

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

DATE: September 14-15, 1989

LOCATION: Conference Room
Montana University System
33 South Last Chance Gulch
Helena, Montana

REGENTS: Lind, Redlin, Mathers, McCarthy, Topel,
PRESENT: Clouse, Kaze
Commissioner of Higher Education Carrol
Krause

REGENTS: None
ABSENT:

PRESIDENTS: Koch, Carpenter, Kerins, Norman, Tietz,
PRESENT: Provost Easton

PRESIDENTS: None
ABSENT:

Chairman Lind introduced Mr. Thomas Topel, of Billings, Montana. Mr. Topel was appointed to the Board of Regents to replace Regent Burt Hurwitz, and will serve a term ending February 1, 1993. "Welcome to the Board, Regent Topel"!

Minutes of Thursday, September 14, 1989

Planning Committee

Chairman Lind briefly reviewed the previous meetings of the planning committee wherein it was decided to meet informally with the Governor and request formation of a commission to review and chart the course for all of higher education prior to the next legislative session. That meeting was held and the Governor enthusiastically endorsed the proposal. The Governor issued Executive Order 22-89 calling for the creation of the "Education Commission for the 90's."

Chairman Lind introduced Mr. Wayne Phillips, of the Governor's office. Mr. Phillips outlined the Governor's plan for the Education Commission, stressing the number one issue the Governor was attempting to

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address is the concern of Montanan's for review of all of higher education in Montana. Mr. Phillips spoke to the broad scope of the Commission as set out in the order. Its review is to include economies, capital construction, financial needs, and research priorities. The Governor anticipates the Commission will consist of eleven members who must be objective, decisive, and willing to commit all of their discretionary time in the next year in order to meet the October 1, 1990 deadline for completion of the Commission's report. The Governor anticipates naming the members of the Commission within the next week, and that the first meeting of the Commission will be held in early October.

In response to questions, Mr. Phillips stressed the independence of the Commission, but that the first meeting would be considered an opportunity for Commission members and Board of Regent members and University System staff to become acquainted. Chairman Lind stressed the importance to the System that this be an action committee. While the Regents cannot guarantee carte blanche endorsement of unknown recommendations, every effort will be made to implement the recommendations. He asked a similar commitment from the Governor.

Chairman Lind spoke on behalf of the Regents' Planning Committee to the importance of the impartiality and commitment of members of the Commission, and the need for the Commission to obtain the services of a professional impartial consultant firm to assist the Commission. Mr. Phillips replied this has been the topic of many discussions with the Governor, and the Governor feels strongly this will not be a "dust

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gathering" exercise. The Governor is committed to this endeavor, including appointing members of stature and unbiased commitment. Speaking to outside assistance, Mr. Phillips responded that recommendation will be made to the Commission, but will ultimately be decided by the Commission.

President Tietz spoke strongly in support of including "outside" participants in the Commission membership. The Planning Committee urged persons be appointed who have a perspective of Montana in its environment, both educationally, regionally, and politically. Because Montana is so dependent on other states -- WICHE, WAMI, and a number of multi-state agreements -- it is important to have these perspectives represented on any study of higher education in Montana. Successful studies of higher education conducted by other states have all made provision to provide the perspective such individuals can bring because of the nature of higher education.

Mr. Phillips responded consideration was given to formation of an advisory group made up of such individuals. It was decided again that this decision could not be foisted on the Commission; its availability and the recommendation that such a group be utilized will be made known to the Commission. The decision will rest with Commission members.

Hearing no further discussion, Chairman Lind expressed the Board and the presidents' appreciation to the Governor for his support of higher education through creation of the Education Commission of the 90's. It is well recognized that such a project has never succeeded in any state without the support and leadership of the

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Governor, and Governor Stephens' positive action and evidence of support is much appreciated.

Continuing with the Planning Committee agenda, Chairman Lind encouraged submission of a proposal to the Governor and the Commission that an ex officio or advisory group be included as part of the Commission to obtain a national and regional perspective. The Planning Committee will also submit names of prospective members from the Montana community. Student representation should also be encouraged.

Funding of the Commission's efforts was discussed. Commissioner Krause explained the minimum amount needed is \$150,000 to cover travel, expenses, per diem and a modest but necessary staff. Space needs for meetings will have to be met. Every effort will be made to raise this amount from private sources, but it will take a concerted effort on the part of presidents of the units and alumni and foundation groups to raise even this minimum amount. Members of the Six Mill Levy Committee and the Montana Ambassadors were mentioned as possible contributors. A major fund raising effort will have to be made. Mr. Phillips pledged the Governor's support to the fund raising effort also.

It was agreed the Planning Committee, working with the campuses, will serve as the entity to coordinate fund raising. Chairman Lind directed the Commissioner's office to contact the Six Mill Levy Committee to determine if the funds remaining in that account can be made available to this committee to be used as "start-up" money. Each campus was asked to provide the Commissioner with the name of a key person

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the Planning Committee should work with to coordinate fund raising. Fund raising efforts will be coordinated with the Governor's office.

On Commissioner Krause's recommendation, it was agreed the Commissioner's office, working with the presidents, will develop a request for proposals to meet design and staffing needs of the Commission. Data gathering should not be a major component of the RFP. Enormous amounts of data are available as a result of the Legislative Funding Study conducted over the past biennium, and which has been extended. Names of consultant firms and individuals will be provided to the Commissioner by the campuses. The responses will be provided to the Commission at its late October meeting.

