

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

November 7, 1975
Missoula, Montana

The Board of Regents of Higher Education met at 1:30 p.m. Friday, November 7, 1975 in the court room of the School of Law at the University of Montana, Missoula, Montana.

The meeting was called to order by Chairman Ted James. Present were: Mr. Lewy Evans, Mrs. Mary Pace, Mr. Sid Thomas and Dr. Lawrence K. Pettit.

On motion of Mr. Thomas, seconded by Mrs. Pace the minutes of the October 24, 1975 meeting were approved.

Mr. James reported that before the discussion on the accreditation of the Law School, the Policy Committee had some recommendations to make.

Mr. Thomas, Chairman of the Policy Committee, recommended that Item 2-901-R0973, Duties of the Commissioner of Higher Education, be amended as follows: On page one, paragraph two, line nine, delete the sentence which reads "The status of the Commissioner shall be considered on a level equal to that of the presidents except that he shall be regarded as the agent for the Board in securing through the presidents the implementation and observance of Board policy", and add a sentence which reads, "The Commissioner shall be regarded as the agent of the Board in securing through the presidents the implementation and observance of Board policy". In paragraph three after the word "selection" add the words "and removal". The recommendation was accepted on motion of Mr. Thomas, seconded by Dr. Pettit.

Mr. Thomas reported that the Policy Committee recommended

that Item 2-902-R0973, Authorization for Commissioner of Higher Education to Create Inter-Unit Advisory Committees, Montana University System, be amended in the last paragraph to read: "The presidents, faculty and students shall nominate their unit representatives for inter-unit committees, and nominate alternates". The recommendation was accepted on motion of Mr. Thomas, seconded by Mr. Evans.

Mr. Thomas reported that the Policy Committee recommended that Item 6-005-R1174, Policy Regarding Inter-Unit Projects, Montana University System, be amended by adding the words "or agents" to the last line of the last paragraph. The recommendation was accepted on motion of Mr. Thomas, seconded by Mrs. Pace.

Mr. Thomas reported that Item 5-001-R0774, Policy Regarding Commissioner's and President's Contracts, Montana University System, had never been fully implemented because of the Commissioner's reluctance to accept the perquisites provided for him under that item. He said the Policy Committee recommended that effective December 1, 1975, the Commissioner receive a total housing allowance of \$400.00 per month to cover expenses relating to his residence and other expenses incident to his official duties. He so moved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas reported that the Policy Committee had recommended approval of Item 10-003-R1175, Policy Regarding the Hiring of Personnel to Perform Special Services, Montana University System, to supercede Item 3-021-R1074 under the same title dated April 8, 1974. He moved approval of the item. The motion was seconded by Mr. Evans and carried.

Mr. Lewy Evans, Chairman of the Capital Construction Committee, reported that the annex of Montana Hall on the Montana State

University campus was being considered for demolition. He said a senior citizens group had inquired about the possibility of their acquiring it for their use. He moved that the Board direct that President McIntosh do everything possible to see to it that the Senior Citizens are able to acquire the building. The motion was seconded by Mrs. Pace and carried.

Mr. James said the meeting was called primarily to discuss the question of the Law School accreditation. He called on Dean Robert Sullivan, who introduced members of the Law School Board of Visitors who were in the audience.

Dr. Richard Bowers, President of the University of Montana, introduced Dean James White, Consultant to the Section of Legal Education of the American Bar Association. He said Mr. White would comment on what stage the accreditation process is in at the present time. President Bowers said just prior to his coming to the University there had been an accreditation visit from the American Bar Association and he has been in continual contact with Mr. White since that time. He said in July of this year the University received a letter from Dean White in which certain concerns about the Law School were expressed. He said that through Dean Sullivan's office and through the academic vice president of the University of Montana a draft of a reply had been prepared.

Dean White stated the American Bar Association is recognized by the U. S. Commissioner of Education as the accrediting agency for law schools. He said it is required by almost every state in the union that graduates of law schools take the Bar examination and in order to be permitted to take the examination or practice law, graduates must be from an American Bar Association

approved school. He said that all approved law schools are inspected on a regular cycle of six or seven years and at any time a specific matter comes to the attention of the ABA, schools can be re-examined. He said the University of Montana Law School is fully approved by the ABA as a result of the 1973 inspection; that the 1973 report did not criticize the School, but complimented it for the quality of the administration, faculty and student body. He said the concerns relate more to the maintenance of this quality, especially relating to the role of the Law School within the University, admission practices, development of curriculum, financial support, promotion patterns, library acquisition budget and storage space. He stated that the level of financial support is such that the Council feels there will be a deterioration of the quality which now exists at the Law School and the matter of additional funding is imperative if the school is to maintain its approved status. He said the next Council meeting would be early in February, 1976 and stated that the fact that the ABA had dealt with these concerns two years in succession is a very serious matter. He said his mission at this time is to work with President Bowers in attempting to find some solutions and to answer questions any of the Board members might have.

