

MINUTES OF THE BOARD OF REGENTS
OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
December 12, 1978
Helena, Montana

The Board of Regents of Higher Education convened at 10:00 a.m. Tuesday, December 12, 1978, in the conference room of the Commissioner of Higher Education, Helena, Montana. The meeting was called to order by Chairman Ted James. Also present were: Ms. Laura Briney, Mr. Lewy Evans, Mrs. Lola Hansen, Mr. Jeff Morrison, Mrs. Mary Pace, Mr. John Peterson and Dr. Lawrence K. Pettit.

On motion of Commissioner Pettit the minutes of the November 3, 1978 meeting were approved.

Commissioner Pettit reported the By-laws and Policy Committee recommended that Item 22-202-R1178, Authorization to Increase Traffic Fines, Montana State University, approved at the November 3, 1978 meeting be rescinded. He moved that the item be rescinded, that all presidents adhere to the conditions of the statutes relating to vehicular control, and that legislation be prepared to provide for a change in the existing statute. The motion carried.

Mr. Peterson reported that the By-laws and Policy Committee had discussed the matter of the Attorney General's opinion with respect to granting fee waivers to veterans in continuing education courses, but made no recommendation to the Board. He said he felt that the Board should retain its right to control and manage the university system in accordance with the constitutional dictum. He moved that the administrative policy manual be changed to add a new section stating as follows: "In courses in which veterans who are eligible for fee waivers are enrolled, the minimum class size may be increased by the number of such veterans". The motion carried.

On motion of Mr. Evans, Chairman of the Capital Construction Committee, the following items were approved:

- Item 23-701-R1278, Financing and Construction of an Addition to the Physical Education Building, Eastern Montana College (Substitute item)
- Item 23-702-R1278, Appointment of an Architect to Plan Improvements of and an Addition to the Physical Education Building, Eastern Montana College (an addition to the agenda)

- Item 23-201-R1278, Improvements of and Additions to the Physical Education Facilities, Montana State University, as amended on page two, paragraph three to delete the sentence: "Hence, they have been listed in the priority order".
- Item 23-203-R1278, Appointment of an Architect to Plan Improvements of and Additions to the Physical Education Facilities, Montana State University
- Item 23-202-R1278, Addition to and Remodeling of Strand Student Union Building, Montana State University
- Item 23-204-R1278, Appointment of an Architect to Plan Improvements of and Additions to the Strand Student Union Building, Montana State University
- Item 23-302-R1278, Purchase of Burlington Northern Land on Red Bluff Ranch, Agricultural Experiment Station
- Item 23-303-R1278, Construction of Machine Shop and Storage Complex, Agricultural Experiment Station
- Item 23-105-R1278, Authorization to Increase the Amount Expended on Construction of a Dental Suite, Student Health Service, University of Montana
- Item 23-802-R1278, Authorization to Expend Armory Gym Bond Reserves for Repairs to the Armory Gym, Northern Montana College (an addition to the agenda)

Mr. Evans also moved that in order for the university system to save thirty to sixty days' time for getting underway with the planning of building projects, Mr. van Teylingen, Facilities Planner, examine the possibilities of having a schedule for notifying architects of interviews for university system projects set up apart from that which is set up for other State agencies. The motion carried.

Mr. Peterson, Chairman of the Collective Bargaining Committee, reported the Committee would have a report later in the day.

Mrs. Pace, Chairman of the Curriculum Committee, reported that the presidents would be submitting further comments in writing with respect to the Commissioner's recommendation on the role and scope of the institutions and the Board would probably make a decision on the recommendation at the next meeting.

Dr. George Bandy, Deputy Commissioner of Higher Education, introduced Mr. Jim Malloy, a student at the University of Montana, who will be working in the Commissioner's office as a legislative

intern during the 1979 session of the Legislature. He also introduced Mr. Curt Johnson, a student from Montana State University, who will be working as a student lobbyist during the session.

Commissioner Pettit asked Jack Noble, Tom Nopper and Patricia Douglas to report on problems with the Statewide Budgeting and Accounting System. Mr. Morrison stated that as far as he is concerned SBAS is here to stay, so every effort should be made to solve the problems. Mr. James brought up the matter of how much money was paid to the Arthur Anderson Company, and questioned whether they had some responsibility to the university system for assisting with problems at this stage. Dr. Bandy expressed his concern about the current proposal for a chargeback to the university system units from the Department of Administration for their use of SBAS. He said this would involve a considerable amount of money which the institutions do not have available. He mentioned that the proposal would probably require legislation before it could be implemented.

