

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
April 12, 1976
Helena, Montana

The Board of Regents of Higher Education met at 10:15 a.m., Monday, April 12, 1976, in the Conference Room at the Sleeping Giant Lodge, Helena, Montana.

The meeting was called to order by Chairman Ted James.

Present were: Mr. Lewy Evans, Mr. Jeff Morrison, Mrs. Mary Pace, Mr. Sid Thomas and Dr. Lawrence K. Pettit.

On motion of Dr. Pettit, seconded by Mrs. Pace the minutes of the March 23, 1976 meeting were approved with the following amendments:

On page six, paragraph two, after the last line add:
" Mr. James stated he would refer the matter of procedures for handling the hiring and setting the salaries of legal counsel back to the Policy Committee. Mr. Morrison then withdrew his motion."

On page eight, line two remove the period and add the words, "and carried unanimously."

Mr. James introduced Senator Margaret Warden, who indicated her concern for some of the inadequacies of the campus libraries, especially with regard to preservation of the archives. She discussed some of the conditions she had found in the libraries at Eastern Montana College, the University of Montana and Montana State University and stated she would be happy to prepare a report for the Regents to review. She commented that it was her hope that something could be done at the university level to better preserve the material in the archives. Dr. Pettit noted that in his budget recommendations he had included an amount for the libraries above what the guidelines generated for them with the hope that in the next biennial appropriation there

would be a sizeable amount for the libraries. He stated he was appointing an inter-unit committee on campus libraries which would also be exploring ways to bring the libraries together to share resources. He said Senator Warden had agreed to serve on this committee. Senator Warden said she hoped if funds are generated for the archives they will not be taken from the library acquisition budgets.

Mr. James asked Barry Hjort to comment on the bargaining agreement negotiated with the Northern Montana College faculty. Mr. Hjort explained that the negotiations had been completed about ten days ago after five and one-half months of effort. He said there is not a great deal of difference between this contract and the ones that had been negotiated with Eastern Montana College and Western Montana College previously. Mr. James stated that since the Regents had not had a copy of the contract long enough to review it carefully he would defer action until later in the day.

Item 12-700-R0476, Staff, Eastern Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Evans.

Items 12-702-R0476, Mr. Allen L. Feldner to Associate Professor of Health, Physical Education and Recreation Emeritus, 12-703-R0476, Doctor Charles F. Gruenert to Professor of English Emeritus, 12-704-R0476, Mr. Arthur E. Soulsby to Professor of History Emeritus and 12-705-R0476, Mr. Harry L. "Mike" Harkins to Basketball Coach Emeritus, Eastern Montana College, were approved on motion of Sid Thomas, seconded by Mrs. Pace.

Item 12-200-R0476, Staff, Montana State University, was approved on motion of Mrs. Pace, seconded by Mr. Thomas.

The Board recessed at 10:30 a.m.

The Board reconvened at 10:45 a.m. with Mr. John Peterson present, in addition to those who were present when the meeting con-

vened at 10:15 a.m.

On motion of Dr. Pettit, seconded by Mr. Morrison, the Governor's appointment of Mr. B. G. MacNabb as a member of the Montana State University Executive Board to replace Dr. Millington O. Young, whose term will expire in April, 1977 but who is moving out of state, was confirmed.

Mr. Sid Thomas reported that the Budget Committee had discussed the Assistant Commissioner's legal opinion relating to the monies that were carried over from House Bill 55 last biennium by Montana State University. He moved that the legal opinion, together with the Commissioner's memorandum dated April 9, 1976 relating to it, with the last sentence deleted, be adopted by the Board as a statement of policy. The motion was seconded by Mr. Peterson. Mr. Thomas stated that Montana State University had submitted a budget amendment to allow the use of these funds and the action of the Board would be to decide whether the disbursement of the funds is valid. He said it was the feeling of the Budget Committee that approving budget amendments at this time would be legal and valid so that students would have the benefit of the funds before the next biennium.

