these contracts at all?

Clay Christian: Regent Nystuen, members of the board, from our perspective, nothing that's significantly different. We have allowed these all to move forward as I think Regent Sheehy points out, they're their own independent entities and so we've negotiated with each of those through the MOU process, individually as opposed to try and create some standard format, but in general, I don't think there's any significant difference in how we approach them. And I concur with Regent Sheehy, they certainly have every right in the world to do what they think is in their best interest. And as will we, we'll do what we need to do to comply with state law and always have and I don't think that represents the change either. And as Regent Sheehy points out, if we can't resolve that there's an avenue to resolve it and we'll work through those channels as well. So I feel like these are agreements that we can approve.

Regent Nystuen: Just point of order have these been agreed upon by the various foundations, then coming to the board or are they coming to the board of regents, then back for approval from the foundations?

Clay Christian: Regent Nystuen, Mr. Chair, they've been vetted at the foundation level and through legal counsel with our legal counsel and their legal counsel. They're ready to be approved by the board, if that's the desire of the board, and once that's done, they will be in agreement.

Regent Nystuen: Thank you for that Clay. I was just concerned that we approve it, the campuses approve it, but then ultimately when the various members of the boards of those foundations get it and say wait a minute, I'm not comfortable with this. Is there the potential that this could come back to us with revisions because a particular campus foundation found something out of sorts for them?

Chair Lozar: Regent Nystuen, Mr. Chair, we believe they're done and this is the final step for them.

Regent Nystuen: Good. Well, I would acknowledge that what you said was ... thanks for all the work done on this and I think it's been a good move. Thanks, Clay.

Chair Lozar: Thanks Regent Nystuen. Any any other comments on the operating agreements? Again, does anyone want to move any of the other items to the action agenda? Seeing none and hearing none ... So we're going to take action on the consent agenda. So we'll entertain a motion to approve consent agenda items A through O.

Regent Miller: So moved.

Casey Lozar: Moved by Regent Miller. Any discussion, corrections or comments from members of the board? From the campuses? Any public comment on the consent agenda? Seeing no further comment, I'll call for the vote. All those in favor signify by saying aye.

Board Members: Aye.

Chair Lozar: Any opposed same sign. Motion passes. Okay, we'll move on to the action agenda, action item A, staff item, MSU Northern. You'll see in the agenda a spreadsheet denoting the action that we have in front of us. This action this morning recommends an eight percent increase to Chancellor Greg Kegel's compensation from MSU Northern. President Cruzado?

Waded Cruzado: Good morning, Mr. Chair. Good morning, commissioners. I mean, Mr. Regents and Miss Regents. The item in front of you is a reflection from a conversation and months of deliberation with Chancellor Kegel. As you know, Chancellor Kegel has been serving the Northern campus and providing stability and much needed progress that we needed to have in Havre. Chancellor Kegel has been very active in fundraising activities. He has raised a number of scholarships for the college, and he has done a very good job trying to stabilize enrollment. While the enrollment numbers are not yet where we think they can be, I want to commend the chancellor and his team for the work that they have done particularly in the area of retention and recruitment of new students. Also, I need to say that as part of the One MSU team, Chancellor Kegel has been an extraordinary contributor, he has reached out to Great Falls College-MSU in order to provide that area which much needed baccalaureate degrees. In collaboration with Susan Wolf and her team, they were able to develop a number of programs that are now accessible to Great Falls area. We would like to keep Chancellor Kegel with us for a few more years before he retires. This is a very well deserved recognition to his job. So therefore with a nod of support, I elevate this request to the consideration and approval of the regents.

Chair Lozar: Thank you, President Cruzado. Any comments, perspectives from members of the board?

Regent Sheehy: This is Regent Sheehy. Oh, go ahead.

Regent Tuss: I would just like to second the motion of President Cruzado with regard to Chancellor Kegel's leadership. He's a very committed, dynamic individual on the campus in Northern Montana and it clearly shows, and I do hope that he's around for a few more years. So I certainly support this.

Chair Lozar: Thank you Regent Tuss. Regent Sheehy?