Commissioner Pettit reported there were three appeals on which the Board needed to decide whether to accept jurisdiction. Mr. Peterson moved that in the matter of the appeal of his residency status the Board uphold the Commissioner's decision with respect to Michael D. Stienbarger. The motion carried.

Mr. Peterson moved that the Board not accept jurisdiction in the matter of Dr. L. Silvey's appeal and that Dr. Silvey be advised that he has exhausted his administrative remedies but may take any further action he deems necessary in the courts. The motion carried.

Mr. Peterson moved that the Board also decline to entertain an appeal in the matter of Dr. Marjorie Keiser's appeal relative to her academic tenure and that the Board affirm the decision made by the Commissioner in upholding Montana State University. The motion carried.

Commissioner Pettit reported it was the unanimous decision of the Council of Presidents that the Board should consider requesting from the 1979 legislature an appropriation to permit the university system to continue to pursue realistically the assessment of MIS efforts and available options, and to develop and install segments of

the MIS structure, as considered justified, Commissioner Pettit stated that the amount of money involved would need to be determined at a later time. It was agreed that a decision on this matter would be deferred until the next meeting.

Mr. Peterson, Chairman of the Collective Bargaining Committee, read the following statement recommended by the Committee and moved that it be adopted by the Board:

The Board of Regents has been asked by legislators, press and others about the progress of collective bargaining with faculty in the University System. In the Montana University System, two campuses (Montana State University and Montana Tech) are not engaged in collective bargaining; two campuses have contracts--Northern Montana College and Western Montana College. Two campuses--Eastern Montana College and the University of Montana are currently bargaining. At Eastern Montana College, progress has been frustratingly slow even though the Regents' bargaining team has spent 32 days in actual bargaining with the faculty.

There are basic principles to which the Regents adhere in bargaining at all campuses. We expect to provide for a high level of accountability on the part of individual faculty. We seek conditions that will reward high quality faculty and will encourage quality performance. We must achieve sufficient management flexibility within the context of tenure to respond to declining and shifting student enrollments.

We are concerned that Eastern's faculty have had no raises for two years and further concerned that the University of Montana faculty has had no raises for one year. However, the Board continues to adhere to its position that it will not settle wages separately from the other terms and conditions of a contract. The Board is mindful of legitimate student support requirements and cannot erode other personal service budgets in order to reach a final settlement with faculty.

The motion carried,

Mr. Peterson moved that the following statement also be adopted:

The Board of Regents is adopting, for the employees of the Montana University System, for the coming biennium, the general guidelines on wages and prices, as promulgated by the President's Council on Wage and Price Stability. The wage-increase guideline we will propose to the legislature, in the absence of any other contract agreement, will

therefore be 7 percent per year. The Regents support an increase in the employer group insurance contribution of \$20 for 1979-80, and an additional \$10 in 1980-81, as part of the wage proposal. The Board is opposed to passing the increased cost of higher education on to the student.

The Board also endorses the concept of real wage insurance, as promulgated by the Council on Wage and Price Stability. The employees of the Montana University System should not lose ground in the battle against inflation relative to other segments of public and private employees as a result of living within this guideline.

The motion carried,

Mr. Louis Forsell, Legal Counsel on the Commissioner's staff, read the following statement:

On behalf of the Montana University System, the Board of Regents of Higher Education for the State of Montana acknowledges its indebtedness and pays tribute to the Committee for the Continuation of the Six Mill Levy for its success in securing voter acceptance of Referendum 75.

In view of the deafening acclaim for Proposition 13 and the recent history of rejection of nearly all mill levy propositions for education, the achievement of the Committee is phenomenal.

The Committee engaged in a thorough, intelligent, comprehensive campaign to inform the electorate of the great importance of the six mill levy.

They planned wisely, obtained contributions from every economic sector of the state, and obtained endorsements from 28 groups varying from the AFL-CIO to the Montana Chamber of Commerce.

Hal Stearns and Sonny Holland, director and associate director of the Committee, made 150 public appearances before civic clubs, unions, citizens groups, political meetings, and conventions throughout the state. An astute, well-timed advertising campaign was waged.

Passage of this referendum was critical to the operation of the Montana University System. Defeat of Referendum 75 would have presented staggering obstacles to the legislature, the Board of Regents and the campuses.

With this public statement, the Board of Regents expresses its immeasurable appreciation for and recognition of the great civic contribution to higher education in

Montana made by William S. Groff, Harriet Meloy, S. Clark Pyfer, Hal and Jean Stearns, Sonny Holland and Curt Peterson.

Chairman James ordered the statement to be spread on the minutes. Mr. Hal Stearns acknowledged the recognition of the efforts of those who worked on the six mill levy campaign and thanked the people of Montana for approving the levy.