Deputy Commissioner Noble was instructed to prepare a report on options and alternatives to address capital construction needs and maintenance of the infrastructure, cited in the Executive Order. This report should include the option of utilizing a portion of the revenue flow of the Coal Tax Trust Fund to meet maintenance needs of the infrastructure. The report should also present alternatives to provide zero coupon bonds for capital construction needs. The report will be presented at the Regents' October 1989 Workshop.

Board of Regents Meeting

Chairman Lind called the regular meeting of the Board of Regents or order at 11:35 a.m.

Roll call was taken and it was determined a quorum was present.

Chairman Lind called for additions or corrections to the minutes of the previous meeting. None were stated, and the minutes of the August 3-4, 1989 meeting were ordered approved.

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Vocational-Technical Committee

Deputy Commissioner Vardemann reported each of the vocational-technical centers will be under visitation or review by the Northwest Association of Schools and Colleges in October. It is important to their self-study documents being prepared for those visitations that the centers be able to show endorsement by the Regents of the centers' role and scope statements. The role and scope statements for the vo-tech system and each of the individual centers are on the agenda of this committee for approval.

The following items were reviewed and amended as indicated:

Item 65-7001-R0989, Role and Scope; Montana Vocational- Technical System (amended in the first paragraph, second sentence of the "Introduction" to read: "It is a system of two-year postsecondary institutions that are to serve Montana citizens by providing education which is responsive to the expressed and identified educational needs. . .") Staff will correct the wording.

Item 65-7501-R0989, Role and Scope; Billings Vocational- Technical Center (amended in the last sentence of the first paragraph to include Miles Community College and Dawson Community College as equal focal points for providing vocational-technical education and training in eastern Montana.)

Item 65-8001-R0989, Role and Scope; Butte Vocational-Technical Center

Item 65-8501-R0989, Role and Scope; Great Falls Vocational-Technical Center

Item 65-9001-R0989, Role and Scope; Helena Vocational- Technical Center

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Item 65-9501-R0989, Role and Scope; Missoula Vocational- Technical Center

At the conclusion of the discussion, Regent Kaze stated it was his understanding the role and scope statements for the centers and the vo-tech system will continue to be under review under the same guidelines and timeframes as those for University System units. With that understanding, he moved the above items be approved with the amendments. The motion carried.

Introduction of Staff

Director Erie Johnson introduced the new fiscal officer of the Billings Vocational-Technical Center, Ms. Teresa Timm. Ms. Timm is a graduate of Eastern Montana College, is a Certified Public Accountant, and will assume her position effective September 25, 1989.

Carl D. Perkins Vocational Education Act

Sex Equity Report

Deputy Commissioner Vardemann introduced Human Resource Development Officer Carol J. Farris, who distributed copies of and reviewed the "Sex Equity Report, Program Year 1989". The yearly report is a requirement of the Carl D. Perkins Vocational Education Act. Copies of the report are available in the Commissioner's office.

Report on status of Reauthorization of Carl D. Perkins Vocational Education Act Funds

Director of Federal Vocational Grants Sib Clack distributed copies of a memorandum dated August 31, 1989 containing preliminary observations on the impact of the HR 7 formula allocation of the Perkins Act funds (on file) Impacts on both secondary and

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postsecondary levels are discussed in the memorandum. Of particular importance at the postsecondary level is the loss to the vocational-technical centers of approximately \$55,000 under the legislatively appropriated amount that was put into their base operations. Ms. Clack reviewed other implications of the reallocations, and responded to Regents' questions.

1:30 p.m. - Student Appeals

Chairman Lind stated that because a time certain was set for the student appeals, the agenda will be revised and those appeals heard at this time.

The format utilized for both appeals will be to allow Chief Counsel Schramm to present the basis of the appeals; each appellant will have approximately fifteen minutes to present testimony; System legal counsel will present arguments; followed by questions from the Board.

Appeal of David E. Stenerson

Chief Counsel Schramm explained Mr. Stenerson is a combat veteran of the United States armed forces, and was a law student at the University of Montana for academic years 1986-87, 1987-88, and 1988-89. Because he had previously exhausted his GI educational benefits he would have been eligible in all three of those years for the veterans fee waiver found in Regents Policy 940.13. Mr. Stenerson did not inform the school of this eligibility for such a waiver until January 3, 1989, claiming then he was entitled to a waiver for the prior 2-1/2 years of school. The University granted him a waiver back to the start of the 1988-89 academic year, but denied it for the preceding two years. Mr. Stenerson appeals this decision.

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The basis of Mr. Stenerson's appeal is that he had no knowledge of the existence of the veterans fee waiver and his failure to request the waiver should be excused. Dr. Schramm explained the wide dissemination of the availability of the veterans fee waiver, the additional request of Mr. Stenerson that fees not included in the veterans fee waiver also be waived including building fees, computer fees, computer fees, activity fees, and the special law fee, and the University's decision to grant the waiver back to the start of the 1988-89 academic year.

Mr. Stenerson concurred in the facts as presented by Dr. Schramm, noting he disputes the language in the statute and the interpretation in Regents' policy concerning what constitutes a fee waiver. Regents' interpretation of the fee waiver is that it applies to registration and incidental fees only. Mr. Stenerson contended it should apply to all fees that are not optional. Mr. Stenerson elaborated on his interpretation of the statute that provides for special consideration for veterans. He also noted there is no mention of the veterans fee waiver in the law school catalog, and asserted it is not as clearly set out in the general catalog as the University perceives it to be. Generally he believed the record states the issues in dispute.

