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TENTATIVE MINUTES OF THE
BOARD OF REGENTS OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
January 14, 1974
Helena, Montana

The Board of Regents of Higher Education met at 9:00 a.m., Monday, January 14, 1974 in Aber Hall at the University of Montana in Missoula.

The meeting was called to order by Chairman Ted James. The roll was called by the secretary. Present were: Mr. Lewy Evans, Mr. John French, Mr. Gary Gallagher, Mr. Wayne O'Brien, Mrs. Mary Pace and Dr. Lawrence Pettit.

The minutes of the December 10, 1973 meeting were declared to be approved as submitted.

President Pantzer welcomed the Regents and stated that lunch would be served at noon in the University Center and would be followed by a tour of the library and the University Center.

Mr. Ted James, Chairman of the Presidential Search Committee, reported that approximately 170 applications had been received; that the committee had reviewed 105 of these and reduced the number to 18 to be considered further. He said frequent meetings were scheduled during the next few weeks and hopefully, the committee would be able to make some kind of announcement about April 1. He said the committee was pleased with the qualifications of many of the applicants.

Mr. Lewy Evans, Chairman of the Capital Construction Committee, reported that the committee met Sunday and discussed problems various campuses were having. He said he appointed two committees to study some of these problems and report in a couple of months. He said the committee had been brought up to date on the difficulties with the married student housing project at Montana State University and the litigation that has been instigated. He moved that the Board of Regents endorse the action taken by the State of Montana in relation to this law suit. The motion was seconded by Mrs. Pace and carried.

Mr. Evans then moved that the Board approve the following item recommended by the Capital Construction Committee:

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Item 3-020-R0174, Procedures for Handling Capital Improvement Projects, Montana University System

The following procedures for handling capital improvements at units of the Montana University System shall be followed:

All proposals for capital improvements requiring architectural and engineering services shall be forwarded to the Office of the Commissioner of Higher Education rather than the Department of Administration.

The Commissioner of Higher Education shall approve all architectural and engineering firm names recommended for minor projects before forwarding to the Department of Administration.

The Board of Regents shall approve all architectural and engineering firm names and those submitted for other professional services on major projects before forwarding to the Department of Administration.

The motion was seconded by Mrs. Pace and carried.

Mr. John French, Chairman of the Policy Committee, reported the committee held their first meeting and recommended that policies of the former Board be adopted insofar as they are not in conflict with present law or current Board policy. He so moved. Mr. Gallagher seconded the motion and it carried.

Mr. French submitted the following item recommended by the Policy Committee and moved its approval:

Item 3-021-R0174, Policy Regarding the Hiring of Personnel to Perform Special Services, Montana University System

It shall be the policy of the Board of Regents of Higher Education that the hiring and retention of personnel not regularly employed by units of the university system to act as legal counsel, auditor or to perform other professional services be accomplished through the Office of the Commissioner of Higher Education and the Board.

Mr. Gallagher seconded the motion and it carried.

Mr. French stated the committee recommended that the existing policy for presentation of items (approved December 15, 1952) be brought to the attention of the Board for reconsideration.

Approved on 4-8-74 (Revised) - Replaced 11-7-75 by 10.003-R111

He said the committee recommended that policy items be presented directly to the Board of Regents, to be referred to the Policy Committee for further study if necessary. He then moved that these two recommendations be accepted. Mr. O'Brien seconded the motion and it carried.

The Board recessed at 9:15 a.m.

The Board reconvened at 9:45 a.m. with the same members present.

Mr. Gary Gallagher, Chairman of the Budget Committee, reported the committee agreed that instructional program guidelines would be formulated by student level enrollment by subject field to be reviewed by the Board of Regents in mid March. He said the committee also established program formats and definitions which are to be mailed to the presidents for comment next week.

He said the committee discussed Item 3-018-^{R0174}~~R1074~~, Student Registration Fee and Increase in Per Credit Hour Tuition Charge for Instruction, Montana University System, which Mr. Noble would be discussing later in the day, and recommended its approval.