At Chairman James' request, Mr. Forsell also read the following statement:

Dr. Lawrence K. Pettit has tendered his resignation as Commissioner of Higher Education effective January 1, 1979.

With this statement, the Board of Regents of Higher Education for the State of Montana acknowledges its indebtedness, and expresses its deep gratitude and appreciation to Dr. Pettit for his outstanding service as the first Montana Commissioner of Higher Education under the 1972 constitution.

That constitution vested in the Board of Regents "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System."

This constitutional mandate presented an awesome obligation to the newly constituted Board of Regents. To discharge its constitutional obligation demanded the piecing together of an educational policy that would meet the needs of the populace in higher education and yet be within the state's ability to finance. Particularly this meant striving for a unified system - a goal that would be most difficult in view of past Montana history where each campus competed with the legislature for individual authority, projects and programs and competed for the limited resources.

Plainly, the Board of Regents needed the right chief executive to help formulate its policies and to discharge those policies.

Realistically, the Board could not expect to find a person with the wisdom of Solomon, the patience of Job and the statesmanship of Webster, Clay, Calhoun and Lincoln, yet that is what the job appeared to require. The Board, therefore, was fortunate to find a person with a broad and comprehensive knowledge of higher education, an innovative, articulate, pragmatic, resourceful scholar and administrator,

Dr. Pettit is a native Montanan, a graduate of the

University of Montana, a distinguished scholar with a background as a university professor and administrative staff member of the American Council on Education who earlier in his career served as a legislative assistant to two United States Senators.

Speaking of the university system as it existed in 1932, the late Dr. Francis Thomson, President of the Montana School of Mines, stated:

"Of course, the Chancellor is the "shock-absorber" as far as the general public is concerned. As was the case when Dr. Bryan was in Idaho, there is a good deal of criticism and more or less direct attack at every session of the legislature. This attack, however, does not seem to be directed against the system; in fact that never seems to be mentioned, but against the Chancellor's office as such. To my notion, however, a central executive of a wise and experienced type is the absolute sine qua non of the system, but I should hate to be Chancellor."

This has been true for Dr. Pettit. As the Commissioner of Higher Education responsible for administering the policies of the Board of Regents, he has placed principles above personalities, meeting adverse and often hostile criticism and publicity with grace, tact and understanding.

The Board of Regents regrets losing the services of Dr. Pettit. With this public statement we express our appreciation for and recognition of his remarkable service to higher education in Montana.

Mr. Peterson moved adoption of the resolution and it carried unanimously. Commissioner Pettit remarked that holding this position was the highest honor he had ever had. He thanked the Board for its dedication to higher education in Montana.

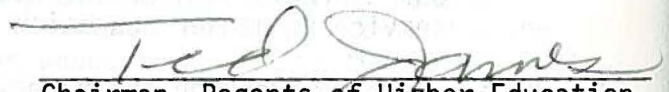
On motion of Commissioner Pettit the following items were approved:

- Item 23-700-R1278, Staff, Eastern Montana College
- Item 23-200-R1278, Staff, Montana State University
- Item 23-301-R1278, Purchase of Electron Microscope,
Agricultural Experiment Station
- Item 23-400-R1278, Staff, Cooperative Extension Service
- Item 23-801-R1278, Resolution Concerning the Retirement of
Francis E. Yeager, Associate Professor
of Chemistry, Northern Montana College
- Item 23-800-R1278, Staff, Northern Montana College
- Item 23-100-R1278, Staff, University of Montana
- Item 23-101-R1278, Naming the Mansfield Library, University
of Montana

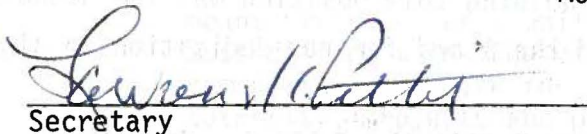
- Item 23-102-R1278, Renaming the former Library Building, University of Montana
- Item 23-103-R1278, Resolution Concerning the Retirement of Robert E. Sullivan, Dean and Professor of the School of Law, University of Montana
- Item 23-104-R1278, Deleting the B.A. in Business Administration Degree at the University of Montana
- Item 23-500-R1278, Staff, Montana College of Mineral Science and Technology (an addition to the agenda)
- Item 23-500A-R1278, Staff, Montana Bureau of Mines and Geology (an addition to the agenda)
- Item 23-900-R1278, Staff, Office of the Commissioner of Higher Education (an addition to the agenda)

Commissioner Pettit reminded the presidents that all statements relating to proposed land acquisitions had not been received. Chairman James requested that these be sent in as soon as possible. The meeting adjourned at 11:00 a.m.

APPROVED:



Chairman, Regents of Higher Education
Montana University System



Secretary