Regent Sheehy: I'm not supportive of this and it has nothing to do with Chancellor Kegel. It has to do with the fact that we are a policy making board. And I resist the temptation to make policy on a case by case basis based on an individual request. In November, we approved a payment to achieve retention of an employee. I was hoping that we made it clear at the time that the retention payment was an extraordinary event but here we are two months later considering another kind of retention based payment. If we are going to award compensation based on retention, we need to think of a policy by which to award such payments. Because while I agree with everything that was said about Chancellor Kegel, I could say the same thing about a whole bunch of other individuals in the system. We need a policy, we have very little documentation about the ability of this very modest request to achieve retention. We don't have any data with respect to Chancellor's Kegel performance, we haven't done a performance review. So I don't think we have a policy based reason for that kind of an increase on an individual basis. And while I acknowledge concerns about the salaries placement, as the lowest salary amongst our institutions, the fact that Northern's chancellor is receiving the lowest salary could be argued to be quite correct, given the size of the institution. I really think that this is taking an extraordinary remedy and turning it into the ordinary course of business. Soon, we will be reflecting on retention based increases, on individuals at every meeting. We need to do what a policy making board does, which is create some policy and then figure out who fits within that policy. So all respect to Chancellor Kegel, I hope we can retain him. I just don't think that a motion made on 10 days notice with really very little supporting data is the way that this board should operate. So for those reasons, I'm a no.

Chair Lozar: Thank you Regent Sheehy. Commissioner?

Clay Christian: Mr. Chair, Regent Sheehy raises some good questions, some good points. I just add a little bit of clarity to the process part. I agree with the policy. I would say, though, that we do have policy that guide us and retention requests are something that this office grapples with and approves maybe more frequently than I would like but on a fairly frequent basis to try to create stability at all levels much as Regent Sheehy suggested, there are people with other opportunities that sometimes it's in our best interest to try to keep in our system or in our employment and so we address those ... the interesting part of this is that this remains part of that small group that has not been delegated to the commissioner's office to approve either compensation or retention offers. If you all recall, the commissioner, deputy commissioners, presidents, chancellors remain that small group that still any changes to those agreements need to come in front of the board. And so while it is sort of a one off and seems out of character, it actually is the only way that these can happen at this point in time. And so why it sits in front of you today. I think we do have guiding principles that help us deal with a broad host of these and by choices that we've made in terms of delegation is what sits before you today. I'm certainly not arguing but I just want to provide some clarity as to why this one sits in front you and others that come before the OCHE office do not.

Chair Lozar: Thank you, Mr. Commissioner.

Regent Sheehy: Chair, may I comment on that?

Chair Lozar: Yes, Regent Sheehy.

Regent Sheehy: I agree with everything you said, commissioner, I understand that that is something that you do with all of the employees that you oversee. This group this board of regents have power over a small group, as you noted. That small group contains the highest paid public employees in Montana. And it is an awesome responsibility to be responsible for balancing that group of highly paid. By Montana standards, individuals. And while you may have some framework for doing that amongst your employees, we don't have a policy. And this is something that we've struggled with, with respect to, do all three of our top employees deserve the exact same salary? Across the board, we've struggled with it. And as these individual requests come up, I would just like to say, I would be much more comfortable if we as a board had criteria for confronting ... there are usually three areas. One of them is to retain, one of them is to attract and the other one is performance based. So we don't have any set measures for these three reasons for increasing pay. So that is my concern. I don't like making policy on a case by case basis.

Clay Christian: Yeah, thank you. Very much understood.

Chair Lozar: Thank you, Regent Sheehy. Other comments from members of the board?

Chair Lozar: So I'll share my perspective I'm in favor of this increase for reasons that President Cruzado mentioned as well as Regent Tuss. I think Chancellor Kegel for a number of different reasons has shown significant progress in the work that's happened in Northern. And I know that Northern is an institution that needs a leader like Chancellor Kegel and I think looking at ... over the course of the next two to three to four years up at Northern, I think we will be as an institution and as a system, better off with Chancellor Kegel continuing to lead that institution. As it relates to Regent Sheehy's comments, I do agree with the perspective that we look as a board on developing a defined framework for how we have conversations one, and have deliberation around those three areas of retention, attraction, and performance. It is tough when we have 11 different contracts that this board approves to not see each contract as circumstantial or situational, which this item certainly is for us.