Mr. James asked Mr. Hjort to comment on his legal opinion and he reported the basis on which it was rendered. Mr. James asked Mr. John LaFaver, Legislative Fiscal Analyst, to comment also. Mr. LaFaver outlined what his office had recommended to the Legislative Finance Committee—that the Board avoid using these funds next year and that they revert instead to the General Fund. He urged that the Board consider the matter carefully before approving budget amendments which would authorize expenditures against these funds. Mr. Hjort replied that he felt there was enough areas of uncertainty

that the Regents had enough latitude to make a decision. He stated he would stand by his opinion. Mr. James noted that once again there are two state agencies who cannot agree on a very important matter. He suggested that perhaps an Attorney General's opinion should be sought on the matter. Dr. Pettit remarked that there was not enough time to delay the disbursement of these funds because of budgeting constraints. He said it is unfortunate that the Fiscal Analyst again took a position on a university system matter without discussing it with his office. He repeated that he hoped in the future the two offices will have an opportunity to work together on university matters. After some further discussion, during which time construction noises outside the meeting room became increasingly disruptive, the chairman called a recess so the meeting could convene at another location. The meeting reconvened at 11:15 a.m. in the Big Sky Room at the Holiday Inn. A question and answer period followed regarding the legality of the use of these funds at this time. Mr. Peterson stated that if the Board were to abide by Mr. LaFaver's recommendation the net effect would be to tax the students at Montana State University for the benefit of the General Fund and he didn't think this would be proper; that the funds should be used for the benefit of the institution. Dr. Pettit strongly recommended approval of the policy statement so the institutions could proceed with their budgeting efforts for next year. Mr. James stated he had the feeling that his suggestion to submit the matter to the Attorney General did not meet with much approval. Mr. Peterson asked what the position of the Legislative Finance Committee would be if the Board of Regents authorized the disbursement of the funds. Mr. LaFaver said he would have to inform the committee and he had no way of knowing what action they would take. Mr. Morrison said he did not feel these funds

should revert to the General Fund; that if the Board approved the spending authority and the matter appeared to be unjust at a later time the total amount should be re-distributed throughout the system. Mr. Evans called for the question and the motion carried. (copy of statements attached)

Mr. Thomas moved that the budget amendment recommendation for Montana State University in the amount of \$1,472,718 be approved. The motion was seconded by Dr. Pettit and carried.

Mr. Thomas moved that the budget amendment recommendation for the University of Montana in the amount of \$494,537 be approved. The motion was seconded by Dr. Pettit and carried.

Mr. Thomas moved that the budget amendment recommendation for Eastern Montana College in the amount of \$442,511 be approved. The motion was seconded by Dr. Pettit and carried.

Mr. Thomas moved that the budget amendment recommendation for Montana Tech in the amount of \$115,317 be approved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the budget amendment recommendation for the Office of the Commissioner of Higher Education in the amount of \$180,500 be approved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the budget amendment recommendation for the Agricultural Experiment Station in the amount of \$397,403 be approved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the budget amendment recommendation for the Cooperative Extension Service in the amount of \$36,631 be approved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the budget amendment recommendation

for Western Montana College in the amount of \$22,971 be approved.

The motion was seconded by Mrs. Pace and carried.

Mr. Thomas asked Jack Noble to explain the deficiency schedule for the six institutions and he did so. Mr. Thomas then moved that the Board approve the funding of the deficiencies for the six campuses in the amount of \$543,308. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that a total of \$440,112 be approved for the operation of the Office of the Commissioner of Higher Education. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that an amount of \$125,950 be approved for the 1976-77 WICHE Student Aid Deficiency. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that an amount of \$40,000 be approved for the balance of the payment to the Arthur Andersen Company for the uniform accounting study. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that amount of \$100,000 be approved for the Agricultural Experiment Station. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that amount of \$70,000 be approved for payment of the Legislative Audit Costs. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas reported that after these items had been provided for, the balance remaining the discretionary account was recommended for distribution to the six institutions in supplemental amounts. He explained that each of the institutions had submitted a list of priority needs. He moved that the presidents be authorized to use their discretion

in spending the supplemental funds authorized for their institutions.

The motion was seconded by Dr. Pettit and carried.

He then moved that the recommended campus supplement for Montana State University in the amount of \$226,200 be approved.

Dr. Pettit seconded the motion and it carried.

Mr. Thomas moved that an amount to supplement library acquisitions at the University of Montana of \$75,000 be approved but that action on the recommended supplement for the Law School in the amount of \$121,408 be deferred until later in the afternoon. Mrs. Pace seconded the motion and it carried.

Mr. Thomas moved that the recommended campus supplement for Northern Montana College in the amount of \$80,000 be approved. The motion was seconded by Dr. Pettit and carried.