Dr. Schramm reiterated the issues are clear. He noted tension does occur at times in interpretation of the Regents' constitutional authority as opposed to statute. The issues raised by Mr. Stenerson are legitimate ones, and the dollar amounts involved if Mr. Stenerson's appeal is granted are relatively small.

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Speaking to Mr. Stenerson's right to the fee waiver as he asserts for the first two years of law school, Dr. Schramm noted the problems that would occur if the System was obligated to go back and grant all fee waivers students are eligible for, but neglect to apply for. It is the students' responsibility to read the catalog, and with a bit of inquiry most students do find what fee waivers apply to them individually.

Mr. Stenerson rebutted with a recount of the time elapsed since he parted from the military and his entry into law school, and the diligent efforts he believed he made to determine if there was any other source of financial aid available to him after exhaustion of his GI benefits.

Regents questioned Mr. Stenerson and Dr. Schramm on details of the two presentations. Dr. Schramm explained Regents' policy in effect at the time of Mr. Stenerson's appeal stated campuses "shall waive incidental and registration fees." "Incidental fees" in the System are defined as tuition. Both the policy and the statute are silent as to procedure to obtain the fee waivers. Units of the University System compute the fees owed; students pay the fees; the transaction is deemed complete. Units may have individual policies that allow students to apply for and receive a fee waiver within the quarter; however, most units consider the transaction complete when the fees are paid. Mr. Stenerson's Montana residency was determined, as was timeliness of the appeal.

At the conclusion of Regents' questions, Chairman Lind stated it was his view the claim for waiver of the first two years of fees did not appear

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meritorious. He did not concur it is the University's obligation to determine if students have been diligent in applying for all waivers or benefits they may be entitled to. That should be the student's obligation. However, the Chairman asked counsel what the implications would be if Mr. Stenerson's claim for waiver of mandatory fees for the final year was determined to be meritorious.

Dr. Schramm responded it would be remotely possible that a class action suit would arise, but courts in previous litigation in similar circumstances have not looked favorably on such actions. Courts seem inclined to determine it is the individual's, or student's, obligation to find out his or her rights.

Additionally, if the Board wishes to grant Mr. Stenerson the fee waiver for the period under discussion, it can acknowledge there is a question and it wishes to grant that portion of his appeal without acknowledging his arguments are legally sound and a similar resolution would be legally mandated for every other person.

It was determined the two issues would be bifurcated.

Chairman Lind stated the first issue is whether the two previous years to the year in which Mr. Stenerson's waiver was granted should be retroactively granted. Regent McCarthy moved the Commissioner's decision denying the request for retroactive application be upheld. The motion carried with Regent Kaze voting no.

Chairman Lind stated the second issue is whether "other" mandatory fees for the 1988-89 academic

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year should be allowed as part of the veterans fee waiver granted Mr. Stenerson. Regent Kaze moved the Commissioner's decision be upheld and the appeal denied.

Regent Redlin noted after listening to Dr. Schramm's comments it appeared there might be room for compromise on this issue if there is support for such consideration from the Board. Regent Kaze stated he believed this issue infringes directly on the Regents' constitutional authority to determine which fees, if any, shall or will be waived. He believed the policy stands.

The question was called on the motion. The motion to uphold the Commissioner's decision on this issue and deny the appeal carried with Regents Redlin and Clouse voting no.

WICHE Residency Appeal of Jeffrey B. Osborn

Dr. Schramm reviewed Regents' action in 1986 which increased the WICHE eligibility requirement from 12 months to 36 months. The rationale for that change was that in these programs (WICHE, WAMI) Montana is able to fund only a limited number of slots. It became more important in the view of the Board that these limited slots were available to only bona fide residents of Montana. This was clearly the legislative intent in funding these programs -- to provide medical education to Montana residents who have no opportunity to obtain such education in Montana.

Mr. Osborn came to Montana from Wyoming in early 1988. At that time he was misinformed about the 36 month residency requirement. He asks a waiver of the 36 month rule on the basis of the failure to inform him about the change in residency requirement.

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Dr. Schramm stated there is no dispute Mr. Osborn was misinformed. However, if an exception was made and Mr. Osborn was deemed to be a resident from the date he entered Montana, he would be 16 months short of meeting the residency requirement. The case Dr. Schramm stated Mr. Osborn needed to make is that the misinformation harmed his application.

Mr. Osborn explained the steps he took on moving to Montana to establish residency and eligibility for WICHE certification for admission into veterinary school. Without the assurances of eligibility he would have made differing plans to meet his career goals.

Commissioner Krause noted the change in residency requirements was made in response to a clear mandate from the legislature that slots in these programs be awarded to Montana residents. His decision was based on Regents' policy, and his belief in the obligation of the student to ascertain the requirements. He rejected the assertion it is the responsibility of institution to determine whether the student has properly researched the information which is clearly printed in material concerning the program. He also noted his extreme surprise that MSU did not have the correct information on WICHE residency requirements available to all those involved in the program.

Chairman Lind stated he did not disagree with the Commissioner's position; however, in this instance the receiving institution seemed unaware of the requirements for eligibility and passed on incorrect information to a student who then acted on what he believed to be correct. The question is, what did Mr. Osborn do in reliance on that information. He asked Mr.

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Osborn what he would have done differently if he had known of the 36 month residency requirement.

