

**THE BOARD OF REGENTS
OF HIGHER EDUCATION
Montana University System**

M I N U T E S

DATE: JANUARY 20-21, 1994

LOCATION: HIGHER EDUCATION BUILDING
2500 BROADWAY
CONFERENCE ROOM 102
HELENA, MONTANA

REGENTS PRESENT: JIM KAZE (CHAIRMAN), CORDELL JOHNSON (VICE CHAIRMAN), PAUL BOYLAN, SHANE COLEMAN, COLLEEN CONROY, PAT DAVISON, AND KERMIT SCHWANKE; COMMISSIONER OF HIGHER EDUCATION JEFF BAKER

REGENTS ABSENT: NONE

PRESIDENTS PRESENT: BRUCE CARPENTER (EMC), BILL DAEHLING (NMC), GEORGE DENNISON (UM), MIKE MALONE (MSU), AND LINDSAY NORMAN (TECH); PROVOST SHEILA STEARNS (WMCUM); JUD FLOWER (MCC), HOWARD FRYETT (FVCC), AND DON KETTNER (DCC)

PRESIDENTS ABSENT: NONE

DIRECTORS PRESENT: JANE BAKER (BUTTE VT), GEORGE BELL (BILLINGS VT), ALEX CAPDEVILLE (HELENA VT), DENNIS LERUM (MISSOULA VT), AND WILLARD WEAVER (GREAT FALLS VT)

DIRECTORS ABSENT: NONE

THURSDAY, JANUARY 20

Chairman Jim Kaze called the regular meeting of the Board of Regents to order at 1:20 p.m. Roll call showed that a quorum was present.

- ▶ **Regent Pat Davison moved that the Board approve the minutes from the October 14, 1993 conference call meeting and the November 11-12, 1993 regular meeting as mailed to the Board members. The motion passed unanimously.**

Chairman Kaze announced that Regent Colleen Conroy had been reappointed by Governor Marc Racicot to serve on the Board of Regents until February 1, 2001.

CONSENT AGENDA

1. Staff Items

- a. Item 82-100-R0194—Staff; The University of Montana
- b. Item 82-200-R0194—Staff; Montana State University
- c. Item 82-201-R0194—Staff; Montana State University
Retirement of Douglas D. Bishop, Department of Agricultural and Technology Education
- d. Item 82-202-R0194—Staff; Montana State University
Retirement of Max L. Amberson, Department of Agricultural and Technology Education
- e. Item 82-203-R0194—Staff; Montana State University
Post-Retirement Employment Contract, William Muhs, Associate Professor, College of Business
- f. Item 82-300-R0194—Staff; Agricultural Experiment Station
- g. Item 82-400-R0194—Staff; Extension Service
- h. Item 82-500-R0194—Staff; Montana College of Mineral Science and Technology
- i. Item 82-501-R0194—Professor Emeritus Status for Professor Elmer E. Gless; Montana College of Mineral Science and Technology
- j. Item 82-500A-R0194—Staff; Montana Bureau of Mines and Geology
- k. Item 82-600-R0194—Staff; Western Montana College of The University of Montana
- l. Item 82-700-R0194—Staff; Eastern Montana College
- m. Item 82-800-R0194—Staff; Northern Montana College
- n. Item 82-900-R0194—Staff; Office of the Commissioner of Higher Education
- o. Item 82-7500-R0194—Staff; Billings Vocational-Technical Center
- p. Item 82-9000-R0194—Staff; Helena Vocational-Technical Center

2. Capital Construction Items

- a. Item 82-101-R0194—Remodel the Prescott House; The University of Montana
- b. Item 82-204-R0194—Authorization to Replace the Roofs on the Koch and Story Towers; Montana State University
- c. Item 82-205-R0194—Authorization to Renovate a Portion of the Johnstone Center Residence Hall Complex; Montana State University

3. Collective Bargaining

Approval of Tentative Agreement with:

- a. The Print, Publishing and Media Sector of the Communications Workers of America, Local 14740 and the Graphic Communications International Union, Local 242-C

4. Other

- a. Item 82-901-R0194—Recommendation from Rural Physician Incentive Program Advisory Committee—Applicants Joyce Williams of Sidney, Montana, and Patti A. States of Plentywood, Montana; Office of the Commissioner of Higher Education

Chief Legal Counsel LeRoy Schramm said that Item 82-100-R0194 was amended as follows:

The Board of Regents approves the post-retirement contract with James R. Ullrich with the following revisions: Wherever in the contract's addendum the term "in perpetuity" appears it is deleted, and the first two times it appears, in its place is inserted "during the term of the above-noted post-retirement employment."

