

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

April 8, 1974
Helena, Montana

The Board of Regents of Higher Education met at 9:00 a.m., Monday, April 8, 1974 in the conference room of the Office of the Commissioner of Higher Education, Helena, Montana.

The meeting was called to order by Chairman Ted James. The roll was called by the secretary. Present were: Mr. Lewy Evans, Mr. John French, Mr. Gary Gallagher, Mr. T. T. Heberly, Mr. Wayne O'Brien, Mrs. Mary Pace and Dr. Lawrence Pettit.

The minutes of the January 21, 1974 meeting were declared to be approved as submitted.

The chairman announced that the State Board of Education was scheduled to meet in the Governor's Conference Room at 1:30 p.m.

Dr. Pettit reported that the Presidential Search Committee would make its recommendation in an executive session prior to the noon recess, after which time the Board would reconvene in open session to act on the recommendation. He said a press conference with the new president was scheduled for 3:30 p.m. after the State Board of Education meeting. Dr. Pettit stated one of the things that became evident during the final screening was that the president's residence in Missoula is simply not adequate and the Board should probably address itself to search for a new house in the near future. The chairman called on President Pantzer, who stated that the house was primarily too small and the location was not appropriate. President Pantzer reported he had submitted several optional methods of acquiring

a suitable residence to Commissioner Pettit.

Mr. Gallagher stated the report of the Budget Committee had been mailed to members on April 3, and that it consisted primarily of a post-legislative status report.

Mr. James made the following statement:

It is apparent that the compromise state employee salary plan incorporated into House Bill 747 by the recently concluded legislative session was prepared hurriedly and without recognition of the far-reaching implications engendered by its seemingly simple provisions. I can personally sympathize with the lawmakers, and understand the difficult conditions and great pressures--both internal and external--under which they worked in the closing hours of the session when a decision on this complex issue had to be reached. Nevertheless, in an era when "accountability" is the key word in state government and in higher education, the legislature with this bill inadvertently mandated a straight jacket framework for the fiscal management of higher education in Montana. As a consequence of this unfortunate legislative action, I propose that the Board of Regents go on record with the following resolution and I so move:

WHEREAS, the Second Session of the 43rd Legislative Assembly passed House Bill 747 with the intent that it apply to all state employees; and

WHEREAS, it has traditionally been the prerogative of the institution and of the various departments of the institution to make appropriate allocations for faculty and staff salary increases; and

WHEREAS, the act creates the following inequities and circumstances within the University System:

1. A major portion of the professional faculty, whose services and knowledge represent the life-blood of a university, are being unfairly discriminated against.
2. Many of the auxiliary education costs that a student or parent must pay will have to increase substantially--thus the doors to educational opportunity may be closed for some citizens.
3. The legal requirements of revenue bond indentures under Regent authority will be violated in some cases.
4. The administrative workload and costs are being forced upward, further depriving the available dollars for

instruction related programs.

WHEREAS, The Board of Regents of Higher Education has clearly defined constitutional power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System;

THEREFORE BE IT RESOLVED by the Board of Regents of Higher Education that the mandate of House Bill 747 relating to the state salary plan will be implemented within the Montana University System according to the Regents' understanding of the expressed legislative intent; however insofar as HB 747 constitutes an infringement upon the authority of the Board of Regents to manage and control the Montana University System, to that extent the Board stands upon its constitutional prerogatives and asserts that compliance with the provisions of the bill in no respect constitutes a waiver of any power or authority conferred upon it by the Montana Constitution.

Mr. O'Brien seconded the motion and it carried.

President McIntosh expressed his appreciation to the Board for adopting the resolution, stating he felt it would be of benefit to the System. Dr. Pettit stated that the resolution defines the posture of the Board, but that an operational policy was also needed. He then moved that all employees of the Montana University System be awarded a partial cost-of-living bonus equal to a \$30 per month salary increase retroactive from June 30, 1974 to January 1, 1974.

