# UNIVERSITY OF MAINE SYSTEM
Policy and Procedures Manual

## INTRODUCTION

### Section 102  University System Charter

**Effective:** 1865  
**Last Revised:** 7/8/05  
**Responsible Office:** Clerk of the Board

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### NOTES

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<th>Year</th>
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<td>1865</td>
<td>P &amp; S.L., c. 532.</td>
<td>As revised by P. &amp; S.L., 1897, Ch. 551.*</td>
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### CHARTER

#### Section 1.  Samuel F. Perley, N. T. Hill, Bradford Cummings, Thomas S. Lang, Dennis Moore, William D. Dana, S.L. Goodale, Robert Martin, Alfred S. Perkins, Joseph Farwell, Seward Dill, Joseph Day, Ebenezer Knowlton, Hannibal Hamlin, Charles A. Everett and William Wirt Virgin, are hereby constituted a body politic and corporate, by the name of the University of Maine System, having succession as hereinafter provided, with power to establish and maintain, subject to the provisions and limitations of this Act, such a college as is authorized and provided for, by the Act of the Congress of the United States, passed on the second day of July, in the year eighteen and sixty two, entitled, “an act donating lands to the several states and territories, which may provide colleges, for the benefit of agriculture and the mechanic arts.” They shall be entitled to receive from the state the income which shall accrue from the funds granted to the state by the act aforesaid, and shall apply the same, together with all such income as they shall receive from any other sources to the maintenance of the college in conformity with the Act of Congress.  

*C. 551 also declares "and the said University of Maine System shall have all the rights, powers, privileges, property, duties and responsibilities, which belong or have belonged to the Trustees."

#### Section 1-A.  Establishment; purposes.  To develop, maintain and support a cohesive structure of public higher education in the State of Maine and in full recognition of the principle that each institution of higher education shall have a proper measure of control over its own operations and that its faculty shall enjoy the academic freedoms traditionally accorded institutions of higher education in teaching, research, and expressions of opinions, a system unifying the University of Maine, Gorham State College, Farmington State College, Aroostook State College, Washington State College and Fort Kent State College is established under the name of the University of Maine “System.” As used in this Act, unless the context otherwise indicates, “University” means the University of Maine System. (Merger effective 4-26-68)

#### Section 2.  The Trustees shall annually elect one of their number to be president of the Board.  They shall appoint a clerk and treasurer both of whom shall be sworn, and shall hold their offices at the pleasure of the Trustees.  The clerk shall record all proceedings of the Board, and copies of their records certified by him shall be evidence in all cases in which the
originals might be used. The treasurer shall be required to give suitable
bond, and to renew the same, whenever the Trustees shall require.

Section 3.  Power of Governor.

Section 4. Board of Trustees. The Board of Trustees of the
University of Maine System shall consist of 16 members.

1. Commissioner of Educational and Cultural Services.
The Commissioner of Educational and Cultural Services shall serve as
a voting member ex officio.

2. Members appointed by the Governor. Fourteen members shall
be appointed for 5-year terms by the Governor, subject to review by the
joint standing committee of the Legislature having jurisdiction over
education and confirmation by the Legislature. Each term shall expire
on May 26th of the appropriate year, except that the retiring member
shall serve until a successor is appointed by the Governor and
confirmed by the Legislature. No person accepting such appointment
may be a member of the State Board of Education. In making
appointments, the Governor shall strive to achieve a membership which
is representative of the population of this State. Insofar as feasible
when selecting qualified nominees to the Board, the Governor shall
consider affirmative action criteria, professional education and
experience and an equitable geographical representation among the
members. Trustees may serve a maximum of 2 terms, except that an
individual appointed to fill an unexpired term of 3 years or less is
eligible for appointment to 2 full terms. Vacancies shall be filled by
the Governor, subject to review by the joint standing committee of the
Legislature having jurisdiction over education and confirmation by the
Legislature, for the unexpired balance of the term. In order to restore
and maintain rotation of terms of office of Trustees, an incumbent
trustee who was appointed for a term of 5 years at a time subsequent to
the expiration of the term of his predecessor in office shall be deemed
to have commenced his 5-year term upon the date of the expiration of
the term of office of his predecessor rather than from the date of his
appointment and qualification. Trustees shall serve without
compensation, but may be reimbursed for travel and other expenses
incurred in the performance of their official duties.

