

ADMINISTRATIVE, BUDGET, AND AUDIT OVERSIGHT
Miles Community College
Room 106
Wednesday, May 30, 2007
1:00 – 4:30 PM

1:00 PM ROLL CALL and REVIEW OF MINUTES. [Link](#)

1:05 PM **ACTION**

- a. FY08 & FY09 Tuition and Fees. [Link](#)
- b. Revision of Policy 940.13, Tuition Waivers. [ITEM 135-114-R0507](#)
- c. Relocation of Soccer Field, MSU-Billings. [ITEM 135-2701-R0507](#)
- d. Western Transportation Institute Lease of Property for Cold Regions Transportation Research Facility, MSU-Bozeman. [ITEM 135-2006-R0507](#)
- e. Memorandum of Understanding between UM-Missoula and UM Foundation. [ITEM 135-1019-R0507](#)
- f. Acquisition of Donated Property from ARCO, Montana Tech of UM. [ITEM 135-1504-R0507](#)
- g. Expansion of Project Budget, Washington Grizzly Stadium, UM-Missoula. [ITEM 135-1017-R0507](#)
- h. Conversion of Continuing Education Self Support FTE and Associated Tuition Revenues and Expenses to State Support, MSU-Bozeman. [ITEM 135-2008-R0507](#)

3:00 PM **INFORMATION**

- a. Audit Reports
- b. Agricultural Review Panel Update
- c. Biennial Reversions
- d. Legislative Funding for Campuses
- e. Legislative Funding for System Office
- f. Legislative Funding for Long Range Building Program

- g. Annual Status Report of Regents Authority Relating to Building Projects, MSU-Bozeman. [ITEM 135-2009-R0507](#)
- h. Annual Status Report of Regents Authority Relating to Building Projects, UM-Missoula. [ITEM 135-118-R0507](#)
- i. Possible Recommendation on Policy 940.29, Post-Baccalaureate Tuition. [Link](#)

4:10 PM

CONSENT

- a. Student Computer Fee Allocation, MSU-Billings. [ITEM 135-2702-R0507](#)
- b. Student Computer Fees Allocation, Montana Tech of UM. [ITEM 135-1502-R0507](#)
- c. Student Computer Fee Employment Allocation, UM-Missoula. [ITEM 135-1014-R0507](#)
- d. Student Computer Fee Equipment Allocation, UM-Missoula. [ITEM 135-1015-R0507](#)
- e. Naming of the Montana Tech Basketball Floor the “Kelvin Sampson Court”, Montana Tech of UM. [ITEM 135-1503-R0507](#)
- f. Painting of Existing Auxiliaries Facilities, MSU-Bozeman. [ITEM 135-2005-R0507](#)
- g. Employee Joint Venture: Donald E. Kiely, UM-Missoula. [ITEM 135-1002-R0507](#)
- h. Employee Joint Venture: John M. Gerdes, UM-Missoula. [ITEM 135-1016-R0507](#)
- i. Employee Joint Venture: Edward Rosenberg, UM-Missoula. [ITEM 135-1003-R0507](#)

4:15 PM PUBLIC COMMENT

4:30 PM ADJOURN

Other than the meeting starting time, the times listed are approximate. In addition, agenda items may be rearranged unless an item is listed as having a "time certain."

Action may be taken on any item listed on the Board or Committee Agendas. Public comment is welcome on all items.

The Board of Regents will make reasonable accommodations for known disabilities that may interfere with an individual's ability to participate. Persons requiring such accommodations should make their requests to the Office of the Commissioner of Higher Education as soon as possible before the meeting to allow adequate time for special arrangements. You may call or write to: ADA Coordinator, P.O. Box 203201, Helena, MT 59620-3201, 406-444-6570, 1-800-253-4091 (TDD)

MINUTES**ADMINISTRATIVE, BUDGET AND AUDIT OVERSIGHT COMMITTEE****Wednesday, February 28, 2007**

The committee convened at 1:15 P.M.

Committee Members Present: Regent Steve Barrett, Regent Clayton Christian

Committee Members Absent: Regent Lila Taylor, excused

ACTION

- a. Revision of the Montana University System Honor Scholarship Policy – [ITEM 134-107-R0307](#)

These scholarships will decrease from 280 recipients to up to 200, with a change in the computation of the scores. These scholarships will complement the Governor's Best and Brightest scholarships.

Regent Barrett indicated the committee would recommend approval to the full Board with discussion.

- b. Authority to Purchase Property; MSU-Billings – [ITEM 134-2701-0307](#)

The Commissioner's Office reviewed this proposal and confirmed its legality and conformation to policy.

Regent Barrett indicated the committee would recommend approval to the full Board.

- c. Authorization for Campus Parking Projects; MSU-Bozeman – [ITEM 134-2006-0307](#)

This item covers work to be done on all campus parking lots, with work to be financed with non-state, auxiliary, and parking fees, and O&M. Statute allows the Board to approve such projects as long as the revenue is self generated.

Regent Barrett indicated the committee would recommend approval to the full Board.

- d. Financing Plan for Construction of New Research Facility; MSU-Bozeman – [ITEM 134-2004-0307](#)

This item seeks approval for the entire financing plan on a non-teaching facility that was already authorized. O&M will be from non-state funds.

Regent Barrett indicated the committee would recommend approval to the full Board.

- e. Spending Authority for Student Facilities Projects; MSU-Bozeman – [ITEM 134-2007-0307](#)

These projects were scaled back due to increased costs of 1% per month. Due to the late start, there was greater revenue on the bond sales which will cover some of the higher costs.

Regent Barrett indicated the committee would recommend approval to the full Board.

- f. Naming the Animal Resource Center “William J. Tietz Hall”; MSU-Bozeman - ITEM [134-2005-0307](#)

This item went through the campus Naming Committee, and meets the Regents' policy requirements.

Regent Barrett indicated the committee would recommend approval to the full Board.

- g. MSU – Ag Coalition Report (Potential action to be determined) [\(Link\)](#)

This item was to be discussed before the full Board.

INFORMATION

- a. Audit Reports
1. UM-Missoula Financial Audit – June 30, 2006 (Unqualified Opinion)
 2. MSU-Bozeman Financial Audit – June 30, 2006 (Unqualified Opinion)
 3. MGSLP Financial Audit – June 30, 2006 (Unqualified Opinion)
 4. Montana Tech Foundation – June 30, 2006 (Unqualified Opinion)

All four audits received unqualified opinions, with no issues being identified. Copies are available in the Commissioner's Office.

- b. MUS Self-Funded Workers Comp Program Update

Item b. was deferred to the full Board.

- c. FY 2006 Athletic Report

Overview report was given. See reports attached to Agenda.

- d. Fee Committee Report

Recommendations of the Fee Committee:

- Naming conventions for tuition and fees
 - Tuition
 - General tuition
 - Program tuition (4 year high cost programs)
 - Fee
 - Mandatory (charged to all students)
 - 2-year program fee – (focused on high costs programs)
 - Course fees – expenditures
 - Other fees – fines, rental, etc.
- Audit Guidance
 - Appropriate fund balances – CEO defines
 - Discretion at departmental level – group by department with proper audit trail
- Good faith effort to communicate fees to students
- Expand two polices – Computer fees and Equipment fees to allow use for O&M.

Regent Barrett indicated the committee would recommend approval to the full Board.

e. Review Board Direction Regarding Tuition & Fees

The Commissioner's office will bring the formal proposal for tuition and fees to the May Board meeting.

- The Board has committed not to increase tuition if the College Affordability Plan is approved.
- The Community Colleges did not make this agreement.
- Fee increases above the normal inflation rate must have documentation for justification.

Consensus of Committee

f. Distance Education Conversion; MSU-Bozeman

Montana State University-Bozeman will bring changes to the May Board meeting to bring tuition for on-line for-credit students in line with regular for-credit students as The University of Montana-Missoula did at an earlier meeting.

CONSENT

- a. Authority to Lease Space for MSU Alumni Association; MSU-Bozeman – [ITEM 134-2008-0307](#)
- b. Authorization to Expend Student Equipment Fees; UM–Helena College of Technology – [ITEM 134-1902-R0307](#)

Regent Barrett indicated the committee would recommend approval of Consent Agenda to the full Board.

There was no public comment.

Committee Adjourned at 3:05 p.m.

ITEM 135-114-R0507

Proposed Tuition Waiver Policy

THAT: The Board of Regents of Higher Education revises Policy 940.13, Fee Waivers, Montana University System, in accordance with the changes presented in this item.

EXPLANATION: The issue of tuition and fee waivers in the Montana University System is a matter of ongoing review. For over a year, a committee composed of campus and Office of Higher Education staff has been working on policy revisions. A discussion of this issue was held with the board in May of 2006. While work is not complete, the committee is recommending certain formatting, organizational and substantive changes at this time. Further substantive changes will be recommended in September or November of 2007. The changes recommended at this time are as follows:

1. Change of Name. The policy, currently named "Fee Waivers, Montana University System," will be renamed "Tuition Waivers, Montana University System." The policy will authorize tuition waivers only. The term "fees" is a holdover from the time tuition was known as "incidental fees." Registration fees will no longer be waived under this policy; such fees are small and the inclusion of them with the waiver of tuition has been a source of confusion.
2. Reorganization. The policy has been reorganized into "Board of Regents Designated Tuition Waivers" (§ 6), which are essentially mandatory waivers, and "Campus Discretionary Waivers" (§ 7). We have attempted to streamline the language and organize the policy into a more readable format. In some cases more precise language has been used. Repetitive language has been deleted. All waivers are of in-state tuition; out-of-state tuition waivers are authorized only in the provision expressly addressing out-of-state waivers.
3. American Indian Waiver. Extraneous language has been deleted, and the title has been changed to "American Indian Waiver," but otherwise this waiver remains the same, except that, as with all of the other waivers, the waiver is of in-state tuition only and does not include registration fees.
4. Honorably Discharged Veterans. This section now includes combat veterans of Iraq and Afghanistan.
5. War Orphans Waiver. This provision has been updated to include orphans of Iraq and Afghanistan veterans who died in service as a result of combat.

6. September 11, 2001 Victims' Waiver. We are recommending a sunset clause (May 30, 2010) for this waiver.
7. Senior Citizens' Waiver. Eligibility for this waiver has been changed from 62 to 65 years of age, with a grandfathering provision for those who are current recipients of the waiver. The committee is recommending that this waiver be changed from a board-designated (mandatory) waiver to a campus discretionary waiver.
8. Custodial Student Waiver. We are working with the Department of Corrections (DOC) to find a means of better addressing access and affordability issues for students recently released from youth custodial institutions. The committee recommends removal of the waiver language from the policy. Such waivers would continue to be allowed as campus discretionary waivers. The committee is proposing establishment of a written working arrangement between the MUS and the DOC's Youth Services Division to provide a protocol for the provision of reasonable financial aid packages for DOC-recommended custodial students.
9. Out-of-State Student Waivers. This provision remains unchanged in this revision, however we will continue to work on this issue. A committee of OCHE and campus staff will work over the summer and report back to the commissioner, campuses and the fee waiver committee in August, 2007.

