

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

DATE: February 7-8, 1985
LOCATION: Student Union Building
Montana Tech
Butte, Montana
REGENTS PRESENT: Morrison, Redlin, McCarthy, Hurwitz, Scully, Paoli
Lind; Commissioner of Higher Education Irving Dayton
REGENTS ABSENT: None
PRESIDENTS ATTENDING: Bucklew, Carpenter, Erickson, Thomas, Tietz, DeMoney
PRESIDENTS ABSENT: February 7, 1985: Bucklew
February 8, 1985: Erickson

Minutes of Thursday, February 7, 1985

Chairman Morrison called the meeting to order at 1:45 p.m. Ray Rogers, President, Associated Students, Montana Tech, was recognized by the Chairman. Mr. Rogers welcomed the Board and guests to Montana Tech on behalf of the student body, with a special welcome extended to the two newly-appointed Regents. Mr. Rogers commented briefly on the plans the students had made for the times set aside on the agenda for student interaction with the Regents, and on the upcoming second annual leadership conference sponsored by the associated students. Mr. Rogers concluded by distributing copies of the placement summary showing how Tech's last year's graduating class fared in the employment market, and gave each of the Regents a copy of the Technocrat, Tech's student newspaper.

Chairman Morrison introduced John P. Scully and David Paoli, recent Regent appointees. Mr. Scully, an attorney

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from Bozeman, was appointed for a seven year term. Mr. Paoli, a law school student at the University of Montana, Missoula, the new student Regent, was appointed for a one year term. Chairman Morrison welcomed the two new Regents on behalf of himself and the other members of the Board.

Chairman Morrison stated that the first matters for consideration were five residency appeals. It was the consensus of the Board that the appeals would be heard.

Before starting the specific appeals, Dr. Laurence Weinberg, Assistant Chief Counsel, briefly outlined the residency appeals procedures for the benefit of the two new members of the Board. He also distributed copies of the Board's residency policy and the student guide recently adopted by the Regents.

Appeal of Mary Ellen Gabriel

Dr. Weinberg reviewed the facts which led to the denial of Ms. Gabriel's appeal as set out in the materials sent to the Regents and in the memorandum to the Board from the Commissioner dated January 21, 1985. She left the state in November of 1977 to recover from an automobile accident, and was absent slightly more than 4 years. Under Regents' policy, a 12-month absence from the state creates the presumption that residency status for fee purposes has been abandoned.

Ms. Gabriel was present, and testified in her own behalf. She stated that due to the serious nature of the accident and the medications involved it was not her decision to leave the state, and at no time did she intentionally relinquish her Montana residency

Ms. Gabriel's academic advisor, Dr. Margaretha Wessel, Director of General Studies at MSU, testified in support of the appeal, stating that because of the severity of her injuries, Ms. Gabriel is not capable of doing those things that normally start the residency period running. She does not drive a car, so she did not obtain a driver's license. She does not vote. She did pay

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Montana taxes, and did not understand that her Montana residency was lost as a result of her departure from the state to recover from the accident.

Ms. Gabriel responded to Regents' questions concerning her return to Montana and her attempts to complete her education. Chairman Morrison then stated that the Board has always strictly interpreted its residency policy and has yet to overturn a campus decision or a decision of the Commissioner on those appeals. However, in this instance he stated it was his personal opinion that this case merits such an action.

Regent Scully moved that the Commissioner's decision be overturned, and Ms. Gabriel be granted in-state residency status for fee purposes. The motion carried.

In the interest of future administration of the residency policy, Dr. Weinberg asked for clarification on the reasons for the Board's decision. Regent Lind stated that the circumstances of Ms. Gabriel's departure from the state give rise to the discretion of the Board that the 12-month continuous residency requirement could be waived.

Appeal of Shewaye Guletat

Dr. Weinberg reviewed the material sent to the Regents with the agenda including the memorandum from the Commissioner dated January 24, 1985. Ms. Guletat, a refugee from Ethiopia, came to Montana in January of 1984 to attend the University of Montana. She took no steps to establish Montana residency and in July of 1984 traveled to Washington, D.C. and worked there through the summer. She had not taken any steps to show Montana residency as of the date of her petition. Dr. Weinberg recommended that the decision to deny in-state status be upheld.