3. Student member. One of the members shall be a full-time
student at one of the campuses of the University of Maine System
at the time of appointment and shall be a permanent resident of the
State. To be eligible as a student member, a student must be enrolled
for a minimum of 12 credit hours per semester. The student member
shall be a full voting member of the Board of Trustees and shall serve
for a 2-year term and until a successor is qualified. Sixty days prior to
the expiration of the student member's term, the Governor shall solicit a
list of 6 eligible students from the student senates from 6 of the
campuses within the University of Maine System; the 7th campus being
excluded in accordance with this subsection. The Governor shall then
nominate a student member within 30 days of receiving the list of
names and the nomination shall be subject to review by the Joint
Standing Committee on Education and confirmation by the Legislature.
The student representative shall not come from the same campus in any 2 consecutive terms. In the event that the student representative transfers from one campus to another during the student's term of appointment, the original campus of enrollment shall prevail in reference to the provisions of the subsection.

As enacted 1997, P&SL c. 37

- A. Alumni members. The Governor shall make every effort to appoint to the Board of Trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and confirmation by the Senate, 7 alumni members, one from each of the universities in the system.

Enacted 1991, P.L. c. 147

- Each citizen must be permitted to address the Board for a period of time established by the Board.

5. Transition. In order to continue the staggered nature of the terms of the during the transition from 7 to 5-year terms, one of the successors to the 2 members whose terms expire in 1984 shall be appointed to a 3-year term and one to a 4-year term; and one of the successors to the 2 members whose terms expire in 1985 shall be appointed to a 4-year term and one to a 5-year term. The member appointed to the 3-year term is eligible for appointment to 2 full terms. The members appointed to 4-year terms are eligible for appointment to one full term.

Section 4-A. Administration; Chancellor; campus heads; advisory committees. The Board of Trustees shall appoint a Chancellor of the University System who shall serve at its pleasure and be chief administrative and education officer thereof. The Chancellor may maintain an office at Augusta and such other offices as the Board of Trustees may designate. The Chancellor shall nominate and the Board of Trustees shall appoint the persons to head the various campuses and shall give the persons such titles as shall be deemed appropriate. The head of a campus shall not serve concurrently as Chancellor or as a member of the Board of Trustees. The Board of Trustees shall appoint such advisory committees on behalf of the various campuses and such other advisory committees as may appear desirable.

Section 4-B. Duties of the Board of Trustees, Chancellor and heads of the various campuses.

1. Board of Trustees; duties. The Board of Trustees, in consultation with the Chancellor, is the governing and planning body of the university and in addition has responsibility for preparing and approving the operating and capital budgets of the university and presenting them in accordance with the direction in the Maine Revised Statutes, Title 5, Section 1665, and Title 5, chapter 153. In fulfilling its duties, the Board of Trustees shall:

A. Support and enhance the system and the mission of the system;

B. Provide sound financial management of the system;
C. Exercise prudent stewardship of the assets of the system;

D. Evaluate the Chancellor and presidents appointed by the Board of Trustees pursuant to section 4-A;

E. Plan strategies for programs and allocation of resources that most effectively serve the educational needs of the citizens of this State;

F. Develop and maintain a strong system of accountability to the public for performance results of the system;

G. Visibly advocate higher education as a means to strengthen the economy and communities of the State; and

H. Establish mechanisms for review and approval of system programs.

2. Chancellor & staff members; duties. The Chancellor shall exercise such powers and fulfill such responsibilities as are delegated by the Board of Trustees. The Chancellor may delegate any of such powers and responsibilities to members of the Chancellor’s staff as necessary. The Chancellor is the chief administrative education officer of the system and shall:

A. Provide leadership to the universities in the system in addressing the State’s highest priority needs;

B. Establish a vision and planning for the system that:

(1) Provides quality education that is affordable and accessible for the students of this State; and

(2) Strengthens the State’s economy for its citizens;

C. Promote system planning, in collaboration with university presidents, for academic affairs, student affairs, outreach and community services programs, financial operations, capital plans and resource allocations;

D. Prepare all operating and capital budgets, appropriation requests and bond issues;

E. Take an active role in the nomination, appointment and evaluation of persons to head the universities and to serve in other major staff positions in the system;

F. Develop and implement an effective statewide public relations and legislative program;

G. Provide a centralized management oversight of services;

H. Coordinate University of Maine System academic offerings to avoid duplication with private and public institutions in this State; and

I. Develop a method to transfer academic credits to all universities within the University of Maine System.

Amended 1997, 3. Head of each campus; duties. The head of each campus is
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P&SL, c. 37

the chief administrative and educational officer thereof and is responsible for the day-to-day operation and development of its academic program within the limits defined by the Board of Trustees and the Chancellor; and in addition, shall exercise such rights and privileges as are generally recognized in the administering of admissions, curriculum development, extracurricular programs, long-range planning within the framework of the overall university plan, and supervision of faculty.

This section was deleted by 1987, P.L. c.20, eff. 9/29/87

As enacted 1997, P&SL

4. Administrative council.

5. Boards of visitors; membership; duties; reimbursement. Each of the 7 universities has a Board of Visitors.

A. Each Board of Visitors consists of up to 20 members recommended by campus presidents and confirmed by the Board of Trustees. Membership should reflect the mission of the university and the region it serves.

