

Board
Meeting

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
June 11, 1976
Helena, Montana

A special meeting of the Board of Regents of Higher Education was convened at 7:00 p.m., Friday, June 11, 1976 in the Office of the Commissioner of Higher Education, Helena, Montana, for the purpose of acting on staff recommendations and attempting to solve the funding problems relating to recommendations of the Legislative Finance Committee.

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

It was reported that the Board had met during the afternoon with the Legislative Finance Committee and discussed the matter of spending authority relating to carryover funds.

After considerable discussion respecting budget problems, Mr. Peterson moved that the Board of Regents plan to revert \$1.4 million accumulated through additional student fees to the General Fund, as requested by the Legislative Finance Committee, and that a supplemental appropriation be requested, upon appropriate justification, at the next legislative session, and further, that each budget agency of the Montana University System identify an equal percentage of its budget, which in the aggregate will total at least \$1.4 million, to remain uncommitted until a supplemental appropriation is approved. The motion was seconded by Mr. Heberly and carried.

Mrs. Pace moved that the Board of Regents direct the Commissioner of Higher Education to notify the Department of Revenue that it is the intention of the Board to hold \$591,000 currently avail-

able in the millage fund in abeyance to meet possible future needs of the Montana University System. The motion was seconded by Mr. Evans and carried.

Dr. Pettit asked Mr. Hjort to brief the Board on the facts relating to the funding problem still remaining at Flathead Valley Community College. He did so. Several methods of providing the assistance needed were discussed, after which time Mr. Thomas moved that the Governor's Office be requested to prepare a proposal addressing ways in which the Board of Regents might assist in alleviating the financial crisis at Flathead Valley Community College, such proposal to be considered at a July meeting of the Board. Mrs. Pace seconded the motion and it carried.

The Board recessed at 8:00 p.m. to convene an executive session.

The Board reconvened in open session at 10:00 p.m. with the same members present.

Dr. Pettit moved that the budget for the Office of the Commissioner of Higher Education be approved as amended in executive session to include a transfer of \$50,000 of the amount proposed to a reserve fund, not to be expended without specific authorization. The motion was seconded by Mrs. Pace and carried.

Dr. Pettit moved that the following salaries be approved for Montana University System presidents:

University of Montana	\$39,000
Montana State University	\$37,500
Eastern Montana College	\$30,000
Northern Montana College	\$30,000
Montana College of Mineral Science and Technology	\$30,000
Western Montana College	\$29,000

*with an increase on 9-1-76 P
\$31,000*

Add statement:

CB re-2 position P / is - - do ref. rebate funds to only one institution.

The motion was seconded by Mr. Heberly and carried.

Mr. Thomas moved that the salary for the Commissioner of Higher Education be approved at \$39,250. Mrs. Pace seconded the motion and it carried, with Mr. Heberly voting "no."

Dr. Pettit moved that at any institution operating under a negotiated contract for faculty salaries, administrators who return to the faculty be paid at the applicable level negotiated under the agreement. Mrs. Pace seconded the motion and it carried.

President Bowers distributed copies of an addendum to Item 12-100-R0676, Staff, University of Montana, and an errata page. President McIntosh distributed an addendum to Item 12-200-R0676, Staff, Montana State University.

Dr. Pettit moved adoption of the salary recommendations for all institutions for positions below the rank of Dean. Mrs. Pace seconded the motion and it carried.

Dr. Pettit moved that recommended salaries for administrators who are new hires be approved as submitted by all institutions. Mrs. Pace seconded the motion and it carried.

Dr. Pettit moved that the salaries for Deans and Vice Presidents on all campuses be frozen at the present level, and that at the July meeting the presidents be invited to justify increases on an individual basis based upon merit. Mrs. Pace seconded the motion and it carried.

Dr. Pettit moved that the Commissioner and the presidents be directed jointly to develop a plan to establish salary ranges for administrative positions on all campuses and criteria which can be used to determine raises for administrators. Mrs. Pace seconded the

motion and it carried.

The next meeting was scheduled on the statutory date of July 12, 1976.

