



The University of
Montana

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DATE: August 27, 2012

TO: Brian Schweitzer, Governor

FROM: Royce C. Engstrom, President

SUBJECT: Professor Kristen Juras' Consulting Work

I am writing in response to the questions you raised regarding Associate Professor Juras' report to the Legislative Interim Committee of Revenue on July 20, 2012. Professor Juras submitted a report to the Committee entitled, "Current Issues Involving Montana's Centrally Assessed Property Taxation Statutes and Procedures." I have several points to make regarding her work.

1. Professor Juras did conduct the work substantively through her private practice and she did so while she was not under contract with The University of Montana. Her report to me indicates that she did the work between the dates of June 17 and July 19, 2012. The contract period for the academic year had clearly ended by the time she conducted her analysis. Furthermore, she conducted the work from her home in Great Falls and, with the exceptions indicated below, did not use University resources. With the exceptions indicated below, Professor Juras was in compliance with Board Policy 401.1 and 770, as well as University of Montana Policies 101.5 regarding Faculty Consulting.
2. Professor Juras did apparently violate these aspects of the relevant policies:
 - a. Our policy (101.5, section IV) states, "Both a faculty member's and consulting sponsor's use of the University name in connection with private consulting in a manner suggesting University involvement in such is prohibited." Furthermore, the policy (section VI.8) states, "...and the University name will not be used in connection with the consulting activity absent express prior consent of the faculty member's dean." Professor Juras' report in fulfillment of her work was clearly labeled as coming from an Associate Professor at the University of Montana. In the written report and in her presentation before the Legislative Interim Committee, there is nothing to indicate that her work in no way represented the University. She did not request prior consent to use the University's name.
 - b. Although her work was done almost entirely off-contract and without the use of University resources, Professor Juras did make copies of documents using School of Law resources and she made a handful of phone calls from her office phone. As of this point, she has not reimbursed the University for those uses.
 - c. Professor Juras did employ Law School students to assist in the work in question. There is no express prohibition against such employment, and in general, the University views such "practical" work as beneficial to a student's education. Since the students were paid for by Professor Juras herself and not the University, and the students did not use University resources, there is no clear violation of University or Regents policy. Whether or not she complied by other applicable employment law will be examined.

3. I am taking the following steps with respect to Professor Juras' work:
 - a. I will require her to write to both the sponsor of her consulting activity and the members of the Interim Legislative Committee expressly indicating that her work was not done under the auspices of The University of Montana and that she should not have represented herself as a faculty member of the School of Law in the context of this work.
 - b. I will require from her an itemized list of University resources used (copies, phone calls, meeting space) along with the value of those uses. She will be required to reimburse the University for these expenses.
 - c. She will need to document that she followed applicable employment laws in the hiring of UM School of Law students.
 - d. If Professor Juras intends to continue her work, she will have to submit a written request according to UM Policy 101.5, requiring approval from her Dean.

I am sorry that one of our faculty members engaged in an activity that did not fully comply with existing policy. Her activity may have created the impression that the University has a position on the specific matter of property taxation. It does not. Clearly, as a University we are interested in policies and practices that permit optimal investment in higher education. To the extent Professor Juras was making recommendations that decrease resources available to the state, she was not speaking for the University.

Please let me know if you have further questions or comments. I will follow up with copies of the letter to Professor Juras and her responses.

Thank you for the opportunity to respond to your concerns.

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c: Clay Christian, Commissioner of Higher Education