Mr. James commented that he hoped the Council would not take any drastic action at least until after the Legislature meets again. Dr. Pettit asked if it is the usual procedure for accreditation teams to withhold accreditation on the basis of conjecture, or should they wait until the quality has actually fallen below standard. He said he was a little concerned that the Council might withhold accreditation on the predication that standards are going to fall. Dean White stated that the Council has determined that the level of support given the Law School

and the deterioration of this level of support has put full accreditation in some jeopardy.

The inadequacy of the total university system budget was discussed and Mrs. Pace indicated the Board certainly could benefit if attorneys and others would assist with the lobby effort during legislative sessions.

President Bowers said that last year a comparison was made with other institutions in the Rocky Mountain area which showed that law faculty in these areas have somewhat higher salaries than other faculty. He said this is also true at the University of Montana. He said that the Law School faculty are disadvantaged insofar as salaries are concerned, as is the entire faculty at the University of Montana. He said he recognized that the budget problem could lead to deterioration of not only the Law School programs, but those of the whole institution.

Mr. James asked if anyone in the audience had any comments or questions. Mr. Henry Loble spoke on behalf of the Board of Visitors. He mentioned the quality of the school in the past and that it has produced a large portion of the leaders in the State of Montana in the legal profession. He said loss of accreditation would mean that the school would no longer graduate practicing lawyers, that the diploma privilege would probably be withdrawn by the Supreme Court and that graduates would not be permitted to take the Bar examination in any state except California. He said he wanted to impress upon the Board the seriousness with which the attorneys in the State regard the matter.

Mr. Dan Kemmis, a law student and legislator, pointed out that generally Montana is not a state which is amenable to outside

pressure regarding how money is appropriated and if the American Bar Association were to bring this kind of pressure it would not be the best way to convince the legislature to provide more money for the operation of the Law School.

Mr. Thomas inquired about the status of private donations to the School. He asked if there was anything the Board could do to enhance private donations. Mr. Loble said he didn't feel the practicing attorneys in the State could do enough to get the Law School out of its present difficulty, but that perhaps the funding could be supplemented to a greater extent, and that they would make every effort to do so.

Mr. Arthur Deschamps, a member of the Local Executive Board for the University of Montana, reported that information in the annual reports showed that the alumni donations were very nominal. He said he felt it is imperative that alumni resolve to do a great deal more to maintain the level of quality in higher education.

After considerably more discussion, Mrs. Pace said it is obvious that the whole university system is in need of much greater funding and asked what the Board was being requested to do.

President Bowers commented that his response to the concerns of the ABA would be filed and Law School representatives would be appearing before the Council meeting in February. He noted that some of the concerns could be satisfied and others could not, but he would do everything possible under the present circumstances. He said he felt he had sufficient authority to proceed without the Board granting anything more specific.

Mr. James thanked Dean White and others who made comments and the Board recessed for an executive session at 2:45 p.m.

The Board reconvened in open session at 3:20 p.m. with the same members present.

On motion of Mr. Thomas, seconded by Mr. Evans, Item 6-004-R0974, Policy Regarding Search and Screening Committee for Presidents, Montana University System, was amended to add a sentence to read as follows: "The Board of Regents of Higher Education shall retain the prerogative of approving or disapproving the search committee for presidents on each campus".

Mr. Thomas said that since the Board had received notice of the retirement of President James E. Short from Western Montana College, and it also had requested new definitions of the role and scope of each institution, no new presidents should be hired at any campus where a vacancy occurs, but an Acting President should be designated as vacancies occur until the future direction of the Montana University System has been determined. Mr. Evans so moved. The motion was seconded by Mr. Thomas and carried.

Mr. James said there had just been a news release from the Office of the Legislative Analyst which, according to the Commissioner, was replete with errors. He said he felt an attempt should be made for the Regents and the Commissioner's staff to meet with the staff of the Legislative Analyst and the Legislative Finance Committee to try to determine some of the essential facts relative to the expenditure of funds appropriated for the operation of the Montana University System. Dr. Pettit said perhaps this meeting could be scheduled at the time of the December Board of Regents meeting.

Mrs. Pace suggested that the Board and the Commissioner's staff attempt to arrange a working seminar of some kind so that Board members would be more conversant with a variety of issues. She so moved. The motion was seconded by Dr. Pettit and carried.

The next meeting was scheduled for Monday, December 15, 1975
in the Office of the Commissioner of Higher Education, Helena, Montana.

The meeting adjourned at 3:45 p.m.