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Mrs. Mary Pace reported that the Community College Committee had reviewed the draft on the division of responsibilities for governance of Montana community colleges; that some changes were made and that a revised draft would be sent out for discussion at a later meeting. She said the committee had recommended adoption of the following resolution and she so moved:

WHEREAS, the 42nd Legislative Assembly in 1971 placed the community colleges under the Board of Regents and directed them to appoint a Coordinator of Community Colleges, and

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WHEREAS, in House Resolution No. 29 the House of Representatives requested the Board of Regents to appoint the Executive Secretary of the Montana University System as the Coordinator of Community Colleges, and

WHEREAS, in July of 1971 the Board of Regents did appoint the Executive Secretary of the Montana University System the Coordinator of Community Colleges, and

WHEREAS, the 1972 Constitution of the State of Montana terminated the Office of Executive Secretary and created a Commissioner of Higher Education, and

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WHEREAS, Section 75-8103, RCM 1947, directs the Regents to request legislative appropriations for the operation of the Office of the Coordinator of Community Colleges, and

WHEREAS, the legislature has never funded the Office of the Coordinator of Community Colleges,

NOW THEREFORE BE IT RESOLVED that the Board of Regents of Higher Education appoint the Commissioner of Higher Education as Acting Coordinator of Community Colleges.

BE IT FURTHER RESOLVED that the Board of Regents direct the Commissioner of Higher Education to prepare a budget and supportive data to request funding for the Office of the Coordinator of Community Colleges from the 44th Legislative Assembly in 1975.

The motion was seconded by Mr. O'Brien and carried.

Item 3-902-R0174, Authorization for the Commissioner of Higher Education to Establish Guidelines for the Granting of Resident Credit for Course Work Off Campus, Montana University System, was approved on motion of Mr. O'Brien, seconded by Mr. Gallagher. 377

Item 2-002-R0973, Policy Regarding Distribution of Reports, Montana University System (Revised), was approved on motion of Mr. Gallagher, seconded by Mrs. Pace. 378

Item 3-015-R0174, Policy Regarding Appointments to Faculty Service Committees, Montana University System, was approved on motion of Mr. Pace, seconded by Mr. Gallagher. 379

Item 3-016-R0174, Regulations Respecting Local Executive Boards for Institutions of the Montana University System Subject to the Jurisdiction of the Board of Regents of Higher Education, was approved on motion of Mr. Gallagher, seconded by Mr. O'Brien. 380

Item 3-017-R0174, Late Registration Fee, Montana University System, was tabled on motion of Mr. Evans, seconded by Mr. Gallagher, until such time as some of the problems can be worked out with the presidents and registrars. 381

Item 3-700-R0174, Staff, Eastern Montana College, was approved on 382

motion of Mr. O'Brien, seconded by Mr. Evans.

Item 3-701-R0174, Appointment of Member of the Security Department, Eastern Montana College, was approved on motion of Mr. French, seconded by Mr. O'Brien. 383

Item 3-200-R0174, Staff, Montana State University, was approved on motion of Mr. French, seconded by Mr. O'Brien. 384

Item 3-207-R0174, Authority to Appoint Architects to do Preliminary Studies and Make Cost Estimates of Five Building Remodeling Projects, Montana State University, was approved on motion of Dr. Pettit, seconded by Mrs. Pace. 385-6

Item 3-208-R0174, Naming of New Street in University Family Housing Area, Montana State University, was approved on motion of Mrs. Pace, seconded by Mr. O'Brien. 387

Item 3-209-R0174, Retirement of Associate Professor Goodwin V. Erickson, Montana State University, was approved on motion of Mr. O'Brien, seconded by Mr. Evans. 388

Item 3-210-R0174, Retirement of Associate Professor Alva E. Flower, Montana State University, was approved on motion of Mr. O'Brien, seconded by Mrs. Pace. 389

Item 3-300-R0174, Staff, Agricultural Experiment Station, was approved on motion of Mr. O'Brien, seconded by Mrs. Pace. 390

Item 3-800-R0174, Staff, Northern Montana College, was approved on motion of Mrs. Pace, seconded by Mr. Evans. 391

Dr. Pettit reported that the residency appeals to be considered by the Board should now be viewed in light of the new policy effective spring quarter of 1974 but at the present time units are still operating under the old statute. After considering the facts in each case the following recommendations were accepted:

On motion of Dr. Pettit, seconded by Mr. Evans, James R. Kuhn will be

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granted resident status as of spring quarter, 1974.