ATTACHMENTS:

Proposed Revised Policy 940.13 (changes in bold)

ITEM 135-114-R0507 ATTACHMENT

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION

Policy and Procedures Manual

PAGE: 940.13 (page 1 of 5)

SUBJECT: FINANCIAL AFFAIRS

Effective: **Fall Semester 2007**

Section: 940.13. Tuition Waivers; Montana
University System

Issued: June 1, 2007

Approved:

A. Board policy:

1. The campuses of the Montana University System are authorized to waive tuition in accordance with this policy. The Commissioner of Higher Education is responsible for the general administration of this policy.

2. The objectives of this policy are to:

a. assure a uniform and equitable administration of tuition waiver policies for students at the campuses of the Montana University System,

b. increase accessibility to public higher education for citizens who would not be able to matriculate or to continue an educational program without financial assistance,

c. recognize meritorious achievement or service, whether academic or through exceptional accomplishment, by students in the Montana University System,

d. maintain fiscal responsibility by insuring that other sources of financial assistance are explored and utilized prior to the waiver of tuition which reduces funds for the operation of the Montana University System, and

e. ensure that the allocation of waivers is made in accordance with federal law, specifically Title IX of the Higher Education Amendments of 1972.

3. Under this policy, only tuition will be waived. No fees, mandatory or miscellaneous, or program fees or other charges are waived by this policy.

4. Self-Supporting courses. Waivers awarded under this policy cannot be applied to self-supporting courses. Student with waivers under this policy will be required to pay the full tuition and fees for the self-supporting course.

5. Summer session. Any category of waiver granted to students during summer session shall be included in computations of each unit's allowable limit. Summer semester is considered the first semester of the fiscal year.

6. Board of Regents Designated Tuition Waivers. The Board of Regents hereby directs the campuses to grant waivers of undergraduate tuition for Montana resident students enrolled in the following categories at campuses of the Montana University System:

a. Montana University System Honor Scholarships. Recipients of a Montana University System Honor Scholarship are eligible for a tuition waiver pursuant to Board of Regents Policy 501.1.

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Approved:

b. Community College Honor Scholarships. Recipients of a Community College Honor Scholarship are eligible for a tuition waiver pursuant to Board of Regents Policy 501.2.

c. Honor Scholarship for National Merit Scholarship Semi-Finalists. National Merit Scholarship semi-finalists from Montana are eligible for a waiver through the first academic year (2 semesters) of enrollment exclusive of any credits earned prior to high school graduation. The holder of the scholarship must enter one of the Montana University System campuses or Dawson Community College, Flathead Valley Community College or Miles City Community College within nine months after high school graduation. A satisfactory standard of scholarship must be maintained as prescribed in § 9(b), "Continued Eligibility for Waiver." The scholarship is not transferable to another person and becomes void three years from the date of issue.

d. American Indian Waiver. Persons of one-fourth (1/4) American Indian blood or more are eligible for a waiver upon demonstration of financial need.

e. Faculty and Staff Tuition Waiver. Tuition may be waived for permanent University System employees who are employed at least $\frac{3}{4}$ time for the entire period of enrollment. Permanent employees employed at least $\frac{3}{4}$ time for the entire academic year who are reemployed for the following academic year are eligible for a tuition waiver during the intervening summer term. Each campus may at its discretion also waive other fees, but in no case may registration and building fees be waived. Each campus may adopt regulations to limit the amount of credit an employee or staff member may register for and to control the times at which courses may be taken.

f. Honorably Discharged Veteran Waiver.

i. Veterans From the Vietnam Era and Before (i.e., served anytime prior to May 8, 1975) - All honorably discharged persons who served with the United States forces in any of its wars and who are bona fide residents of the State of Montana for fee and tuition purposes are eligible for a waiver. This waiver shall not apply to persons who qualify for education stipends or other veterans' educational benefits under federal law or regulation and shall apply only to those who have at some time qualified for benefits but whose benefits have expired or been exhausted.

ii. Post-Vietnam Era Veterans (i.e., service began after May 7, 1975) - Veterans serving in the armed forces subsequent to the conflict in Vietnam are eligible for a waiver if the following conditions are met:

(1) (a) The veteran has been awarded an Armed Forces Expeditionary Medal, or
(b) The veteran served in a combat theater in the Persian Gulf
between August 2, 1990 and April 11, 1991 and received the Southwest Asia Service Medal, or

(c) The veteran has been awarded the Kosovo Campaign Medal.; **or**

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(d) The veteran served in a combat theater in Afghanistan or Iraq after September 11, 2001 and received either the Global War on Terrorism Expeditionary Medal, the Afghanistan Campaign Medal or the Iraq Campaign Medal. For purposes of this policy any of the above noted medals shall be deemed to have been “awarded” to an individual if the individual was eligible for the medal but chose to receive another medal in lieu thereof.

(2) The veteran is pursuing his or her initial associate degree or initial baccalaureate degree.

(3) The veteran elected to become eligible for educational benefits under Title 38, Chapter 30 or 32, of the United States Code (or a successor federal program granting educational benefits based on active duty in the regular armed forces of the United States) and has exhausted such benefits or is no longer eligible for such benefits because of the passage of time. Participants in the Veterans Educational Assistance Program (VEAP) or any similar contributory program who withdraw any portion of their contribution before the expiration date for their benefits are not eligible for the waiver.

(4) The veteran is a resident of Montana eligible for in-state tuition and fees under the policies of the board.

g. War Orphans Waiver. A waiver is available, with the approval of the Commissioner of Higher Education, for children aged 25 and under of members of the armed forces of the United States who served on active duty during World War II, the Korean, Vietnam, **Iraq or Afghanistan** conflicts. Such members of the armed forces must be Montana residents at the time of entry into service and must have been killed in action or died as a result of combat related injury, disease, or other disability while in the service.

h. Surviving Dependents of Montana National Guard Member Waiver. The surviving spouse or child of any Montana National Guard member killed as a result of injury, disease, or other disability incurred in the line of duty while serving on state active duty is eligible for a waiver. This waiver shall not apply to the extent that any such person is eligible for educational benefits from any governmental or private benefit program that provides comparable benefits.

i. September 11, 2001 Victims Waiver. Persons whose spouse, parent, or legal guardian was a victim of the September 11, 2001 terrorist actions at the New York World Trade Center, the Pentagon or the Pennsylvania airplane crash are eligible for the waiver. “Victim” as used herein means a person killed as a direct result of physical injuries suffered on or about September 11 directly related to the above noted terrorist actions and includes rescuers, relief workers or fire and police personnel. It does not include any individual identified by federal law enforcement personnel as likely perpetrators of the terrorist activities. If a person is eligible for other grants or scholarships based on the individual’s relationship to a victim, which assistance may be used for attendance within the Montana University System, the waiver shall be available

ITEM 135-114-R0507 ATTACHMENT

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SUBJECT: FINANCIAL AFFAIRS

Effective: **Fall Semester 2007**

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University System

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Approved:

only if the individual has fully pursued this alternative source of student assistance and only to the extent that the alternative aid does not cover charges otherwise waivable under this policy. **This provision will automatically expire on May 30, 2010.**

j. Surviving Dependents of Montana Firefighters/Peace Officers Waiver. The surviving spouse or child of any Montana firefighter or peace officer killed in the course and scope of employment is eligible for a waiver. This waiver shall not apply to the extent that any such person is eligible for educational benefits from any governmental or private benefit program that provides comparable benefits.

7. **Campus Discretionary Waivers.** Campuses of the Montana University System may grant the following waivers, **on a full or partial basis**, subject to specified conditions. Institutions are not required, nor encouraged, to allocate the maximum number or value of waivers allowed.

a. Undergraduate Student Waiver. Tuition may be waived for under-graduate **resident** students, which for the campuses of any one unit shall not exceed 6% of the unit's total fall term FTE enrollment for the preceding year, exclusive of all other waivers.

b. Out-of-State Student Waivers. Campuses may waive **out-of-state** tuition for out-of-state students, which for the campuses of any one unit shall not exceed 2% of the unit's total fall term FTE enrollment for the previous year. The 2% limit shall apply to all undergraduate, graduate and athletic waivers.

c. Graduate Student Waiver. Tuition may be waived for graduate students; however, the number of waivers for the campuses of any one unit shall not exceed 4% of the unit's total fall term FTE of the preceding academic year.

d. WICHE/WWAMI. Limitations on numbers of students in subsections 7(a), 7(b) and 7(c) above shall not apply to students from other states who enroll under provisions of any WICHE or WWAMI sponsored state reciprocal agreements which provide for the payment, where required, of the student support fee by the reciprocal state, or to student exchange programs which the Commissioner of Higher Education may designate under the WICHE Fellows or Scholars programs.

e. **Montana Senior Citizen Waiver.** Tuition may be waived for resident students who are at least 65 years of age. Students who were recipients of this waiver and enrolled during the 2006-07 academic year retain the waiver so long as they remain continuously enrolled.

f. Allocation. Campuses may authorize waivers on the basis of superior academic achievement, service to the campus or meritorious accomplishment.

8. Rules Applicable to all Waivers.

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Approved:

a. Financial Need. All waivers, except Honor Scholarships for National Merit Scholarship semi-finalists, **MUS** Honor Scholarships, Community College Honor Scholarships, and waivers for graduate teaching assistants and graduate research assistants shall include financial need as a criterion whenever possible.

b. Continued eligibility for waiver. Students are eligible for continuation of a waiver, from year to year, unless otherwise limited, provided reasonable academic progress is maintained in accordance with the campus's satisfactory progress policy generally used in administering federal financial aid. This provision does not apply to senior citizens and faculty and staff waivers.

c. Waiver Amount Limit. **No combination of waivers can exceed the total tuition charged by the campus.**

B. Procedures:

1. Authorizing official. The Financial Aid Director at each campus shall be the official authorized to award financial assistance, including tuition waivers and scholarships, to any student. No notice or authorization of financial assistance including tuition waivers and scholarships shall be communicated to a student except by authorization from the Financial Aid Director.

2. Reporting and review:

a. Each unit of the Montana University System will report annually to the Commissioner of Higher Education concerning waivers on forms provided.

b. The president or chancellor of each campus, with the assistance of the financial aid director, shall annually review financial aid practices to insure that waivers are allocated in accordance with applicable policy.

c. The administration of this policy will be reviewed periodically by the Commissioner of Higher Education to insure that no inequities, misinterpretations or misapplications have occurred and to assist in alleviating any problems.

3. Effective Date. **This policy will be effective for fall semester, 2007.**

History:

Item 5-006-R0774, Policy Regarding Fee Waivers, Montana University System, as amended June 7, 1976 (Rescinded); Item 18-005-R1077, October 28, 1977, as revised January 16, 1978, April 11, 1978, January 21, 1983, January 30, 1984, November 4, 1988, June 21, 1989, April 26, 1990, July 31, 1990, November 9, 1990, March 22, 1991, July 30, 1992, November 11, 1993, July 7, 1994, November 20, 1997, May 21, 1998, November 18, 1999 (Item 104-103-R0999), November 16, 2001 (Item 113-109-R1101), January 18, 2002 (ITEM 114-103-R0102), March 22, 2002 (Item 113-108-R1101), May 24, 2002 (Item 114-101-R0302), March 20, 2003 (Item 118-103-R0303) and as revised by the Task Force on Fees Report approved by the Board of Regents on March 24, 2000 with an effective date of Academic Year 2002.