After brief discussion, Regent Hurwitz moved that the appeal be denied, and the Commissioner's decision to deny in-state residency status for fee purposes be upheld. The motion carried.

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Appeals of Nico Cantalupo; Edward B. Arnett; Sandra Stahlhut

Dr. Weinberg explained that the Board is asked to hear each of the following three residency appeals before taking action on any one of them because they illustrate a possible equity problem with current Regents' policy on residency. Each of the appellants had taken the steps necessary to "start the clock running" to establish residency for fee purposes, but each took out-of-state employment which involved their physical presence in another state, which serves to break the requirement of 12-month continuous residency. Dr. Weinberg explained that the situation is troublesome to those attempting to administer the policy. If Montana had a surfeit of jobs available for the taking that would be one thing. That is not the case. Students are forced to leave to find work to be able to continue their education. If they stayed in Montana and went on welfare they would have in-state status for fee purposes. Regents' policy is very clear in its requirement for 12-month continuous residency in order to be classified as an in-state student for fee purposes. Without clear cut requirements all students would be classed as in-state and that would work a severe hardship on the System and the taxpayers of Montana. Dr. Weinberg suggested that perhaps in these appeals, and later ones which are certain to arise based on the same issue, the Regents might wish to broaden the interpretation of the policy to consider where the student went and for what purpose during the break in residency. If he clearly goes out of the state to an area that is not his home and works there for the summer, but takes all other steps to establish residency, perhaps the appeals could be considered individually to take that into consideration.

Mr. Nico Cantalupo was present and addressed the Board concerning his appeal. He explained that he worked in Yellowstone Park during the summers of 1983 and 1984 but continued to bank in Montana, pay Montana taxes on income

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earned in the Park, retained his Montana driver's license, and in every way considered himself a Montana resident. He spoke also to the issue that if his parents resided and worked in Yellowstone Park, he, as their child, would be granted in-state status in Montana. but going there for summer employment himself during the establishment of his residency causes him to lose in-state status.

Dr. Weinberg reviewed the appeal of Edward B. Arnett as set out in the memorandum to the Board dated January 29, 1985. Mr. Arnett appeared to have taken all necessary steps to achieve in-state status and would have been granted that status if it were not for his absence in excess of 30 days during the summer. During that period he worked in Wyoming for the United States Forest Service in an area related to but not required by his studies at MSU.

Mr. Arnett was present and responded to Regents' questions concerning his appeal. He distributed copies of his Montana 1984 tax return showing taxes were paid in Montana. He stated he was aware of the residency requirements, and had attempted to do all those things necessary to maintain the ties to Montana.

Chairman Morrison stated it appeared he had made the choice that the job experience was more important than his residency status. Mr. Arnett responded that he had not made that choice. He felt he was a Montana resident. Mr. Arnett responded to other Regents questions, and concluded by stating that his goal is to obtain his degree in Montana and go on to graduate school in Montana.

Mr. Weinberg explained that the third appellant, Ms. Sandra Stahlhut, was not present. He reviewed the material on her appeal sent to the Regents with the agenda. He explained that this appeal differs slightly from the two previous appeals in that Ms. Stahlhut was out of the state for one-and-a-half years. She obtained a Montana driver's license

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in March 1982 while attending MSU. She has banked and voted in Montana since that time and has filed tax returns, paying taxes on a significant amount of money. Under the requirements of Board policy it was determined that she had not overcome the presumption of non-residency based on her absence from the state.

Commissioner Dayton summarized, stating that the policy as written requires the physical presence in the state for a continuous 12-month period of a person wishing to establish residency for fee purposes. That has been liberalized somewhat by allowing time out of the state for vacations. Under the policy as presently written, none of the three appellants would qualify for in-state status. The question before the Board is, is this equitable? The three were presented together to show the problem.