Mr. Thomas moved that the recommended campus supplement for Eastern Montana College in the amount of \$107,843 be approved. The motion was seconded by Dr. Pettit and carried. Mrs. Pace questioned whether or not the amount allocated for a Search Committee would be necessary if the Board does not approve of seeking a president for Eastern Montana College.

Mr. Thomas moved that the recommended campus supplement for Western Montana College in the amount of \$61,391 be approved. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the recommended campus supplement for Montana Tech in the amount of \$103,000 be approved. The motion was seconded by Dr. Pettit and carried.

President DeMoney acknowledged his appreciation for the fair and open hearings the presidents were given by the Budget Committee and also for the flexibility authorized for disbursing these funds.

Mr. Sid Thomas, Chairman of the By-Laws and Policy Committee, reported that the committee had discussed a proposed revision in the comprehensive fee waiver policy and a summary of changes. He mentioned that the proposal was referred, through the presidents, to the campuses for discussion and that action would probably be taken by the Board at the next meeting for implementation fall quarter, 1976.

Mr. Thomas indicated that the Policy Committee had recommended that the Board adopt the following statement of policy relating to the Law School at the University of Montana:

The primary concern of the Board of Regents is that maintenance of quality legal education should be the sole consideration in determining the level and character of funding for University of Montana Law School faculty members. To that end the Board adopts the following policy statement:

- 1) In responding to the recommendations of the Accrediting Council of the American Bar Association, individual merit of faculty members must be the first consideration in any determination of salary increases.
- 2) A part of any supplemental funding which is authorized by the Board of Regents for the University of Montana Law School may be allocated at the discretion of the University administration for the retention of additional law faculty members.
- 3) The salary structure for the University of Montana Law School should be developed in a manner which insures that outstanding faculty may be recruited, retained and promoted commensurate with meritorious performance.
- 4) A member of the Board of Regents should accompany President Bowers to the meeting of the ABA Accrediting Council meeting concerning the University of Montana Law School, to present this policy position.

He so moved. The motion was seconded by Mrs. Pace and carried.

President Bowers remarked that he concurred with the statement and would make every effort to implement it.

Mr. James introduced Mr. Theodore K. Thompson, Chairman of the Board of Trustees for the State Bar of Montana, who commented on the Law School accreditation problem. He pointed out that the Montana Bar Association had recently adopted a resolution which had been submitted to the Board of Visitors, the Board of Regents and the news media expressing concern for the possible loss of accreditation of the Law School. He stated the position of the State Association is to request that the Board of Regents make every effort to make a definite commitment which will allow the University of Montana to meet the requirements of the American Bar Association, since there is general feeling that these standards cannot be negotiated. Mr. Thomas indicated that the Policy Committee felt any professors currently employed by the Law School should be advised that the Board intends to provide salary increases on merit rather than granting across-the-board increases. He then moved that the recommended supplement for the University of Montana School of Law in the amount of \$121,408 be approved. The motion was seconded by Dr. Pettit. Mr. Peterson asked if this amount would allow him to meet the demands of the American Bar Association. President Bowers pointed out that authorization for use of these funds, together with the resolution adopted by the Board of Regents, would not provide exactly what the ABA had requested, but he felt the problem could be worked out to their satisfaction. Mr. Thomas asked about the ABA requirements in terms of expansion of facilities. President Bowers replied that it is difficult to determine how they will react in this regard since they would like to know what priority the University and the Board will assign to the building of additional facilities, which cannot be determined at this time. He also expressed his wish to explore the possibility of funding new positions rather than allocating

all of the supplemental funds to be used for salary increases for current faculty. Mr. Morrison stated he agreed with the policy statement but he did not agree that the Board should provide this amount of funding for the Law School in light of the salary schedule in effect for the rest of the institution. The motion carried, with Mr. Morrison voting "no."

Mr. Thomas reported that the Policy Committee recommended approval of Item 12-001-R0476, Policy Regarding Legal Counsel, Montana University System, and he so moved. The motion was seconded by Mrs. Pace and carried. The Board recessed at 12:05 p.m.

The Board reconvened at 1:30 p.m., with the same members present except Dr. Pettit, who was reported ill.

