

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

DATE: September 16, 1983
TIME: 10:30 a.m.
LOCATION: Conference Room
Montana University System
Helena, Montana
REGENTS PRESENT: Morrison, Keck, Hurwitz, McCarthy, Knight, Redlin
Commissioner of Higher Education Irving E. Dayton
REGENTS ABSENT: Pace
PRESIDENTS ATTENDING: Bucklew, Carpenter, Erickson, Tietz, DeMoney, Thomas
PRESIDENTS ABSENT: None
COMMITTEE MEETINGS: By-Laws and Policy Committee; Curriculum Committee;
Budget Committee

The Board of Regents met in executive session on Thursday, September 15, 1983 from 1:30 p.m. to 4:10 p.m. to discuss collective bargaining and litigation.

Chairman Morrison called the regular meeting of the Board of Regents to order at 10:30 a.m. on Friday, September 16, at the conclusion of the meeting of the State Board of Education. Roll call was taken and it was determined that a quorum was present.

Chairman Morrison called for additions or corrections to the minutes of the preceding meeting. Regent Darla Keck read the following statement and requested that it be added to those minutes:

"Media representatives present protested discussion in executive session since the Montana Open Meetings Act allows no exception for executive session discussion of pending litigation. Chief Counsel Schramm stated that he thought the litigation exception also covered discussion of potential litigation. Chairman Morrison then called the Board into executive session."

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Regent Robert Knight also stated that his vote on Item 39-001-R0683, Computer Fee, Montana University System, was incorrectly recorded. He asked that the minutes be amended to show he voted to approve that item. With those corrections, the minutes of the July 28-29, 1983 meeting were approved.

President James Erickson introduced Dr. Jerry Brown, recently-appointed Vice President for Academic Affairs at Northern Montana College. President Bruce Carpenter introduced Dr. Samuel Rankin, newly-appointed Academic Vice President at Eastern Montana College. President William Tietz introduced Dr. James Pickett, who has been serving as Acting Director of Administration since Mr. Nopper's resignation as Director of Administration. President Tietz added he would like to reintroduce Mr. Thomas Nopper to the Board in his new capacity as Vice President for University Services at Montana State University.

Chairman Morrison stated that without objection the committee meetings scheduled at this time would be held before the full Board and no separate committee meetings would be held.

Regent Darla Keck stated that the following items were received by the By-Laws and Policy Committee for consideration at a future meeting:

- Item 24-001-R0579, Institutional Organization; Montana University System (REVISED)
- Item 26-014-R0380, Honorary degrees; Montana University System and Community Colleges
- Item 26-015-R0380, Distinguished Service Awards, Montana University System and Community Colleges (REVISED)
- Item 41-003-R0983, Post-retirement Employment; Montana University System

Item 40-001-R0783, Campus Health and Safety, Montana University System, was reviewed by the Commissioner. He explained that the policy had been reviewed and approved by the Council of Presidents. The purpose of the

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policy is to assure that each unit has a mechanism in place to identify existing and potential threats to the health and safety of persons on campus and for the elimination or reduction of such threats. Campus procedures for dealing with emergencies in cooperation with local emergency services personnel would also be established under the policy. On motion of Regent Keck, the item was approved.

At Chairman Morrison's request, Jack Noble, Deputy Commissioner for Management and Fiscal Affairs, reviewed Item 41-002-R0983, Transcript fees; Montana University System (REVISED). The policy authorizes units of the System to charge a uniform transcript fee if they so elect. On motion of Regent Hurwitz, the item was approved.

Mr. Noble next reviewed Item 41-001-R0983, Inventory and Validation of Fees, Montana University System. The inventory identifies the student charges and assessments authorized by the Board of Regents for the six campuses of the Montana University System, and provides accounting disposition of the revenue obtained from the fees. On motion of Regent Hurwitz, the item was approved.

In conjunction with the review of the above policy, Mr. Noble presented the annual update of student cost of attending the Montana University System. Based on the assumptions contained in the report, the percentage increase over the prior year is estimated to be 7.96%. The estimated cost of four years of college, 1983 through 1987, is \$13,628.56 for students attending the Montana University System.