Dr. Weinberg stated that he did not believe the policy would have to be revised. The Board could make the statement that a certain set of circumstances overcomes the presumption of non-residency if that is what the Board wishes. Those circumstances might be leaving the state for an area not normally called home to obtain employment, but during which time all other requirements of the residency policy were met including filing Montana tax returns. These would be considered on an individual basis and would be very strictly interpreted. If the Board wished to make such a statement it would be helpful in providing guidelines to the campuses in making future determinations on residency.

Regent Lind agreed he would prefer not to amend the policy except with regard to the Yellowstone Park issue. He stated it seems inconsistent that the child of parents living and working in the Park is automatically granted in-state status in Montana, but a person in the situation of Mr. Cantalupo can not obtain the same benefit for himself. He believed the other two appeals should be looked at individually

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again by the campus, and made a motion that all three appeals be resubmitted back to MSU for review.

Regent Scully voiced concern with the motion, stating that the policy requires more than just physical presence. It speaks to domicile and residence through which a presumption is created. Dr. Weinberg also indicated it would be difficult for the campuses to make future residency determinations if these are merely sent back for further review with no statement from the Regents. If the Regents believe these persons have overcome the presumption of non-residency it would be better to clarify how that decision was reached so the campuses will not continue to send similar appeals forward.

Commissioner Dayton also stated if the Regents approve these three appeals it will signal to the staff that the policy needs further review. The campuses can also be notified because the Regents will have taken a position. Sending the appeals back doesn't make the Regents' intent clear.

Regent Scully agreed. He made a substitute motion that the three appeals be approved and a statement put on the record that the Regents recognize there will be individual circumstances in these appeals which will be considered within strict interpretations. There is no need for the policy to be amended.

Regent Lind commented he would have no problem with approving the appeals of Mr. Arnett and Mr. Cantalupo, but felt the campus had better access to make that determination on Ms. Stahlhut's appeal due to the extended period of her absence from the state.

In continuing discussion the Regents agreed that appeals made on the grounds of absence from the state during the required 12-month period should be considered on an individual basis. If it was determined that the absence was to a location other than home for the purpose of obtaining

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employment, the appeal should be given serious consideration if all other requirements of the policy have been met.

Based on the above discussion, Regent Lind withdrew his previous motion. Regent Scully also withdrew his substitute motion.

The question was called on the appeal of Nico Cantalupo. On motion of Regent Scully, the appeal was granted and Mr. Cantalupo was awarded in-state status for fee purposes. The question was called on the appeal of Edward B. Arnett. On motion of Regent Scully, the appeal was granted and Mr. Arnett was granted in-state status for fee purposes.

The question was called on the appeal of Sandra Stahlhut. On motion of Regent Hurwitz the appeal was returned to the campus for determination.

Regent Lind requested that Commissioner's staff examine the residency policy to address the concerns discussed regarding individuals who are employed at Yellowstone Park for the Board's consideration at the next meeting.

Commissioner Dayton stated one other issue concerning residency should be discussed by the Board. He read into the record the letter from Representative Dave Brown dated February 6, 1985 (on file). Rep. Brown has also introduced legislation (H.B. 557) which attempts to provide an equitable approach for individuals whose principal source of income is within Montana but because of where their work is located, reside outside Montana's boundaries. The bill as it relates to the University System provides nonresidents who meet certain conditions will be granted resident tuition. Rep. Brown would appreciate knowing the Board's position on the bill, or if the Regents prefer to address this situation directly, he will remove that section from the bill.

After discussion, the Regents agreed that while they would be willing to work towards resolution of the issues contained in the letter and proposed legislation, they would be

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reluctant to take action pending further review. On motion of Regent Hurwitz, Commissioner's staff was instructed to prepare recommendations to be brought to the next meeting of the Board for further discussion.

Role and Scope Discussion

Dr. Krause distributed a revised list of major role and scope issues developed after the discussions at the Havre meeting. He reviewed that discussion and the Board's instructions that the Commissioner and presidents develop a format for future discussion of role and scope.