May 30 – June 1, 2007

ITEM 135-2701-R0507

Authorization to Relocate a Soccer Field; Montana State University – Billings

THAT:

Consistent with the Provisions of MCA 18-2-102 [* (c) the Regents of the Montana University System, with the consent of the Governor, may authorize the construction of a building that is financed wholly with federal or private money if the construction of the building will not result in any new programs. *], the Board of Regents of Higher Education authorizes Montana State University – Billings to relocate an existing Soccer Field to meet NCAA standards and the Main Entrance to facilitate a signalized intersection. The estimated cost is \$1,225,000.

EXPLANATION:

- 1) The scope of this project includes:
 - a. infrastructure and associated landscaping to meet NCAA standards; and
 - b. realignment of the main entrance to facilitate a signalized intersection and replace the failing existing entrance road.
- 2) The project will be completed using private funds (\$725,000) for the Soccer Field and a combination of Parking/Building Fees (\$500,000) for the Main Entrance.
- 3) Continued operations, and maintenance funds will be provided from within existing programs.
- 4) The project will result in no new programs.
- 5) MSU-Billings will seek an INTERCAP loan in the amount of \$725,000.
- 6) The project requires the authorization of the Board of Regents and the consent of the Governor.

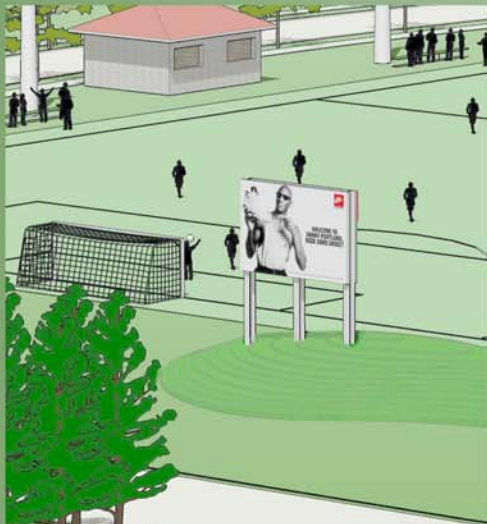
ATTACHMENT:

Rendering of Soccer Field along with amenities



MSU BILLINGS COLLEGE OF TECHNOLOGY
SOCCER FIELD IMPROVEMENTS

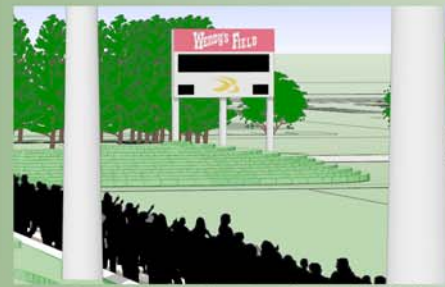
Land Design, Inc.
LANDSCAPE ARCHITECTURE



VIEW OF SCOREBOARD FROM CENTRAL AVE.



VIEW OF SOCCER FIELD SIGN FROM CENTRAL AVE.



VIEW OF SOCCER FIELD FROM BLEACHER SEATING



VIEW OF SOCCER FIELD FROM CAMPUS



VIEW OF FIELD FROM ROOF OF EXISTING COT BUILDING

May 30 – June 1, 2007

ITEM 135-2006-R0507

Western Transportation Institute Lease of Property for Cold Regions Transportation Research Facility

THAT:

The Board of Regents of Higher Education authorizes MSU-Bozeman to negotiate and enter into a lease for land to develop the Western Transportation Institute Cold Regions Transportation Research Facility in Lewistown, Montana.

EXPLANATION:

1. Since 2003, the Western Transportation Institute of MSU-Bozeman has been looking at portions of the Lewistown Municipal Airport as an ideal location to conduct rural and cold weather transportation research.
2. In 2006, a 4-year federal grant became available for the planning, design, and building of the research facility in Lewistown, Montana. The granting agency is the US Department of Transportation – Research and Innovative Technology Administration – Office of Research, Development, and Education.
3. Phase III of the project is to ensure long-term sustainability of the research facility; thus it is desirable to negotiate a long-term lease (10 years with 10 year option to renew).
4. MSU-Bozeman will negotiate and enter into a long-term lease for runways and adjacent land for development of the new research facility. The lessor is the Lewistown Municipal Airport. The lease terms and conditions will be reviewed and approved by university legal counsel.

Memorandum of Understanding

THIS AGREEMENT, entered into as of this ____ day of ____, 2007 by and between the Board of Regents of the Montana University System (the "BOR") on behalf of The University of Montana (the "University") and The University of Montana Foundation (the "Foundation").

RECITALS

The BOR is responsible for supervising, coordinating, managing and controlling the Montana University System, including overseeing the mission, leadership, and operations of the University. As part of its responsibilities the BOR is responsible for the employment, compensation, and evaluation of all University employees including the president of the University

The Foundation was organized and incorporated in 1951 for the purpose of stimulating voluntary private support from alumni, parents, friends, corporations, foundations, and others for the benefit of the University and provide opportunities for students and a margin of institutional excellence unavailable with state funds.

The Foundation is dedicated to assisting the University in the building of the endowment and in addressing, through financial support, the long-term academic and other priorities of the University.

As stated in its articles of incorporation, the Foundation is a separately incorporated 501 (c) (3) organization and is responsible for identifying and nurturing relationships with potential donors and other friends of the University, soliciting cash, securities, real and intellectual property, and other private resources for the support of the University and acknowledging and stewarding such gifts in accordance with donor intent and its fiduciary responsibilities.

Furthermore, in connection with its fund-raising and asset-management activities, the Foundation retains personnel experienced in planning for and managing private contributions and works with the University to assist and advise in such activities.

In consideration of the mutual commitments herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Section 1 Foundation Name, Seal and Logotype

Consistent with its mission to help to advance the plans and objectives of the University, the Foundation is granted the use of the name The University of Montana Foundation; however, the Foundation will operate under its own seal and logotype and shall not use the University seal or other identifying marks in the promotion of its business and activities.

Section 2 The Foundation's Relationship to the University

The Foundation's board of directors is responsible for the control and management of all assets of the Foundation, including the prudent management of all gifts consistent with donor intent.

The Foundation is responsible for the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws that clearly address the board's fiduciary responsibilities, including expectations of individual board members based upon ethical guidelines and policies.

The Foundation is responsible for the employment, compensation, and evaluation of its employees, including the Foundation president and chief executive officer.

The Foundation may earmark a portion of its unrestricted funds to a discretionary fund for the President of the University and will either transfer a percentage of those funds annually to the institution in compliance with state law and University policies or reimburse appropriate presidential expenditures. All such expenditures must comply with the I.R.S. 501 (c) (3) code and be consistent with the Foundation's mission. Such funds will be audited as part of the Foundation's annual independent audit.

Section 3 The University's Relationship to the Foundation

The University President is responsible for communicating the University's priorities and long-term plans, as approved by the BOR, to the Foundation.

The BOR and the University recognize that the Foundation is a private corporation with the authority to keep all records and data confidential consistent with the law.

The President and Chief Executive of the Foundation shall be included as a member of the University President's cabinet and senior administrative team.

The University shall include the Foundation as an active and prominent participant in the strategic planning for the University.

The President of the University shall serve as an ex-officio, non-voting member of the Foundation board and shall assume a prominent role in fund-raising activities.

The University shall establish and enforce policies that support the Foundation's ability to respect the privacy and confidentiality of donor records.

Section 4 University Responsibilities

4.1 Direct Compensation. In consideration for Foundation services including but not limited to the responsibilities listed in Section 5 (Foundation Responsibilities), the University will provide the Foundation with fair and reasonable compensation or payment for services. The amount of compensation will be negotiated on a triennial basis (or more frequently if so agreed by both parties) by the end of March prior to the fiscal year in which the compensation is to be paid. The compensation and payment dates for each of the fiscal years immediately subsequent to the date of this agreement are included as Attachment A.

4.2 Development Officer Cost Sharing. The University shall share, generally on an equal basis, the salary and cost of employment benefits of development officers assigned to serve particular units of the University. The cost sharing arrangement for each such development officer position shall be funded from funds held by the Foundation for use at the discretion of the unit served (or if necessary, the President of the University). The arrangement shall be evidenced by an Development Officer Cost Sharing Memorandum of Understanding in the form included as Attachment B.

4.3 Office Space. The University shall lease adequate office space to the Foundation under the terms of a separately negotiated, fair market Lease Agreement on mutually acceptable terms.

4.4 In-kind Services. In consideration of Foundation services, the University will also provide the following in-kind support, including but not limited to the following.

The University will store the data related to the BANNER database containing both (a) the Foundation's donors and prospective donors and (b) the alumni records maintained by the University of Montana Alumni Association (the UMAA). This data will be stored by the University' Information Technology Office on University-owned hard drives used exclusively by the Foundation and UMAA. The BANNER application forms will be stored on a Foundation-owned server housed and maintained by the University.

The University will store the data [and related operating system] related to the BANNER data mart used by the Foundation to provide reporting on its own operations as well as UMAA's database related activities. This data will be stored on a Foundation-owned hard drives used exclusively by the Foundation housed and maintained by the University.

The University will provide database management services related to the above. The Foundation reserves the right to contract third-part database administration or programming services.

The University will upgrade Banner and Oracle software upgrades to the databases supporting the Foundation and UMAA in a reasonable timeframe after these upgrades become available.

The University will provide the Foundation with access to the BANNER and BANNER data mart data, as well as internet access and use of the University email system.

The University will provide regular maintenance, data backups, security and recovery related to these databases in accordance with accepted industry best practices.

It is understood that the Foundation may request services in addition to those listed above and that the University may elect to charge the foundation for those services at a mutually agreed upon rate.

4.5 Alumni Records. The University shall provide the Foundation with access to the alumni records as maintained by UMAA. The Foundation shall not release or otherwise use these records for any purpose outside of that expressly outlined in this Memorandum of Understanding.

4.6 Confidentiality. All data related to the Foundation's donors and prospective donors, as well as all data related to any aspect of the Foundation's operations including but not limited employee records, accounting data, investment records and all management information are the exclusive property of the Foundation. The University shall not share this information with any other party without the express written permission of the Foundation. To the extent permitted by applicable law, the University will support and honor the policies established by the Foundation to protect the privacy and confidentiality of donor and prospective donor records.

Section 5 Foundation Responsibilities

5.1 Fund-Raising.

ITEM 135-1019-R0107

In a coordinated and cooperative effort with the University, the Foundation shall create an environment conducive to increasing levels of private support for the mission and priorities of the University, each as established by the University.

The Foundation, in consultation with the University president, is responsible for planning and executing comprehensive fund-raising and donor-acquisition programs in support of the institution's mission. These programs include annual giving, major gifts, planned gifts, special projects, and campaigns as appropriate.

The Foundation will establish, adhere to, and periodically assess its gift-management and acceptance policies. It will promptly acknowledge and issue receipts for all gifts on behalf of the Foundation and the University and provide appropriate recognition and stewardship of such gifts.

The University recognizes that the Foundation bears major responsibility for fund-raising. University representatives will coordinate fund-raising initiatives including major gifts solicitations with the Foundation.

The University President will work in conjunction with the leadership of the Foundation board and the Foundation president to identify, cultivate, and solicit prospects for private gifts.

The Foundation shall not accept grants from state or federal agencies, except in special circumstances that are approved by the Foundation board of directors and the governmental agency.

The Foundation shall establish and enforce policies to protect donor and prospective donor confidentiality and rights.

5.2 Asset Management.

The Foundation will establish asset-allocation, disbursement, and spending policies that adhere to all current and future applicable federal and state laws including the Uniform Prudent Investor Act (UPIA) and the Uniform Management of Institutional Funds Act (UMIFA) as amended or modified from time to time.

