

MINUTES OF BOARD OF REGENTS  
OF HIGHER EDUCATION  
MONTANA UNIVERSITY SYSTEM

January 6-7, 1980  
Helena, Montana

The Board of Regents of Higher Education convened at 1:30 p.m. Monday, January 7, 1980, in the Conference Room of the office of the Commissioner of Higher Education, Helena, Montana. The meeting was called to order by Chairman James. Regents present: Lewy Evans, Ted James, Shelley Hopkins, Jeff Morrison, Mary Pace, Lola Hansen and John L. Peterson. Commissioner of Higher Education John A. Richardson was also present.

Chairman James called for additions or corrections to the minutes of the previous meeting. There being none, the minutes of the November 2, 1979 meeting were ordered approved by the Chair.

Chairman James stated that with approval, the agenda would be revised to go through the blue book prior to the review of the Butte Nursing program.

Mary Pace moved that the report of the Joint By-Laws and Policy and Budget Committees be adopted and that the following items be approved:

- Item 26-004-R0180, Course Audit Fee, Matriculated Students; Montana University System
- Item 26-005-R0180, Listener Fee, Non-matriculated Students Montana University System
- Item 26-006-R0180, Remedial Instruction Fee; Montana University System
- Item 26-009-R0180, Room Reserve Deposit and Refund Schedule; Montana University System
- Item 15-001-R1276, Simultaneous Registration; Montana University System (REVISED)
- Item 26-012-R0180, Montana Guaranteed Student Loan Program
- Item 17-002-R0777, Performance Evaluation, presidents (Revised) TO BE RESCINDED

- Item 17-003-R0777, Performance Evaluation, Commissioner of Higher Education (Revised)
- Item 26-002-R0180, Performance Evaluation, Presidents; Montana University System
- Item 26-003-R0180, Termination of the Commissioner of Higher Education or a unit president; Montana University System
- Item 26-010-R0180, Additional Funding for Research; Montana University System
- Item 26-207-R0180, Resolution requesting the issuance of \$6.5 million in Long Range Building Program Bonds for Montana State University and approving an agreement between the Board of Regents and the Department of Administration with respect to payment of principal and interest on the bonds.
- Item 26-206-R0180, Resolution authorizing the transfer of Patton L. Seifert Memorial Fund to the Endowment and Research Foundation at Montana State University. The gift was intended for said foundation but inadvertently transferred to Montana State University.
- Item 26-702-R0180, Resolution requesting the issuance of \$1.5 million in long range building program bonds for Eastern Montana College and authorizing the Commissioner of Higher Education to enter into an agreement with the Board of Examiners with respect to payment of principal and interest on the bonds.
- Item 3-004-R1273, Student Fee Deferment Policy; Montana University System (REVISED), as amended:
- AMENDMENT: Approve Section 1 & 3  
Delete Section 4  
Delete \$10.00 in Section 2  
Insert \$5.00 in Section 2

Motion Carried.

Jack Peterson moved Item 26-607-007-R0180, Authorization to Withhold Registration, Transcripts and Diplomas from Students Owing Debts; Montana University System be approved as recommended by the Commissioner. Motion carried.

Lewy Evans reported that the Capital Construction Committee

recommended the following items be approved:

Item 26-011-R0180, Capital Construction Bids Exceeding Authorization, Montana University System

Item 26-103-R0180, Authorization to increase the amount expended on renovation of food service area, University Center Copper Commons and Lodge Treasure State Dining Room, University of Montana, Missoula, Montana to \$90,500

Item 26-203-R0180, Construction of Married Student Housing, Montana State University

He so moved. The motion carried.

Lewy evans moved that the following item be approved as amended:

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

AMENDMENT:

Section 2. (A) (2):

Line 4: Delete: "the unit"

Insert: "the Department of Administration"

Lines 5

and 6: Delete: "in a manner similar to that used by the Department of Administration"

The motion carried.

Dr. Hugh Dresser rose to request an additional amendment be made to include a faculty representative on the interview team. There being no objection, Lewy Evans moved to reconsider and further amend the item as follows:

Page 2, Section 2, (B) (1) (b):

Line 4: Following "student"

Insert: "and faculty"

The motion carried.

