

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

February 28, 1975
Helena, Montana

The Board of Regents of Higher Education met at 9:05 a.m., Friday, February 28, 1975 in the conference room of the Office of the Commissioner of Higher Education, Helena, Montana.

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

A correction to the minutes of the January 16, 1975 meeting was noted on page two, line two--the words "general fund" should be added preceding the word "decrease". The minutes were declared to be approved as amended.

Mr. James introduced Mr. John Peterson, who had just been appointed to the Board. He also recognized that Lt. Governor Bill Christiansen was present.

Mr. James stated that the action taken by the Senate on February 27 in passing Senate Bill 368, which provides that a constitutional amendment be submitted to the people to insure that the Board of Regents share with the legislature control of the university system, is particularly distressing. He said his interpretation of this action is that those who voted for passage of the bill have no confidence in the Board and if this is the case, the Board should be so advised with specifics. He said he felt the Board had done an excellent job and had accomplished a great deal; that it was fortunate in having an excellent commissioner to work with, that the presidents were all doing a good job and that Regents, presidents and

students have been cooperating to improve the quality of higher education in the State. He stressed the fact that the Board is not satisfied with the budget submitted by the Governor, nor that of the legislative analyst, and the Governor would be requested once again to support the Regents' budget.

Dr. Pettit reported that the Joint House-Senate Sub-committee on Appropriations had asked to meet with the Board to hear presentations on the magnetohydrodynamics proposal (MHD). He said that none of the committee members were present but asked that Dr. Roy Huffman, Vice President for Research at Montana State University, comment on the program. Dr. Huffman explained that the MHD proposal is for a research project which, when developed, would generate electric power from coal. He said the proposal was presented jointly by Montana College of Mineral Science and Technology, Montana State University and the AVCO Corporation, with Montana Tech being the primary contractor and any other institutions being sub-contractors. He said as the project is developed other units of the Montana University System might become involved. He said there is a five million dollar Federal appropriation being held in the Office of Coal Research in Washington, D. C. to fund the project. Dr. Huffman said the technical directors of the MHD program were Dr. Vernon Griffiths, from Montana Tech, and Dr. Dennis O. Blacketter, from Montana State University. Dr. Griffiths distributed copies of the rationale for the project and explained some of the details. Dr. Blacketter commented on the areas of expertise to be utilized at Montana State University. Senator Larry Fasbender, who had just arrived, questioned Dr. Griffiths about the competition with other states regarding building a facility to handle the project. Dr. Griffiths said that the State of Tennessee had pre-

presented a proposal but he felt sure the test facility would be located in Montana, hopefully in Butte. Dr. Huffman said the five million dollar appropriation has been earmarked for the operation in Butte, although the conservation of energy is a National problem. Lt. Governor Christiansen stated he felt that conserving energy goes beyond a National effort; that it is actually an International effort.

President McIntosh said that if the operating budget which is proposed at the present time by the legislative fiscal analyst is adhered to it would be impossible to provide the state for conducting research of this nature.

The Board recessed at 10:15 a.m. to convene an executive session to discuss a personnel matter.

The Board reconvened in open session at 11:00 a.m.

The residency appeal of Elise Franke was reviewed. It was determined that since Ms. Franke had not met the requirements of the Board rule relating to twelve continuous months presence in the State, her non-resident status should be confirmed. Dr. Pettit so moved. Mr. Thomas seconded the motion and it carried.

The residency appeal of James David Bogan was also reviewed. Dr. Pettit moved that Mr. Bogan be granted resident status as of Fall quarter, 1974 and his non-resident fees for Fall quarter be refunded. Mr. Thomas seconded the motion and it carried.

Dr. Pettit moved that Article VIII of the Board of Regents' by-laws be amended to comply with the wording of the new faculty contract. Mr. Peterson seconded the motion. Dr. Sam Davis, Chairman of the Faculty Council of the Montana University System, said the faculty would like to have an opportunity to review the change before

It is approved by the Board. It was suggested that the matter be tabled until the next meeting of the Board. Mr. Thomas made a substitute motion that the change in the by-laws be deferred until the next meeting. The motion was seconded by Mrs. Pace and carried.