Item 41-101-R0983, Request for Approval for the Naming of the Forest Research Center, Lubrecht Experimental Forest, University of Montana was briefly reviewed by Mr. W. J. Lannan, Director of Special Projects. The item authorizes naming the new research and service building the Forestry Center. On motion of Regent Hurwitz, the item was approved.

Item 41-106-R0983, Authority to appoint an architect to plan and design the University of Montana Stadium and to proceed with the study to determine the scope of the project; University of Montana, an addition to the agenda of the Capital Construction Committee was discussed. Mr. Lannan

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reviewed the previous action of the Regents which authorized the University of Montana to seek approval of the stadium project from the Legislature, and the action of the Legislature on that request. The authorization requested in the item before the Board would allow the University to spend not more than \$5,000 of private funds to appoint an architect to determine the scope of the project. President Bucklew elaborated on discussions by the campus committee and the community. When the scope of the project has been determined, the University will return to the Board for approval to proceed with the stadium project. On motion of Regent Hurwitz, the item was approved.

Item 41-501-R0983, Engineering Laboratory/Classroom Building Agreement; Montana College of Mineral Science and Technology, an addition to the agenda of the Capital Construction Committee, was reviewed. Mr. Phillip Hauck was present and responded to questions on behalf of the Department of Administration. President DeMoney explained the investment of funds proposal set out in the letter of September 13, 1983 from the Financial Aims Corporation. The guarantee of the Montana Bank of Butte, N.A. to issue a letter of credit was also discussed. President DeMoney noted that because of the time constraints to present this agreement for approval at this meeting, the Montana Tech Foundation had no opportunity to review the Agreement, and he requested its approval by the Regents subject to confirmation by the Tech Foundation. It was also requested that the item be amended to add the following: "The Commissioner of Higher Education is authorized to sign the Agreement on behalf of the Board of Regents."

On motion of Regent Hurwitz, Item 41-501-R0983 was approved as amended.

President DeMoney reported that at its meeting on July 23, 1983 the Board of Directors of the Montana Tech Foundation had voted to grant land and buildings known as the Mineral Research Center to Montana College of

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Mineral Science and Technology. The language of the gift has not yet been prepared and the Architecture and Engineering Division of the Department of Administration has been requested to inspect the buildings to assure they meet state standards. When those details are completed, an item will be brought to the Board.

President DeMoney also reported that negotiations are in process to lease a small strip of land south of the HPER complex from the Anaconda Company. The land is needed to complete construction of the playing field previously authorized by the Board. President DeMoney will report further on this at a future meeting.

Mr. William Lannan reported on the status of the maintenance portion of the Long Range Building Program. Two bids have been let on roofing projects at the University of Montana, and architects interviewed on other projects. Savings realized on these projects will be applied to the deficit at the University of Montana.

President Bucklew reported that the demolition work has been completed on the Venture Center at the University of Montana. It is anticipated that the site clean-up will be completed within the next few days.

Regent Robert Knight moved approval of the collective bargaining agreement between the Montana University System and the International Brotherhood of Electrical Workers dated August 4, 1983, ratified by the union on September 7, 1983. The motion carried.

Regent Elsie Redlin reported that the following items were received by the Curriculum Committee for consideration at a future meeting:

- Item 41-102-R0983, Approval of a New Non-teaching Minor in Library-media Services; University of Montana
- Item 41-103-R0983, Approval of a Combined Bachelor of Arts Degree in Physics - Computer Science; University of Montana
- Item 41-104-R0983, Approval of a New Minor in Soviet Studies; University of Montana

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- Item 41-105-R0983, Approval of a New Minor in Native American Studies; University of Montana
- Item 41-701-R0983, Changing the Name of the School of Liberal Arts to the School of Arts and Sciences; Eastern Montana College
- Item 41-3001-R0983, Community College Education Center at Libby for Lincoln County; Flathead Valley Community College
- Item 41-4001-R0983, Community College Education Center at Colstrip; Miles Community College

Dr. Carrol Krause, Deputy Commissioner for Academic Affairs, spoke briefly on the two items requesting authorization to establish community college education centers. Dr. Krause noted that the submissions are made in accordance with Section 220.1 of the System's Policy and Procedures Manual, and have been sent to the private institutions and the vo-tech schools. Dr. Krause also called the Regents' attention to the laws for contiguous county mill levies. He stated there is some concern as to where this might lead in the future if control over proliferation of such centers is not maintained.

