

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

DATE: March 1-2, 1984
LOCATION: Petro East/West
Student Union Building
Eastern Montana College
Billings, Montana
REGENTS PRESENT: Morrison, Pace, Hurwitz, Keck, Knight, McCarthy, Redlin
Commissioner of Higher Education Irving E. Dayton
REGENTS ABSENT: None
PRESIDENTS ATTENDING: Bucklew, Carpenter, Erickson, Thomas, Acting President Knapp
Vice President Roy Turley attending for President DeMoney
PRESIDENTS ABSENT: DeMoney

The Board of Regents of Higher Education met in executive session on Thursday, March 1, 1984 from 2:00 p.m. to 3:00 p.m. on matters of collective bargaining and litigation. Regent Knight was absent. Following the executive session, the Regents met in open session to hear Eastern Montana College on the history of the development of the College, and the land acquisition program. At the conclusion of the reports, the Regents toured the campus.

Chairman Morrison called the regular meeting of the Board of Regents to order at 10:10 a.m. on Friday, March 2, 1984. All Regents had met in executive session from 8:30 a.m. to 10:00 a.m. on the same date to conclude their discussions of collective bargaining and litigation.

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 meeting of January 30, 1984 and to the minutes of the Conference Call Meeting of February 17, 1984. None were stated, and the minutes of both meetings were ordered approved.

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Chairman Morrison stated that without objection all matters on the committee agenda would be heard by the full Board.

Collective Bargaining Committee

Regent Knight, Chairman of the Collective Bargaining Committee, reported that a letter had been received by the President of Eastern Montana College stating that the faculty had approved the collective bargaining agreement on the agenda for ratification. He then moved that the Collective Bargaining Agreement between the American Association of University Professors, Eastern Montana College, and the Montana University System, be ratified. The motion carried unanimously.

Capital Construction Committee

Vice President Roy Turley reviewed the following items on the agenda of the Capital Construction Committee:

- Item 42-501-R0384, Appointment of an Architect to Plan Improvements and Renovation of the Dormitory at Montana College of Mineral Science and Technology
- Item 42-503-R0384, Appointment of an Architect to Plan Improvements of and Additions to the H.P.E.R. Building at Montana College of Mineral Science and Technology
- Item 42-504-R0384, Appointment of an Architect to Plan Improvements to the Student Union Building at Montana College of Mineral Science and Technology

On motion of Regent Hurwitz, the items were approved.

President Carpenter, Eastern Montana College, reviewed Item 42-703-R0384, Authorization to Dispose of a Residence; Eastern Montana College, and responded to questions. On motion of Regent Hurwitz the item was approved.

By-Laws and Policy Committee

Submission Agenda

At the request of Regent Keck, Chairman of the By-Laws and Policy Committee, Commissioner Dayton reviewed each of the items on the submission

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agenda of that committee. He stated that the revision to Item 18-002-R1077, Admission Requirements; General Policies; Montana University System (REVISED) was prepared to acquire Regents' authorization for a practice that it has been assumed the campuses had the authority to follow, that is, to take notice or place restrictions on persons applying for admission to the units whose past behavior would indicate that they may present an unreasonable risk to the campus or persons thereon. The language is permissive, and provides that if implemented, the campus will have an appeal procedure.

Item 42-004-R0384, Montana Associated Students; Montana University System, was submitted as prepared by the Student Advisory Council and has not been reviewed by the Commissioner's office. It was placed on the submission agenda at the request of Regent Keck. Commissioner Dayton stated he would be most willing to work with the students to make any needed revisions before Regents' action is requested at the next meeting.

Item 42-005-R0384, Personnel Policies; Montana University System is brought forward as a result of an on-going review of system personnel policies being conducted by Director of Labor Relations and Personnel Sue Romney working with the System's personnel officers. A number of years ago the Council of Presidents and Commissioner agreed that the System would follow all Department of Administration personnel policies unless the System made a specific exemption. This is set out in Regents' Policy Section 1904. Because this is not what is actually followed in practice, there is concern over possible legal problems. Ms. Romney, working with the System personnel officers, expects to bring additional systemwide personnel policies to the Board in the coming months. The policy on the submission agenda today is the "enabling action" for those policies which are to follow.