The Foundation will receive, hold, manage, invest, and disperse contributions of cash, securities, and other forms of property, including immediately vesting gifts and deferred gifts that are contributed in the form of planned and deferred-gift instruments.

5.3 Fund Administration and Distribution.

The Foundation is the primary depository of private gifts and will transfer funds to the designated entity within the University in compliance with applicable laws, University policies, and gift agreements.

The Foundation's disbursements on behalf of the University must be reasonable business expenses that support the institution, are consistent with donor intent, and do not conflict with the law.

When distributing gift funds to the University, the Foundation will disclose any terms, conditions, or limitations imposed by donor or legal determination on the gift. The University will abide by such restrictions and provide appropriate documentation.

5.4 Foundation Funding and Administration

The Foundation is responsible for establishing a financial plan to underwrite the cost of Foundation programs, operations, and services.

The Foundation has the right to use a reasonable percentage of the annual unrestricted funds, assess fees for services, or impose gift taxes, to support its operations.

Except as outlined in Paragraph 4.2 above, the Foundation, at its own expense, will provide office space (pursuant to the terms of the Lease Agreement referenced in Paragraph 4.3 above), computer and telephone systems, utilities, adequate personnel, office supplies, and other such services that may be necessary or required to fulfill its responsibilities and obligations.

The Foundation shall maintain, at its own expense, copies of the plans, budgets, and donor and alumni records developed in connection with the performance of its obligations.

The Foundation will provide access to data and records to the University on a need-to-know basis in accordance with applicable laws, Foundation policies, and guidelines. The Foundation will provide copies of its annual report, and other information that may be publicly released.

5.5 Other Responsibilities.

The Foundation will engage an independent accounting firm annually to conduct an audit of the Foundation's financial and operational records and will provide the University with a copy of the annual audited financial statements.

With the explicit approval of the Foundation board, the Foundation may from time to time serve as an instrument for entrepreneurial activities for the University including but not limited to the purchasing, developing, or managing real estate for University, or University-related expansion.

The Foundation may hold licensing agreements and other forms of intellectual property, borrow or guarantee debt issued by their parties, or engage in other activities to increase Foundation revenue with no direct connection to a University purpose.

Section 6 Other Matters

This Memorandum of Understanding is intended to set forth policies and procedures that will contribute to the coordination of their mutual activities. To ensure effective achievement of the items of the agreement, the University and the Foundation officers and board representatives shall hold periodic meetings to foster and maintain productive relationships and to ensure open and continuing communications and alignment of priorities.

Consistent with provisions appearing in the Foundation’s bylaws and its articles of incorporation, should the Foundation cease to exist or cease to be an Internal Revenue Code 501 (c) (3) organization, the Foundation will transfer its assets and property to the University.

The Recitals are incorporated into this Memorandum by this reference.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS Memorandum of Understanding to be executed by their duly authorized offices as of the day and date first above written.

BOARD OF REGENTS OF THE MONTANA
UNIVERSITY SYSTEM

THE UNIVERSITY OF MONTANA FOUNDATION

President
The University of Montana

President & Chief Executive Officer
The University of Montana Foundation

Date: _____

Date: _____

Attachment A

Memorandum of Understanding Dated _____, 2007

Direct Compensation Agreement per Section 4 (University Responsibilities)

Further to Section 5 of the Memorandum of Understanding of _____, 2007 between the Board of Regents of the Montana University System on behalf of The University of Montana (the “University”) and The University of Montana Foundation (the “Foundation”), the direct compensation to be paid by the University to the Foundation shall be as follows:

<u>Fiscal Year Ending June 30, 2008</u>		<u>Fiscal Year Ending June 30, 2010</u>	
Due on July 1, 2007	\$100,000	Due on July 1, 2009	\$ 90,000
Due of October 1, 2007	100,000	Due of October 1, 2009	90,000
Due on January 1, 2008	100,000	Due on January 1, 2010	90,000
Due on April 1, 2008	100,000	Due on April 1, 2010	90,000
Total for FY 2008	\$400,000	Total for FY 2010	\$360,000

<u>Fiscal Year Ending June 30, 2009</u>	
Due on July 1, 2008	\$ 95,000
Due of October 1, 2008	95,000
Due on January 1, 2009	95,000
Due on April 1, 2009	95,000
Total for FY 2009	\$380,000

AGREED this day by;

BOARD OF REGENTS OF THE MONTANA
UNIVERSITY SYSTEM

THE UNIVERSITY OF MONTANA FOUNDATION

President
The University of Montana

President & Chief Executive Officer
The University of Montana Foundation

Date: _____

Date: _____

Attachment B

Cost Sharing Memorandum of Understanding
Development and Constituent Alumni Relations Positions
[DATE]

The University of Montana Foundation is an independent, non-profit, tax-exempt organization organized to support The University of Montana through private support. The UM Foundation employs and directly supervises all development personnel who are responsible for raising funds for the benefit of the University. In order to dedicate a UM Foundation staff member (DOD) to provide fund raising, advancement and/or constituent alumni relations to a particular unit within the University, the UM Foundation, The University of Montana, and the [UNIT TO BE SERVED] agree to the following terms.

1. The University will reimburse the UM Foundation for ½ of the salary and benefits of the wage line dedicated to the constituent alumni relations or advancement portion of a particular school or program on campus. In addition, the University will reimburse the UM Foundation for development personnel travel and travel-related expenses when such expenses are incurred on behalf of the program along with paying other direct expenses such as phone, office space, supplies, and reasonable clerical support for these activities. Memoranda of understanding will be signed between the programs and the Foundation and are attached to this document.
2. In all cases, constituent alumni activities will be coordinated with the [DEAN OR PROGRAM OR DEPARTMENT HEAD], which has responsibility for the overall institutional alumni relations for the campus.
3. The UM Foundation will pay, solely with UM Foundation resources, for the fund raising portion of the DOD's salary, which is ½ of the DOD's salary and benefits for the wage line dedicated to this program. The UM Foundation will assume direct responsibility for paying the full cost of the DOD's salary and benefits, as well as DOD fund raising activities, subject to the reimbursement obligation by the University, through the program, set forth in Paragraph 1 above.
4. The DODs will report to the UM Foundation VP for Development, with a strong dotted reporting line to the dean/director or vice president of the unit in which they are operating. In addition, the Foundation VP for Development will coordinate with the Executive Director of the UM Alumni Association. The DOD will reside within the unit or within the Foundation depending on the circumstances of the unit. The dean/director will be involved in the hiring of the DOD and the formulation and approval of the annual plan and related budget to be executed by the DOD. The dean/director will also participate in the yearly written performance evaluation of the DOD, with comment from the Executive Director of the Alumni Association. In the event that other personnel actions involving the DOD are required in between yearly evaluations, the VP for Development will consult with the dean/director and the Executive Director of the Alumni Association prior to taking action.
5. This MOU will be renewed annually, subject to mutually agreeable terms, conditions and modifications. Termination of the agreement can be made with a 30 day notice in writing by either party.

President & CEO
UM Foundation
Date:_____

President
The University of Montana
Date:_____

DEAN OR PROGRAM DIRECTOR
[UNIT SERVED]
Date:_____

May 30 – June 1, 2007

ITEM 135-1504-R0507

Proposed acquisition of approximately 56 acres of land adjacent to the west side of the north campus of Montana Tech of The University of Montana by donation from ARCO Environmental Remediation L.L.C. (AERL)

THAT:

The Board of Regents of Higher Education approves the acquisition, by donation from AERL to Montana Tech of The University of Montana, of approximately 56 acres of land adjacent to the west side of Montana Tech's north campus.

EXPLANATION:

The September 2006 Board of Regents meeting included a conceptual review of this proposed land acquisition, resulting in board encouragement for Montana Tech to proceed with trying to obtain the real property described in this item because of the property's location as the most viable site for Montana Tech's future north campus expansion. The AERL property is part of a superfund site subject to federal Environmental Protection Agency (EPA) jurisdiction. EPA and the Montana Department of Environmental Quality (DEQ) have both reviewed the proposed AERL property transfer to Montana Tech, and both agencies have collaborated with Montana Tech and UM legal counsel in assessing the proposed site's environmental risks. As seen in the attached letter, both agencies have approved the proposed site remediation plan and have no objection to the transfer or future construction and development at the site.

Montana Tech performed an environmental scan of the property using sampling methods approved by DEQ and the EPA, with results showing relatively high arsenic and lead contamination in seven of 20 small soil mounds on the site's extreme western edge. The EPA advised Montana Tech that returning the contaminated soil to the holes from which it was excavated and covering the contaminated soil with at least 18 inches of clean fill will constitute adequate remediation. There appear to be no other environmental conditions requiring post-acquisition remediation under applicable EPA or DEQ standards. The proposed quitclaim deed and gift agreement contain covenants requiring the Montana University System to assume all liabilities for environmental harm at the site as a non-negotiable condition for the site's donation by AERL. These covenants in turn are contained in the recorded property deed as part of federal superfund requirements requiring superfund site owners to

condition site transfers on transferee assumption of environmental remediation obligations and liabilities. Moreover, AERL will not donate the site absent transferee's assumption of site liability and covenant not to seek legal relief against transferor for any post-transfer site-related claim. As noted herein, Montana Tech does not consider the risk of such liability high or unreasonable based upon the environmental sampling plus subsequent discussions with EPA and DEQ.

ATTACHMENT:

1. EPA Letter approving site remediation plan and expressing no objection to the transfer (4/24/07)

ITEM 135-1504-R0507



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

April 24, 2007

President Frank Gilmore
MT Tech of the U of M
1300 W. Park Street
Butte, MT 59701

Re: BP/AR Land Transfer West of MT Tech

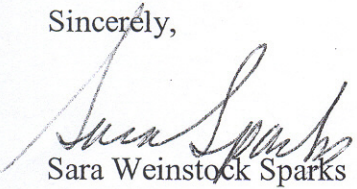
Dear President Gilmore:

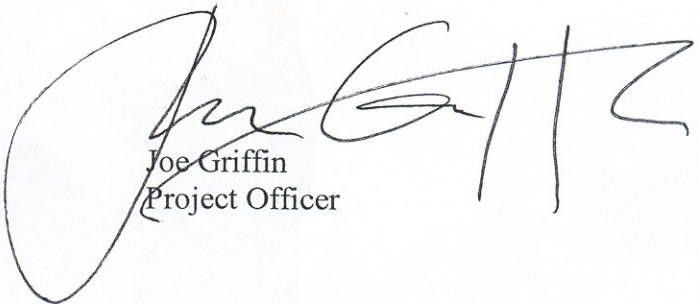
This letter is a follow up to the U. S. Environmental Protection Agency and Montana Department of Environmental Quality discussion with MT Tech concerning the BP/AR land transfer west of MT Tech. The Agencies have reviewed the analytical data submitted by MT Tech associated with the lands west of MT Tech and have also reviewed the plans for addressing mine waste associated within this area. The Agencies believe that your remediation plans are consistent with the Butte Priority Soils Operable Unit's Record of Decision and will address Agency's concerns with potential health and environmental issues associated with the properties.

It is the Agencies' understanding that MT Tech may build on part of these lands in the future. The buildings and/or parking lots will act as additional caps to any mine waste that may be present on the properties.