Dr. Krause reviewed Item 39-204-R0683, Authorization to Establish a Research Institute for Biological and Chemical Process Analysis, Montana State University, as set out in his recommendation to the Commissioner dated August 26, 1983 (on file). The institute is intended to be an interdisciplinary research center which will support research and graduate training in process engineering. The institute will be housed in the College of Engineering. Funding for the Institute will be through the Engineering Experiment Station. Support for research projects within the Institute will be from grants and contracts. It is recommended that the Institute develop by-laws that govern and assure the interdisciplinary nature of Institute research and public service programs and that these be submitted to the Commissioner's office for review as soon as they are developed. On motion of Regent Keck, the item was approved.

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Dr. Krause next reviewed Item 39-802-R0683, Authorization to Grant a Minor in Information Processing Technology, Northern Montana College. This minor will primarily serve students in the Business Technology program, but could be pursued by majors in any of the four-year programs available at Northern Montana College. Five new courses will be initiated if this authorization is granted. Questions raised by other institutions reviewing the proposal concerning titles of some of these courses should be given further consideration. Library holdings will probably need to be strengthened. The item is recommended for approval with the understanding that the course content will continue to be refined, faculty expertise in computer science will continue to be strengthened, and library periodical holdings will be improved. On motion of Regent Keck, the item was approved.

Commissioner's Report

Commissioner Dayton called attention to the art exhibit in the conference room presented through the courtesy of the Montana Repertory Theatre at the University of Montana. The show illustrates the artistic activities on the campus, and includes a history of the Repertory Theatre.

President Thomas reported on recent developments at the Rural Education Center, Western Montana College, including a phase-out grant received from the Northwest Area Foundation which will provide \$65,000 this year, and \$25,000 the next year. The Center is gaining regional, and some national, recognition as a result of the contributions of Dr. Alan Zetler and Mr. Ralph Kroom. In the Theodore Mitau awards, the Center was one of five selected for recognition from a field of sixty-nine nominations at the November meeting of the American Association of State Colleges and Universities. In addition, people at the Center have been working with ABC News to prepare a television special to be presented on the "20/20" show featuring one-room schools in America. Montana has over 100 such schools, and all the footage on the show will feature Montana rural schools. President Thomas will inform the Regents as soon as the date for the show has been set.

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President Tietz, Montana State University, reported that "20/20" is also preparing a television presentation on the dinosaur site at Choteau.

Jack Noble introduced Sib Clack, the Budget Analyst assigned by the Governor's Budget Office to work with the University System on higher education budgets.

Commissioner Dayton reported that the University of Montana Collective Bargaining Agreement states that the Board of Regents appoint one tenured faculty member to the Committee on Service annually, effective September 1. It is the recommendation of the University of Montana that the Board reappoint Professor Keith Osterheld, chair of the Department of Chemistry. Commissioner Dayton recommended that appointment be continued. Regent Redlin so moved. The motion carried.

Commissioner Dayton reported that the National Association of Schools of Theatre Commission on Accreditation again granted full accreditation to the University of Montana's Bachelor's and Master's programs in theatre.

Commissioner Dayton concluded his report with a brief discussion of the meeting on service/payback requirements for professional students to be held in Helena on October 3, 1983. Chairman Morrison and Regents Keck and McCarthy indicated they planned to attend.

The Council of Presidents, Office of Public Instruction, Board of Public Education, Faculty Association and Student Advisory Council had no reports.

At Chairman Morrison's request, President Tietz reported on Montana State University's recent educational television license application as set out in his memorandum to the Regents and others dated September 9, 1983 (on file). President Tietz explained Montana State University's unsuccessful application for a low-power television license in June 1982 and the subsequent decision that the only option was to seek a regular

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education television license. If that is granted, a 26-foot tower on top of Hedges South Dormitory will be erected from which Montana State University will be able to transmit a signal for distances ranging from five to twenty miles. Montana State University has requested clearance to transmit over channel 9 which is the channel reserved, but never used, for educational purposes in the Bozeman market area. If the license is granted, Montana State University believes it will be able for the first time to truly serve the very large off-campus student population with additional educational materials. President Tietz emphasized that this in no way implies a change in academic programs at Montana State University, and his belief that this action was in accordance with policies as set forth in the Regents' meeting of July 21-22, 1980 in discussions of educational television offerings on-campus in the System. President Tietz also noted that if granted, this application does assure that the channel set aside in this market area for educational purposes will be used in that manner and would prevent corporate entities from converting educational channels to commercial broadcasting by demonstrating non-use.