On motion of Mrs. Pace, seconded by Mr. Gallagher, Duane F. Parlow will be granted resident status after May 25, 1974.

On motion of Mr. O'Brien, seconded by Mrs. Pace, the Board affirmed the non-resident status of Cornelia B. Weary.

On motion of Mrs. Pace, seconded by Mr. O'Brien the Board affirmed the non-resident status of Larry A. Leum.

On motion of Mr. Gallagher, seconded by Mrs. Pace the Board affirmed the non-resident status of Valiant C. Norman.

On motion of Mrs. Pace, seconded by Mr. Gallagher the Board affirmed the non-resident status of James W. Good.

On motion of Mr. O'Brien, seconded by Mr. Evans, Alan Goldin will be granted resident status as of spring quarter, 1974.

It was reported that Kim McIntosh was to appear with her attorney but they were not present at this time.

After presenting the student proposal for beer and liquor sales on the campus of the University of Montana, Mr. Garry South, ASUM President, requested that the Board affirm the student's pursuit of the necessary statutory changes. Mrs. Pace so moved. The motion was seconded by Mr. Evans and carried.

The Board recessed at 10:25 a.m.

The Board reconvened at 10:35 a.m. with the same members present.

Mr. Milton Datsopoulos, legal counsel for the Board, reported on some of his findings respecting the matter of indemnification for employees of the university system and board members against whom suits are filed and judgments granted. He said the matter had become an extreme concern since the abolishment of the sovereign immunity clause from the constitution. Under the new constitution the problem is to be handled by liability insurance. He pointed out some of the problems with inadequate insurance coverage and recommended that this matter be pursued through the legislative process by amending the Tort Claims

Act to provide that suits could be brought against only the State, not against individuals; and by suggesting the appropriation of a contingency fund, possibly as a preclude to self insurance. JAN 14 1974

Mr. Garry South brought to the attention of the Board a resolution adopted by the Central Board of the Associated Students of the University of Montana petitioning the Board of Regents to declare that student monies are not state monies and are therefore not subject to the Attorney General's interpretation as to which and in what manner state statutes apply to the allocation of such monies. The chairman requested that this matter be referred to the staff of the Commissioner of Higher Education for study.

Professor John Van de Wetering, representing the state conference of AAUP, reported on a proposal for enabling legislation relative to faculty collective bargaining. He said this is not to assume that collective bargaining will take place on any campus but it would give faculties the right to do so. He said the proposed legislation followed Senate Bill 446, which was passed during the last legislative session for all other state employees. He said at this time the proposal does not carry the endorsement of the local chapters of AAUP or AFT and that these two organizations would have to ratify it before it could be introduced. Dr. Van de Wetering said he felt if there could be some agreement worked out for an experimental year it would be of benefit to everyone in the university system. It was agreed that a resolution would be drawn up to present to the Board in the afternoon.

Mr. Jack Noble, Deputy Commissioner for Management and Fiscal Affairs, explained Item 3-018-R0174, Student Registration Fee and Increase in Per Credit Hour Tuition Charge for Instruction, Montana University System, recommended by the Budget Committee of the Board, and the rationale for it. Dr. Pettit moved that the item be approved. Mr. Gallagher seconded the motion. A lengthy discussion followed in which Dr. Pettit and Mr. Noble explained that a set of options, including no increase in fees, had been worked out as a staff report in response to a directive from the Board of Regents at its December, 1973 meeting, 392

and after collaboration with unit presidents in an effort to secure adequate funding of essential campus programs.

President Pantzer expressed reservations about the increase recommended by the Board's budget committee, and he and President McIntosh presented statistics to show that the University of Montana and Montana State University students now pay about average fees for the geographic region. President Pantzer complained that the proposal had not been presented formally to the Council of Presidents. Dr. Pettit said that it had been on the Council of Presidents' agenda by virtue of being on the Board agenda, that it had been discussed many times, that the decision to consider the proposal had been made at the December meeting and everyone knew then that it would be on the January agenda, that he knew of several intensive staff discussions of the matter on the two larger campuses, and that obviously both President Pantzer and President McIntosh had had time to consider the question by virtue of the background preparation evidenced in their remarks.