Dr. Krause reported that the Council of Presidents has discussed the matter, and request a workshop or retreat setting in the spring for an in-depth discussion of the major issues. From the sense of direction the campuses get from the Board at the time, presentations will be made on individual campus's academic plans. It is believed the issues to be discussed are significant ones and will set the stage for academic planning in the System for some time to come. The campuses need direction from the Board

There was discussion on whether it would be wiser to wait to set the retreat until the three presidential searches which are in process are completed. It was the consensus of the presidents that the issues are larger than the tenure of any individual president, and it would be helpful to hold the discussions utilizing the expertise of the presidents who have participated thus far in the discussions. If a presidential position has been filled and the new president is available to attend, it would be beneficial to the new president to participate in the discussions. To attempt to deal with the issues one at a time at regularly scheduled Regents' meetings was discussed in the Council of Presidents. It was the consensus of the Council that the format would extend the discussions too far into the future.

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After discussion the Regents concurred with the suggested workshop. The tentative date for the workshop was set on June 19-20, 1985. Commissioner Dayton will determine a location near Helena and confirm that with the Board. Regents Scully and Paoli will be provided the information distributed at the Havre meeting relating to role and scope. Discussion materials for the workshop will be sent to the Regents as soon as possible.

President Bucklew said he wished to inform the Board that he has requested a review of the Montana University Affiliated Program, and that review is underway. Concerns have been raised about future funding and other matters. He anticipated having the report in April.

The meeting recessed at 4:00 p.m. Regents and interested persons toured the MHD facility and the Minerals Research Center. The meeting will reconvene on Friday, February 8, 1985 at 8:30 a.m.

Minutes of Friday, February 8, 1985

The meeting was called to order at 9:05 a.m. by Acting Chairman Redlin. It was agreed by the Board that all matters on the committee agenda would be heard by the full Board.

Capital Construction Committee

Item 46-201-R0285, Authorization to Remodel the Quadrangles and Proceed to Obtain an Architect for the Project; Montana State University, was presented by President Tietz. He explained that the project would be funded by use of some of the fees derived from the recent refinancing of bonds. The Quadrangles were built 30-odd years ago and have served various uses on campus. While they are in a difficult state of repair internally, externally they are in very good condition. The remodel would provide the campus with a multi-use facility, conference center, dormitory and married student housing. On motion of Regent Hurwitz, the item was approved.

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President Tietz next reviewed Item 46-202-R0285, Authorization to Proceed with Implementing Recommendations for Fire Safety of the On Campus Living Complex and Obtain a Project Engineer; Montana State University as set out in the explanation on the item. On motion of Regent Hurwitz, the item was approved.

Mr. William Lannan, Director of Special Projects, noted that both of the above items require the appointment of architects/engineers and that process will be initiated. The best estimate of the cost of the two projects is in the items. During the planning process more accurate figures will be produced. The Board will be kept informed.

President Tietz reported on the recent fire in Lewis Hall on MSU's campus. He reported that damage to the building is estimated to be approximately \$150,000 - \$200,000, with an equipment loss of approximately \$200,000. He distributed copies of a proposed item, Item 46-203-R0285, Lewis Hall Renovation, Montana State University, and requested authorization to submit it to the legislature's Long Range Building Committee as part of the Regents' request for the 1987 biennium. The item requests remodel funds for Lewis Hall in the amount of \$1,221,000 which would put Lewis Hall back into the current state of use. Supporting documentation was attached to the item, including a needs assessment. Insurance monies received as a result of the fire would be applied to the remodel. The request was discussed by the Board. Regent Lind questioned where the item should be placed on the Regents Long Range Building Program priority list. President Tietz responded that it should probably be placed at the bottom. Bill Lannan noted that legislative authorization would be needed for reconstruction of the damaged building.

On motion of Regent Hurwitz, Item 26-203-R0285 was approved with the proviso that it be submitted to the Long Range Building Committee as the Regents' priority number 29.

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Chairman Morrison assumed the Chair at this point.

Roll call was taken, and it was determined that a quorum was present and had been present since the meeting was called to order.