It is further recommended, since the Legislature apparently intended that all broad-based increases for FY 75 be 2% greater than the base salary after retroactive increases are granted, that by action of the Regents, all classified and other than professional personnel receive a 2% broad-based or across-the-board adjustment effective July 1, 1974; both of these actions contingent upon funding from general fund source or other uncommitted funding in HB 747. In this context, the term "uncommitted" specifically excludes any student fees, federal funds, private grants or other income incorporated into

institutional calculations of resources or anticipated resources on which the various units have based their budget estimates for FY 1975. The salary recommendations concerning all members of the professional staff should be presented to the Regents as individual items having had individual consideration by the appropriate departments, colleges, budget committee and administrative officers of the several units of the University System, and shall represent each institution's best effort to provide for merit and equity on the basis of individual considerations. The motion was seconded by Mr. O'Brien and carried.

President McIntosh expressed his appreciation for this motion also.

President Pantzer urged that the Board make every effort to resolve the problem of securing budget amendment approval from the Budget Bureau.

Recommendations of the Faculty Council of the Montana University System were reviewed. Dr. Pettit moved that the suggested search committee policy be referred to the Policy Committee. Mr. Gallagher seconded the motion and it carried.

Dr. Pettit moved that the suggested fee waiver policy be referred to the Budget Committee. Mr. O'Brien seconded the motion and it carried.

Dr. Pettit moved that the problem of clarification of tenure with the Montana University System be referred to the Commissioner for consideration and re-submission. The motion was seconded by Mrs. Pace and carried.

Dr. Pettit moved that the statement on funding of intercollegiate athletics be referred to the Curriculum Committee. The motion was seconded by Mr. O'Brien and carried.

Item 4-001-R0474, Residence Halls Rates, Montana University System, was approved on motion of Dr. Pettit, seconded by Mr. French.

Item 4-002-R0474, Policy Regarding Retroactive Payment for War Orphans Scholarships, Montana University System, was approved on motion of Mrs. Pace, seconded by Mr. Evans.

Item 4-003-R0474, National Merit Honor Scholarship, Montana University System, was approved on motion of Mr. O'Brien, seconded by Mr. Evans.

Item 4-004-R0474, Division of Governance Responsibilities, Montana Community Colleges, was approved on motion of Dr. Pettit, seconded by Mr. Gallagher with the following amendments:

On page two under "Budgeting and Fiscal Matters" A.2., change the word "revise" to "review"; on page three under "Property and Construction" A. and B., add the words, "which involves expenditure of state funds".

Item 4-005-R0474, Curricula, Montana Community Colleges, was approved on motion of Dr. Pettit, seconded by Mr. O'Brien as amended in paragraph two by deleting the second sentence and adding at the end of the paragraph the following sentence: "A student who transfers to a 4-year institution and believes that he has completed in a community college, work which is the equivalent of upper division work at the 4-year institution shall be given the opportunity to demonstrate this fact through a challenge examination or other means."

Item 4-006-R0474, Degree and Certificate Offerings, Montana Community Colleges, was approved on motion of Dr. Pettit, seconded by Mrs. Pace.

Item 4-007-R0474, Policy Regarding Budgeting and Fiscal Matters, Montana Community Colleges, was approved on motion of Mr. Gallagher, seconded by Mr. O'Brien.

Item 4-008-R0474, Policy Regarding Presidents, Faculty and Personnel, Montana Community Colleges, was approved on motion of Mrs. Pace, seconded by Mr. Evans.

Item 4-009-R0474, Policy Regarding Students and Student Fees, Montana Community Colleges, was approved on motion of Mr. O'Brien, seconded by Mr. Gallagher.

Item 4-010-R0474, Policy Regarding Property and Construction, Montana Community Colleges, was approved on motion of Mrs. Pace, seconded by Mr. Evans.

Item 4-011-R0474, Policy Regarding Organization of Community College Districts, was approved on motion of Mr. O'Brien, seconded by Mr. Heberly.

Dr. Pettit reported that all community college policy items had been worked out by the Community College Committee and the presidents of the community colleges.

Item 4-012-R0474, Authorization to Accept Anatomical Donations, Montana University System, was approved as amended on the last line to delete the word "degree", on motion of Dr. Pettit, seconded by Mr. O'Brien.