President Bucklew stated that he believed the material distributed on September 9 outlining Montana State University's proposal was a clear description of the program, consistent with previous discussions on educational television. He stated he endorsed the model, and joined with President Tietz in reaffirming the statements made in the 1980 meeting concerning educational television offerings in the System. He asked, however, that the Board restrict Montana State University to the power they now propose for this television station, and that it not be increased without approval of the Board.

Commissioner Dayton asked for clarification. He stated that it would be difficult to ascertain just what statements were being reaffirmed, and asked if the Board would not prefer to make clear its present policy guidelines.

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Chairman Morrison agreed. He asked the Commissioner if there is any consistency in the System now on licensing procedures for campus radio stations. The Commissioner explained a survey was conducted recently and there was not. On some campuses the students hold the license; some are licensed by the institution, and on one campus, the license is in the name of the Regents.

Chairman Morrison called for a motion on the Montana State University proposal. It was moved that if Montana State University's application is approved, that station be limited to the power in the proposal before the Board. Any proposed change should be brought to the Board for approval. The motion carried unanimously.

The Commissioner's staff was instructed to work with the Council of Presidents to develop a policy on educational television in the System, and establish consistent licensing procedures.

Chief Counsel Schramm requested permission to address the Board, and was recognized by the Chairman. Dr. Schramm reported first that he had just received a telephone call from Judge Bennett indicating that the Board of Veterans Affairs has been given until October 1, 1983 to answer in the pending lawsuit.

Dr. Schramm then stated that approximately two months ago he sent a memorandum to the Regents outlining the pros and cons on a matter of litigation and drawing some legal conclusions, at least one which, after further research, he no longer agrees with. He has been asked by several members of the press to supply that memorandum to them. Dr. Schramm stated he has consistently refused to do that in the name of attorney/client privilege. However, it is the client's privilege, not the attorney's. Dr. Schramm asked the Board for guidelines so that he is assured he is acting in a manner consistent with the Board's wishes, as the assertion is based on his belief that the Board is his client. After brief discussion,

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Regent Knight made the following motion: "The Board vigorously asserts that the referenced memorandum is a privileged communication and will continue to vigorously assert the attorney/client privilege to any communication between its counsel and the Board concerning the status of this or any other litigation."

Kevin Dolan, reporter for the Exponent, rose to state that in this case the client is the state of Montana. Citing the Constitution, Mr. Dolan said the only exception to the public's right to know is when the right to personal privacy is asserted. He claimed there is no one here to assert that right.


The question was called on Regent Knight's motion. The motion carried unanimously.

On motion of Regent Keck, the following items were approved:

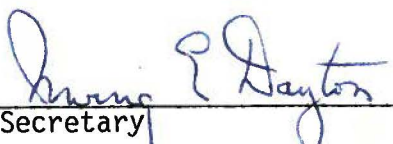
- Item 41-100-R0983, Staff, University of Montana
- Item 41-110-R0983, Degrees, University of Montana
- Item 41-200-R0983, Staff, Montana State University w/Addendum
- Item 41-201-R0983, Retirement of Kenneth L. Temple;
Montana State University
- Item 41-202-R0983, Retirement of Ben Tone;
Montana State University
- Item 41-210-R0983, Degree List; Montana State University
- Item 41-300-R0983, Staff, Agricultural Experiment Station
- Item 41-301-R0983, Retirement of James L. Krall;
Agricultural Experiment Station
- Item 41-400-R0983, Staff, Cooperative Extension Service
- Item 41-500-R0983, Staff, Montana College of Mineral Science
and Technology
- Item 41-600-R0983, Staff, Western Montana College
- Item 41-700-R0983, Staff, Eastern Montana College
- Item 41-800-R0983, Staff, Northern Montana College

The meeting adjourned at 11:40 a.m. The next regularly scheduled meeting of the Board is Friday, October 28, 1983, in Bozeman, Montana.

APPROVED:



Chairman, Board of Regents of Higher
Education, Montana University System



Secretary