Chairman Morrison called for additions or corrections to the minutes of the previous meeting.

Bill Lannan stated that on page 6, 11 lines up from the bottom of the page, the sentence should be amended to read "and any agreement so negotiated be reported to the Board."

Page 12, next to the last paragraph, was amended to read "Regent Redlin made a motion for reconsideration of the action..."

On motion of Regent Redlin, the minutes of the December 13, 1985 meeting were ordered approved as corrected.

President Tietz distributed copies of a report on potential state agency building sites at Montana State University (on file). The Departments of Fish, Wildlife & Parks and Justice have contacted MSU to inquire about the possibility of locating a new building on property adjacent to the MSU campus. President Tietz reviewed the discussions and noted that no commitments have been made. He will keep the Board informed.

President Tietz also reported MSU's interest in pursuing the location of a Regional Resource Center at MSU if the recommendations of House Bill 909 Council are approved by the legislature. He distributed informational material on the Centers (on file). Differences in this proposal and the function of the MUAP at the University of Montana were reviewed by Dr. Krause. President Tietz will keep the Board informed on the progress of the proposal.

President Bucklew reported that because of the length of time between the Board's December and February meetings he had requested and received authorization to

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negotiate the purchase of four pieces of real property whose location made them of benefit to the University's future development. He explained that two of those purchases have been negotiated at below the authorized figure. Negotiations are continuing on the other two. If those are not concluded satisfactorily, the purchase will not be made. He will keep the Board informed.

President Bucklew also reported on on-going discussions with the State Historical Society Preservation Office concerning University properties that are being designated national heritage properties. The discussions center on the issue that while Regents' policy states that the Regents have the responsibility for those decisions on property under their control, the State Preservation Office contends they are empowered to make the designations on all state property. An Attorney General's opinion may be sought on that issue. At issue particularly, but not exclusively, is the property the University owns at Fort Missoula. President Bucklew noted the University's long tradition of historic preservation, stating the University wishes to be a model for effective dealing with questions of important historic preservation and not be cast as the enemy. What is important is that the University be part of the process in such designations.

President Tietz concurred with those statements and reviewed situations of similar nature on property belonging to MSU.

President Bucklew will keep the Board informed.

On motion of Regent Hurwitz, Item 46-202-R1284, Research and Technology Park Lease, Agricultural Experiment Station/Montana State University, (Revised) was withdrawn at the request of the institution.

Chairman Morrison distributed copies of the proposed appointments to Board committees to the Regents for

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their information and comment. Chairman Morrison stated that election of Chairman and Vice Chairman of the Board will be held at the March meeting. Following that election, appointments to Board committees will be made.

Curriculum Committee

Submission Agenda:

Item 46-701-R0285, Authorization to Delete the Bachelor of Science and Associate of Science in Aviation; Eastern Montana College, was received for future consideration.

Action Agenda:

Item 45-101-R1184, Name Change Within the School of Education; University of Montana, was reviewed by Deputy Commissioner Krause and recommended for approval. On motion of Regent Redlin, the item was approved.

Dr. Krause also reviewed Item 45-202-R1184, Authorization to Establish a Department of Entomology in the College of Agriculture; Montana State University and recommended its approval. On motion of Regent McCarthy, the item was approved.

By-Laws and Policy Committee

Submission Agenda:

Item 3-011-1273, Charter Flights; Montana University System was received for repeal at a future meeting.

Action Agenda:

Chairman Morrison briefly reviewed previous discussion on Item 42-002-R1284, Unit Personnel Policies; Montana University System. The item was tabled at the November 1984 meeting. Chairman Morrison explained that since that time he has met with the presidents of the units and together they developed the following statement on the personnel policies issue. There is no attempt to standardize the units' personnel policies. The Chairman then read the statement into the record:

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The present item on personnel policies is to be postponed indefinitely. The Commissioner's office and the campuses will develop a comprehensive inventory of campus personnel policies. Once compiled and periodically thereafter, the inventory will be brought to the Board. Any disagreements between the Commissioner's office and the campuses as to the content of a campus policy will be resolved by the Board. As campus policies are revised the inventory shall be updated to reflect the change.