Mr. Lewy Evans, Chairman of the Capital Construction Committee, reported that the Committee recommended approval of Item 12-501-R0476, Completion of Dormitory Remodeling, Montana College of Mineral Science and Technology, and he so moved. The motion was seconded by Mr. Morrison and carried. Mr. Evans stated the Committee also recommended that the next meeting of the Board of Regents be held at Western Montana College in Dillon so the Committee could become better acquainted with the campus in Dillon and possibly have time to acquaint themselves with the campus also at Montana Tech.

Mr. Morrison moved that the next meeting be held at Western Montana College, the date to be announced at a later time. The motion was seconded by Mr. Peterson and carried.

Mrs. Mary Pace, Chairman of the Curriculum Committee, reported that upon the request of President Leach, Item 12-801-R0476, Discontinuation of the Associate Degree Program in Cosmetology, Northern Montana College, was recommended for approval. She so moved. The motion was seconded

by Mr. Evans and carried.

Mrs. Pace reported that the Committee discussed a proposal from Flathead Valley Community College for an Associate Degree in Criminal Justice, but since it was not complete, action was deferred until a later date.

Mrs. Pace reported that the Committee recommended that Item 12-502-R0476, Proposed New Curriculum in Society and Technology, Montana College of Mineral Science and Technology, be approved. She so moved, stating that the Committee was very pleased with the proposal from Montana Tech and that it was very well done. Mr. Morrison seconded the motion and it carried.

Mrs. Pace reported that Dr. Freeman Wright, Deputy Commissioner for Academic Affairs, had presented an interim report on Teacher Education, as authorized by the Commissioner.

Mr. Peterson reported that a proposal dealing with a Bachelor of Arts Degree in Humanities had been presented to him from Professor James Alvertson, of Montana Tech. He stated he would like to have the Curriculum Committee review this matter.

It was reported that the Joint Curriculum Committee also received the interim report on Teacher Education and that this committee agreed that a better mechanism needed to be established for a closer working relationship between the Office of the Superintendent of Public Instruction and the Office of the Commissioner of Higher Education.

Mr. Morrison reported that the Joint Vocational Education Committee had met and discussed the problem of transferability of credits and decided that at the next meeting the role and scope of the various institutions would be discussed.

It was indicated that the Council of Presidents, the Faculty Council, and the Student Advisory Council had nothing to report at this time.

Mr. Thomas moved that the Board of Regents ratify the bargaining agreement for faculty at Northern Montana College. The motion was seconded by Mr. Evans and carried, with Mr. Morrison voting "no."

It was pointed out that it would be well for the Board to consider proposed changes in board and room for all institutions at the same time. Therefore Items 12-201-R0476, Increase in Board and Room Rates for the Residence Halls and 12-202-R0476, Increases in Rental Rates for Class III Family Housing, Montana State University, were referred to the Budget Committee on motion of Mr. Thomas, seconded by Mrs. Pace.

Item 12-300-R0476, Staff, Agricultural Experiment Station, was approved on motion of Mr. Thomas, seconded by Mrs. Pace.

Item 12-400-R0476, Staff, Cooperative Extension Service, was approved on motion of Mr. Thomas, seconded by Mrs. Pace.

Items 12-101-R0476, Resolution Concerning the Retirement of Eugene Andrie, Professor of Music, 12-102-R0476, Resolution Concerning the Retirement of Maxine Blackmer, Associate Professor of Art, 12-103-R0476, Resolution Concerning the Retirement of Walter L. Brown, Professor of English, 12-104-R0476, Resolution Concerning the Retirement of Gerald H. Doty, Professor of Music, 12-105-R0476, Resolution Concerning the Retirement of J. Francis Rummel, Dean of the School of Education and 12-107-R0476, Resolution Concerning the Retirement of James J.R. Munro, Professor of Education, University of Montana, were approved on motion of Mr. Thomas, seconded by Mrs. Pace.

Item 12-108-R0476, School of Pharmacy Professional Program Fee, University of Montana, was approved on motion of Mr. Thomas,

seconded by Mrs. Pace.

Item 12-109-R0476, AFIT, MBA Program Fee, University of Montana, was approved on motion of Mrs. Pace, seconded by Mr. Thomas

Item 12-701-R0476, Doctor David Harold McCleave to Academic Vice President and Dean of the Faculty Emeritus and Professor of History Emeritus, Eastern Montana College, was approved on motion of Mr. Thomas, seconded by Mrs. Pace.

Item 12-706-R0476, Authorization to Grant Administrative Allowances, Eastern Montana College, was approved on motion of Mr. Thomas, seconded by Mrs. Pace.