The three items reviewed above were received for consideration at a future meeting.

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Action Agenda

Item 21-002-R0778, Hearings, Montana University System, was discussed. The item is before the Board for recision on the recommendation of legal counsel. Reasons cited for repeal of the item were that the policy establishes procedures for hearings for persons denied due process of law, and those can be handled under the expanded Appeals policy on the agenda for action; the policy is too detailed; and its presence confuses people as to which appeal procedure is the appropriate one to use.

Regents' concerns in the discussion centered on whether there would be a policy in place on all campuses which provided such hearing procedures for all levels of employees if Item 21-002-R0778 were repealed. The Board was also interested in what each unit's procedures are. It was the consensus of the Board that the item should be recast to include stipulations setting out what each campus procedure should provide to assure a fair hearing to persons denied due process of law. On motion of Regent Keck, Item 21-002-R0778 was deferred.

Item 21-003-R0778, Appeals; Montana University System (REVISED) was discussed at length. Concerns of the Board with the appeals procedure were expressed by Regent Knight, who stated particularly that the policy should be considered as part of the whole question of what the proper scope of review by the Board should be, and under what standards the Board should conduct such reviews. Under current policy "any party adversely affected by the final decision of a campus president" may appeal first to the Commissioner of Higher Education, and then to the Board. If the Board elects to hear the appeal, the policy states the Board will specify the scope of the review and may request a full or partial hearing. Regent Knight elaborated his concerns with those statements, explaining that if the policy states that the Board will specify the scope of the review, then it should go beyond that and set guidelines on what the scope should be so that anyone appealing to the Board knows what procedures will be followed.

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Commissioner Dayton asked that the Board provide guidelines on what it believed its role ought to be in the appeals process so the policy could be rewritten to incorporate the Board's philosophy. For example, under present policy the Board can hold a "trial de novo" on the hearing held by the campus administration and the appeal to the Commissioner, or can limit its action to a determination of whether the previous actions were arbitrary and capricious on the part of the decision makers.

Regent Knight stated he would like a better indication of legal standards implemented by comparable Boards under similar circumstances. Regent Redlin stated that if the appeals process becomes a legally oriented activity, then she believed that would negate appeal to the Board as a lay group. Regent Knight stated that if hearing procedures are properly carried out at the campus level and in the review by the Commissioner if that appeal is made, then he did not believe the Board should hold another hearing. It might be helpful to the Board to know what the procedures for hearing are on each of the campuses. If there is a problem it should be addressed at that level. Every employee should have access to some procedure, and that was his concern with repealing the Hearings policy discussed earlier. He would lean to a review standard by the Board that did not call for a substitution of judgment or findings of fact unless there was an indication that those facts were clearly erroneous or that there had been a misapplication of policy. He favored limiting the scope of the Board's review. Chairman Morrison concurred that the scope of the Board's responsibility in the hearings procedures should be narrowed.

Chief Counsel Schramm outlined the differences between how such hearings are handled by the executive branch and the University System. He suggested that he prepare a memorandum outlining the Regents' legal responsibilities in this area for the Board's review. Regent Pace endorsed that suggestion, and asked that it be brought forward through the Council of Presidents.

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It was the consensus of the Board that no action should be taken on Item 21-003-R0778 pending a review which would incorporate those matters discussed, particularly limitation of the scope of the review in all appeals to the Board. On motion of Regent Keck, the item was deferred.

Dean Edward G. Groenhout, Montana State University, presented a report on public broadcasting and telecommunications. He distributed and explained Exhibits 1 through 5 showing methods of transmission, and a "Glossary of Terms With Explanations." (on file) The report included discussion on the importance to the System of retaining low power frequencies reserved for educational broadcasting ("set-asides"), and the importance of audio data and video signal transmission to the System now and in the future.