(notation to be placed in personnel section of policy manual as follows: "See also, minutes of Board of Regents, February 7 and 8, 1985.).

On motion of Regent McCarthy, the above statement on personnel policies was approved.

The following three items, before the Board for recision, were reviewed by Chief Counsel Schramm:

Item 30-007-R0281, Prohibition of Sexual Harassment; Montana University System

Item 19-002-R0178, Recruitment; Campus Personnel; Montana University System

Item 19-001-R0178, Performance Evaluation; Campus Personnel; Montana University System

Dr. Schramm explained that Director of Labor Relations and Personnel Sue Romney proposed these items for recision. As Regents' policy, they become enforceable contract terms with System employees, and all have some problem from the personnel perspective. Dr. Schramm noted that he was not comfortable giving an in-depth explanation of the problems because they are in the area of Ms. Romney's expertise, and she was unable to be at this meeting. Regent Redlin moved that action be taken on these items when the inventory of personnel policies called for in the statement adopted earlier is presented to the Board.

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Discussion was held on the motion. Commissioner Dayton stated that rescision of the three items was consistent with the original personnel item submitted. He believed that action was also consistent with the action taken today, and recommended they be rescinded. Regent Redlin withdrew her motion.

On motion of Regent McCarthy, Items 30-007-R0281, 19-002-R0178, and 19-001-R0178 were rescinded.

Discussion and reports of campus implementation of Regents' Policy 503.1 on alcoholic beverages.

University Golf Course at University of Montana

President Bucklew reported that the University of Montana wishes to have legislation introduced to extend to the University's golf course the privilege to seek a beer and wine license. He wanted to inform the Board prior to having the bill introduced. He did not believe it required formal action unless the Board did not wish such privilege to be extended. The golf course at the University is a public golf course adjacent to the married student housing, approximately one mile from the campus. Regent Scully moved that the University's efforts in this endeavor be endorsed. The motion carried.

Student Union Buildings on all Campuses

President Bucklew reported on the actions which led to his approval on December 2, 1981 of a campus policy which established the procedures under which alcoholic beverages can be served on the University campus (on file). Current Board policy on alcoholic beverages provides that the president of the unit is responsible for making that decision. Page 2 of the University of Montana policy contains the statement under which the University serves those beverages. Alcoholic beverages are served on specific occasions and are provided through a licensed vendor. The policy has been well received on the campus.

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Chairman Morrison stated that the problem appears to lie not with the University, but with the Regents' policy which does not make clear the distinction between "serving" and "selling". At the Chairman's request, presidents of the other units reported on how serving alcoholic beverages is handled on each campus. Discussion was also held on occasions when alcoholic beverages are sold on campuses.

Chairman Morrison stated it was his belief that the Board should clarify its policy if the intent is to include sale under the definition of serving. Chief Counsel Schramm endorsed that suggestion. Some time was spent discussing questions of liability.

On motion of Regent Lind, the Board endorsed the policy adopted by the University of Montana on alcoholic beverages as consistent with present Board policy. Chief Counsel Schramm, working with the Council of Presidents, was instructed to review Regents' Policy 503.1 to assure its adequacy in light of the discussion and reports received.

Budget Committee

Winter Quarter Enrollment Report

Paul Dunham, Director, Research and Services, distributed copies of the 1984-85 Revised FYFTE Enrollment Estimates for the System (on file). The report compared this fall's figures with last fall's. Fall term headcount enrollments declined at all 6 institutions from 1983 to 1984 as did Fall term FTE figures, although at WMC the decline was insubstantial. Headcount and FTE enrollments for the term commencing in January declined at all institutions, except Western Montana College. This revision results in increases at four institutions from the estimates made after Fall term, and decreases at two.

At Chairman Morrison's request, President DeMoney, Montana Tech, commented on the decline in enrollment at that institution. He cited the high percentage (70%) of students at

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Tech in the engineering field which is severely affected by the economy of the mineral industry. The Butte community has been hard hit by the shutdown of Anaconda Company. Engineering enrollments are cyclical. Tech has received substantially more admission applications than it had a year ago which is encouraging.