If you have additional questions or concerns as you acquire this property from BP/AR, please call me at (406) 782-7415 or Joe Griffin at (406) 841-5042.

Sincerely,


Sara Weinstock Sparks
Remedial Project Manager


Joe Griffin
Project Officer

cc: Henry Elsen; 8MO (e-mail only)
Brad Smith; MDEQ (e-mail only)



May 30 - June 1, 2007

ITEM 135-1017-R0507 **Increase in Project Authorization for an East Addition to Washington Grizzly Stadium; The University of Montana-Missoula**

THAT: Consistent with the provisions of MCA 18-2-102, the Board of Regents of Higher Education authorizes The University of Montana-Missoula to increase the project budget to construct an East Addition to Washington Grizzly Stadium. This original request for authority was in the amount of \$5,000,000., this request is for an increase the project authority to \$5,500,000.

EXPLANATION: The design process revealed that an option with a lower profile would be more accessible, desirable and aesthetically pleasing. However, the cost associated with this new plan would be higher due to the structural implications and other design issues. This request is to increase the project authority to cover these additional costs.

Financial Analysis:

The additional funding needed for the project will come by extending the repayment period of project from 5 years to 6 years thereby making an additional \$400,000 available and by allocating \$100,000 of Washington Grizzly Stadium Suite revenue to the Eastside Expansion Project. All other funding and repayment plans remain the same.

This authority request is for an amount greater than \$150,000, which requires the following additional information:

(a) Project Description:

The work performed under this authority encompasses the construction of additional seats, concessions, restrooms and circulation systems on the east side of Washington Grizzly Stadium. This expansion will add approximately 2000 seats.

(b) Cost estimate and Funding Sources:

Construction	\$4,500,000.00
Architectural Fees and Administrative Costs	500,000.00
Printing and Bidding Costs	5,000.00
Utilities	45,000.00
Contingency	400,000.00
Equipment	50,000.00
PROJECT TOTAL	\$5,500,000.00

This project will be financed with revenues from the sale of tickets club revenues and concessions.

(c) Programs served, enrollment data, projected enrollments:

Due to the success of the UM football program, there is a high demand for additional seating in Washington Grizzly Stadium.

(d) Space Utilization Data:

The work completed under this authority will provide space that is not currently available on campus.

(e) Projected use for available residual space:

(Not applicable to this request)

(f) Projected O&M Costs and proposed funding sources:

O&M costs for the new facilities are projected to be \$5,000 annually and are fully borne by Intercollegiate Athletics.

May 30 – June 1, 2007

ITEM 135-2008-R0507

Authorization for Conversion of Continuing Education (CE) Self Support FTE and Associated Tuition Revenues and Expenses to State Support

THAT:

The Montana University System Board of Regents authorize the conversion of courses from self to state support at Montana State University, and that the Board approve the revised tuition/fee matrices and course fees developed as a result of the conversion process.

EXPLANATION:

MSU recognizes that many distance courses and programs initially developed with self-support funds have become an integral part of MSU resident student enrollment patterns, and as self-support courses the FTE generated in those courses were not counted toward the MSU enrollment for state appropriations. In an effort to institutionalize these courses and programs, MSU is converting to state support previously self-support academic credit programs and courses, that can be used by students admitted to MSU towards a degree program.

Spreadsheets include the following and can be viewed at the following link:

<http://bor.montana.edu/board/meetings/meetings.asp>

- Spreadsheet showing projected FTE, revenue and expenses from conversion.
- Additional tuition and fee matrices to be used for distance education.
- New course fees to accompany courses moving to state support model.

ITEM 135-2008-R0507 (continued)

Conversion of Self Support Courses to State Support

Projected FYFTE

Resident	76
WUE	6
Non-resident	7

Total	89
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Projected Revenue

Resident	425,462
WUE	47,298
Non-resident	79,779

Total	552,539
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Projected Expenses

Personal Services	442,031
Operations	110,508

Total	552,539
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MONTANA STATE UNIVERSITY
Inventory and Validation of Fees
Semester - On-Line Only Undergraduate

Unit Name: Montana State University - Bozeman

Regents' Item No. 135-107-R0507

Effective Date: Fall 2007

Course Credit	Registration Fee	Tuition Fee	Building Fee	SFEP Fee	Computer Fee	Activity Fee	Health Fee	SU Fee	Equipment Fee	Information Technology Fee	Athletic Fee	Resident Total	Nonres. Building Fee	Nonres. Tuition Fee	Nonres. Total	Course Credit
1	30.00	189.95	0.00	0.00	3.05	0.00	0.00	0.00	0.00	0.00	0.00	223.00	0.00	189.95	412.95	1
2	30.00	379.90	0.00	0.00	6.10	0.00	0.00	0.00	0.00	0.00	0.00	416.00	0.00	379.90	795.90	2
3	30.00	569.85	0.00	0.00	9.15	0.00	0.00	0.00	0.00	0.00	0.00	609.00	0.00	569.85	1,178.85	3
4	30.00	759.80	0.00	0.00	12.20	0.00	0.00	0.00	0.00	0.00	0.00	802.00	0.00	759.80	1,561.80	4
5	30.00	949.75	0.00	0.00	15.25	0.00	0.00	0.00	0.00	0.00	0.00	995.00	0.00	949.75	1,944.75	5
6	30.00	1,139.70	0.00	0.00	18.30	0.00	0.00	0.00	0.00	0.00	0.00	1,188.00	0.00	1,139.70	2,327.70	6
7	30.00	1,329.65	0.00	0.00	21.35	0.00	0.00	0.00	0.00	0.00	0.00	1,381.00	0.00	1,329.65	2,710.65	7
8	30.00	1,519.60	0.00	0.00	24.40	0.00	0.00	0.00	0.00	0.00	0.00	1,574.00	0.00	1,519.60	3,093.60	8
9	30.00	1,709.55	0.00	0.00	27.45	0.00	0.00	0.00	0.00	0.00	0.00	1,767.00	0.00	1,709.55	3,476.55	9
10	30.00	1,899.50	0.00	0.00	30.50	0.00	0.00	0.00	0.00	0.00	0.00	1,960.00	0.00	1,899.50	3,859.50	10
11	30.00	2,089.45	0.00	0.00	33.55	0.00	0.00	0.00	0.00	0.00	0.00	2,153.00	0.00	2,089.45	4,242.45	11
12	30.00	2,279.40	0.00	0.00	36.60	0.00	0.00	0.00	0.00	0.00	0.00	2,346.00	0.00	2,279.40	4,625.40	12

MONTANA STATE UNIVERSITY
Inventory and Validation of Fees
Semester - On-Line Only Graduate

Unit Name: Montana State University - Bozeman

Regents' Item No. 135-107-R0507

Effective Date: Fall 2007

Course Credit	Registration Fee	Tuition Fee	Building Fee	SFEP Fee	Computer Fee	Activity Fee	Health Fee	SU Fee	Equipment Fee	Information Technology Fee	Athletic Fee	Resident Total	Nonres. Building Fee	Nonres. Tuition Fee	Nonres. Total	Course Credit
1	30.00	227.95	0.00	0.00	3.05	0.00	0.00	0.00	0.00	0.00	0.00	261.00	0.00	227.95	488.95	1
2	30.00	455.90	0.00	0.00	6.10	0.00	0.00	0.00	0.00	0.00	0.00	492.00	0.00	455.90	947.90	2
3	30.00	683.85	0.00	0.00	9.15	0.00	0.00	0.00	0.00	0.00	0.00	723.00	0.00	683.85	1,406.85	3
4	30.00	911.80	0.00	0.00	12.20	0.00	0.00	0.00	0.00	0.00	0.00	954.00	0.00	911.80	1,865.80	4
5	30.00	1,139.75	0.00	0.00	15.25	0.00	0.00	0.00	0.00	0.00	0.00	1,185.00	0.00	1,139.75	2,324.75	5
6	30.00	1,367.70	0.00	0.00	18.30	0.00	0.00	0.00	0.00	0.00	0.00	1,416.00	0.00	1,367.70	2,783.70	6
7	30.00	1,595.65	0.00	0.00	21.35	0.00	0.00	0.00	0.00	0.00	0.00	1,647.00	0.00	1,595.65	3,242.65	7
8	30.00	1,823.60	0.00	0.00	24.40	0.00	0.00	0.00	0.00	0.00	0.00	1,878.00	0.00	1,823.60	3,701.60	8
9	30.00	2,051.55	0.00	0.00	27.45	0.00	0.00	0.00	0.00	0.00	0.00	2,109.00	0.00	2,051.55	4,160.55	9
10	30.00	2,279.50	0.00	0.00	30.50	0.00	0.00	0.00	0.00	0.00	0.00	2,340.00	0.00	2,279.50	4,619.50	10
11	30.00	2,507.45	0.00	0.00	33.55	0.00	0.00	0.00	0.00	0.00	0.00	2,571.00	0.00	2,507.45	5,078.45	11
12	30.00	2,735.40	0.00	0.00	36.60	0.00	0.00	0.00	0.00	0.00	0.00	2,802.00	0.00	2,735.40	5,537.40	12

MONTANA STATE UNIVERSITY
Inventory and Validation of Fees
Semester - On-Line Only Western Undergraduate Exchange Program

Unit Name: Montana State University - Bozeman

Regents' Item No.

135-107-R0507

Effective Date: Fall 2007

Course Credit	Registration Fee	Tuition Fee	Building Fee	SFEP Fee	Computer Fee	Activity Fee	Health Fee	SU Fee	Equipment Fee	Information Technology Fee	Athletic Fee	Nonres. Building Fee	WUE Total	Course Credit
1	30.00	284.90	0.00	0.00	3.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	317.95	1
2	30.00	569.80	0.00	0.00	6.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	605.90	2
3	30.00	854.70	0.00	0.00	9.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	893.85	3
4	30.00	1,139.60	0.00	0.00	12.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,181.80	4
5	30.00	1,424.50	0.00	0.00	15.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,469.75	5
6	30.00	1,709.40	0.00	0.00	18.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,757.70	6
7	30.00	1,994.30	0.00	0.00	21.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,045.65	7
8	30.00	2,279.20	0.00	0.00	24.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,333.60	8
9	30.00	2,564.10	0.00	0.00	27.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,621.55	9
10	30.00	2,849.00	0.00	0.00	30.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,909.50	10
11	30.00	3,133.90	0.00	0.00	33.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,197.45	11
12	30.00	3,418.80	0.00	0.00	36.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,485.40	12

May 30 – June 1, 2007

ITEM 135-2009-R0507 **Annual Status Report of Regents Authority; Montana State University-Bozeman**

THAT: Consistent with the provision of Regent’s Policy, MSU-Bozeman hereby reports the status of existing project authority approved by the Board of Regents, for MSU-Bozeman and its affiliated campuses.

EXPLANATION: 1. Regent’s Policy 1003.7, Procedures, 2,(b) requires each University to “report and update annually to the Board of Regents regarding existing authority” relating to building projects.