Next the Board discussed Item 42-003-R1283, Television Policy, Montana University System (REVISED) in the context of the report made by Dean Groenhout. It was the consensus of the Board that additional revisions should be made to assure that the System does not lose its educational frequency set-asides, and is expansive enough to address the issues raised in Dean Groenhout's report.

Speaking to the Procedures portion of the item, Regent Knight noted that in the last discussion, the Regents were concerned with proliferation of licenses and names of license holders for radio and tv stations on the campuses. While the proposed policy addresses the issue of licenses being obtained in the name of the Regents without their knowledge, it does not address the other issue. That should be included in the revision. On motion of Regent Keck, Item 42-003-R1283 was deferred. Dean Groenhout was asked to work with Commissioner's staff on the revision.

Curriculum Committee

Submission Agenda

Item 42-704-R0384, Reorganization of the School of Business and Economics, Eastern Montana College, was received for consideration at a future meeting.

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Action Agenda

Dr. Carrol Krause explained that Item 42-203-R1283, Authorization to Separate the Department of Electrical Engineering and Computer Science into two units - the Department of Electrical Engineering, and the Department of Computer Science at Montana State University was brought forward as a result of the growth in the computer science program at Montana State University. The explanation is more fully set out on the item. Dr. Krause and the Commissioner recommended approval. On motion of Regent Hurwitz, Item 42-203-R1283 was approved.

Dr. Krause briefly discussed Item 42-204-R1283, Authorization to Change the Name of the School of Nursing to the College of Nursing; Montana State University, and Item 42-205-R1283, Authorization to Change the Name of the School of Business to the College of Business; Montana State University. He stated that all other academic units at Montana State University which have similar responsibilities for degree granting programs with a Dean as the Chief administrative officer have been designated as colleges. Approval of these two items will bring these units into a similar relationship with peer groups. Dr. Krause noted that while the items are recommended for approval, he would call the Board's attention to his memorandum with the agenda material which explained the traditional academic rationale for the designation of "school" and "college". On motion of Regent McCarthy, Item 42-204-R1283 and Item 42-205-R1283 were approved.

Dr. Krause reviewed Item 42-702-R1283, Changing the Name of the School of Extended Studies and Community Service to the Center for Continuing Education and Community Service; Eastern Montana College as set out in the explanation on the item. He recommended approval. On motion of Regent Pace, the item was approved.

Dr. Krause explained that Item 42-801-R1283, Authorization to Grant a Graduate Minor in Guidance and Counseling K-12; Northern Montana College, was in response to a requirement adopted by the Board of Public Education in December 1983 which states that beginning with the 1986-87 school year, a 30-hour minor will be needed for an endorsement in Guidance and Counseling K-12. OPI has expressed concern about the absence of programs within

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the System to obtain the minor. On motion of Regent Pace the item was approved.

Next Dr. Krause reviewed Western Montana College's Academic Progress Report prepared in response to a requested internal evaluation and rejustification of the graduate program, the major in music, review of the continuing education procedures and the funding of the Rural Education Center. Dr. Krause noted that Western has spent a great deal of time and effort in evaluating and reviewing these programs and has recommended procedures for strengthening and improving each of them. These recommendations are set out in the report. Dr. Krause's responses to the recommendations set out in his memorandum to the Commissioner (on file) were discussed. In summary, Dr. Krause recommended the following:

Graduate Program: The institution has made a serious effort to identify weaknesses in the program and is preparing actions which should result in a stronger program. It is essential that progress be monitored to assure that the proposed improvements are implemented and are effective.

Continuing Education: Implement the procedures developed by the institution to assure that all courses offered in the future will meet the instructional hour/credit requirements as per Regental policy.