B. Each Board of visitors shall:

(1) Advocate for the university;

(2) Raise private funds for the university;

(3) Advise the head of each campus on community and regional needs;

(4) Review for final recommendation to the Board of Trustees tuition increases, new academic programs and the 5-year plan of the university; and

(5) Submit an annual report of its activities to the Board of Trustees. The Board of Trustees shall submit a copy of the annual report of each Board of Visitors to the Legislature and to the Joint Standing Committee of the Legislature having jurisdiction over education matters annually in January as part of its report required in the Maine Revised Statutes, Title 20-A, section 10902-A.

C. Members of the Boards of Visitors may receive reimbursement for travel and other necessary expenses for attendance at meetings of the Board. Reimbursement expense for Board members must be absorbed within the existing budgeted revenues of the University of Maine System.


Section 4-C. Properties, assets and liabilities. Thirty days after the effective date of this Act all of the assets, tangible or intangible, real, personal and mixed, of, or used in connection with, Gorham State College, Farmington State College, Aroostook State College, Washington State College, Fort Kent State College, respectively, except such as are in trust or are subject to limitations purporting to restrict their transferability or assignability, are transferred and assigned to the University System. Any gift, bequest, devise or other transfer or
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Section 4-D. Options for employment benefits of personnel. All personnel heretofore employed at the state colleges shall have the option of continuing their membership, if such exists, in the Maine State Retirement System or of becoming members of the retirement system in effect at the University System at the time the election is made. Such election shall be made within 6 months after the effective date of this Act on forms and in such manner as the Board of Trustees of the University of Maine System may direct. As to each such employee who elects to continue membership in the Maine State Retirement System, it shall thereafter be the responsibility of the University System to provide for payment from its appropriation to the Treasurer of the State of the amount which would have been the state's contribution to the retirement system for such employee had he remained in the state's service. Notwithstanding any other provisions of law, as to all such employees who elect to become members of the retirement system in effect at the University, such employees shall, within 90 days after such election, authorize the Maine State Retirement System to pay through the Treasurer of State into the retirement system in effect at the University System the total of the member's contributions for said employee. Any such employee electing to become a member of the retirement system in effect at the University System who has vested rights under the Maine State Retirement System may elect, notwithstanding the foregoing provision, to leave his contributions on deposit in said system. Within 6 months after the effective date of this Act, such employees shall exercise the option of determining whether they shall keep their personnel as amended 1987, P.L. c.735

1973, P. & S.L., c. 84, as amended 1979 P.L., c. 541 Section 71 of Part B.

Ownership of any real property formerly held by Aroostook State College, Farmington State College, Fort Kent State College, Gorham State College or Washington State College, which is removed from educational use by the University of Maine System, may be sold by the University of Maine System subject to the approval of the Governor or may be conveyed by gift by the University of Maine System to any entity in whose ownership and use it will be exempt from real estate taxation.

Any property previously or hereafter received by the University System which has been designated or limited for particular purposes or uses shall be used by the University System only for those purposes.

classification, salary level and tenure rights, to the extent they now exist, for their work with their present institutions, or adopt such benefits as they exist under the system in effect at the University System at the time election is made. The intent of the election herein provided is to assure that no employee's job classification, salary level and tenure rights shall be adversely affected solely as a result of the unification provided for in this chapter. The Board of Trustees shall have the final authority in their efforts to work out, as well as may be, uniform personnel policies and procedures for all employees of the University of Maine System, except that nothing contained herein in any way shall abrogate the options for employment benefits in this section. No faculty member employed at one campus may be transferred to another campus without his consent.


1969, P. & S.L., c. 117. Section 4-F. Contracts. The Board of Trustees of the University of Maine System shall have authority to authorize contracts with the State of Maine, or any department or agency thereof, or any city, town, district or other public instrumentality, on such terms and conditions as they shall approve for the furnishing to the University System of water and sewer services. The term of any such contract may not exceed 50 years.


1865, P. & S.L., c. 532. Section 7. It shall be the duty of the Trustees, as soon as may be, after their organization, to procure a tract of land suitable as a site for the establishment of the college. If no other provision shall be made therefore, there shall be placed at the disposal of the Trustees for this purpose, such proportion as the governor may deem suitable, of that part of the fund, which is authorized by the fifth section of the act of congress to be expended for the purchase of lands for sites or experimental farms.


1865, P. & S.L., Section 8-A. The Trustees of the University of Maine System, or such administrators of the University of Maine System as the Trustees may
designate for this purpose, may appoint persons to act as police
officers who, within the limits of the property owned by or under the
control of the University of Maine System possess all of the powers
of police officers in criminal cases and civil violations.