The meeting adjourned at 10:30 p.m.

Employees, on line three to add the words "and deferred compensation plans" after the word "annuities"; on line four after the word "employees" to add the words "of the Montana University System"; to delete the words "from the Teachers Retirement System or such commercial insuring agencies as may be designated," from that sentence; to delete the period on line eight and add the words "or compensation plan," and to change the explanation to be consistent with the amended wording. He moved that the item be approved as amended. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas moved that the Committee recommendation that Item 12-004-R0676, Policy on Non-Discrimination, Montana University System, be accepted. The motion was seconded by Mrs. Pace and carried.

Mr. Thomas reported that the Policy Committee discussed Item 12-005-R0676, Policy on Alcoholic Beverages, Montana University System, at length but made no recommendation. He then moved that the item be deferred. The motion was seconded by Mr. Evans and carried.

Mr. Thomas reported that the Policy Committee also discussed Item 12-006-R0676, Policy on Procedures and Limitations for Campus Hospitality, Montana University System, at length and had recommended a number of amendments. Dr. Pettit moved that the amended item be approved. Mr. Thomas seconded the motion and it carried.

Mr. Thomas reported that Item 5-006-R0774, Policy Regarding Fee Waivers, Montana University System, represents a major revision in the fee waiver policy, which was brought about by a number of things, including administration of the policy across the campuses. He stated this is an attempt to respond to criticism of the University System for granting fee waivers to students who do not maintain an acceptable academic standard and to make sure that in most instances fee waivers are allocated on the basis of financial need. He said the Committee had made several amendments

and he moved that the Board approve the item, as amended. Dr. Pettit seconded the motion. Mr. Thomas explained that President Bowers had some concerns about the G.P.A. requirements in the policy. President Bowers stated that according to the standards used at the University of Montana many students would become ineligible for fee waivers immediately. Dr. Pettit explained there was a consensus among the other presidents that these standards should be maintained. The motion carried, with Mrs. Pace voting "no."

Mr. Thomas reported that the Policy Committee amended Item 12-007-R0676, Fee Waiver, Community College Honor Scholarship, Montana University System, to change section 2.e) to read "to be classified an in-state student for fee purposes," and recommended that it be approved and integrated as a part of Item 5-006-R0774, Policy Regarding Fee Waivers, Montana University System. He so moved. Mrs. Pace seconded the motion and it carried.

Mr. Thomas reported that the Policy Committee amended Item 12-008-R0676, Policy Authorizing the Granting of Credit Toward the Acquisition of Continuous Tenure for Service at Foreign Institutions, Montana University System, to add the following sentence to the explanation: "This policy will be applied to faculty hired for the 1976-77 year. At a later date this provision will be proposed as an amendment to the faculty contract." He moved that the item be approved as amended. The motion was seconded by Mr. Evans and carried, with Mr. Peterson voting "no."

Item 11-003-R0276, Policy Regarding Faculty Exchange Agreements, Montana University System, was approved on motion of Mr. Thomas, seconded by Mr. Heberly.

Item 11-901-R1275, Policy Regarding Public Notice and Participation, Board of Regents of Higher Education, was approved on motion of Mr. Thomas, seconded by Mr. Heberly.

Mr. Evans reported that the Capital Construction Committee had met at Montana Tech on Sunday, June 6, 1976 and inspected buildings on the campus. He said the Committee recommended approval of Item 12-502-R0676, Financing and Construction of a Physical Education Facility at Montana College of Mineral Science and Technology, which had been added to the agenda. He moved that the Board approve the item. The motion was seconded by Mr. Peterson and carried.

Mr. Evans moved that the Board re-affirm approval of Item 12-804-R0676, Authorization to Increase Amount for Replacing Roofs on the Married Student Housing, Northern Montana College. The motion was seconded by Mr. Peterson and carried.

Mr. Evans moved that the Capital Construction Committee recommendation for approval of Item 12-201-R0676, Remodeling Food Service Lewis & Clark Dorm, Montana State University, be accepted. The motion was seconded by Mr. Peterson and carried.