Chair Lozar: I'm not sure exactly how we would go about as a board to develop a framework that isn't going to allow for adjustments at the individual contract level. But I certainly think that is something that we as a board need to pursue and have conversations to see what we can do to make sure that there's strategic sideboards that we've put in place to allow for these conversations and these actions to make sense in the larger context of compensation of the highest leaders in the university system. And you are right, Regent Sheehy, this is a large responsibility of this board knowing these are the some of the highest paid individuals in state government. So I think it behooves us to dive a little bit deeper into the work that we do as a board to make sure that we have that framework in place and those conversations in place, and that we can anticipate maybe some of these conversations and these compensation action items that come before us so that we can think six months out or a year out or two or three years out. That's not always going to be the case but I think that's something that this board needs to look at. So with that, is there any other comments from the board before we consider action on this item?

Regent Nystuen: Mr. Chair, this is Bob.

Chair Lozar: Regent Nystuen.

Regent Rogers: Thank you, Mr. Chair I rise in support of supporting this additional payment to Chancellor Kegel. I think he's done an incredibly good job over the years up at MSU Northern. He and his entire team, his spouse, everyone needs to be acknowledged for the work they've done their

especially with the [inaudible 00:26:42] diesel center and many others. So while I acknowledge the good comments that Regent Sheehy has made, I think we're at a crossroads right now. And I think it'd be important for us to provide this level of support to Chancellor Kegel and follow President Cruzado's recommendations. Thank you.

Chair Lozar: Thank you Regent Nystuen. Let's move on. I'll entertain a motion to approve action item A.

Regent Tuss: So moved.

Chair Lozar: Moved by Regent Tuss. Any discussion or comments from members of the board? From the campuses? Any public comment?

Waded Cruzado: Regent Lozar, this is Waded, I just wanted to add, if any of the regents is interested in performance evaluations, please know that we have in our files, all of Chancellor Kegel's performance evaluations for the last six years. They have been conducted, they have been filed, they have been discussed with him and they are all exemplary. Thank you.

Chair Lozar: Thank you President Cruzado. Any other public comments? Seeing no further comment, I will call for the vote. All those in favor signify by saying aye.

Regents: Aye.

Chair Lozar: Any opposed, same sign.

Regent Sheehy: Aye.

Chair Lozar: Motion passes. Next item on the agenda is action item B, request for authorization to construct temporary science labs at MSU Billings. Director Muffick.

Ron Muffick: Thank you, Mr. Chair. Good morning Mr. Chair, members of the board. This item authorizes the MSU Billings to create temporary laboratory spaces in conjunction with the Yellowstone Science and allied health building construction project, which you approved in September of 2018. This request is for additional authority to spend up to one \$1.3 million of academic building fees for the design, construction, moving costs and other related expenditures. Again, these are temporary labs after the construction is completed these spaces will revert to their original use. It requires board approval of the authority is for an amount greater than \$350,000 and the results of a student survey of opinion conducted which is Attachment #2 because of the use of student building fees over \$200,000. This project will design and construct 11 temporary lab spaces for teaching and research. Again, this is during the construction of the Yellowstone science and allied health building addition. The need for this project resulted due to the fact that the construction phasing was changed in order to bring the construction project in on time and on budget. I believe the bids were over a million dollars over budget and so there needed to be adjustments to the construction phasing. So as a result of that MSUB is going to be required to vacate the adjoining science building during the construction. And so that's the need for the temporary labs. No additional operations or maintenance costs will result. I'll answer any questions and I believe Vice Chancellor Susan Simmers is also on the phone for any questions. Mr. Chair.

Chair Lozar: Thank you, Director Muffick. Any comments, members of the board?

Regent Rogers: I thought that the questions from the students were thoughtful and helpful. I'm glad to see the approval made by the students at MSUB. But the questions are pretty meaty and thoughtful, and also just knowing the geography of the area, how far students are going to have to travel to

get to class. The lack of potential public transportation options. Do we know how long it's going to last and are there any clarifications or additional information in regards to those questions?

Regent Rogers: Mr Chair, Regent Rogers, I would defer to Susan Simmers if she's available. Vice Chancellor?

Dan Edelman: Good morning. This is a Chancellor Edelman. Regents, Rogers and Chair Lozar. We anticipate this will take approximately 12 months. In addition to that, we're working on an operating shuttle between City College and university campus as well.