Other aspects of the report were discussed. No action was required.

Review of Computer Fee and its Usage

Paul Dunham explained that when the Board implemented the computer fee, Board policy required a review of the implementation and use of the fee by January 1985. The report submitted summarizes the amount of fees generated, uses which have been made of the fees, and discusses related issues, particularly whether the fee should be made permanent.

Chairman Morrison asked each president to comment. All presidents endorsed making the fee permanent, and expanding use of the fee to include maintenance of the equipment purchased with the fee monies. It was also reported that each campus has an active computer advisory committee with student representatives on those committees.

Mr. Warren Stone of Belgrade, Montana, spoke in opposition to the computer fee.

Students present testified that while students recognize that use of the fees may need to be expanded to include maintenance, they prefer a percentage amount to be designated to assure the original intent of the fee is retained. Commissioner Dayton emphasized that the original intent of the implementation of the fee was to improve student access. Usage may shift from purchase to maintenance in the interest of improving student access. Earmarking only a percentage of the fee would hamstring the administration. Those decisions should be left to the individual campus computer advisory committees.

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There was lengthy discussion on the importance to the System of making the fee permanent to allow exploring both bonding and lease participation as ways to meet the System's future computer needs.

Amendments to the current policy proposed by the Associated Students were discussed (on file).

Chairman Morrison stated that several issues had been identified, and would be acted on separately. The question on the issues was called.

Issue #1: Should the fee be made permanent? Regent Lind moved that the fee should be made permanent, and that a report on the use of the fee be submitted annually to the Board. The motion carried.

Issue #2: Should use of the fee monies be expanded to include maintenance? Should that expanded use be limited to a certain percentage of the fee monies? Regent Lind moved that use of the fee monies be expanded to include maintenance. Individual campus computer advisory committees should determine what amounts are spent for purchases and maintenance. The motion carried.

Issue #3: Should the uses of the fee be expanded to administrative, research and other computing needs such as library automation? Regent McCarthy moved that such expansion be approved. Regent Scully stated he could support use of the fee for library automation, but because use of the fee had just been broadened to include maintenance he would not support further expansion of use at this time. He believed that it would not be beyond the scope of the individual campus computer committees to allocate to library automation in the interest of improving student access if that is what they desire. That could be done under the policy's current wording.

Regent McCarthy withdrew her motion. Issue #3 was not approved.

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Regent Paoli presented the amendments to the computer fee policy proposed by MAS.

Amendment #1: Regent Paoli moved that section 1 under "Procedures" be amended in the second line by inserting after "items" the words "used directly for the student". The motion failed with Regents Redlin, McCarthy, Hurwitz, and Lind voting no.

Amendment #2: Regent Paoli moved that section 6 under "Procedures" be amended to read as follows: "Each president shall establish procedures which include a computer fee advisory committee made up of a minimum of 25% students to provide for student advice in the use of these funds." Regents Paoli, Lind and Scully voted yes. Regents Hurwitz, McCarthy and Redlin voted no. Chairman Morrison voted yes. The motion carried.

The meeting recessed at 12 noon. Regents were hosted at lunch by Montana Tech students.

The meeting reconvened at 1:20 p.m. with the same members present.

Chairman Morrison stated that earlier in the meeting students had distributed to the Regents a proposed policy revision concerning tuition and incidental fees. He stated that the Regents would be pleased to hear student views on this proposal, but would take no action at this time.

Diane Hill, President, Associated Students, Montana State University, spoke to the proposed changes to the tuition and fee policy. She explained that at issue is student input into the decision-making process, and elaborated on the students' concerns. These changes were proposed by the MAS and voted on by consensus, with the exception of ASUM.

Chairman Morrison instructed the Commissioner to appoint appropriate staff to work with the students on the revision and bring it back to the Board at a future meeting for further discussion.