Mr. Evans moved that Item 12-115-R0676, Purchase Acquisition, 612 Eddy, Missoula, Montana, University of Montana, which had been added to the agenda, be approved. The motion was seconded by Mr. Peterson and carried.

Mr. Evans reported the Committee recommended that Item 12-606-R0676, Installation of Thermostats in Married Student Apartments, Western Montana College, be added to the agenda and approved by the Board. He so moved. The motion was seconded by Mr. Peterson and carried.

Mrs. Pace reported that the Community College/Vocational Education Committee and the Curriculum Committee met jointly and recommended approval

of a memorandum of understanding between Northern Montana College and Malmstrom Air Force Base which provides that Northern Montana College will offer instruction in construction technology and electronics technology to the Base personnel. She moved that the proposal be approved by the Board. The motion was seconded by Mr. Thomas and carried.

Mrs. Pace reported the Committee recommended that Item 12-3001-R0676, Criminal Justice Program, Flathead Valley Community College, be deferred, pending further discussion between Flathead Valley Community College, other units of the Montana University System providing education in this area and the Commissioner of Higher Education. She so moved. The motion was seconded by Mr. Thomas and carried.

Dr. Pettit reported the Council of Presidents had met briefly but had no further recommendations.

Dr. Harold Holen, Chairman of the Faculty Council, indicated he had nothing to report at this time.

Dr. Pettit introduced Dr. Kenneth J. Bandelier, President of the Western Montana College Unit of the Montana Education Association, who expressed the recommendation of the faculty of Western Montana College that Dr. Dale Tash be appointed as Interim President.

He also introduced Dr. James A. Walsh, Chairman of the Faculty Senate at the University of Montana, who expressed the faculty's concern that the report from the American Bar Association with regard to the Law School was based on economic reasons rather than academic ones, and that the allocation of funds were out of line with allocations for other departments of

the University of Montana. Mr. James called on President Bowers to comment. President Bowers indicated that he had appeared before the American Bar Association earlier in the month and reported how the funds would be used. He said it is now his understanding that the Committee found the specific allocation to be acceptable. He pointed out that they possibly would have a team visit the campus in October, although final arrangements had not been made as yet.

Dr. Pettit moved that the Board confirm the following appointments to the Local Executive Boards to serve until the third Monday in April, 1979:

James E. Edwards, Billings - Eastern Montana College
William McGinley, Bozeman - Montana State University
John E. Whelan, Butte - Montana College of Mineral
Science and Technology
Peter Hamilton, Havre - Northern Montana College
Bruce Watters, Dillon - Western Montana College
Alex Stepanzoff, Missoula - University of Montana

The motion was seconded by Mr. Evans and carried.

Dr. Pettit reported that Rosemary Zion, Attorney for Mrs. Gertrude Lindgren, was present and wished to address the Board. Mr. James asked Mr. Barry Hjort to present some background on Mrs. Lindgren's appeal for readmission to the Master's Program in Education Counseling of the Department of Educational Services at Montana State University. Mr. Hjort reviewed the case, stating that he had prepared at Commissioner Pettit's request an Order setting forth recommendations as an alternative to the hearing examiner's proposed Order, which he felt went somewhat beyond the parameters of this particular case. He indicated that in the alternative Order, he had deleted the references which related to other units of the Montana University System, leaving only provision for settling Mrs. Lindgren's appeal. Ms. Zion discussed both Orders, stating it was her feeling, and that of her client, that the Order should include a provision for a grievance mechanism at all institutions of the Montana University

System to resolve problems of this nature. She acknowledged, however, that both she and Mrs. Lindgren did find the provisions of the Order before the Board to be perfectly acceptable. Mr. Peterson moved that the alternative Order be approved. The motion was seconded by Mr. Thomas. Ms. Zion stated she would work out the particular details with Mr. Hjort.

Dr. Pettit distributed copies of his recommendations with regard to Continuing Education in the University System, stating that no action is necessary at this time.

Item 12-701-R0676, Miss Carol Wood Saunders to Dean of Women Emeritus, Eastern Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Evans.

Item 12-702-R0676, Increase in Room and Board Rates, Eastern Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Thomas.