 2. The attached documents meet reporting requirements mandated in 1003.7.

ATTACHMENTS: Board of Regents Authority – Montana State University – May 2007

BOARD OF REGENTS AUTHORITY STATUS

BOR ITEM#	AUTH DATE	EXPIRE DATE	DESCRIPTION	GOV AUTH		BOR ITEM FUND SOURCE	BOR AUTH AMOUNT	ANNUAL PROJECTED O&M		BUDGET	EXPENDED TO DATE	STATUS
				Y/N	DATE			AMT	FUND SOURCE			
MSU- BOZEMAN												
EPS CLEAN ROOM			PPA#03-0106 INDEX 464330									
121-2007-R1103	Nov-03	Nov-06	Construct a clean room in the Engineering Complex	Y	2/9/04	Federal Grant	2,000,000		Non State OCD funds	2,208,000	1,266,917	Construction
126-2003-R0105	Jan-05	Jan-08	Increase/Extend authority	Y	6/26/06	LRBP	1,500,000					
				N					State Funds	2,419		
TOTAL							3,500,000	-		2,210,419	1,266,917	
EPS LOBBY RENOVATION			PPA#04-0002 INDEX 453405									
121-2004-R1103	Nov-03	Nov-06	Renovate the Engineering Physical Sciences Atrium	Y	3/15/04	Donations	2,500,000		N/A	2,500,000	130,615	Construction
			Secure Intercep Loan from St of MT Board of Investments (loan limit 1,200,000);									
130-2010-R0306	Mar-06	Mar-09	Extends authority to 2009	N								
TOTAL							2,500,000	-		2,500,000	130,615	
FIRE SUPPRESSION SYSTEMS			PPA #05-0137 INDEX 464A38									
120-2015-R0903	Sep-03	Sep-06	Install Fire Suppression System in Residence Halls	N		Aux Op Rev	2,496,000		Non State			
131-2005-R0506	May-06	May-09	Extend Authority for Johnstone Center Fire Sprinklers									
			Langford Hall PPA#03-0053 Ind#464031							260,000	196,936	Complete
			Hapner Fire Sprinkler System PPA#04-0107 Index 464029							270,000	288,315	Complete
			Johnstone Center Fire Sprinklers PPA#05-0137 Index 464A38							621,000	235,523	Construction
TOTAL							2,496,000	-		1,151,000	720,773	
AUXILIARIES PAINTING			PPA# 04-0031 INDEX 464037									
122-2009-R0104	Jan-04	Jan-07	Paint existing Auxiliaries facilities	N		Aux Op Rev	950,000		N/A	950,000	733,490	Complete
133-2004-R1106	Nov-06	Nov-09	Authority extension									
TOTAL							950,000	-		950,000	733,490	
MARSH LAB			ST OF MT A&E PROJECT PPA#05-0150 INDEX 453555									
128-2004-R0905	Sep-05	Sep-08	Construct BSL-2 Large Animal Research Facility	Y	2/2/05	Non State	2,500,000		Non State	2,690,875	46,104	Design
133-2011-R1106	Nov-06	Nov-09	Increase/Extend Authority			Non State	1,000,000					
134-2004-R0307	Mar-07	-	Finance Plan Approved									
TOTAL							3,500,000	-		2,690,875	46,104	
CHEM/BIO RESEARCH BUILDING			ST OF MT A&E PROJECT PPA#04-0040 INDEX 453361									
122-2005-R0304	Apr-04	Apr-07	Construct a new Chem/Bio Research Lab Facility	Y	4/14/04	Federal / Res Funds	24,500,000	550K - 775K	Non State OCD funds	24,500,000	17,997,089	Construction
133-2005-R1106	Nov-06	Nov-09	Authority Extension									
131-2006-R0506	May-06	-	Name the Auditorium "Harlan & Terri Byker" Auditorium									
TOTAL							24,500,000	-		24,500,000	17,997,089	
STUDENT FAC ENHANCEMENT PROJ			PPA #'S 04-0050, 04-0055, 04-0060 INDEXES 453376-453378									
123-2002-R0504	May-04	May-07	Student Facilities Enhancement Project	N		Aux Op Rev	28,000,000		Non State			
134-2007-R0307	Mar-07	Mar-10	Increase/Extend Authority to 31.75M	N			3,750,000					
			Black Box Theatre PPA#04-0055 Index 453377							4,154,012	2,331,183	Construction
			H&PE Fitness Center PPA#04-0060 Index 453378							14,840,402	7,844,061	Construction
			SUB Renovation PPA#04-0050 Index 453376							12,650,062	1,217,631	Design
TOTAL							31,750,000	-		31,644,476	11,392,876	
NATIVE AMERICAN STUDENT CTR			ST OF MT A&E PROJECT PPA# 04-0051 INDEX 453620									
126-2004-R0105	Jan-05	Jan-08	Auth to request 59th Legis for construction of a Native American Ctr						Non State			Fundraising Complete
TOTAL							-	-		-	-	
COOLEY LAB RENOVATION			PPA#05-0119 INDEX 453580									
129-2005-R1105	Nov-05	Nov-08	Renovate a portion of Cooley Lab to modernize lab facilities	Y	12/27/05	Grant	5,000,000		Non State	5,000,000	153,573	Design
TOTAL							5,000,000	-		5,000,000	153,573	
COBLEIGH HALL			PPA#04-0141 INDEX 464326									
130-2004-R0306	Mar-06	Mar-09	Install subzero Cold Chambers	Y	5/3/06	Grant	2,000,000		Non State	1,887,000	110,391	Construction
TOTAL							2,000,000	-		1,887,000	110,391	
HEDGES NORTH AREA LANDSCAPING			PPA#04-0116 INDEX 464023									
132-2003-R0906	Sep-06	Sep-09	Improve rec area near the Hedges/Roskie Hall complex; 6 phases/5 years	N		Aux Op Rev	750,000		Non State		44,716	Design
TOTAL							750,000	-		-	44,716	

STADIUM SKY BOXES

N/A

133-2007-R1106	Nov-06	Nov-09	Plan & design new Sky Suites; Total estimated cost 7M	N	Private & Non State	400,000	-	Non State	-	-	Pre Design
TOTAL						400,000	-		-	-	

ITC RENNE LIBRARY

PPA# 06-0140 INDEX 464R42

133-2008-R1106	Nov-06	Nov-09	Upgrade ITC Electrical Systems in Renne Library	N		370,000		Non State	351,000	47,683	Construction
TOTAL						370,000	-		351,000	47,683	

PARKING/STREET ACCESS FACILITIES N/A

134-2006-R0307	Mar-07	Mar-10	Construct, maintain, repair, and replace new and existing parking facilities	N	Aux Ops & Non State Revs	2,000,000	-	Non State	2,000,000	-	Pre Design
TOTAL						2,000,000	-		2,000,000	-	

TOTAL MSU BOZEMAN

77,216,000 - 70,384,770 32,513,613

MSU BILLINGS

121-2703-R1103	Nov 03	Nov 06	Install fire suppression systems in various Residence Halls	N	Plant R&R	450,000	-	N/A	450,000		Construction
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TOTAL MSU BILLINGS

450,000 - 450,000

May 30 – June 1, 2007

ITEM 135-118-R0507

Annual Status Report of Regents Authority; University of Montana-Missoula

THAT:

Consistent with the provision of Regent's Policy, UM-Missoula hereby reports the status of existing project authority approved by the Board of Regents, for UM-Missoula and its affiliated campuses.

EXPLANATION:

1. Regent's Policy 1003.7, Procedures, 2,(b) requires each University to "report and update annually to the Board of Regents regarding existing authority" relating to building projects.
2. The attached documents meet reporting requirements mandated in 1003.7.

ATTACHMENTS:

Board of Regents Authority – University of Montana – May 2007

**The University of Montana
Board of Regents Authority
Annual Status Report
May 2007**

ITEM 135-118-R0507

Line #	BOR Item #	Auth Date	Expire Date	BOR Item Title	Authority Amount	Governor's Consent		Funding Source	Fund Raising Yes/No	Annual Projected O&M Costs		Architect	Status
						Req. Y/N	Date			Amount	Funding Source		
UM- Missoula													
	134-1001-C0307	Mar-07	Mar-10	Remodel Testing Center - Lommasson Center	\$220,000	N	N/A	Auxiliary & Campus	No	N/A	N/A		Suspended
	134-1007-R0107	Jan-07	Jan-10	Expansion to Washington-Grizzly Stadium (MCA 20-25-441 & MCA 20-25-442) (as amended)	\$5,000,000	N	N/A	Auxiliary & Private	Yes	\$5,000	Campus	OZ Architects	Under Design
	132-1002-R0906	Sep-06	Sep-09	Construction & Renovation of Academic Facilities (Redirect \$5,750,000 from OCHE/MGSLP to Various Campus Projects)	\$5,750,000			Bonds	No	N/A	N/A		
	132-1006-R0906	Sep-06	Sep-09	Increase in Project Authorization for the Inter-Disciplinary Science Building	\$13,800,000 (\$1,800,000 incr.)	Y	08/15/05	Bonds	No	\$672,520	Campus	Studio Forma	Bidding May 9, 2007
	132-1006-R0706	Jul-06	Sep-09	Increase Authority to Repair/Replace the HVAC System in the Curry Health Service Building (\$450,000 previously authorized by BOR 128-1001-R0905)	\$600,000 (\$150,000 incr.)	N	N/A	Auxiliary & InterCap Loan	No	N/A	N/A	JM Engineering	Complete
	128-1012-R0905	Sep-05	Sep-08	Executive Education Building Construction - Gilkey Planning Authorization BOR 124-1004-R0904)	\$5,100,000	Y	11/02/05	Private	Yes	\$98,000	Campus	LPW Architects	Fundraising - \$2,000,000 to Date
	128-1009-R0905	Sep-05	Sep-08	Planning for an Addition to the School of Education Building	\$75,000	N	N/A	Private	Yes	N/A	N/A	OZ Architects	\$3,000,000 to Date
	128-1001-R0905	Sep-05	Sep-08	Repair/Replace the HVAC System in the Curry Health Service Building	\$450,000	N	N/A	Auxiliary & InterCap Loan	No	N/A	N/A	JM Engineering	Design
	128-1004-R0705	Jul-05	Jul-08	Helena COT Multi-Purpose Building (Planning Authorization BOR 127-124-R0505, May 2005) (Series J)	\$5,000,000	N	N/A	Bonds	No	\$155,000	Campus	ThinkOne	Project Cancelled
	128-1004-R0705	Jul-05	Jul-08	Avian Research Center (Series J)	\$750,000	N	N/A	Bonds	No	N/A	N/A	MMW Architects	Design
	128-1004-R0705	Jul-05	Jul-08	Dormitory Sprinklers (Series J)	\$750,000	N	N/A	Bonds	No	N/A	N/A	Sprinkler Technology	Bid
	128-1004-R0705	Jul-05	Jul-08	School of Journalism Renovation (Series J)	\$750,000	N	N/A	Bonds	No	N/A	N/A	Schutz Foss	Design
	128-1004-R0705	Jul-05	Jul-08	Auxiliary Portion of Steam & Condensate Line Replacement (Series J)	\$1,800,000	N	N/A	Bonds	No	N/A	N/A	3 Rivers	Phase I Start 4/25/07
	128-1004-R0705	Jul-05	Jul-08	Interdisciplinary Research Facility (max) (Series J)	\$12,000,000	Y	08/15/05	Bonds	No	\$431,000	Campus	Studio Forma	Bid May 19, 2007
	127-124-R0505	May-05	May-08	OCHE & The University of Montana to Plan the Financing & Construction of an Office Building to House OCHE & MGSLP	Planning	N	N/A	Bonds	No	N/A	N/A		Project Cancelled
	127-1008-R0505	May-05	May-08	Native American Studies Building - Additional Authority Construction of New Research Lab Facility - Authority for Additional Floors	\$6,000,000	N	N/A	Private & University Unrestricted Funds	Yes	\$165,000	State	LA Olsen	Schematics Complete - Fundraising
	126-1012-R0105	Jan-05	Jan-08	Additional Floors	\$3,000,000	N	N/A	Private	Yes	\$80,000	Campus	Paradigm	HHP Lab \$1.5 million
	124-1001-R0704	Jul-04	Jul-07	Skaggs Addition Increase (\$2.5ML Budget Amendment)	\$14,000,000	Y	12/3/04	Bonds, Grant & Private	Yes	\$555,000	Campus	Schutz/Foss	Complete
	122-1015-R0304	Mar-04	Mar-07	Series I Bonds	\$3,000,000	N	N/A	Bond	No	N/A	N/A	N/A	75% Complete
	122-1010-R0304	Mar-04	Mar-07	Futures Park Planning	\$750,000	N	N/A	Grant & Private	Yes	N/A	State	OZ Architects	Suspended
UM- Butte													
	134-1501-R0107	Jan-07	Jan-10	HPER Building Bleacher Project	\$412,000	N	N/A	Private & University Unrestricted Funds	Yes	N/A	N/A		Bid
	132-1503-R0906	Sep-06	Sep-09	Replace HPER Building Gymnasium Hardwood Floor	\$250,000	N	N/A	Campus	No	N/A	N/A		Bid
	124-1503-R0704	Jul-04	Jul-07	Chemistry/Biology Building Renovation for National Center for Health Care Informatics (Increase to original authority Item# 118-1501-R0303)	\$225,000	N	N/A	Grant	No	N/A	N/A		Complete
UM- Dillon													
	130-1605-R0306	Mar-06	Mar-09	Wood-fired Boiler Project (Authorized in HB12) (\$400K Fuels for Schools Grant & \$1.2ml DEQ SBEP Bonds)	\$1,600,000	N	N/A	Grant/SBEP	No	N/A	N/A		Complete
UM- Helena COT													