Jack Peterson moved that the following item be approved:

Item 26-301-R0180, Authorization to Spend Additional Funds for Electron Microscope Suite, Montana State University

The motion carried.

Mr. Evans reported that the Capital Construction Committee had requested the staff attorney to research the issue of architects' liability insurance and report back to the Board.

Jack Peterson moved that the Board ratify the contract negotiated with the faculty at Northern Montana College. The motion carried.

Lola Hansen reported that the Community College Trustees will be meeting at Dawson Community College in Glendive on January 19, 1980 to discuss Board of Regents' policies relative to community colleges; the transfer of vocational courses; Attorney General's opinion on the legality of language in HB 483; relationship of community college with the Indian community colleges; and the Legislative Finance Committee funding study of higher education.

Mary Pace moved that the recommendation of the Curriculum Committee be adopted and the following items be received for consideration at a future meeting:

- Item 18-602-R0977, Rural Education Center, Western Montana College
- Item 26-602-R0180, Guidance and Counseling K-12 Minor, Western Montana College
- Item 26-603-R0180, Driver and Traffic Safety Minor, Western Montana College
- Item 26-604-R0180, Library K-12 Minor, Western Montana College
- Item 26-4000-R0180, Authorization to Grant Degree of Associate of Applied Science in Power Plant Technology, Miles Community College
- Item 26-102-R0180, Organization of an Institute for Human Resources, University of Montana

The motion carried.

Mary Pace moved that the following item be withdrawn at the request of the institution:

- Item 9-702-R0775, Secondary Education Major in Psychology, Eastern Montana College

The motion carried.

Mary Pace moved that Item 26-101-R0180, Teacher Education Programs, University of Montana be deferred for action at the next Regents' meeting with the stipulation that the catalog not be printed until after action is taken on this item. The motion carried.

Mary Pace moved that the recommendation of the Curriculum Committee be adopted and that the following items be approved:

Item 26-601-R0180, Teacher Education Programs, Western Montana College

amended as follows:

Under: "Majors"  
 Insert: Industrial Arts  
 Mathematics  
 Music K-12

Item 26-201-R0180, Teacher Education Programs, Montana State University

amended as follows:

Under: "Majors"  
 Insert: Business Education  
  
 Under: "Minors"  
 Following: "Reading Specialist"  
 Insert: K-12

Item 26-204-R0180, Authorization to grant the degree of Bachelor of Science in Biological Sciences with options in Biology Teaching, Bio-medical Sciences, Botany, Entomology, Fish and Wildlife Management, and Zoology, Montana State University

Item 26-205-R0180, Authorization to terminate the degrees of Bachelor of Science in Botany (with an option in Biology Teaching), Entomology, Fish and Wildlife Management, Premedicine, and Zoology, Montana State University

Item 25-105-R1179, Approval of the Bachelor of Arts Degree in Economics and Philosophy the University of Montana

Item 25-106-R1179, Approval of the Degree of Bachelor of Fine Arts in Dance at the University of Montana

- Item 25-205-R1179, Authorization to Grant the Degree of Master of Science in Land Rehabilitation; Montana State University
- Item 25-203-R1179, Authorization to Grant the Degrees of Master of Science in Engineering Mechanics, Montana State University
- Item 26-701-R0180, Teacher Education Programs, Eastern Montana College
- Item 26-801-R0180, Teacher Education Programs, Northern Montana College

The motion carried.

Mary Pace moved that Item 25-601-R1179, Degree in Human Resource Management; Western Montana College, be approved with the following stipulations:

1. the institution option and the public service option may be implemented;
2. the resort management option not be implemented until a qualified person is hired;
3. the remaining options not be implemented at this time;
4. when the Commissioner of Higher Education determines that Western Montana College has sufficient resources to undertake these remaining options he shall make a recommendation to the Board; and
5. the Commissioner of Higher Education be directed to conduct an audit of the Human Resource Management program in 1983 to assess its progress.