Item 12-703-R0676, Increase in Room and Board Rates (Summer Session), Eastern Montana College, was approved on motion of Mr. Heberly, seconded by Mr. Thomas.

Item 12-704-R0676, Student Union Operating Fee, Eastern Montana College, was approved on motion of Mr. Heberly, seconded by Dr. Pettit.

Item 12-501-R0676, Increase in Board and Room Rates, Montana College of Mineral Science and Technology, was approved on motion of Mr. Peterson, seconded by Mrs. Pace.

Item 12-503-R0676, Increase in Student Building Fees, Montana College of Mineral Science and Technology, was approved on motion of Dr. Pettit, seconded by Mrs. Pace.

Item 12-202-R0676, Special Fee for Equitation, Montana

State University, was approved on motion of Mr. Peterson, seconded by Mr. Thomas.

Item 12-201-R0676, (Revised), Increase in Board and Room Rates for the Residence Halls, Montana State University, was approved on motion of Mr. Heberly, seconded by Mrs. Pace.

Item 12-202-R0476 (Revised), Increase in Rental Rates for Class III Family Housing, Montana State University, was approved on motion of Mr. Peterson, seconded by Mr. Thomas.

Item 12-802-R0676, Increase in Rental Rates for Family and Faculty Housing, Northern Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Evans.

Item 12-803-R0676, Increase in Board and Room Rates for the Residence Halls, Northern Montana College, was approved on motion of Mr. Evans, seconded by Dr. Pettit.

Item 12-111-R0676, Board and Room Rates, University of Montana, was approved on motion of Dr. Pettit, seconded by Mr. Evans.

Item 12-112-R0676, Student Health Service Fee Increase, University of Montana, was approved on motion of Dr. Pettit, seconded by Mrs. Pace.

Item 12-113-R0676, Bowling and Billiard Facilities Fee, University of Montana, was approved on motion of Dr. Pettit, seconded by Mr. Morrison.

Item 12-114-R0676, Exchange Professorship Agreement, University of Montana, was approved on motion of Dr. Pettit, seconded by Mrs. Pace.

President Bowers advised the Board that he had been requested to release a confidential report from the accreditation team which examined the University of Montana Law School in 1973. He said he had discussed the matter with Dean White, of the American Bar Association who suggested that a request be made to the Board of Regents for authorization to release the report since the American Bar Association had no objection to having

it released. Mr. Thomas moved that permission be granted to President Bowers to release the report. The motion was seconded by Mr. Peterson and carried.

Mr. Thomas moved that the Commissioner prepare a consolidation of fees to be integrated into the uniform accounting system for the Montana University System. The motion was seconded by Dr. Pettit and carried.

Item 12-601-R0676, Resolution Concerning the Retirement of Helen M. Struckman, Associate Professor of Education, Western Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Morrison.

Item 12-602-R0676, Resolution Concerning the Retirement of Almeda Mann Brown, Assistant Professor of English, Western Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Morrison.

Item 12-603-R0676, Retirement of James E. Short, President and Professor of Education, Western Montana College, was approved on motion of Dr. Pettit, seconded by Mr. Thomas. Mr. Heberly remarked that he felt the State of Montana owed a great deal of gratitude to President Short for his many contributions while serving as President of Western Montana College. All members concurred in Mr. Heberly's statements and Mr. James asked the Commissioner to read the retirement resolution in its entirety.

Item 12-604-R0676, Increase in Board and Room Rates, Western Montana College, was approved on motion of Dr. Pettit, seconded by Mrs. Pace.

The Board recessed at 11:00 a.m. to convene an executive session.

The Board reconvened in open session at 2:35 p.m. with the same members present.

It was reported that the Board had approved Items 12-203-R0676 and 12-205-R0676 during the executive session.

Dr. Pettit introduced Mr. Pete Dunbar of the Montana State University Athletic Scholarship Association, who made a brief presentation relating to the purpose of the Association. He explained the athletic scholarship functions and other activities sponsored by the organization. He stated his organization was desirous of seeing a firm resolution from the Board of Regents in support of the intercollegiate athletic program.