It was reported that Item 4-013-R0474, Performance Review of Presidents, Montana University System, was an addition to the agenda. Mr. James asked if there was any discussion on this item and Professor Maureen Ullrich stated that in the course of her work on the Presidential Search Committee, she found that on other campuses a review of the performance of the president was generally started at the end of the fourth year. She suggested that the period of time be lengthened slightly; that the item be amended on line four to change the word "three" to "five". Mr. French raised some objection to the item not having been presented in time for

the regents to give it enough thought and he made a substitute motion that it be tabled until the next meeting. Mr. Heberly seconded the motion and it carried, with Mrs. Pace voting "no".

Item 3-021-R0174, Policy Regarding the Hiring of Personnel to Perform Special Services, Montana University System (Revised), was approved on motion of Dr. Pettit, seconded by Mr. O'Brien.

On motion of Dr. Pettit, seconded by Mr. French, Items 4-701-R0474, Room and Board Rates, Eastern Montana College (Academic Year) and 4-702-R0474, Room and Board Rates, Eastern Montana College (Summer Session) were accepted as reports as amended on the first line to read "Item 4-001-R0474 dated April 8, 1974" rather than "Item 14616 dated April 13, 1953".

Item 4-500-R0474, Staff, Montana College of Mineral Science and Technology, was approved on motion of Mr. Heberly, seconded by Mr. French.

Item 4-501-R0474, Increase in Board and Room Rates, Montana College of Mineral Science and Technology, was accepted as a report on motion of Mr. Heberly, seconded by Mr. French.

Item 4-200-R0474, Staff, Montana State University, including the addenda, was approved on motion of Mrs. Pace, seconded by Mr. Heberly, with the following amendments:

Delete the information on Renate C. Koenig from page one and remove the name of Gordon R. Julian and related information on page three from the "Sabbatical Leaves with Half-Pay" and add it to the "Leaves of Absence Without Pay".

Item 4-201-R0474, Authorization to Remodel a Portion of the Basement of Hannon Hall to House the Still Photography Option of Film and Television at Montana State University, was approved on motion of

Mrs. Pace, seconded by Mr. O'Brien.

Item 4-202-R0474, Authorization for an Affiliation of the Department of Speech Communication at Montana State University with the Easter Seal Society, the Public School System, the Montana Social and Rehabilitative Services, and the Montana State Department of Health in the Development of a Community Speech and Hearing Center, Montana State University, was approved on motion of Mr. O'Brien, seconded by Mr. Gallagher.

Dr. Pettit suggested that Item 4-203-R0474, Authorization to Remodel a Portion of Herrick Hall to House the Child Development Center, Montana State University, be amended on line two after the words "architectural services" to add the words "in a manner consistent with Board policy". The item was approved as amended on motion of Mrs. Pace, seconded by Mr. Gallagher.

President McIntosh introduced Dr. Laura Walker, Director of the School of Nursing, and asked her to comment on Item 4-204-R0474, Limiting Enrollment in the Nursing Program, Montana State University. Dr. Walker stated she hated to limit enrollment in the nursing program but that because of the shortage of clinical facilities in the state it might not be possible to accept all out-of-state students. She said she felt the first obligation is to Montana students, even though she felt the mixture is very good. Dr. Dayton distributed a report of the enrollments, stating that all of the states in the WICHE compact are having trouble with increased enrollments. He said Montana State University was holding all out-of-state applications because all useable hospitals in the state are being utilized at the present time. The item was approved on motion of Mrs. Pace, seconded by Mr. Gallagher.

Item 4-205-R0474, Student Health Fee Increase, Montana State University, was approved on motion of Mr. Heberly, seconded by Mrs. Pace.

Item 4-206-R0474, Request for Board and Room Rates, Montana State University, was accepted as a report as amended on the first line to read "Item 4-001-R0474 dated April 8, 1974" rather than "Item 14616 dated April 13, 1953" on motion of Mr. Heberly, seconded by Mr. O'Brien.

Item 4-300-R0474, Staff, Agricultural Experiment Station, was approved on motion of Mr. O'Brien, seconded by Mr. Gallagher as amended to add the following information:

<u>Name</u>	<u>Position</u>	<u>Tenure</u>	<u>Effective</u>	<u>Salary</u>	
Koenig, Renate C.	Plant Pathology Visiting Professor,	A	new	2/1/74	\$11,666 (AY)*

Item 4-301-R0474, Retirement of Associate Professor David J. Davis, Montana Agricultural Experiment Station, was approved on motion of Mrs. Pace, seconded by Dr. Pettit.