Mr. Osborn replied he relied on the information provided him by Montana State University and made his career plans, including his move to Montana, based on that information. When he first applied to Montana State University as a preveterinary student he was not provided a copy of the WICHE pamphlet; that was given to him when he made application for WICHE certification. While it is difficult to state exactly what he would have done if he had known of the 36 month requirement, he would at least have considered other options -- perhaps moving directly to the state of Washington.

Regent Clouse spoke to the difficulties faced by students entering institutions of higher education. They do, and should be able to, place great reliance on information provided them by advisors, particularly in the first years.

President Tietz called attention to the letter in support of Mr. Osborn's position written by Professor J. E. Catlin, preveterinary advisor at MSU. President Tietz stated Professor Catlin is one of the finest preveterinary advisors in the western region; if he was not aware of the requirement, Mr. Osborn should not be penalized by MSU's failure to provide appropriate information.

Hearing no further discussion, Chairman Lind asked the pleasure of the Board. Regent Mathers moved the Board not concur with the decision of the Commissioner, and that the 36 month residency requirement be waived in this instance and the appeal

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granted. Regents Mathers and Clouse voted yes; Regents Redlin, Kaze, McCarthy and Topel voted no. The motion to overturn the Commissioner's decision failed. The appeal was denied.

Mr. Osborn asked for clarification. He stated at the beginning of the next academic year he will have resided in Montana two and one-half years. He asked if he would still fail to meet the residency requirements for WICHE certification. Chairman Lind responded that was correct.

Report from National Commission on Dental Accreditation

Chairman Lind noted there were persons present to present information on dental accreditation, and to meet their schedules this item would be moved forward on the agenda.

Deputy Commissioner Vardemann reported last summer a letter was received from the Montana State Board of Dentistry with regard to a study that entity desired to conduct to study standards and provide curricular consultation to dental hygiene programs contemplated to be offered by Montana higher education institutions. As part of that study, representatives from the National Commission on Dental Accreditation offered to come to Montana to address the Board of Regents and the Board of Dentistry. Present for this purpose are two individuals from the National Commission, and other interested state officials.

Dr. Noonan, member of the Montana Board of Dentistry from Great Falls, introduced Michele Keisling, the hygienist representative on the Board of Dentistry. He then explained he was present because of the slated discontinuation of Carroll College's dental hygiene

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school. The Board of Dentistry is interested in the vocational-technical center proposals to fill that gap. Because there appears to be some confusion on issues of accreditation, members of the national accrediting agency are here today to clarify some of the issues.

Dr. Noonan also mentioned the Board of Dentistry was appropriated \$15,000 by the legislature to study the dental hygiene issue, and would be willing to make that money available to the Board of Regents.

Dr. Joel Glubber, past Chairman of the national accrediting agency and resident practitioner from the city of Reno, Nevada. Dr. Glubber briefly outlined the credentials, membership and responsibilities of the National Commission on Dental Accreditation. The Commission performs approximately 200 site visits each year.

Speaking specifically to accreditation of dental hygiene education programs, Dr. Glubber stated the Commission's purpose in appearing today is to inform the Board of exactly what is involved for Montana to have an accredited dental hygiene program. There is a nationwide shortage of dental hygienists creating a very real need for graduates of such programs. The Commission is attempting to establish innovative ways to meet this demand, including a probable rewriting of accreditation standards. Presenting the National Commission's position on issues which have been discussed previously before the board on dental hygiene accreditation, Dr. Glubber stated the issue of transferability of credits in a dental hygiene program is not viewed as being in the purview of the National Commission. Additionally, of the 196 accredited

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programs nationally, only 23 are four-year baccalaureate programs. Approximately 79% are two-year certificate or associate degree programs.

Dr. Glubber introduced Lois Sherke, Assistant Secretary of the Council on Dental Education for the Commission on Dental Accreditation and full-time staff person for the Council in Chicago.

Ms. Sherke endorsed Dr. Glubber's summary of what the Commission is and what it does. She stated she would only add the Commission's accreditation standards are written in as flexible and non-rigid terms as it is possible to make them. The standards permit a tremendous amount of latitude in how an institution uses its resources and faculty to design a dental hygiene education program and still meet those standards. The Commission endorses and accredits two plus two programs; one plus two plus one; two year programs -- an enormous variety with an ever increasing number of nontraditional program designs being brought forward. If the Board of Regents finds that manpower needs in Montana are such that funds can be made available to host a dental hygiene program, the Commission's standards should be viewed as guidance and advisory, but not as a barrier that precludes development and implementation of a new program. Ms. Sherke expressed the Commission's sincere interest in working with whatever groups might be involved in the development of such a program, and to provide whatever help and expertise it can to make a dental hygiene program possible in Montana.

Ms. Sherke responded to questions concerning curriculum of dental hygiene programs, and overlap of offerings by an institution of both dental assisting and dental hygiene programs. It is of course easier for an

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institution to build to a dental hygiene program if it has in place a dental assisting program because of core curriculum in place, facilities, and faculty. There is some degree of overlap. Generally, completion of the dental assisting program will lead to advanced standing in the first year of the dental hygiene program. Ms. Sherke noted the Montana proposals have not been formally submitted to the Commission.

Deputy Commissioner Vardemann spoke to the Montana proposals, explaining three were presented to the Board. Each had merit, but each needed further development. One proposal did come forward from the only institution in the state that has an existing dental assisting program. A second would be focused in Helena and would rely on some of the resources of Carroll College's discontinued program. The third was the interesting idea of one of the vocational-technical institutions joining with a senior institution in the System to provide such a program at the two year level.