The following item was added to the Consent Agenda:

Item 82-701-R0194—Naming of KEMC Studio the "Sample Studio"; Eastern Montana College

- ▶ **Regent Shane Coleman moved that the Board approve the Consent Agenda items (staff items, capital construction, collective bargaining, and other) with the amendment to Item 82-100-R0194 and the addition of Item 82-701-R0194. The motion passed unanimously.**

COMMITTEE REPORTS

ACADEMIC AND STUDENT AFFAIRS COMMITTEE

1. Announcements

Committee Chairman Cordell Johnson said the following program name changes from Northern Montana College had been approved by the Commissioner's Office:

- a. From: Bachelor of Science in Interdisciplinary Studies (IDST): Liberal Studies, Water Quality Concentration
To: Bachelor of Science in Water Quality Technology: Environmental Health
- b. From: Interdisciplinary Studies (IDST): Computer Information Systems
To: Computer Information Systems

Regent Johnson said the committee also discussed a **draft** calendar for academic years 1994-95 through 1997-98. When all four-year units fully converted to the semester system, they entered into a calendar that required the first semester to end prior to the Christmas vacation. Accrediting standards require that each academic semester have 75 days of instruction, excluding finals week. For the campuses to conclude the first semester by Christmas vacation, the semester has to begin around the last week of August and before Labor Day. Regent Johnson said much of the committee's discussion focused on having school start after Labor Day, pointing out that some employers want summer work commitments at least through and often beyond Labor Day. Some students also feel that getting out in May instead of June gives them a better chance for summer employment. The committee also discussed extending the length of classes to meet instruction requirements. Regent Johnson said the calendars need to be fairly consistent among units because of students transferring within the system. He pointed out that the calendar was in draft form and that discussions would continue.

2. Notices of Intent

Regent Johnson briefly reviewed the following notices of intent:

- a. Authorization for Montana State University to Change the Name of Its Entomology Research Laboratory
- b. Authorization for Montana State University's Department of Industrial and Management Engineering to Offer a minor in Manufacturing Engineering (non-teaching)
- c. Authorization for Montana State University to Offer a Mental Health Services Emphasis within Its Child Development and Family Science Major
- d. Authorization for Montana State University to Restructure and Rename Degrees and Options in the College of Education, Health and Human Development to Reflect the Results of the Reconceptualization of the College of Education in 1987 to the Present College of Education, Health and Human Development
- e. Authorization for Montana State University to Offer a Science Option within Its Elementary Education Program

- f. Authorization for Montana State University to Offer a Family Nurse Practitioner Option within Its Established Masters Degree in Nursing/Rural Nursing Program
- g. Authorization for Northern Montana College to Change the Name of Its Civil Technology Program to Civil Engineering Technology
- h. Authorization for Northern Montana College to Change the Name of Its Electronics Technology Program to Electronics Engineering Technology
- i. Authorization to Offer an Associate of Applied Science Degree: Physical Therapist Assistant; Great Falls Technical Center

Regent Johnson said some concerns were expressed on several of the proposals, but those would be discussed and resolved before the items were brought forward for submission at the March 1994 meeting.

Following discussion of some of those concerns, Chairman Kaze said the notice of intent items would be placed on the submission agenda for the March 1994 meeting unless any were withdrawn before that time.

3. Submission Agenda

- a. Item 82-004-R0194—Proposed Revision of Board Policy 802.5 on Compensation for Instructors in Continuing Education Courses

Regent Johnson said the committee recommended this item be placed on the action agenda for the March 1994 meeting; the Board concurred.

4. Action Agenda

- a. Item 82-206-R0194—Authorization for Montana State University's Department of Computer Science to Offer a Teaching Minor in Computer Science [Moved from Submission Agenda to Action Agenda at Committee's request]
 - ▶ **Regent Johnson moved that the Board approve Item 82-206-R0194. The motion passed unanimously.**
- b. Item 82-001-R0194—Paul Douglas Teacher Scholars, 1993-94

Regent Johnson said the Board approved distribution of these awards at the July 1993 meeting. Since that time, funds have become available for an additional scholarship to be awarded to a Montana student. The student selected to receive the scholarship was Sherry Lynn Lorang from Centerville High School in Sand Coulee.