Rural Education: The question raised regarding rural education involved the cost of providing services in relation to the resources generated by those services. Because much of Western's academic planning is based upon an emphasis in rural education, if the Rural Education Center cannot survive because of lack of funding the institution's academic planning will have to be reviewed and revised. Curriculum planning must continue to be undertaken with the prospect that the Rural Education Center may not be feasible in future years.

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Music: Enrollment patterns should be carefully evaluated each semester. If no significant changes occur which justify additional staff then the music major should be discontinued. A survey of past graduates of the program should be made to determine if the program prepared them adequately.

Dr. Krause concluded his discussion, noting that the report presented was for information purposes, with no action requested by the Regents at this time. The Regents commended Western for the thoroughness of the report, particularly Dr. Evelyn Hively, Academic Vice President at Western.

Dr. Krause discussed briefly the report sent to the Regents on allied health, business and computer science programs in the System. The information contained in that status report will be the basis for future discussions in conjunction with campus planning. The report identified program goals, and while no action was needed on the report, Dr. Krause wanted to ascertain if the report provided the information needed by the Regents for those future discussions. Regent Pace responded that it did, and would be a good resource.

Thomas Nopper, Vice President for University Services, Montana State University, reviewed Item 42-202-R0384, Bond Resolution; Montana State University, an addition to the agenda. The resolution authorizes the issuance and sale of revenue bonds, series 1984, to finance the construction of married student housing at Montana State University, and refunds certain outstanding indebtedness of the Board previously issued for the benefit of Montana State University. Proposed forms of Indenture of Trust, Bond Purchase Agreement, and Preliminary Official Statement were also presented to the Board at the meeting with no action requested on those documents at this time. Approval of those documents and an additional resolution will be requested at the April meeting.

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The construction of the married student housing units has been before the Board for over two years, and has been held in abeyance pending obtaining a favorable interest rate for the sale of the bonds. It is now anticipated that the call for bids on the revenue bonds will be issued in approximately ten days. The item is presented as an addition to the agenda because the timeframe of the sale necessitates approval of the resolution before the April meeting of the Board.

Mr. Nopper stated that Mr. Ronald B. Kaiser, Municipal Underwriter, Boettcher & Company, and Gregory V. Johnson, Bond Counsel of the firm of Kutak, Rock & Huie, Denver, Colorado were present to respond to questions.

On motion of Regent Hurwitz, Item 42-202-R0384 was approved.

Acting President Stuart Knapp, Montana State University, requested approval of Item 42-204-R0384, Authorization to Exchange Holidays at Montana State University for the 1984-85 Academic Year, an addition to the agenda. Under this exchange and in accordance with Regents' policy, Columbus Day, October 8, 1984 and Lincoln's Birthday, observed on February 11, 1985 would be working days; December 24 and December 31, 1984 would be holidays at Montana State University.

During discussion, President DeMoney, Montana Tech, inquired if under Regents' policy, a campus could implement one holiday exchange, but not both. Commissioner Dayton responded that Regents' policy would have to be reviewed and a response given to President DeMoney at a later date.

On motion of Regent Pace, Item 42-204-R0384 was approved.

Commissioner's Report

Commissioner Dayton expressed his own and the Regents appreciation to President Carpenter and all those involved for the pleasant and efficiently hosted meeting. He added he would point out to the Regents that this completes the cycle of meetings on campuses in the System which

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started at Northern Montana College in the fall of 1981. Meetings have now been held at each of the units and at Miles Community College, and several members of the Board visited Dawson Community College and Flathead Valley Community College during this period.

Commissioner Dayton stated that with great pleasure he could report that the 1983 accounting class at Montana State University ranked first in the nation in the Uniform Examination for Certified Public Accountants. Out of more than 1,000 schools who had ten or more candidates take the CPA exam, Montana State University placed first and University of Montana sixth on percentage passing all parts of the examination on first sitting. He stated this is a very fine record for the students and the System to have made.