Staff recommended all three proposals be tabled until after the 1989 legislative session to allow funding sources to be identified. When public testimony was received, it proved to be very much in opposition to all three proposals. Ms. Vardemann stated her question to Commission members is if this is a viable educational need in Montana, given the dental hygienist association's rather significant opposition, how can the Board of Regents arrive at the most reasonable approach to meet its responsibilities to the dental community of Montana.

Dr. Glubber responded that while he was not present, he had read some of the testimony. While the

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hygienists goal of requiring a baccalaureate dental hygiene program is admirable, it should not preclude making available what can be provided to fill a real need through a two-year program. He repeated the figures cited earlier on the small number of presently accredited dental hygiene programs that are four year programs. Twenty-three programs nationally are four year programs, but only two of those are baccalaureate programs. The two-year dental hygiene programs are working well. The educational and manpower needs of dental hygienists are well accomplished and well served under the today's accreditation of the two-year programs.

Chairman Lind thanked those present for their informative presentations, and their tendered assistance in implementation of any such program in Montana.

President Carpenter, Eastern Montana College, reported briefly on conversations that EMC has held with Sheridan Community College to provide access for Montana students to the dental hygiene program offered at Sheridan. There is some concern with restrictions placed by Wyoming on the WICHE Undergraduate Exchange program, but those probably could be resolved. The Sheridan program has the staff and facilities, it is accredited, and has slots available. President Carpenter will keep the Board informed.

Curriculum Committee

Submission Agenda

Item 65-202-R0989, Request to merge the Center for Community Education and the Bureau of Educational Research and Field Services, College of Education, Health and Human Development; Montana State University, was received for action at the December 1989 meeting.

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Action Agenda

Deputy Commissioner Hutchinson explained the rationale for the set of changes proposed in Item 63-802-R0689, Authorization to change the degree title of A.S. in Computer Technology to A.S. in Computer Information Systems and the minor in Information Processing Technology to minor in Computer Information Systems; Northern Montana College is simply that the new title more accurately reflects the nature of the program, and follows the national trend in applied computer studies to use the title of computer information systems. Dr. Hutchinson recommended the item be approved.

On motion of Regent McCarthy, Item 63-802-R0689 was approved.

Briefing on Enhanced ACT Test

Deputy Commissioner Hutchinson reported that updates and changes continually occur in standardized tests. Effective October 28, 1989 an enhanced ACT test will be offered. The old composite ACT test score requirement of 18 for admission to units of the Montana University System is no longer applicable and will require a technical change to 20 in the Regents' admissions policy to reflect this change.

On motion of Regent Redlin, staff was instructed to amend the appropriate policy(s) to change the composite ACT test score requirement from 18 to 20. Commissioner's staff was directed to communicate that information throughout the school systems of Montana.

By-Laws and Policy Committee

Submission Agenda

Commissioner Krause noted Item 65-101-R0989,

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Policy for Accession and Deaccession of Objects for Permanent Art Collection; University of Montana, was placed on the action agenda in error. At his request, the item was moved to the submission agenda and received for consideration at the November 1989 meeting.

At Commissioner Krause's request, President Koch explained the University of Montana has a permanent art collection worth several million dollars. Items come into the collection, and because of changing tastes and values it is also appropriate that items should leave the collection. The proposed policy relates both to standards for items added to the collection, and to deaccessioning or eliminating items from the collection. As such it requires an amendment to the University's present policy on dormant assets. The key provision is that any funds derived from public auction of these items would remain in the permanent art collection and would be utilized to purchase additional items for that collection. That differs from the dormant asset policy which relates to selling a dormant asset and putting that money into scholarship. President Koch noted this policy is a very important one to the University, and urged its favorable consideration when it is before the Board for action.

After discussion, Chairman Lind instructed Commissioner's staff and presidents of other units to review the policy to determine if it had System applicability.

Action Agenda

Item 18-002-R1077, Admission Requirements; Montana University System (REVISED) was moved from the submission to the action agenda.

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Chief Counsel Schramm explained in 1989 the legislature adopted student immunization requirements for measles and rubella that paralleled requirements in a previously adopted Regents policy that becomes effective Fall 1989. However, the state statute allowed persons to claim exemptions on bona fide medical and religious grounds. The proposed revision to Item 18-002-R1077 contained in Section 10 (a) (b) and (c) makes Regents policy consistent with the new state statute and will avoid confusion over whether the campuses are authorized to grant such exemptions.

Objections were voiced to the language contained in Section 10. (c) (ii) regarding the requirement that the form submitted to obtain the exemption must be approved by the Montana Department of Health. After discussion, that section was amended to read: "A person qualifies for a religious exemption when the person files a notarized affidavit on an approved form"

Hearing no further discussion, Regent Kaze moved Item 18-002-R1077 be approved as revised and amended. The motion carried.

Item 41-003-R0-973, Post-retirement employment; Montana University System (Revised) was presented by Commissioner Krause. Dr. Krause explained during the years the policy has been in effect there have been discussions on whether such contracts should be restricted as to term. The policy has been beneficial to the System, but because such contracts are subject to annual evaluation and can be renewed, Dr. Krause recommended approval of the three year maximum term presented in this revised item.

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Discussion was held on the evaluation requirements under Terms and Conditions, Section C. If the proposed revision is approved, it was suggested Section C. be amended in the first sentence to delete "but not less than one evaluation every three (3) years."

Regent Redline moved Item 41-003-R0973 be amended as proposed, and approved. The motion carried.