Mr. James asked the Commissioner to make an announcement with respect to the appointments of interim presidents for Western Montana College and Eastern Montana College. Dr. Pettit announced that the Board had approved the appointment of Dr. George Bandy as Interim President of Western Montana College and Dr. John Van de Wetering as Interim President of Eastern Montana College. Mr. Evans moved that these two appointments be made a matter of record. The motion was seconded by Mrs. Pace and carried.

Mr. James reported that action on the staff recommendations would be delayed because of some concerns relating to the recommended salaries for administrators in some instances. He suggested that the presidents meet with the Commissioner to discuss the possibility of making some adjustments in this area. He indicated that a special meeting would be held later in the month for action on staff recommendations, and that an attempt would be made to arrange a meeting with the Legislative Finance Committee in the meantime.

Mr. James explained that since there had been some criticism of the Commissioner's increasing staff, the Board had asked Dr. Pettit to

prepare a statement relating to personnel in his office describing the duties performed by each staff member. Copies of the statement were distributed and the Commissioner explained each position. Mr. James reported that the budget for the Commissioner's office would also be discussed at the special meeting to be held later in the month.

Mr. James turned the discussion to the matter of the budget problems with the Legislative Finance Committee. He called on Barry Hjort to present some of the background relating to the controversy over spending authority of the Board of Regents with regard to carryover funds. Mr. Hjort explained what had transpired to date, stating that the controversy continues. He said Jack Noble could speak more directly to the technical aspects of the problem. Mr. Noble cited the Legislative Committee's position that the Board of Regents should re-consider its approval of budget amendments since, in the opinion of the Committee, the expenditure of part of these funds is not appropriate at this time. Mr. Noble said the funds in controversy include over two million dollars of carryover funds and also a substantial amount of indirect cost monies which exceed the limit incorporated into the Appropriations Act. He reminded the Board that the problem relating to funds for 1975-76 also pertains to funds for 1976-77. He stated the position of the Legislative Finance Committee is that the Board of Regents should reverse its decision on budget amendments and seek a supplemental appropriation from the Legislature in 1977. Mr. Noble answered questions concerning the funds in question. Mr. James asked if they were actually spent or merely committed, and if the funds in question

would be used primarily for staff salaries. Mr. Noble acknowledged that they were monies committed to salaries; that the pay plan salaries had been legislated, that three institutions were committed to firm salaries under negotiated contracts and the remaining funds would be used to adjust faculty salaries of the other three institutions.

Mr. James asked Judy Rippingale, a staff member in the legislative fiscal analyst's office, who was in the audience, if the Legislative Finance Committee were contemplating filing a complaint against the Regents if they did not rescind the action relating to budget amendments taken on April 12, 1976. Ms. Rippingale replied that she was not free to disclose matters discussed during the executive session of the Committee. Mr. James asked if she might be able to arrange a meeting of the Regents and the Legislative Committee and she agreed to attempt to do so.

The Board recessed at 3:35 p.m.

The Board reconvened at 3:50 p.m.

Ms. Rippingale reported that the Legislative Fiscal Analyst agreed to try to arrange the meeting requested, but the feeling was that such a meeting would have to take place very soon. Mr. James asked that efforts to arrange a meeting continue.

Dr. Pettit brought to the attention of the Board the need for an attempt to alleviate the financial crisis at Flathead Valley Community College. He said the Board was being requested to cooperate with the Governor's office to try to effect a rebate of the three mills provided under House Bill 513 for assistance to this institution. The question of equity among all three institutions was discussed, since the mill levy did pass in support of Miles Community College and Dawson College. Mr. Peterson stated he would not be in favor of allocating rebate funds to only one institution. Mr. Morrison agreed this should not be done. There was

consensus that if the Board could make a decision before the end of July, funds could be allocated to all three institutions. Mr. James requested that a written memorandum relating to this problem be prepared by the Commissioner's staff for distribution to Board members at the next meeting. He said the matter would be considered at that time.

The meeting adjourned at 4:00 p.m., the next meeting to be subject to the call of the Chair.