The motion carried.

Mary Pace reported that the Curriculum Committee did not discuss the Community-University Experimental Series (CUES) because the committee was informed that a new proposal had been submitted which does not require Regental action.

Mary Pace moved that the gubernatorial appointment of V. Eugene Cetrone, to the Local Executive Board at Eastern Montana College be confirmed. The motion carried.

Mary Pace moved to approve the appointment of Dr. Terrance Cypher to the Western Montana College Faculty Service Committee as the Regents' appointee. Motion carried.

Commissioner Richardson reported that the Legislative Finance Committee will meet on February 2, 1980 to hear testimony on the preliminary paper developed by its staff relative to funding of the University System.

Commissioner Richardson read the following statement:

Louis Forsell is retiring after nearly twenty years of service to the State of Montana, the last three-and-a-half of which have been as Chief Legal Counsel to the Board of Regents of Higher Education.

The Board of Regents acknowledges and expresses its gratitude and appreciation to Louis Forsell for his contributions to the Montana University System and to the State of Montana.

Louis Forsell is a native Montanan, born and reared in Butte, USA, as he is fond of telling newcomers to the state of the proper address for Montana's most famous city. He initially attended the Montana School of Mines and later the University of Montana where he earned a B.A. and J.D. degree. He also spent a year at the University of Wisconsin where he became familiar with the old Norwegian story of the Devil sitting between two lawyers crying, "Virtue in the middle"! He was awarded the Justin Miller prize for legal writing and had the next to highest scholastic standing in his law school class.

Louie entered the military service of the U.S. in September 1942 where he served in military intelligence until 1945.

He served in several capacities in the public service of the State of Montana: interviewer and office manager for the Montana State Employment Service; Assistant to several attorneys general; chief of the State Auditor's legal division and finally as Chief Legal Counsel to the Board of Regents of Higher Education. Interspersed throughout his many years of public state service are several years of private legal practice and several as a nationwide insurance examiner.

The greater portion of his professional life has been centered in public law where an extensive background in statutory construction, administrative law and procedure and federal and state civil and appellate procedure have been requisites. Since joining the Montana University System a staunch defense of the constitutional autonomy of the Board of Regents has required the agility and facility of his keen legal faculties. He has taught us all that the constitutional vesting of the Board of Regents with "full power, responsibility, and authority to supervise, coordinate, manage and control the Montana University System . . ." is more than a hollow shell.

His legal knowledge is matched by a warm compassion for his fellowman where his philosophy of one day at a time is well known to his counselees. A vast knowledge of the history of the State of Montana and a particular knowledge and under-



standing of the customs, traditions and concerns of its native Americans has been an ever present asset to the State.

Among his colleagues and friends he is respected for being well-read and versed in many of life's disciplines, particularly literature and the arts.

A fitting tribute to such a person can be found in Thomas Huxley's A Liberal Education:

"For every man the world is as fresh as it was at the first day, and as full of untold novel-  
ties for him who has the eyes to see them."

Chairman James requested that the statement be spread on the minutes.

The Council of Presidents, Faculty Association and Student Advisory Council had no report.

Mary Pace moved the following items be approved:

Item 26-100-R0180, Staff, University of Montana  
Item 26-200-R0180, Staff, Montana State University with the following addenda:

Page 2

Gloria A. Gregg, EdD  
Correction - TO: Asst. to the Dean; Dir,  
Com Educ; Asst Prof  
College of Education

Launa Lackey, MS  
Effective: 9/1-12/31/79 TO: 14,000(AY)\* 1.00 FTE  
Effective: 1/1-6/30/80 TO: 7,000(AY)\* .50 FTE  
One Year Temporary Appt

\*Prorated for a shortened contract period

Item 26-202-R0180, Retirement of Marga Hosaeus, Professor of Physical Education, Montana State University

Item 26-300-R0180, Staff, Agricultural Experiment Station amended as follows:

LEAVE OF ABSENCE WITH PAY

Page 13

Jack E. Catlin, DVM

Correction - TO: 9/18-12/20/79

Item 26-400-R0180, Staff, Cooperative Extension Service

Item 26-500-R0180, Staff, Montana College of Mineral Science and Technology



Item 26-500A-R0180, Staff, Montana Bureau of Mines and Geology

Item 26-700-R0180, Staff, Eastern Montana College

Item 26-800-R0180, Staff, Northern Montana College

The motion carried.