Dr. Pettit distributed copies of an up-to-date status report on legislation, stating there was considerable concern about the status of the appropriation for the University System. He said he was concerned also that after success in having Senate Bill 368 killed in committee, under the new legislative rules it was brought back to the floor of the Senate and was passed.

Mr. James reiterated the fact that everyone concerned should do whatever is possible to prevent the proposed drastic cuts in the University System budget. He said he felt higher education was a good product and everyone should unite to try to sell it to the public and the legislators.

President Bowers said that if the budget proposed by the legislative analyst is adopted for the University of Montana it would mean a zero increase in faculty salaries and a cut of fifty or sixty faculty positions. He said he felt it was extremely important that these facts be made known. President Bowers reported he had done a cost study on Ph.D. programs which showed that they actually cost less in State dollars because of grants, private donations etc. that help support these programs. He said it should also be pointed out that if the State appropriation is not increased, Federal funds in appreciable amounts would be lost.

The matter of the Big Sky Athletic Conference petitioning the National Collegiate Athletic Association for Division I status in football was discussed. President McIntosh said that he and President Bowers were being requested to cast their votes on the matter by March 3, 1975

and they would appreciate having the Board's guidance before that time. President McIntosh reported that the faculty at Montana State University were in accord with voting for Division I status. Steve Rovig, Student Body President at Montana State University, said the students were also in favor of this, primarily because of the additional revenue it could generate because of television contracts.

President Bowers reported that the faculty at the University of Montana were opposed to petitioning for Division I status. Tom Stockburger, Student Body President at the University of Montana, said the students had voted against this also, their main concern being that sometime in the future this might cause some escalation of the program, in which case it would be impossible to finance it. He said the students' feeling also was that the University of Montana was a strong contender in Division II and they might be more or less at the bottom of Division I.

Mr. Peterson moved that the Board endorse the Big Sky Conference vote for going to Division I. Dr. Pettit seconded the motion. Mr. Stockburger said he didn't feel the Board should go against the wishes of the students and faculty at the University of Montana in this matter. He suggested an amendment to clarify the motion and to allow the University of Montana to vote as they see fit. Dr. Pettit moved an amendment to add the provision for allowing each president to vote according to the wishes of his institution. Mr. Thomas seconded the motion and it carried. Dr. Pettit moved that the motion, as amended, be approved. Mr. Thomas seconded the motion and it carried, with Mrs. Pace and Mr. Peterson voting "No".

The Board recessed at 11:20 a.m.

The Board reconvened at 11:30 a.m. with the same members present. Mr. Thomas stated that the Board of Regents is unanimously in favor of supporting reduced costs for athletic programs and it does not anticipate that the action taken with regard to the Division I status will escalate the costs in any way.

Item 7-005-R0275, Collective Bargaining Procedures, Montana University System, was discussed. Mr. Thomas suggested that since the item is not intended to apply to academic personnel, it be amended to add the words "with Non-academic Personnel" to the title after the word "Procedures", and to line four in paragraph one after the word "agreements". He then moved approval of the item as amended. Dr. Pettit seconded the motion and it carried.

Mr. Barry Hjort, Assistant Commissioner for Labor Relations and Legal Affairs, introduced union representatives of the carpenters, laborers, retail clerks, painters and a representative from the Montana Public Employees Association. Some of the collective bargaining legislation and the problems involved were discussed. Dr. Pettit read a proposed statement with regard to the Board of Regents' endorsement of the statewide classification and pay plan and certain pieces of legislation. It was agreed that copies of this statement would be distributed and consideration be given during the afternoon session.

The Board recessed at noon.

The Board reconvened at 1:30 p.m. with the same members present.