Dr. Keith McDuffie, speaking for the University of Montana Faculty Senate, expressed the concern that enrollments would seriously decline if a fee increase were imposed. Garry South, president of ASUM, also expressed some reservations about the measure.

A general concern was that the state legislature would substitute the additional fee income for state appropriations. Mr. Noble explained that this would be the first time the Board took the initiative in increasing fees, and that it would be the first time for an increase during a non-budget year; he added that the legislature might look on the action as a responsible effort by the Board and the system, and resolve to do their part also to help alleviate the financial crisis. Mr. Noble stated that the budget requests for the 1975-77 biennium must be submitted to the Board by April and that in order to do a proper

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analysis some lead time is necessary to prevent a serious impairment of the budgeting procedures. Dr. Pettit stated he would be willing to amend the motion to delay the increase for a year and study it in the interim as long as everyone, including faculty, students and presidents understood the consequences. He said he felt this should be a rational decision by the Board and not made on the basis of opinion input to the Board. He stated also that he appreciated that it might be politically expedient for presidents and student leaders to oppose the increase in an open meeting, but that the Board had to act responsibly.

Mr. Evans finally made a substitute motion that the ~~item be tabled~~ ^{deferred} at this time and that a special meeting be called in the near future for its consideration. Mr. O'Brien seconded the motion and it carried. 39a

Chairman James stated that he felt some clarification of procedure was necessary for the presidents. He said that although it would have been well had there been time to take formal action on the matter in the Council of Presidents meeting, it should be understood that we have a new situation now with the new constitution, new Board, and a Commissioner of Higher Education. The Commissioner, he added, is an independent agent vis-a-vis the presidents, and is to provide independent judgment for the board; he need not refer all matters to the presidents first, and he need not be bound by their collegial decisions.

It was reported the Policy Committee recommended that Item 3-019-R0174, Policy Regarding Residence Halls Operational Schedules, Montana University System, be submitted and approved by the Board. Dr. Pettit so moved. The motion was seconded by Mr. Gallagher and carried. 39c

The Board recessed at noon.

The Board reconvened at 1:15 p.m. with the same members present and recessed to an executive session to consider a personnel matter requested by President McIntosh.

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The Board reconvened in open session at 1:35 p.m. and Dr. Pettit moved that Item 3-400-R0174, Staff, Cooperative Extension Service, be added to the agenda and approved in accordance with the executive session discussion. The motion was seconded by Mrs. Pace and carried.

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The following resolution regarding collective bargaining was presented by AAUP representatives and it was adopted on motion of Dr. Pettit, seconded by Mrs. Pace:

The Board of Regents of Higher Education requests that faculty professional organizations refrain from pursuing collective bargaining enabling legislation for one year while the issues involved are studied by the Regents, presidents and faculties.

If the organizations agree the Regents (1) will request that each campus faculty government be asked to appoint a bargaining committee to meet regularly with a committee of the administration, including the president, to identify those issues that would need resolution if a collective bargaining contract were to be sought; and, further, to see if some of those issues can be resolved informally; (2) that a committee be appointed by the Commissioner consisting of Regents, presidents and faculty (chosen from lists submitted by faculty governments) to study the possible means of establishing firm rules for bargaining under the sponsorship of the Board. If that committee is able to develop a proposal, that proposal should be first approved by the Board and then ratified by the faculties of each institution. The rules would become operative for each campus as that campus ratified.

The Regents further guarantee the right of each faculty member to participate fully in the study without prejudice to his status.

The chairman commented that this does not mean that the Board endorses any position respecting collective bargaining, nor does it approve or disapprove of any legislation that might be introduced.

He then asked if Kim McIntosh and her attorney had appeared to appeal her resident status. Since they were not present and the recommendation was to grant her resident status beginning spring quarter, 1974 under the new policy. Mr. French moved that the recommendation be accepted. Mr. Evans seconded the motion and it carried.

Mr. James thanked President Pantzer and the University of Montana staff for their hospitality and the meeting adjourned at 1:50 p.m.