- ▶ **Regent Johnson moved that the Board approve Item 82-001-R0194. The motion passed unanimously.**

ADMINISTRATIVE/BUDGET COMMITTEE

1. Submission Agenda

Committee Chairman Pat Davison said the committee recommended placing the following items on the action agenda for the March 1994 meeting; the Board concurred.

- a. Item 69-003-R0990—Vehicle Regulations and Parking; Montana University System (REVISED 1002.1)
- b. Item 82-002-R0194—Repeal of Certain Board of Regents Policies from the Montana University System Policy and Procedures Manual (includes policies 201.1, 201.5, 203.4, 203.3.1, 207.1, 305.2.1; 402, 502.2, 602, 802.1, 901.5, 910, 940.3, 961.6, 962, 971.1.1, 971.8, and 1301)
- c. Item 82-802-R0194—Authorization to Refinance Northern Montana College Series A Revenue Bonds and to Issue Additional Bonds [**Moved from Action Agenda to Submission Agenda at Committee's Request**]

2. Action Agenda

- a. Item 81-001-R1193—Repeal "Restricting Access to Campus Property" (Board Policy 1005.2 REVISED)
 - ▶ **Regent Davison moved that the Board approve Item 81-001-R1193. The motion passed unanimously.**
- b. Item 82-102-R0194—Project Budgets, Series A 1993 Revenue Bond Projects: The University of Montana
 - ▶ **After brief discussion, Regent Davison moved that the Board approve Item 82-102-R0194. The motion passed unanimously.**
- c. Item 82-103-R0194—Authorization to Proceed with Acquisition of Human Resource Information System, Alumni/Development System, and Telephone Registration System; The University of Montana

Regent Davison said this item received most of the discussion in the committee meeting. The cost of the project is \$500,000: \$250,000 for software, \$125,000 for the touch telephone component, and \$125,000 for the alumni/development package. He said the funds would come from unused cash reserve balances. Regent Davison said the committee was

concerned about where this would fit in the system approach. They didn't think purchases of information management software should be made that weren't compatible with the other units in the system and questioned whether the software would be compatible in the future or whether it would create more problems. Regent Davison said the campus leadership assured the committee that everyone would work together toward systemwide development of management information. Although not compatible among all the units at that time, the potential existed for UM's system to interface with the other units. The committee also received that commitment from the Commissioner. Regent Davison said it may be appropriate to instruct the Commissioner to form a committee to develop a Montana University System management information system. He said it was time to get that started.

Commissioner Baker said that task would be part of the planning process that would begin upon approval of the restructuring proposal. He said he would follow through on it, and it would be a criteria for the system's campus leadership.

- ▶ **After further discussion, Regent Davison moved that the Board approve Item 82-103-R0194. The motion passed unanimously.**
- d. Item 82-502-R0194—Authorization to Expend Equipment Fee Allocation for Instructional Purposes; Montana College of Mineral Science and Technology
- ▶ **Regent Davison moved that the Board approve Item 82-502-R0194. The motion passed unanimously.**
- e. Item 82-601-R0194—Purchase of Property; Western Montana College of The University of Montana

Regent Davison said this purchase involved the opportunity for Western to purchase property bordered on three sides by its campus. The campus had negotiated with the owner to buy the property for \$110,120.

- ▶ **Regent Davison moved that the Board approve Item 82-601-R0194. The motion passed unanimously.**
- f. Item 82-801-R0194—Future Authorization for Northern Montana College to Sell Real Property

Regent Davison said Northern Montana College was requesting authorization to sell property within an area bordered by Fifth Avenue, Thirteenth Street, Curve Drive, and Knob Road. The sale of this property would benefit the college.

- ▶ **Regent Davison moved that the Board approve Item 82-801-R0194. The motion passed unanimously.**

- g. Item 82-2001-R0194—Authorization to Increase Out-of-District and Building Fees at Dawson Community College Effective Fall Semester 1994
 - ▶ **Regent Davison moved that the Board approve Item 82-2001-R0194. The motion passed unanimously.**
 - h. Item 82-3001-R0194—Approval of Operational Plan for Lincoln County Campus of Flathead Valley Community College—Revised 1993
 - ▶ **Regent Davison moved that the Board approve Item 82-3001-R0194. The motion passed unanimously.**
 - i. Item 82-8501-R0194—Resolution Allowing Great Falls Technical Center to Enter into Lease Agreements with Cable 7, Inc. and KGPR, Great Falls Public Radio
 - ▶ **After brief discussion, Regent Davison moved that the Board approve Item 82-8501-R0194. The motion passed unanimously.**
3. Other
- a. **Negative Fund Balance Report**

Regent Davison said this informational report (on file) was presented to the committee by Laurie Neils, Director of Budget and Accounting in the Commissioner's Office. The report concerned negative cash balances in different accounts within state government. Regent Davison said the report focused on accruals, which provided a more accurate picture of fund balance. He said the report showed that the university system did not have any material overexpenditures in its funds.