In the review of the Butte nursing program, Dr. Tietz discussed MSU's position and explained the criteria used in making the decision to discontinue the program in Butte. Testimony in support of the program was presented by Butte-Silver Bow interested persons, including representatives of the medical community, students currently in the program, and Butte area legislators. In response to questions from Jack Peterson, Dr. Tietz explained the problems involved in setting budgets that will be implemented one, two or even three years in the future. Notification requirements to faculty under contract complicates the procedures when management decisions dictate the reallocation of internal resources or the shifting of program emphasis.

Jack Peterson reviewed the information brought to the Board which led to the expansion of the clinical nursing program in Missoula, and stated that when that information was supplied there were no data produced which would indicate that any existing campus would be cut. The Board responded to what it believed to be a need for additional clinical nursing spots. Mr. Peterson concluded that he believed in fairness to the policy set previously by the Board and to the Butte medical community, the nursing program in Butte should be continued.

Mr. James agreed with Mr. Peterson and stated he felt the program in Butte must be continued for the good of the students and the community, and if you will, from a political standpoint. All the units are underfunded and Mr. James said he found this difficult to understand when the state has the largest surplus in its history.

Further discussion brought out that of the 36 students in the program, 33 are from locations other than Butte and that space is available for the students at the other campuses. Mr. Morrison said he believed that keeping the program open was a public service decision, not one based on what is best for higher education.

Mary Pace said she felt the real issue is not that of continuing or discontinuing the Butte nursing program, but whether the Board is assuming the job it hires presidents to do. She stated that if the Board of Regents bows to outside political pressure and interferes with an internal management decision made by the president of a unit, the Board is seriously undermining the authority of the presidents to manage the internal affairs of their college or university.

Jack Peterson then made the following motion: MSU be directed to maintain the status quo of the clinical nursing program at all four off-campus sites, Billings, Great Falls, Butte and Missoula, for the balance of the biennium.

Commissioner Richardson stated he agreed with Chairman James that the University System needs additional funding, and that the decision on this issue can be looked at from four different perspectives. As a policy issue, the Board of Regents can make the decision but in this instance to do so would, in the Commissioner's opinion, subvert the authority of a president to manage the curricular and administrative affairs of his institution. As an educational issue, the decision to close the Butte extended campus was a sound one based on the enrollment decline in nursing, increased enrollment in other disciplines, the number of clinical spots and the number of nurses in Montana. From a medical perspective, the claims that the proposed action will harm the provision of medical services in Butte are probably true, but the question must be asked if the provision of such services is a primary responsibility of the Montana University System. In the Commissioner's view it is not.


From a political perspective, the Butte delegation has historically been a friend of the Montana University System and there is no desire or intent to harm that relationship.

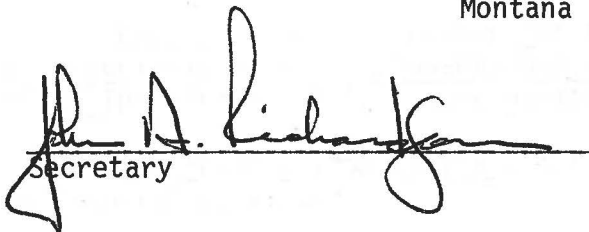
Commissioner Richardson concluded that the educational and administrative considerations outweigh the other two in his mind, and he therefore supports the position taken by the administration of Montana State University.

The question was called on Jack Peterson's motion. Regents Hopkins, Morrison and Peterson voted yes; Regents Pace, Hansen and Evans voted no, resulting in a tie vote. The Chair voted yes. The motion carried.

The meeting adjourned.

APPROVED:

  
Chairman, Regents of Higher Education  
Montana University System

  
Secretary

*[Faint, illegible text]*