Capital Construction Committee

Commissioner Krause reviewed Item 65-203-R0989, Authorization to Remodel Room 419 of Leon Johnson Hall; Montana State University. The item as presented states the estimated cost of the project is \$70,000 and will be financed with plant funds. An expenditure of this amount of plant funds would require legislative approval in conformance with Section 18-2-102 MCA. MSU requests an amendment to this policy, reducing the estimated project cost to \$50,000 to be financed with non-state funds. The project would then require gubernatorial approval and certification that the project would not result in any new programs. With those changes, Commissioner Krause recommended approval.

Regent Redlin moved the item be amended as proposed, and approved. The motion carried.

After appropriate discussion, on motion of Regent Redlin Item 65-701-R0989, Utility Right-of-Way Easements; Eastern Montana College, was approved.

Budget Committee

Deputy Commissioner Jack Noble distributed and reviewed copies of Item 65-001-R0989, Inventory and Validation of Fees; Montana University System. Mr. Noble called attention to the annual update of the cost of attending a unit of the Montana University System

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contained in the memorandum dated September 14, 1989 to the Board included as part of Item 65-001-R0989 (on file). Montana State University was used as the sample campus. The required tuition and fees at MSU for the current year total \$1,376.25, for an increase in mandatory fees at that institution of \$198.00. Room and board costs have increased \$98.30 over last year. The percentage increase to students for those costs is 7.7%.

Mr. Noble also reviewed the portion of the memorandum presenting the estimated cost of four years of college in the Montana University System covering the period 1989-93. The minimum amount needed, covering only mandatory fees and room and board, is projected to be \$18,208.00.

Mr. Noble explained that although all fees are not identical in the System, the above costs are comparable at the other five campuses.

Mr. Noble next reviewed the recap in the Inventory and Validation of Fees booklet that contains the in-state and out-of-state costs by campus in the University System. All campuses have the same in-state tuition; variances in amounts for in-state students are the result of differing building fees, health insurance, and activity fees. Out-of-state tuition varies from campus to campus, and are set out on the recap.

Mr. Noble explained the Inventory and Validation of Fees booklet provides information on fees authorized in the System, and provides the Regents and other state agencies a quick source to determine what fees are authorized, what accounts the proceeds are deposited in, and in monitoring revenues and making determinations on budgets.

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On motion of Regent Kaze, Item 65-001-R-0989 was approved, with Regent Clouse voting no.

Mr. Noble then reviewed Item 65-7001-R0989, Inventory and Validation of Fees; Vocational Technical Centers. The inventory of student fees contained in this item identifies the charges and assessments of the five vocational-technical centers which have been authorized by the Montana Board of Regents, and provides accounting disposition of the revenue obtained from the fees. The mandatory fees for the academic year for students enrolled at the vo-tech centers total \$876.00. That amount is uniform for full-time students at all five centers.

Mr. Noble noted the centers are moving from the quarter to the semester system. When that is accomplished at all five centers, the schedules will be uniform.

Regent Kaze moved that Item 65-7001-R0989 be approved. The motion carried, with Regent Clouse voting no.

Mr. Noble next reviewed Item 65-4001-R0989, Request for Authorization to Retain and Expend Student Tuition and Fee Revenue; Miles Community College. The item requests authority to expend \$38,945 of additional tuition and fee revenues and is presented in conformance with HB 518 passed by the 1989 Legislature which allows a community college to "retain and expend student tuition and fee revenue" upon approval by the local college Board of Trustees and the Board of Regents. Mr. Noble explained this authorization, also in conformance with the newly-passed statute, allows the College to expend these monies realized primarily as a result of an

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unexpectedly high increase in FTE enrollment without reducing their mandatory levy by that amount. He recommended the item be approved.

On motion of Regent Kaze, the item was approved.

Grant Award to Miles Community College and Dawson Community College

President Flower, Dawson Community College, distributed information on a joint grant totaling \$359,923 received by MCC and DCC from the federal government. The grant, under the Title III program of the Department of Education will be used to develop curricular programs, promote joint development of the two schools' libraries, and improve management of the two schools. The grant, entitled "Improved Retention of Students through Curricular and Faculty Development" is a cooperative project between MCC and DCC through the Strengthening Institutions Program authorized by Title III of the Higher Education Act of 1965. President Flower noted competition for the funds was intense, and both colleges are extremely pleased to be recipients.

Collective Bargaining Committee

Director of Labor Relations Sue Romney distributed and reviewed the Collective Bargaining Status Report dated September 14, 1989 (on file). The report presented two tentative agreements requiring Board of Regent approval, and information on unsettled contracts in the System.

After discussion, on motion of Regent Redlin, the collective bargaining agreements between the Montana State Council of Carpenters and the United Vocational-Technical Center Support Staff of Montana, MFT, AFT, AFL-CIO were ratified and approved.

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New Business

Education Commission for the 90's

Chairman Lind stated the first item would be to take action on the Governor's action establishing the Education Commission of the 90's. The matter was discussed at length in the Planning Committee meeting held earlier with all Board members present. On motion of Regent Mathers, the Governor's action creating the Education Commission for the 90's was wholeheartedly endorsed and approved.

Chairman Lind directed the Commissioner to respond formally by letter to the Governor, informing him the Board of Regents, units of the University System, the vocational-technical centers, and the community colleges will cooperate and assist the Governor and the Commission in all ways possible.

Election of Officers

Chairman Lind called for nominations for Chairman and Vice Chairman of the Board of Regents.

Regent Redlin moved the nomination of Regent Mathers as Chairman. Hearing no other nominations, the question was called. The motion carried unanimously, and the gavel was passed to newly-elected Chairman Mathers.