Item 4-400-R0474, Staff, Cooperative Extension Service, was approved on motion of Mr. Gallagher, seconded by Mrs. Pace.

It was reported that Item 4-800-R0474, Staff, Northern Montana College, was added to the agenda. The item was approved on motion of Mr. Heberly, seconded by Mr. O'Brien.

Item 4-801-R0474, Board Rates, Northern Montana College, was accepted as a report on motion of Mr. Heberly, seconded by Mr. O'Brien, as amended on the first line to read "Item 4-001-R0474 dated April 8, 1974" rather than "Item 14616 dated April 13, 1953".

After a short discussion regarding whether or not it is feasible to use surplus building fees for projects of this nature, Item 4-101-R0474, University of Montana-Art Awards-Campus Enrichment, was approved on motion of Dr. Pettit, seconded by Mr. Evans, with Mr. Gallagher voting "no".

Item 4-102-R0474, Resolution Concerning the Death of Professor Robert R. Gambs, University of Montana, was approved on motion of Mr. O'Brien, seconded by Mr. Heberly.

Dr. Pettit suggested that Item 4-103-R0474, Renovation of Space in the Lodge Building for Food Service Facilities, University of Montana be amended on line five after the word "architect" to add the words "in a manner consistent with Board policy". The item was approved as amended on motion of Mr. Heberly, seconded by Mrs. Pace.

Item 4-104-R0474, University of Montana, Health Service Fee-Addition of Supplementary Coverage, was approved on motion of Mr. O'Brien, seconded by Mr. Heberly.

Item 4-105-R0474, Board and Room Rates, University of Montana, was accepted as a report on motion of Mr. O'Brien, seconded by Dr. Pettit, as amended on the first line to read "Item 4-001-R0474 dated April 8, 1974" rather than "Item 14616 dated April 13, 1953".

The Board recessed at 10:15 a.m.

The Board reconvened at 10:35 a.m. with Dolores Colburg present.

Mrs. Colburg stated she wanted to make a few comments on the statements of governance of the community colleges. She said she would like to have it understood that matters coming before this Board on vocational education courses would have the concurrence of the Board of Public Education because of its authority for coordination of vocational education.

After a short discussion relative to Item 4-106-R0474, Resolution on Law School Accreditation, University of Montana, Mr. Evans proposed a substitute item. After further discussion the chairman requested that the substitute item be written up and submitted later in the day.

It was reported that Item 4-107-R0474, Renovation of Space for

Instructional Materials Services in the Old Men's Gymnasium at the University of Montana, was added to the agenda. Dr. Pettit suggested that the item be amended on line four after the word "architect" to add the words "in a manner consistent with Board policy". The item was approved as amended on motion of Mr. French, seconded by Mr. Gallagher.

Item 4-601-R0474, Board and Room rates, Western Montana College, was accepted as a report on motion of Mr. French, seconded by Mrs. Pace, as amended on the first line to read "Item 4-001-R0474 dated April 8, 1974" rather than "Item 14616 dated April 13, 1953."

President Short invited the Board to meet on the campus at Western Montana College some time in the near future.

The Board recessed for an executive session to discuss the selection of a president for the University of Montana.

The Board reconvened in open session at 11:30 a.m.

It was moved by Mr. Heberly and seconded by Mrs. Pace that in accordance with the recommendation of the Presidential Search Committee, Dr. Richard C. Bowers be hired as president of the University of Montana effective July 1, 1974 at a salary of \$35,000 annually. The motion carried. The Board was reminded that there would be a press conference with Dr. Bowers at 3:30 p.m. Mr. Heberly expressed the appreciation of the Board for the excellent, conscientious work done by the committee in screening applicants for this position.

A discussion followed regarding the matter of the opinion of the Attorney General with respect to the use of student fees.

Mr. Garry South spoke in support of Central Board being able to spend what they felt was student monies on anything they felt to be of interest to the students. Dr. Pettit stated that the legal determination had been made by the Attorney General that student fees are public funds and the Board of Regents must make the first determination of legality; therefore the Board had no alternative but to proceed on a case-by-case basis. He said the Board could give the students complete discretion to spend their money but not to spend it on anything illegal. Mr. Heberly moved that the allocations of Central Board to the Committee to Unelect the President and the Committee to Unelect the Attorney General be disapproved for the reason that such allocations were made for a private political purpose contrary to the requirements of law relating to the expenditure of public funds.