Commissioner Dayton also reported on the results of the uniform placement test in mathematics given to over 5,200 entering students in the Montana University System and Carroll College this past year. The purpose of the testing program was to place students in various levels of college mathematics courses based on students background ability. Results of the tests will be sent to each high school math department and will give schools information about how well graduates of their school performed compared to the composite statewide results. One of the more significant results was the correlation between poor performance and years lapsed since the last math course was taken by the student. If students entering college have not taken math in their senior year, competency erodes. This information should be particularly useful in counseling college-bound students.

The Commissioner reported that most of the information needed to prepare the report on student governments requested by the Regents has been received. That report will be sent to the Regents as soon as the rest of the information is provided by the student government organizations.

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A report will also be sent to the Regents in the near future on the information obtained at the "School Night for Excellence" meetings held around the state. The questionnaires are being processed by the Bureau of Business and Economic Research at the University of Montana. Newspaper clippings on reports of the community meetings will be sent to the Regents and the Board of Public Education. Those should provide a distillation of attitudes, and those can then be compared with the statistical report to obtain a good picture of what took place around the state.

Council of Presidents

President Bucklew stated he wished to alert the Regents to a document which he would be sending them soon. A draft document dealing with strategic guidelines for planning for the years ahead at the University of Montana has been circulated on the campus and will be the subject of discussion over the next ten days at a series of meetings. The draft has attracted some publicity, and he wished to inform the Regents that he would be sending copies to them.

President Carpenter mentioned a national conference scheduled on June 18, 19, and 20 at Eastern Montana College on critical examination of American education. He asked those present to mark their calendars for those dates. He will send additional information in the near future.

The Office of Public Instruction, Board of Public Education and Faculty Association had no reports.

Student Advisory Council

David Bolinger, retiring President of the Associated Students, University of Montana, expressed his appreciation to the Board for their cooperation and positive efforts over the past year, and stated particular appreciation to Regent Keck for her work with the students.

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He spoke briefly to the proposal on the Regents Policy Submission Agenda concerning the change in name and procedures of the SAC, and expressed his willingness and that of other SAC members to work with Commissioner Dayton to revise the item in a manner that would be satisfactory to the Regents and the SAC prior to seeking approval by the Regents.

Mr. Bolinger commended Commissioner Dayton on the College Preparatory Program proposal. He stated his strong personal belief that the System computer fee be reviewed in January, but commended the Regents for passing it. He stated that his experience in working with the Regents over the past year has reinforced his belief that the System is an excellent one and he believed that was the result of the dedication of the Regents, Presidents, and many of the other people present.

In conclusion, Mr. Bolinger presented a Certificate of Distinguished Service to the Regents from the Associated Students of the University of Montana.

Regent Redlin stated she wished to express her appreciation to the students for sending the Board minutes of their meetings, which helps the Board be aware of their actions and concerns. She also asked that the Board be continued on the mailing list of the student newspapers because they are eagerly read when received.

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

Item 42-100-R0384, Staff, University of Montana

Item 42-200-R0384, Staff Montana State University with ADDENDUM

Item 42-201-R0384, Retirement of Harrison Creech Reynolds;
Montana State University

Item 42-300-R0384, Staff, Agricultural Experiment Station

Item 42-400-R0384, Staff, Cooperative Extension Service

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- Item 42-500-R0384, Staff, Montana College of Mineral Science and Technology
- Item 42-700-R0384, Staff, Eastern Montana College
- Item 42-701-R0384, Vera Gerke - Distinguished Service Award; Eastern Montana College
- Item 42-702-R0384, Isabelle Johnson - Distinguished Service Award; Eastern Montana College

The meeting adjourned at 12:15 p.m. The next regularly scheduled meeting of the Board will be held on April 12-13, 1984, in Helena, Montana.

Following a luncheon hosted by the students for the Regents, the Regents held an open forum at 1:30 p.m. for students, faculty and interested persons in Petro East/West, Student Union Building.

APPROVED:


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


Secretary