TO: Montana Board of Regents

FROM: Roger Barber
Deputy Commissioner for Academic & Student Affairs

RE: Policy 940.29, Tuition: Post-Baccalaureate Students

DATE: May 30 - June 1, 2007

The Montana Board of Regents asked the Office of the Commissioner of Higher Education to prepare a recommendation on the above-referenced policy. This memorandum contains that recommendation, and is intended to provoke. . .and focus. . .discussion on the future of that policy.

The recommendation is as follows:

- the policy should remain in effect for the 2007 – 2009 biennium.
- the tuition authorized by this Policy should be phased out over a two-year period, beginning July 1, 2009.
- the repeal of the policy should be effective on June 30, 2011.
- the campuses of the Montana University System should be authorized to set tuition for graduate programs at a rate not to exceed 120% of the resident undergraduate tuition, before and after the repeal of this policy.
- the Office of the Commissioner of Higher Education should prepare a policy amendment for the May 2009 Board of Regents' meeting that reflects these recommendations.

The Academic and Student Affairs Committee of the Board of Regents has discussed this policy for more than a year. During that time period, the Committee has received information on the number of post-baccalaureate students on each campus and their programs of study, the financial aid opportunities available to post-baccalaureate students, and the potential revenue loss for the campuses if this policy is repealed. That revenue loss varies from \$50,000/year to approximately \$350,000/year on the two largest campuses.

The Office of the Commissioner of Higher Education believes that the policy has outlived its usefulness, however.

- It was adopted at a time when the Board enacted several policies to move students through the Montana University System quickly, and to penalize students for accruing credits. Most of those policies have been repealed.
- It no longer makes sense, particularly in a world where people change careers often, new job skills are important to a successful lifetime of work, and many professions. . .like teaching and healthcare. . .could benefit from the talents of people who have already had a successful career in some other field.

Post-Baccalaureate Tuition, cont.:
Page 2

The Commissioner's office believes it would be unfair to change the policy in the next biennium, since the campuses would have no time to prepare for its fiscal impact. Hopefully, Governor Schweitzer's CAP program will also be enacted by the 2007 Legislature. But if that happens, the campuses would have no way to recover the tuition loss associated with this policy repeal.

By postponing the repeal for two years, and by phasing it out over the next two years, the campuses of the Montana University System will have time to adjust to the revenue loss.

May 30 – June 1, 2007

ITEM 135-2702-R0507

Authorization to Expend Student Computer Fee
Allocation: Montana State University-Billings

THAT

Consistent with the provisions of Board of Regents' policy 940.23, the Board of Regents authorizes Montana State University-Billings to expend Student Computer Fee funds for the following projects that exceed the local approval threshold: purchase laptop and desktop computers, multi-media classroom equipment, and a content management system for both campuses. Total = \$400,000

EXPLANATION:

Board of Regents' policy 940.23 requires Board approval of all purchases over \$25,000. The Student Computer Fee Committee, whose membership includes 50 percent students as required by Board policy, endorses this proposal.

May 30-June 1, 2007

ITEM 135-1502-R0507

**Authorization to Expend Student Computer Fees;
Montana Tech of The University of Montana**

THAT:

The Board of Regents authorizes, in accordance with Montana University System Policy 940.23, the expenditure of student computer fee money for the following:

4-Year Campus –

Upgrade and replace academic labs (58 computers)	\$ 82,360
Network servers, switches and maintenance	\$ 55,750
Network Plenum Wiring Loan Payment	\$ 50,000
Microsoft licenses and specialty software licenses (estimate)	\$ 32,177
Paper, toner and lab printers	<u>\$ 17,000</u>
TOTAL	\$237,287

2-Year Campus (COT) –

Upgrade and replace student computer lab (25 computers)	\$ 32,500
Microsoft licenses and specialty software licenses (estimate)	\$ 16,244
Paper and toner	<u>\$ 2,500</u>
TOTAL	\$51,244

EXPLANATION:

In accordance with Montana University System Policy 940.23, this plan was developed in cooperation with student leadership and was approved by a Computer and Network Advisory Committee at both campus locations.

May 30 – June 1 2007

ITEM: 135-1014-R0507 Student Computer Fee Employment Allocation; The University of Montana

THAT: Consistent with the provisions of Board of Regents' Policy 940.23, the Board of Regents authorizes The University of Montana to expend Student Computer Fee funds for the following projects that exceed the local approval threshold:

Student Employment

- 1) College of Arts and Sciences (\$91,649);
- 2) Information Technology (public labs) (\$56,265);
- 3) School of Business (\$37,551);
- 4) College of Technology (\$30,943);
- 5) Student Technical Assistant Program (STAP) (\$30,000);
- 6) Mansfield Library (public labs) (\$25,319);
- 7) Information Technology (Help Desk) (\$25,000);
- 8) Information Technology (Web Development) (\$25,000).

EXPLANATION: Board of Regents' policy 940.23 requires Board approval of all purchases over \$25,000. The Student Computer Fee Committee, whose membership includes 50 percent students as required by Board Policy, endorses this proposal.

May 30 – June 1, 2007

ITEM 135-1015-R0507

Student Computer Fee Equipment Allocation; The University of Montana

THAT:

Consistent with the provisions of Board of Regents' Policy 940.23, the Board of Regents authorizes The University of Montana to expend Student Computer Fee funds for the following projects that exceed the local approval threshold:

- 1) College of Arts and Sciences equipment (\$128,141);
- 2) fund student access point charge (\$102,000);
- 3) Information Technology equipment \$80,000);
- 4) Mansfield Library equipment (\$34,000);
- 5) Pharos Uniprint software – ASUM proposal (\$31,900);
- 6) fund Academic Affairs for Blackboard (\$25,000);
- 7) set aside Information Technology contingency fund (\$25,000).

EXPLANATION:

Board of Regents' policy 940.23 requires Board approval of all purchases over \$25,000. The Student Computer Fee Committee, whose membership includes 50 percent students as required by Board Policy, endorses this proposal.

May 30-June 1 2007

ITEM 135-1503-R0507

Authorization to name the Montana Tech Basketball Floor the “Kelvin Sampson Court”; Montana Tech of The University of Montana

THAT:

Consistent with Board of Regents Policy 1004.1, Naming of Buildings, the Board of Regents of the Montana University System authorizes Montana Tech to name the current HPER Basketball Floor the “Kelvin Sampson Court”.

EXPLANATION:

In an attempt to make the arena in the HPER complex a *First Choice* facility, it is Montana Tech’s desire to honor former Oredigger Coach and current University of Indiana Head Men’s Basketball Coach Kelvin Sampson.

Coach Sampson started his collegiate head-coaching career as an Oredigger in 1982. Coach Sampson has twice been named NCAA National Coach of the Year. For the past twenty years, Coach has one of the highest winning percentages in NCAA Men’s Basketball. Currently, Coach Sampson is the head coach at the University of Indiana, one the most prestigious basketball programs in the country. He has consistently maintained the ability to win college basketball games at the highest level.

Coach Sampson’s endorsement of our facility will provide Montana Tech the ability to raise the capital needed to complete “Project Dreams”. It will provide unprecedented corporate partnerships, strong affinity donning and national media exposure to the parties involved. *Kelvin Sampson Court* will become an immediate landmark and will be a prime factor in recruiting top-tier athletes to our *First Choice Programs*.

Coach Sampson has made a generous initial donation and is ready to help the Digger Athletic Association raise the additional funding needed to complete the project. On May 19, 2007, Coach Sampson will announce his leadership gift to “Project Dreams”. The event will be the tip-off to our fund raising effort. Highly-supportive individuals will attend the fundraiser for an up close and personal evening with Kelvin. Coach Sampson will be involved in all aspects of the project from floor design to donor solicitation.

May 30 – June 1, 2007

ITEM 135-2005-R0507

**Authorization to Paint Existing Auxiliaries Facilities;
Montana State University Bozeman**

THAT:

Consistent with the provisions of MCA-18-2-102(b), the Board of Regents of Higher Education authorizes MSU-Bozeman to paint various areas of the Auxiliaries Facilities at MSU-Bozeman. The estimated cost for this project is \$375,000.

EXPLANATION:

1. The Auxiliaries facilities under this project are distributed throughout the campus at MSU-Bozeman.
2. The facilities under the responsibility of Auxiliary Services are in need of maintenance painting to protect surfaces and prevent deterioration of the underlying materials.
3. This project will be financed with maintenance funds from Auxiliary Operations Revenue (Renewal and Replacement Budget) in excess of debt service obligations.

Board of Regents Policy: Physical Plant B Section 1003.7

This Authority request is for an amount greater than \$150,000, which requires the following additional information:

(a) Project Description:

This project will provide maintenance painting to various Auxiliaries Facilities at MSU-Bozeman. This painting will protect underlying materials.

(b) Cost Estimate and Funding Sources:

Estimated Cost	
Design/Construction Admin 15%	\$56,250
Construction	\$300,000
<u>Contingency 5%</u>	<u>\$18,750</u>
Total estimate	\$375,000

Funding Source: This project will be financed with maintenance funds from Auxiliary Operations Revenue (Renewal and Replacement Budget) in excess of debt service obligations.

(c) Programs Served, Enrollment Data, Projected Enrollments:

The Auxiliaries Services program provides housing, food services, sports, music and other performances for students, staff, faculty and the public.
(Enrollment data is not applicable to this authority request.)

(d) Space Utilization Data

Residence facilities occupancy rates are consistently above 90%. Other Auxiliaries Facilities are heavily utilized. Annual utilization will not be impacted by this major maintenance project.