At 2:30 p.m., Chairman Kaze said the Board would recess to attend a joint Board of Regents/Board of Public Education (Board of Education) meeting at the Capitol.

FRIDAY, JANUARY 21

The Board reconvened at 8:30 a.m. with all members present.

OLD BUSINESS

- a. Special Session Report

Commissioner Baker said the university system had received an \$11.7 million cut from the general fund; \$5.7 of that was replaced with the six-mill levy funding, which required that the system account for another \$6 million. That \$6 million had not been allocated.

Commissioner Baker said the Regents would be asked at the March 1994 meeting to approve a package for dealing with that \$6 million. The package would include potential savings, cuts, and tuition increases.

Commissioner Baker said he wanted to thank the team that worked on behalf of the university system during the special session, particularly Marilyn Wessel from Montana State University and Bob Frazier from The University of Montana. Commissioner Baker also thanked the student representatives who participated during the session.

b. Item 82-1001-R0194—Restructuring: A Two-Year Institutions Position Paper; Technical Centers and Community Colleges

Jud Flower, Miles Community College President, said this paper was presented to the Board of Regents for their consideration. When restructuring first came up, the community colleges and the vo-techs felt that their concerns relative to two-year institutions ought to be part of the ongoing discussion. The paper they were presenting represented the two-year institutions' preferred process—the way they would choose to see restructuring take place. President Flower said they recognized that other factors and views had to be considered. He said some of the two-year institutions' concerns had already in fact been addressed and more possibly would be in the future. Although the restructuring proposal under consideration was not their first choice, President Flower said the two-year institutions would nevertheless support it.

c. Item 82-003-R0194—Recommendations on Restructuring the Montana University System

Chairman Kaze said this proposal (on file) involved many months of work and listening to many points of view and concerns. He said the Regents and the Commissioner had appeared formally in public hearings in Great Falls, Helena, Kalispell, Billings, and Chinook. In addition to those meetings, the Regents and the Commissioner also received a substantial number of written comments. Most of the Regents spent time within their own communities speaking to and visiting with local groups and the media about restructuring. The Commissioner traveled extensively throughout the state and met with a variety of faculty, administrators, community groups and leaders, students, legislators, and others. Chairman Kaze said he was proud of that seven months of intensive examination of the issues and believed that the public had a very good opportunity to present its case to the Regents and to the Commissioner. He then asked Commissioner Baker to present the proposal.

Commissioner Baker said it was time to put restructuring behind them and put the framework in place. They needed to collectively decide on their vision for Montana in terms of higher education and K-12 and begin seriously planning and prioritizing what they wanted to accomplish as they look to the year 2000 and beyond. As advocates of higher education, they were responsible for and obligated to give Montanans the facts about higher education—or someone else would. They had to do that in a credible way that said higher education was doing something about its own house and was moving forward. Commissioner

Baker said the restructuring plan was predicated on cooperating and learning to share and use resources more efficiently and more effectively. He pointed out that while no big-dollar savings were promised, the plan was instead a promise to use resources more efficiently and more effectively in the future. He stressed that the plan represented a move toward greater use of a system's perspective to address resource constraints facing higher education.

Commissioner Baker briefly reviewed the plan's sections and urged approval by the Board. He said he would like to publicly thank everyone involved with bringing the proposal to that point, particularly the Regents, all the presidents, the directors, and the Commissioner's staff.

Chairman Kaze then opened the floor for comments. The following individuals offered remarks: [Note: All comments on the restructuring proposal are on tape at the Commissioner's Office.]