Regent Rogers: Great, so a dedicated shuttle for the students, is that what I'm hearing?

Dan Edelman: That's correct. We've also been working with the city, with the Met line as well. So we'll make sure that they have smooth transportation back and forth between City College, but this construction is at the university campus so there's no need for a shuttle the between operations here- its just when they go to City College.

Regent Rogers: Yes, that's great to hear. Thank you.

Dan Edelman: Thank you.

Chair Lozar: Any other comments? All right, we'll entertain a motion to approve action item B.

Regent Rogers: I'd so move. Bob.

Chair Lozar: Moved by Regent Nystuen. Any discussion or comments from members of the board?

Regent Miller: I would just like to say, that I'm thankful that the students have done their due diligence and asked this question. Like Regent Rogers said, those are fantastic questions and the 11 students senators that voted in favor of this give me confidence to vote in favor of this as well.

Chair Lozar: Thank you Regent Miller. Any other comments from members of the board? Any comments from the campuses? Any public comments? Any public comment? Seeing no further comment, I'll call for the vote. All those in favor signify by saying aye.

Regents: Aye.

Chair Lozar: Any opposed, same sign. Motion passes. Moving on to action item C requests for authorization to plan, program and design for MSU Wellness Center at the Montana State University campus, Bozeman. Director Muffick?

Ron Muffick: Thank you Mr. Chair, members of the board. This item authorizes Montana State University to proceed with planning, programming and design services. We are replacing the Marga Hosaeus Fitness Center and the University Health Partners facility. Again this authorization is for up to \$3.5 million. And because the amount is greater than \$350,000, it needs the board approval. Project will plan, program and design a replacement facility for the fitness center that was lost in March of 2019 as well as a new University Health Partners facility and space for the College of Education, Health and Human Development space that was approved in the legislative session. Project also includes related fitness improvements, associated infrastructure, support and ancillary items necessary to complete the wellness project. The design work will be funded by written management network defense insurance funds from the Insurance Loss and other non state funds. This authority does not authorize construction, financing or any operations and maintenance is for approval of the planning, design only and construction approval and

authority will be requested in a separate item in the future. I'll stand for any questions and I believe Vice President Terry Leist is also available on the call.

Chair Lozar: Thank you, Director Muffick. Any comments from the board? Any questions? Any comments from MSU Bozeman? Yeah, Regent Rogers.

Regent Rogers: I was excited to see the potential development phases for the University Health Partners, including the Counseling and Psychological Services. They do incredible work on that campus that are confined to a really small area right now, that'd great to see them have additional capacity. I love the overall vision of the center to be holistic approach from the behavioral to physical health.

Chair Lozar: Thank you, Regent Rogers. President Cruzado.

Waded Cruzado: Yes, Regent Lozar, members of the board, I just wanted to say that for the last 10 months, a group of very dedicated individuals of Montana State University has been having meetings talking about planning and programming. I'm very happy to see as part of that team, we have had ample conversations with students and faculty and staff and alumni. And I just want to also express my appreciation to Ron Muffick's work. He has been there every day almost literally, with us trying to envision what will be the best way for us to put this facility back in MSU for the benefit of our students and faculty at Montana State. So I just want to express my gratitude to OCHE and to the incredible work of people at Montana State University that has brought us to this moment. Moving forward, I think that the planning and design process will be focused precisely on that and ample conversations with all constituents in order to make sure that we come up with the facility that we need at the most affordable price for the students. Thank you.

Chair Lozar: Thank you, President Cruzado. Any other comments from the board? This is Regent Lozar, I have maybe a question for the campus. Looking at the documentation and knowing that we have an estimated cost for programming and design of \$3.5 million dollars, which is a rather large budget for design and programming. And you may not be this far along in the process, but are we looking at any anticipated target in terms of the building of this facility?

Waded Cruzado: Regent Lozar, I will defer to Terry Leist who might have some more information as you anticipated, well, I think it's still early in the process. We have been having different conversations with our students including, is there a way in which now we need to start thinking of not only about physical health, but also about incorporating mental health into the positioning of this project. As you know very well, this has been an area where Montana State University and other campuses have acknowledge that mental health is a very important need of our students. They're having conversations about a holistic approach. But again, we are still early in the process, I don't want to undermine the good conversations that have been going on campus. With that, Terry, do you have anything else to add?