Regent Redlin noted before the first action of the new Chair is taken, the Board wished to recognize the gracious actions of its previous Chair. Retiring Chairman Lind was accorded the appreciation and thanks of the entire Board for his outstanding leadership and dedication.

Chairman Mathers began his term as Chairman by stating that while he did not know if it was customary, he was going to begin his Chairmanship by

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making a speech. He stated he looked forward to serving in this capacity with a great deal of excitement. When he came on the Board he had many reservations and intended to serve only through the 1989 Legislative Session. Chairman Mathers stated he now believes the University System has many exciting opportunities in the 1990's. The System is embarking on a new decade with a Governor who will support it; there is opportunity to accomplish wonderful things for this state, its students, and the University System in its entirety, including the vocational-technical centers and the community colleges. With the help of all constituent groups within the System Chairman Mathers stated he believed at the end of the 1990's the System will be able to say indeed it was a decade of revolution within the field of higher education in the state of Montana. He expressed eagerness to get on with the job and to working with all who will be involved.

Chairman Mathers called for nominations for Vice-Chair. Regent Lind nominated Regent Elsie Redlin. Hearing no further nominations, the nominations were closed. Regent Redlin was unanimously elected as Vice-Chair.

Proposed Calendar of Future Meeting Dates

Commissioner Krause noted a revision to the proposed calendar of 1990 meeting dates had been distributed during the meeting. Action is requested on the revised calendar rather than the one distributed with the agenda material. The following tentative 1990 calendar of Board of Regents meeting dates was approved:

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<u>Date (1990)</u>	<u>Day of Week</u>	<u>Location</u>
January 25-26	Thur/Fri	Butte
March 22-23 (Joint Board)	Thur/Fri	Helena
April 26-27	Thur/Fri	Dillon
June 14-15	Thur/Fri	Helena
July 30-31	Mon/Tue	Helena
September 13-14 Helena (Joint Board)	Thur/Fri	
October 25-26 WORKSHOP	Thur/Fri	Missoula
November 8-9	(To be Determined)	
December 13-14	Helena	

Confirmation of Gubernatorial Appointment to Local Executive Board

On motion of Regent Kaze, the gubernatorial appointment of Mr. Bill Tierney to the Eastern Montana College Local Executive Board was confirmed. Mr. Tierney succeeds Mr. Victor Miller.

Update on Computer Networking

Copies of a "Computer Networking Project, Progress Report, September 14, 1989" (on file) was distributed and reviewed by Dr. Phil Brooks, Director of Institutional Research. The report presented a general overview explaining what constitutes a computer network contained in the project definition, its relationship with other projects, and funding.

In response to Regents questions, Dr. Brooks explained this networking will enhance the fiscal interaction of the financial offices of the University System units, and is one of the components that will address criticisms directed at the System by the Legislative Fiscal Analyst on availability of data.

Report on Fire Services Training School

Commissioner Krause introduced Mr. Seldon

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"Butch" Weedon, Director of the Fire Service Training School. The FSTS was transferred under the aegis of the Board of Regents by the 1989 Legislature.

Mr. Weedon outlined the mission of the FSTS, which is to provide training and education for Montana's fire services to meet standards adopted by the FSTS Advisory Council. The School has been in existence for some 30 years, and provides training and professional development not only for fire fighters, but for all people involved in providing emergency response in every community in the state. The School has a staff of five, and a budget of approximately \$200,000 consisting of a mix of general and proprietary funds.

Mr. Weedon explained the School serves a diverse constituency consisting of mainly non-traditional students, and operates with both limited funds and staff. The next step facing the School is the determination of exactly where it should be physically housed within the University System.

At the conclusion of his report, Mr. Weedon presented Item 65-6001-R0989, Appointment of Advisory Council; Montana Fire Services Training School for action by the Board. In accordance with Section 2-15-1519 MCA, the Board of Regents is required to appoint the Council. Nominees must meet certain criteria and are solicited from fire service organizations. Mr. Weedon asked the item be amended to add Richard Seddon, Kalispell, to the list of those recommended for appointment. Mr. Seddon's qualifications were included in the supporting material distributed with the agenda item, but his name was inadvertently omitted from the item.

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On motion of Regent McCarthy, Dr. Ken Bruwelheide, Dean Glover and Phil Frank were appointed to the Fire Training Advisory Council for a term of two years. Gary Mahugh, Ross Fitzgerald, William Perrin and Richard Seddon were appointed to four year terms..

Commissioner Krause noted that under the present structure Mr. Weedon is reporting to him. A determination needs to be made if that is appropriate for the future, and that issue, along with that of the physical location and services to be provided to the FSTS will be brought to the Board in the coming months.

Commissioner's Report

Dr. Krause asked for the Board's direction on whether the search for a president of Northern Montana College should be started as planned, or deferred until the report is completed by the Education Commission for the 90's. Dr. Kerins has agreed to serve as Interim President of NMC for a period of one year, and there is no presumption he would be willing to extend that commitment.

Regent Lind stated his preference is to delay the search. There may be some shift in emphasis at NMC as a result of the Commission's actions which would make commitment of a particular role and scope mission of that institution to a prospective president difficult. While there was some concurrence with that logic, Regent Redlin expressed real concern that such an action might be interpreted as an action which the Board has not taken -- that it intends to change the structure at Northern. If it is made abundantly clear that delay is only to allow the Commission to do its work, and does not presuppose any guidance from the Board on the position at Northern, she could support that.