The statement presented prior to the noon recess was discussed further and several amendments proposed. Dr. Pettit then moved that the following statement of endorsement be adopted:

The Board of Regents of Higher Education hereby endorses the statewide classification and pay plan for all appropriate Montana University System personnel and urges adoption of

HJR 37, HB 272, HB 457 and 458. The Board further urges that the 44th Montana Legislature apply the provisions of the classified pay plan to all state classified employees in an equitable and even-handed fashion so as to ensure observance of the principle of equal pay for equal work and to avoid the discrimination that would result if employees in one executive department were compensated at a higher rate for the same work than employees in other executive agencies and the Montana University System. The Board of Regents has endorsed the principles established by Executive Order 2-75 for collective bargaining within the framework of the classified pay plan, and hereby signifies its intent to observe those wage settlements for apprenticeship craft union members in the Montana University System recently reached between spokesmen for the Craft Unions and the Governor's Task Force. The Board further endorses the proposition of immediate collective bargaining negotiations between the Commissioner of Higher Education and union representatives who represent non-academic personnel within the Montana University System. Immediate negotiations are to be for the purpose of wages only, and such wage agreements are to be subject to adequate legislative appropriations for the Montana University System within the framework of the Regents' requested budget. The Montana University System and labor unions agree to approach the Legislature jointly for funding of the pay plan.

The motion was seconded by Mr. Evans and carried.

Dr. Sam Davis, Chairman of the Faculty Council for the Montana University System, reported that the Council had nothing to present at this time.

Mr. Tom Stockburger, Chairman of the Student Body Presidents' Association, distributed copies of two resolutions (Attached as Exhibit I and Exhibit II), requesting that these be referred to the Policy Committee of the Board, with action to be taken at the April meeting, if possible. Dr. Pettit moved that the resolutions be referred to the Policy Committee. The motion was seconded by Mr. Thomas and carried.

It was noted that the next statutory meeting of the Board would be April 14, 1975.

The meeting adjourned at 1:50 p.m.

February 28, 1975

Policy providing for refunds to students of the Montana University System for work stoppages, strikes, or other disruptions of normal academic processes caused by professional educational employees.

It shall be the policy of the Board of Regents of Higher Education that, if the academic calendar of an institution of higher education cannot be readjusted to compensate for academic days lost due to work stoppage, strike, or other disruption of normal academic processes by the professional educational employees without causing hardship on students involved in seeking summer employment, tuition, fees, and assessments excepting student activity fees, shall be refunded to the individual students on a pro rata basis. In determining the amount refunded, the following formula shall be used: the number of days of disruption shall be divided by the academic days comprising the school quarter or semester, and the quotient thereby obtained shall then be multiplied by the amount of tuition, fees, and assessments paid by the individual student for the school quarter or semester.

RESOLUTION: Regarding the October 19, 1973 intercollegiate athletic competitive mandate for the University of Montana.

BE IT RESOLVED: That the Board of Regents of Higher Education relieve the University of Montana from the mandate of October 19, 1973 to be competitive in the Big Sky Conference.

NOTE: This resolution infers no cut back in any intercollegiate sport at the University rather it seeks to give us more flexibility in developing an intercollegiate athletic program which bests reflects the academic stature of the institution, further this resolution relieves the University of Montana from the previous Board action:

"That intercollegiate athletics at Montana State University and the University of Montana be funded in a manner that will provide a budget sufficient to allow both institutions to be competitive in the Big Sky Conference, that the Board consider the budget totals, numbers of scholarships provided and number of intercollegiate sports being supported by the other institutions in the conference, that such funding be derived from the following source in such percentages as deemed advisable, giving due regard to the sources and percentages of support being received by the other participants in the conference:

1. Fee waivers granted by the Regents for instate, as well as non-resident students, up to the maximum conference allowable totals.
2. That the Board re-affirm its policy regarding discretionary powers given to students in handling the activity and athletic fees adopted by the former Board under Item 214-001 on April 13, 1970
3. State funding.
4. Other income (defined as gate receipts, guarantees, concessions, programs, TV, radio rentals, etc.)