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Commissioner's Report

Commissioner Dayton reported that President Thomas, Western Montana College, has accepted the presidency of the Ucross Foundation in Wyoming. He will assume the position on April 1, 1985. Acting in accordance with Regents' policy in the appointment of an acting president, and after appropriate consultation, Commissioner Dayton recommended that Dr. Carrol Krause be appointed as Acting President at Western Montana College effective April 1, 1985, to serve in that capacity until a new president is selected and takes office. If a new president has not been selected by September 1, 1985, this action will be reviewed. On motion of Regent Hurwitz, the Commissioner's recommendation was approved.

The Commissioner reported that a national conference has been scheduled by the National Institute of Education, and Montana has been asked to send a delegation. The dates of the conference conflict with the adopted calendar of the Regents and the Board of Public Education. It was the Commissioner's recommendation that the NIE be so informed, and a state meeting be scheduled sometime in the future to look at the issues.

Dr. Dayton next read into the record the following statement from the Governor's "State of the State Message":

Another accountability tool would be an evaluation of higher education in Montana modeled after the Governor's Council on Management. In 1982, state government benefited from an in-depth private sector evaluation of programs and operations. As a result of the Council's work, state government has saved \$20 million a year while streamlining its operations. I encourage the Board of Regents to consider a similar examination of the University System to determine how best to put Montanan's money to work for higher education.

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Dr. Dayton reviewed how the System had cooperated with the original management study because many of the final recommendations impacted the System, and the System's participation with the Executive Branch in other reviews in recent years. He said it should also be noted that the University System is the only agency of state government that is regularly reviewed by outside agencies in the accreditation process. The question before the Regents is how they wish to respond to the Governor's recommendation.

Chairman Morrison stated that is important that the Governor know the Regents are interested in his suggestion and are willing to examine ways to implement it. He suggested a meeting be scheduled with the Governor for further discussion.

Chairman Morrison reported that a letter was received from Les Morse on behalf of the MAS asking the Board's continuing support of the work study legislation. He stated the Board strongly favors that legislation, and he will testify in support of the bill on behalf of the Board.

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

Montana Associated Students

Dallas Curtis reported on the passage through the House of H.B. 98, which removes the cap on parking fees at units of the System and allows the presidents to set the fees. He presented an amendment to the Regents' current parking fee policy on behalf of the MAS.

Les Morse, President, MAS, reported on the up-coming State Student Lobby Day, and invited the Regents participation. He expressed MAS's congratulations to the two newly appointed Regents, and thanked the Board for its support on the work study proposal.

Chairman Morrison stated for the record that the MontPIRG funding issue would be on the agenda for action at the March 21-22, 1985 meeting of the Board.

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Chairman Morrison thanked President DeMoney and his staff for the warm hospitality shown to the Board during the on-campus meeting

President DeMoney called the Board's attention to the trophy in the meeting room. The trophy was won by Tech in the national "Mining and Mucking" contest hosted this year by Montana Tech.

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

- Item 46-100-R0285, Staff, University of Montana (includes 1 post-retirement contract)
- Item 46-200-R0285, Staff, Montana State University
- Item 46-201-R0285, Retirement of Nels M. Nelson; Montana State University
- Item 46-300-R0285, Staff, Agricultural Experiment Station
- Item 46-400-R0285, Staff, Cooperative Extension Service
- Item 46-401-R0285, Retirement of Robert F. Bucher; Cooperative Extension Service
- Item 46-500-R0285, Staff, Montana College of Mineral Science & Technology
- Item 46-600-R0285, Staff, Western Montana College
- Item 46-700-R0285, Staff, Eastern Montana College
- Item 46-800-R0285, Staff, Northern Montana College
- Item 46-900-R0285, Staff, Office of Commissioner of Higher Education

The meeting adjourned at 1:45 p.m. The next regularly scheduled meeting of the Board will be held on March 21-22, 1985, in Helena, Montana.

Following the meeting, Regents toured campus highlights, hosted by students of Montana Tech. An open forum for faculty, students, and interested persons was held from 3:00 to 4:15 p.m.

APPROVED:



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



Secretary