Terry Leist: Chair Lozar and members of the board, first of all, can you hear me?

Chair Lozar: Yes, we can.

Terry Leist: Okay, thank you. This is Terry Leist. So the insurance portion, we're still working through that. We anticipate just for the gymnasiums, that's somewhere in the \$25 million range, we're still working on the pool area. And then we also have a component of this. It's related to the Romney project, as you might recall from the HHD spaces that were originally planned to move over to the Marga Hosaeus Fitness Center area. And those are the areas that we lost so we'll have to re-figure those. And then of course, there's the health center and the medical part of the student health. So there's a number of components and the design and programming pieces

typically run somewhere between eight and 12% of the total cost. So this question, we appreciate your consideration for this will certainly get a good start on that. And then once we know more after the spring semester, with all the meetings and whatnot, we'll be able to come back to you with more details than we are able to provide at this time, thank you.

Chair Lozar: Thank you, Commissioner Christian?

Clay Christian : Mr. Chair, members of the board, I think it is important to realize and we have spent some time on this and a number of discussions already but there is essentially under this concept in this planning approval, we're talking about really three projects now being combined into one, the replacement of the gyms which will be largely covered by insurance. And then a conversation that honestly has been going on for a number of years around the health facilities and mental health facility, something that whether we like it or not, the growing need for mental health care has grown, the campus has grown, so I think the components of this is a replacement of what was lost kind of modernize to what we need for today. And then the displaced project that was going to move from Romney to the facility that's been lost. And then, of course, this health center and the health center in itself is a significant project. I think we've looked over the years at combining both the physical and mental health into one facility. I think best practice would say that we look at this and see if it doesn't make sense to combine all these efforts into one. I think what we're seeing around the country is that concept of the whole body from mind to soul right, and I think that this lends itself an opportunity to look at that. We were considering bringing this mental health and physical health facility on its own. One of the things that I think has been pointed out to us over the years is that our campuses have been built with a lot of smaller buildings, which all have walls and have some amount of cost to them just by virtue of how they were built. And so some of the suggestions earlier was the more we can combine into maybe a center would have some economies of scale and some cost efficiencies. So it will be a significant project, it will have some significant costs associated with it. So I don't want to leave that out of the conversation. But I think we need to see how the planning develops and then if we can get our arms around what these three projects in one combined would look like and how we'll pay for it and that'll be part of what they look at in the next six months.

Chair Lozar: Thank you, Mr. Commissioner. So we may be anticipating further action sometime maybe in September 2020?

New Speaker: Mr. Chair, I believe it'll be sooner than that, it would be for the overall time frame is likely May for the approval and construction project.

Ron Muffick: Mr. Chair, Deputy Commissioner Trevor, some of it depends on we would like to get the students involved and get the students' input before the end of the year. So I think May would make sense. If not May, maybe the July meeting. Thank you.

Chair Lozar: Any comments from members of the board? Well entertain a motion to approve action item C.

Regent Rogers: Moved.

Chair Lozar: Moved by Regent Rogers. Any discussion or comments from members of the board? Any comments from the campuses. Any public comment? Hearing no public comments, I will call for the vote. All those in favor signify by saying aye.

Regent Rogers: Aye.

Regent Sheehy: Aye.

Chair Lozar: Any opposed same sign. Motion passes. Move on to action item D, request for approval to establish a sports integrity policy prohibited wagers, Helen?

Helen Thigpen: Mr. Chair, members of the board, thank you. You may recall that the board first saw this as an informational item at the November meeting. The language is the same and it hasn't changed since that time. Just as a quick reminder, the 2019 legislature authorized sports gambling in Montana. We've been in touch with the lottery, which is the program that was designated to run the sports gambling. And so we've had constant conversations with them. There's been a set of rules that have been adopted to implement the legislation. And so this policy would complement those efforts. And just a reminder that the policy mirrors the NCAA rules that are in place but would also apply to members of the board as well.

Chair Lozar: Any questions?

Regent Sheehy: Chair?

Chair Lozar: Regent Sheehy.