Bruce Carpenter, President, Eastern Montana College
Michael Malone, President, Montana State University
George Dennison, President, The University of Montana
William Daehling, President, Northern Montana College
Lindsay Norman, President, Montana Tech
Alex Capdeville, Director, Helena Technical Center
Jane Baker, Director, Butte Technical Center
Will Weaver, Director, Great Falls Technical Center
George Bell, Director, Billings Technical Center
Dennis Lerum, Director, Missoula Technical Center
Howard Fryett, President, Flathead Valley Community College
Jud Flower, President, Miles Community College
Don Kettner, President, Dawson Community College
Sheila Stearns, Provost, Western Montana College of The University of Montana
Fred Gilliard, President, College of Great Falls
Matthew Quinn, President, Carroll College

At 9:55 a.m., Chairman Kaze said the Board would recess for a 20-minute break. When the Board reconvened at 10:15 a.m., additional comments were offered by the following individuals:

Marc Racicot, Governor of Montana
Cordell Johnson, Regent
Pat Davison, Regent
Kermit Schwanke, Regent
Paul Boylan, Regent
Colleen Conroy, Regent
Shane Coleman, Regent
Jim Kaze, Regent

- ▶ **Regent Davison moved that the Board approve Item 82-003-R0194. The motion passed unanimously.**

NEW BUSINESS

a. Appeal

Chief Legal Counsel LeRoy Schramm said the appeal in question involved an employee dispute concerning a training assignment and explained the Regents' options for dealing with the appeal. The Board could either (1) deny the appeal and uphold the Commissioner's decision as the final administrative action, or (2) entertain the appeal and schedule an oral argument at the March 1994 meeting.

- ▶ **Regent Davison moved that the Board entertain the appeal. A roll call vote showed Regents, Schwanke, Davison, Conroy, and Coleman voting yes, and Regents Boylan, Johnson, and Kaze voted no. The motion passed by a 4 to 3 vote.**

Chief Counsel Schramm said he would make arrangements for the appeal to be heard at the March 1994 meeting in Havre.

STUDENT REPORTS

The Board heard brief reports from Dave Andrzejek, student body president at Montana State University; Pat Gannon, student body president at Montana Tech; Raissa Short, student body president at Missoula Technical Center; Todd Mitchell, student body president at Eastern Montana College; and J.P. Betts, student body president at The University of Montana.

CAMPUS REPORTS

Montana State University

President Mike Malone distributed and briefly reviewed (1) an article from the January 20 *Billings Gazette* titled "MSU Slashes Academic Programs"; and (2) MSU's 1993 President's Report (on file). President Malone also announced that Vice President for Administration Jim Isch was leaving MSU after eight years for a similar position at the University of Arkansas. He said Vice President Isch would be at MSU until June.

Eastern Montana College

President Bruce Carpenter said Eastern was anticipating, within two to four weeks, completion of the link-up with fiber optic to all of eastern Montana with Miles Community College and Dawson Community College. He said the connection with the fiber optic would allow Eastern to perform additional functions.

The University of Montana

President George Dennison distributed and briefly reviewed (1) the Winter 1994 issue of *The Montanan* that focused on restructuring; (2) a news release concerning UM's inclusion in *The Guide to 101 of the Best Values in America's Colleges and Universities*; and (3) a January 14, 1994 letter announcing the choice of UM students Pat L. Murphy and Kimberly K. Schneider to advance to the final round of competition for \$30,000 Truman Scholarships.

President Dennison said he wanted to let the Board know that its authorization to proceed with the sale of 83 acres around Fort Missoula had generated controversy in Missoula, and a successful petition campaign had secured 12,000 signatures to place the rezoning issue on the ballot. He said he would keep them updated on the issue.

President Dennison said the campus compact made its first awards of \$1,500 in January. He briefly reviewed the history of the compact, noting that it is a voluntary association of higher education campuses in the state modeled after those in other states. Its focus is to promote community service to meet needs within the community but, more importantly, provide the opportunity for young people to develop the ethic of public service.

COMMISSIONER'S REPORT

Commissioner Baker asked Chief Counsel Schramm to update the Regents on the lawsuit that had been brought against them by Montanans for Better Government.

Chief Counsel Schramm said the lawsuit challenged ASMSU's expenditure of \$5,000 to purchase services of an attorney to represent them as plaintiffs in a lawsuit that questioned whether the tax law passed by the legislature could actually be suspended. The question was whether it was appropriate for student fees to be used for that type of activity. Schramm said he was working with the attorney for Montanans for Better Government on a set of stipulated facts and, based on those, probably would make cross motions for summary judgement. He said oral arguments were scheduled for February 18, 1994, in Bozeman, and he would keep the Board updated on future action.

With no other business to come before the Board, Chairman Kaze adjourned the meeting at 11:25 a.m.