Mrs. Pace seconded the motion and it carried with Mr. O'Brien and Mr. Evans voting "no".

Dr. Pettit then moved that President Robert T. Pantzer and Mr. Calvin L. Murphy, University of Montana Business Manager, be indemnified for any judgment rendered against them, for legal defense expenses, and for any other necessary and ordinary costs arising out of litigation instituted against them by William Hannon for the reason that this suit was brought based upon actions which each took in the ordinary course and scope of his employment. Mr. O'Brien seconded the motion and it carried.

Dr. Pettit moved that the Board affirm the non-resident status of Mr. John Shreves, a student at the University of Montana. Mr. Gallagher seconded the motion and it carried.

Mr. Evans distributed copies of the substitute item with regard to the Law School Accreditation at the University of Montana and moved its approval. There was a lengthy discussion on the matter. Dr. Keith

McDuffie, Chairman of the Faculty Senate at the University of Montana, objected strenuously to any proposal which would confer additional autonomy on the School of Law. He stated that a decision of this kind at this time would put constraints on the new president. Mr. Heberly said he would not wish to put any restrictions on the new administration if the matter was not pressing at this time. Mr. James stated the matter was urgent because of the recent visit of the accreditation teams and the need to report by July 1, 1974. President Pantzer pointed out that his proposal has not requested full autonomy for the School of Law but that the administration must arrive at methods of insuring a measure of autonomy. Dr. Pettit stated that for professional organizations to make these kinds of demands raises a very serious question as to whether other accreditation associations for professional schools might follow the same methods and that this is blackmail that any Board might resent. He said he does not object to requirements for the maintenance of high standards for accreditation, but that he resents the demand that a certain professional school be given autonomy within the university's governance structure, and its members be given special privilege, as a condition of accreditation. After further discussion in which Dr. Richard Landini, Academic Vice President, and members of the Law School faculty were heard, the motion on the substitute item failed for lack of a second. Dr. Pettit then moved that the original item be approved with the following amendment:

"It should be understood that this policy is not meant to jeopardize any other approved programs of the University of Montana, and that the Board is fully committed to those policies which are necessary to protect the accreditation of all academic programs

which have been approved by the Board and which it wants to continue."

Mr. Heberly seconded the motion and it carried.

Mr. Evans suggested that the Commissioner write to the Montana Bar Association and Montana Trial Lawyers' Association to solicit their support in behalf of both philanthropic contributions and appropriations for the School of Law and the university as a whole.

The Board recessed at 12:30 p.m.

The Board reconvened at 2:55 p.m.

Dr. Pettit moved that the Governor's appointments to the local executive boards be confirmed as follows:

Reappointment of Carl M. Davis - Western Montana College
 Reappointment of Blanche A. Copenhaver - Montana Tech

The motion was seconded by Mr. Heberly and carried.

Regarding the approval of the item relative to the accreditation of the School of Law at the University of Montana, Mrs. Pace said she felt the University of Montana faculty would appreciate having written clarification from the Commissioner with respect to the following questions:

1. Does the approval by the Board of Regents of the resolution confer Board approval upon the accreditation guidelines outlined in the accompanying agenda report submitted by President Pantzer?
2. Specifically, does the Board approval legislate with regard to procedures of internal faculty governance by granting the Law School exemption from those procedures?

The Commissioner agreed to draft a letter outlining what he feels the intent of the Board is.

On motion of Dr. Pettit, seconded by Mrs. Pace the honorary degree candidates submitted for the University of Montana were approved.

On motion of Mrs. Pace, seconded by Mr. O'Brien the honorary degree candidates for Montana State University were approved.

On motion of Dr. Pettit, seconded by Mr. O'Brien the honorary degree candidates for Montana Tech were approved.

The next meeting was tentatively scheduled for Monday, May 20, 1974, with the location to be determined at a later date.

The meeting adjourned at 3:05 p.m.

APPROVED:


Chairman, Regents of Higher Education,
Montana University System


Secretary