Regent Sheehy: I just in full disclosure, want to say that I've reviewed this policy and it prohibits members of the Montana Board of Regents from engaging in any conduct that attempts to manipulate the outcome of the event and I want to disclose that I am engaged in constant conduct in attempts to manipulate the outcome of events and I believe them to be very effective. I stand in a certain place, I wear certain clothing. And I repeat the certain phrase over and over again, all in an attempt to manipulate the outcome of various sporting events so that I can learn something of great value which is an extra long hug, which is my ongoing 15 year bet with my son over these contests. So I'm glad that I'm almost done being a voting member of this board because I believe that my conduct does manipulate the outcome of events as I'm sure every fan does.

Chair Lozar: So noted. Regent Sheehy. Regent Miller?

Regent Miller : So under the campus policies and procedures ... this is the last page, letter C. So it says ensuring that campus procedures exist to remedy violations. Will that be on a campus by campus basis? Or will that be an overarching policy that the board enacts?

Helen Thigpen: Mr. Chair we believe that's being done on a campus by campus basis and to give the campuses that flexibility going forward.

Regent Miller: Thank you.

Chair Lozar: Any additional comments? Regent Rogers.

Regent Rogers: My very untrained knowledge of the circumstance, just the way that you're structuring what types of sporting events are covered the NCAA championship [inaudible 00:47:44]. [inaudible 00:47:48].

Helen Thigpen: Yes, Mr Chair, Regent Rogers, that mirrors exactly what the NCAA states.

Regent Rogers: And then my other question is also in campus policies and procedures, item B. I'm glad we're able to set it up individually for their specific purposes. What I've been hearing from former players, current players, coaches is that there is a pretty set standard in NCAA, especially for the men, who are very aware of ... but I really appreciate how much education of a student athlete and others are being focused on in the policy. And then just making sure ... I guess the question is, do you feel like portion B. has sufficient teeth for enforcement?

Helen Thigpen : Yes. Mr. Chair, Regent Rogers, the athletes receive significant information right now from the athletic directors and those other folks in the athletic department. In terms of training, I also want to point out that the lottery has offered and I believe we will take them up on that offer to help us with trainings and have them be part of this and they've offered to go down to the campuses and do that. So I will follow up on that. And also in terms of the campus items, the reason why we left it flexible from campus to campus and said to do that is because we also have some ... Obviously they have the collective bargaining agreement so to the extent that said that those agreements would apply to staff and athletics department and other folks, we would want to make sure that it is consistent with those agreements. So yeah, but we do believe that this has enough teeth in it to make it an enforceable policy.

Chair Lozar: Regent Dombrowski?

Rgt Dombrowski: Just a follow up question on the policy itself, is there flexibility within the policy so that when the NCAA makes another change, that we're not back here for having to go through it?

Helen Thigpen: Mr. Chair, Regent Dombrowski. Yes, we believe that that's flexible enough to address that. We can't specifically foresee what they will do. But [inaudible 00:50:06] on time with respect to gambling but if anything does change from the NCAA we will bring it back to the board for consideration.

Chair Lozar: Any other comments from members of the board? I just wanted to thank the legal counsel department for working on this. I know we've had [inaudible 00:50:50] [inaudible 00:51:08] [inaudible 00:51:44] will never happen. So with that, I will entertain a motion to approve action item D.

Regent Tuss: So moved.

Chair Lozar: Moved by Regent Tuss, any discussion or comments from members of the board? Any comments from the campuses? Any public comment? Any public comment? Hearing no further comment, I'll call for the vote. All those in favor signify by saying aye.

Regents: Aye.

Regent Sheehy: Aye.

Chair Lozar: Any opposed same sign. Motion passes. So at this point we're going to open it up for public comment. [...inaudible...] We may have had some technical issues there. So, if anyone has any public comment, please remember to state your name first. Is there any public comment? Any public comments? Last call. Is there any public comment? Alright, we don't have any public comments at today's board meeting, the next items on the agenda, the board will take up in executive session. The meeting will be closed because of the discussion relates to matters of individual privacy. As a presiding officer, I've determined that this discussion relates to a matter of individual privacy and that the demands of individual privacy clearly exceeds the merits of public disclosure. So after the executive session, the board will return for an informal planning session. Thank you all.