(e) Projected use for available residual space

(Not Applicable to this request)

(f) Projected O&M Costs and proposed funding sources

Historic O&M costs are not expected to be significantly impacted by this maintenance project, since facilities will not be expanded or significantly modified.

May 30 – June 1, 2007

ITEM 135-1002-R0507

Authorize Request for Employee Participation in Company Under Regents Policy 407; The University of Montana – Missoula

THAT:

The Board of Regents of Higher Education approves UM-Missoula employee Donald E. Kiely for ownership of an equity interest in, and service on the governing board of, and part-time employment with Montana Renewable Alternatives, Ltd., a Montana corporation, in accordance with board policy and state law.

EXPLANATION:

Dr. Donald E. Kiely, Professor of Chemistry is an employee of UM-Missoula. Dr. Kiely seeks approval to hold equity in, to serve as a part-time employee of, and to serve on the governing board of Montana Renewable Alternatives, Ltd., a corporation which will commercially disseminate and utilize intellectual property developed by Kiely as part of his authorized work for the university. The corporation will operate in accordance with a license agreement with UM-Missoula. Kiely will work in accordance with a conflict management plan developed by UM-Missoula. Under Policy 407 and MCA 20-25-109, university employees must have Board of Regent approval to serve as a director, officer, or board member of a business entity; to be employed by a business entity; or to hold equity in a business entity which has an agreement with, or shares ownership of intellectual property with, the university, relating to the development, licensing or commercial exploitation of that intellectual property.

UM-Missoula benefits from this approval. UM-Missoula-developed technology will be licensed and commercialized with the potential for resulting royalties; useful knowledge will be disseminated to the public and to other researchers around the country; and learning and research opportunities will be available to university students. A new Montana-based business will be created.

ATTACHMENTS:

407 Submission Form

EQUITY INTEREST/BUSINESS PARTICIPATION SUBMISSION FORM
MUSP 407

This form is to be submitted with any Board of Regents item when a campus seeks the approval of an agreement with or arrangement regarding an employee pursuant to 20-25-109 MCA and Regents Policy 407.

If any submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

1. Summarize the nature of the intellectual property that was developed by the employee(s) seeking approval.

Patents have issued to and been filed by The University of Montana on methods to generate commercially valuable sugar acids from carbohydrates. These sugar acids, alone, have inherent commercial value or they can be used as building blocks for commercially valuable polymers. Continuing work at UM is resulting in new inventions to improve the processes or which result in other commercial products; patents will be filed on these inventions. These products represent alternative carbon compounds generated from renewable resources as alternatives to petroleum-based chemicals. The materials may find uses as anticorrosives, packaging materials, or as films possessing antibacterial activities.

2. a. Name(s) of the university employee(s) involved.

Donald E. Kiely

2. b. Name(s) of business entity(ies) involved and its relationship with the university or other public agency.

Montana Renewable Alternatives, Ltd., a Montana Corporation

3. The university and employee(s) are seeking approval for (check as many as appropriate):

- a. The employee *has or will* be awarded equity interest in the Business Entity.
- b. The employee who is serving or may serve as a member of the board of directors or other governing board of the business entity.
- c. The employee to accept employment from the Business Entity.
- d. Other. Please explain.

4. How will approval of this relationship contribute to the objectives of the university's technology transfer and intellectual property development programs?

Montana Renewable Alternatives, Ltd. (MRAL) is a Montana corporation with business operations in Montana. It will continue to perform research and development on the proprietary materials and methods, will be involved in scale-up activities for producing the sugar acids and the polymers. However, ultimate mass production of the materials and conversion into finished products will be performed under sub-licenses to major chemical companies, which have world-wide presences.

The benefits to U of M and the State of Montana arising from activities of MRAL are:

- a) **Generation of revenues, which will be shared with UM;**
- b) **Employment opportunities for U of M graduates.**
- c) **As MRAL grows, its tax-base will also increase.**
- d) **Stronger research ties between MRAL and The University of Montana will be created and will ensure MRAL's continued growth in its Montana operations with the consequent benefits for the economy of the State of Montana.**

By allowing this University-private sector relationship to be established, intellectual property developed by University faculty can be used to grow a Montana-based company, will set an example for other entrepreneurs from the University looking for opportunities for commercialization of their innovations and creations, and will generate goodwill for University employees and the private sector. The University will incur no net cost by entering into any arrangements covered by this agreement.

May 30 – June 1, 2007

ITEM 135-1016-R0507

Authorize Request for Employee Participation in Company Under Regents Policy 407; The University of Montana- Missoula

THAT:

The Board of Regents of Higher Education approves UM-Missoula employee John M. Gerdes for ownership of an equity interest in, and service on the governing board of, and part-time employment with GT Neuropharma, Inc., a Montana corporation, in accordance with board policy and state law.

EXPLANATION:

Dr. John M. Gerdes, Associate Professor of Chemistry is an employee of UM-Missoula. Dr. Gerdes seeks approval to hold equity in, to serve as a part-time employee of, and to serve on the governing board of GT Neuropharma, Inc., a corporation which will commercially disseminate and utilize intellectual property developed by Gerdes as part of his authorized work for the university. The corporation will operate in accordance with a license agreement with UM-Missoula. Gerdes will work in accordance with a conflict management plan currently under development by UM-Missoula. Under Policy 407 and MCA 20-25-109, university employees must have Board of Regent approval to serve as a director, officer, or board member of a business entity; to be employed by a business entity; or to hold equity in a business entity which has an agreement with, or shares ownership of intellectual property with, the university, relating to the development, licensing or commercial exploitation of that intellectual property.

UM-Missoula benefits from this approval. UM-Missoula-developed technology will be licensed and commercialized with the potential for resulting royalties; useful knowledge will be disseminated to the public and to other researchers around the country; and learning and research opportunities will be available to university students. A new Montana-based business will be created.

ATTACHMENTS:

407 Submission Form

EQUITY INTEREST/BUSINESS PARTICIPATION SUBMISSION FORM
MUSP 407

This form is to be submitted with any Board of Regents item when a campus seeks the approval of an agreement with or arrangement regarding an employee pursuant to 20-25-109 MCA and Regents Policy 407.

If any submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

1. Summarize the nature of the intellectual property that was developed by the employee(s) seeking approval.

Two patents have been filed by The University of Montana on structures, methods of preparation, and uses of specific radioligands. GT Neuropharma, Inc. wants to license these, and other patents forthcoming, in order to continue development, to create manufacturing procedures, and to test, and license marketing rights for a new generation of diagnostic radioactive drug agents (radioligands) that significantly enhance the utility of Positron Emission Tomography brain scanning technology. The brain scanning radioligands are used to monitor discrete protein markers; quantitative determination of these markers can result in clinical diagnosis of serious diseases. Also, these procedures can be used to assess the efficiency of drug treatments.

2. a. Name(s) of the university employee(s) involved.

John M. Gerdes

2. b. Name(s) of business entity(ies) involved and its relationship with the university or other public agency.

GT Neuropharma, Inc., a Montana Corporation

3. The university and employee(s) are seeking approval for (check as many as appropriate):

- a. The employee *has or will* be awarded equity interest in the Business Entity.
- b. The employee who is serving or may serve as a member of the board of directors or other governing board of the business entity.
- c. The employee to accept employment from the Business Entity.
- d. Other. Please explain.

4. How will approval of this relationship contribute to the objectives of the university's technology transfer and intellectual property development programs?

GT Neuropharma, Inc. (GTNI) is a Montana corporation with business operations in Montana. It will continue to perform research and development on the proprietary materials and methods, will be involved in scale-up activities for producing the ligands, which can be radiolabeled for clinical use. GTNI, through its network of contacts and collaborations, including the University of California, Schering AG, Seimens, and GE, is in a position to facilitate the rapid market introduction of these radioligands. This will enhance transfer of technology from The University of Montana to benefit humankind, and will generate revenues through royalty payments for The University of Montana.

The benefits to U of M and the State of Montana arising from activities of GTNI are:

- a) **Generation of revenues, which will be shared with UM;**
- b) **Employment opportunities for U of M graduates.**
- c) **As GTNI grows, its tax-base will also increase.**
- d) **Stronger research ties between GTNI and The University of Montana will be created and will ensure GTNI's continued growth in its Montana operations with the consequent benefits for the economy of the State of Montana.**

By allowing this University-private sector relationship to be established, intellectual property developed by University faculty can be used to grow a Montana-based company, will set an example for other entrepreneurs from the University looking for opportunities for commercialization of their innovations and creations, and will generate goodwill for University employees and the private sector. The University will incur no net cost by entering into any arrangements covered by this agreement.

EQUITY INTEREST/BUSINESS PARTICIPATION SUBMISSION FORM
MUSP 407

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If any submission concerns matters of trade secrets or confidential business information, or any other matter entitled to privacy under state or federal law (e.g., the federal statute known as Bayh/Dole) the submitting campus may request consideration of the submission, in whole or in part, in executive session.

1. Summarize the nature of the intellectual property that was developed by the employee(s) seeking approval.

An extremely stabile carrier resin has been developed , along with the chemical means to attach ligands (receptors) thereto. These receptor-coated resins can be used under specified conditions to bind selectively heavy metals like lead, chromium, or copper. This allows removal of these metals from industrial waste streams or from mine leachings, before the water is returned to the environment. Also, the capacity of the resins have been increased so that they can now be used to concentrate and recover the metals as a mining technique.

2. a. Name(s) of the university employee(s) involved.

Edward Rosenberg

2. b. Name(s) of business entity(ies) involved and its relationship with the university or other public agency.

Purity Systems, Incorporated, a Montana Corporation

3. The university and employee(s) are seeking approval for (check as many as appropriate):

- a. The employee ***has or will*** be awarded equity interest in the Business Entity.
- b. The employee who is serving or may serve as a member of the board of directors or other governing board of the business entity.
- c. The employee to accept employment from the Business Entity.
- d. Other. Please explain.

4. How will approval of this relationship contribute to the objectives of the university's technology transfer and intellectual property development programs?

Purity Systems Inc. is a Montana corporation with business operations in Montana. Currently the company rents research space in MonTEC, which is jointly owned and operated by The University of Montana and the Missoula Area Economic Development Corporation.

It has taken PSI over 10 years to develop its product line, establish cost-effective manufacturing methods, and to market its products. Much of this has been accomplished in collaboration with The University of Montana. This year, 2007, PSI expects to start generating significant sales of its products and revenues. The University will share in these through terms in our licensing agreements.

The benefits to U of M and the State of Montana arising from activities of PSI are:

- a) **Generation of revenues, which will be shared with UM;**
- b) **Employment opportunities for U of M graduates. Several graduates of U of M have already been employed by PSI in Montana. As sales of the resins grow, PSI is expected to hire more graduates, both from the sciences, but also business majors.**
- c) **As PSI grows, its tax-base will also increase.**
- d) **Stronger research ties between PSI and The University of Montana will be created and will ensure PSI's continued growth in its Montana operations with the consequent benefits for the economy of the State of Montana.**

By allowing this University-private sector relationship to be established, intellectual property developed by University faculty can be used to grow a Montana-based company, will set an example for other entrepreneurs from the University looking for opportunities for commercialization of their innovations and creations, and will generate goodwill for University employees and the private sector. The University will incur no net cost by entering into any arrangements covered by this agreement.