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Chairman Mathers stated Regent Redlin's interpretation would certainly be his, and he believed also that of other members of the Board. The independence of the Commission is extremely important. The Board should do everything possible to allow the Commission to function independently. Also, it would only be fair to solicit candidates for the presidency at Northern if the Board can inform them exactly what the role and scope mission of the college is.

Regent Clouse stated unease with any phraseology that would indicate the search would be postponed "indefinitely." She asked President Kerins to comment. He asked that the matter of delay of the search be considered apart from what he or any other individual might be willing to do. His initial reaction was concern for the message such delay might seem to send to Northern's faculty, students and staff, and the community as a whole.

Regent Kaze stated he shared the concern expressed by President Kerins, but also shared the concern of the basic unfairness that might result to an individual hired in the belief that the circumstances at Northern today would not be different a year from now. He did not believe it would be out of line, however, to declare it is the Board's intention to commence a search immediately following receipt of the Commission's report.

After further discussion, the Board directed the Commissioner to defer the search for a president for Northern Montana College until the report is received from the Education Commission of the 90's. The Commissioner was further directed to schedule a visit to the NMC campus within the week to meet with

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faculty, staff, students and interested parties to assure them no other action is implied.

Regent Kaze stated he wished Interim President Kerins and the other members of the Board to know that regardless of what presidency might have been vacant his position would be the same. There should be no possible question he would feel differently about beginning a search process at this time at any institution within the System.

Council of Presidents

On behalf of all presidents of the units, President Carpenter expressed appreciation to Regent Lind for the support he gave both personally and professionally during his term as Chairman. His leadership and understanding were deeply appreciated.

The Board of Public Education, Superintendent of Public Instruction, and Faculty Association had no report.

Montana Associated Students

Aaron Elsworth, Vice President of MAS, expressed the appreciation of the Associated students to Regent Lind for his support of students and student issues. MAS looks forward to working with the new Chairman and Vice-Chairman, and with Regent Clouse and Topel.

Mr. Elsworth introduced Joe Crocker who has done considerable research on the dynamics of the Board of Regents and the Legislature. Mr. Crocker's efforts will be on-going, and cooperation of the Regents in this research is solicited.

The Montana Associated Students are hopeful the Governor's Education Commission for the 90's

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will provide some realistic improvements in higher education. Students believe it is important to remember that students and their education should be the paramount concern of the Commission. Students also believe there should be substantial student involvement and participation in the Commission's review.

Vocational-Technical Student Association

Jack Nichols, President of the Missoula Vocational-Technical Center student body, presented and reviewed written testimony (on file) in support of the Centers being authorized to offer the Associate of Applied Science degree, and on transferability of credits.

At the conclusion of Mr. Nichols presentation, Commissioner Krause stated it is important to note that while SJR 6 did encourage the Board of Regents to allow the centers to offer the AAS degree in cooperation with University System units, students must clearly understand that simply obtaining the AAS degree does not necessarily guarantee anything about transfer. That would occur only in cases where there are compatible programs. It is the goal of all involved to enhance the educational opportunity of all vo-tech students. As program review at the centers is conducted, certainly it will develop that some of those courses should lead to the AAS. Commissioner Krause stressed he did not want students to be misled into believing they will have the first two years of a four-year degree if they obtain the AAS.

Commissioner Krause reported that President Don Kettner, Dawson Community College, received the honor to be identified as the transitional

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college president by the Community College Leadership Program and was awarded. The award constitutes recognition by President Kettner's peers, and is well deserved. On behalf of the Board and the entire University System, Commissioner Krause offered President Kettner congratulations.

Regular Agenda

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

- Item 65-100-R0989, Staff; University of Montana (with addendum)
- Item 65-102-R0989, Resolution Concerning the Retirement of George M. Blake, Professor, School of Forestry; University of Montana
- Item 65-110-R0989, Degrees; 1988-1989; University of Montana
- Item 65-200-R0989, Staff; Montana State University
- Item 65-201-R0989, Post-Retirement Employment Contract (Edward L. Hanson); Montana State University
- Item 65-300-R0989, Staff; Agricultural Experiment Station
- Item 65-301-R0989, Retirement of Loren E. Wiesner, Plant & Soil Science Department; Agricultural Experiment Station
- Item 65-400-R0989, Staff; Cooperative Extension Service
- Item 65-401-R0989, Retirement of W. Doyle Stocks; Cooperative Extension Service
- Item 65-500-R0989, Staff; Montana College of Mineral Science and Technology
- Item 65-500A-R0989, Staff; Montana Bureau of Mines and Geology
- Item 65-600-R0989, Staff; Western Montana College of the University of Montana
- Item 65-700-R0989, Staff; Eastern Montana College
- Item 65-800-R0989, Staff; Northern Montana College (with addendum)
- Item 65-7500-R0989, Staff; Billings Vocational-Technical Center
- Item 65-8500-R0989, Staff; Great Falls Vocational-Technical Center
- Item 65-9500-R0989, Staff; Missoula Vocational-Technical Center

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The meeting adjourned at 5:20 p.m.

The Board of Regents of Higher Education met with the Board of Public Education as the State Board of Education on Friday, September 15, 1989, from 8:30 a.m. to 11:30 a.m.

Following the State Board of Education meeting, the Board of Regents attended a luncheon and an informal meeting of all presidents of higher education institutions in the state held at the Colonial Inn.

The next regularly scheduled meeting of the Board of Regents will be held on November 2-3, 1989, in Bozeman, Montana.