The Trustees may make rules and regulations for the control,
movement and parking of vehicles within the limits of the property
owned by or under the control of the University of Maine System. The
rules and regulations have the same force and effect as municipal
ordinances and District Courts are authorized to impose fines not to
exceed $50 for each parking violation. The Trustees, by resolution,
may adopt the provisions of the Maine Revised Statutes, Title 30-A,
Section 3009 relating to prima facie evidence, the establishment of a
waiver of court action by payment of specified fees and the
establishment and policing of parking spaces for handicapped persons.
Notwithstanding this paragraph, speed limits within the limits of the
property owned by or under the control of the University of Maine
System must be established by the Department of Transportation and
the Maine State Police as provided in the Maine Revised Statutes, Title
29, section 1251 and the speed limits must be posted by the University
of Maine System in accordance with written directions or policies of
the Department of Transportation. The violation of any rules and
regulations relating to the movement of vehicles is deemed to be a
traffic infraction unless defined as a felony or misdemeanor under Title
29.

The Trustees of the University of Maine System may authorize the
University of Maine System’s full-time police officers who have met
the requirements of the Maine Revised Statutes, Title 25, section 2804-
C to perform any of the acts described in Title 17-A, section 15 while
outside of the limits of the property owned by or under control of the
University of Maine System if the law enforcement agency of a foreign
municipality in which the arrest is to be made has requested assistance
in advance by cooperative agreement. When a University of Maine
System police officer makes an arrest outside the limits of the property
owned by or under control of the University of Maine System as
authorized in this section, that police officer has the same immunity
from tort liability and all of the pension, relief, disability, workers’
compensation, insurance and any other benefits the police officer
enjoys while performing duties within the limits of the property owned
by or under control of the University of Maine System.

Section 9. In addition to the instruction which is to be given by
classes, textbooks, lectures, and apparatus, in such branches of learning
as are related to agriculture and the mechanic arts, the Trustees shall
provide, as fully as may be for practical experiments and
demonstrations of scientific principles and rules. They shall encourage,
and for due proportions of time, at different seasons of the year, and
with reference to other exercises, require all the students to engage in
actual labor upon the lands and in the workshops with which the
college may be furnished, and shall provide suitable oversight and
direction in such labor, so that they may become habituated to skillful and productive industry.

Section 9-A. College of medicine authorized; standards of scholarship, degrees. The Board of Trustees of the University of Maine System is hereby authorized to locate, construct, equip, and operate a college of medicine and to set, establish and maintain standards of teaching and scholarship therefore; provided, nevertheless that the location, construction, and operation shall meet the approval of and that the standards of teaching and scholarship be at least equal to standards approved by the Council of Medical Education and Hospitals of the American Medical Association and of the Association of American Medical Colleges; and provided further, that the Board of Trustees shall be under no duty to perform any function under this section unless and until, in its opinion, the Board has received or is assured of sufficient funds either by gift from any source of by appropriation by the State of Maine to successfully construct and operate such college of medicine.

The Board of Trustees is authorized to confer the degree of "Doctor of Medicine" upon such students of the college of medicine, when so established, as complete the 4-year course of said college to the satisfaction of said Board of Trustees.

Section 10. Required military tactics for all students.

Section 11. Such other studies are to be taught within the limitations of the act of Congress, as the facilities of the college, and the periods of instruction will permit.

Section 12. Students who satisfactorily complete any one or more of the prescribed courses of study, may receive public testimonials thereof, under the direction of the Trustees, stating their proficiency.

Section 13. Tuition.

Section 14. Morality and justice

Section 15. Trustees may limit admissions.
Section 16. Trustees meetings and compensation.

Section 17. Treasurer's Report.

Section 18. Rights of the Legislature reserved. The Legislature has the right to grant any further powers, to alter, limit or restrain any of the powers vested in the Board of Trustees of the University of Maine System established by this Act, as may be judged necessary to promote the best interests thereof. And this act takes effect upon its approval by the Governor.

Board of Trustees; review and report.

1. Review. The Board of Trustees of the University of Maine System shall:

   A. Conduct a review and evaluation of programs existing on the effective date of this Act. This review must identify which of the programs best address future educational and economic priorities of citizens of the State;

   B. Review the current method of distributing state resources in light of distinctive missions, enrollment shifts, program priorities, changing program costs, demographic patterns and emerging needs of the State. As part of its review, the Board shall ensure that the needs of the State’s nontraditional students are met in a more equitable manner;

   C. Determine what savings result from reorganization of the system as set out in this Act and develop a mechanism to ensure that any such savings are used to reduce increases in tuition; and

   D. Study methods employed in other jurisdictions and make recommendations to create a system that is substantially more market-driven.

2. Report. The Board of Regents shall report its findings and recommendations based on its work pursuant to subsection 1 to the Joint Standing Committee on Education by January 1, 1998. The Joint Standing Committee on Education may report out legislation it determines based on the report.