



Board of Trustees
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March 2, 2017

TO: Executive Committee
FR: Tracy B. Bigney, Clerk of the Board
RE: March 8, 2017 Executive Committee Meeting

The University of Maine

University of Maine
at Augusta

University of Maine
at Farmington

University of Maine
at Fort Kent

University of Maine
at Machias

University of Maine
at Presque Isle

University of
Southern Maine

The Executive Committee will meet on **March 8, 2017 from 3:30 pm to 5:00 pm**. The Committee will have a 30 minute Executive Session at the end of the meeting.

The meeting will be at the **Rudman Conference Room, Room 253, 2nd Floor, Estabrooke Hall, 15 Estabrooke Drive in Orono**. In addition to the Rudman Conference Room the following Polycom locations and conference call connection have been reserved:

- USM – 703 Law Building, Portland
- UMA – 125 Robinson Hall
- UMPI – Executive Conference Room, Preble Hall
- UMM – Executive Conference Room, Powers Hall
- UMFK – Alumni Conference Room
- 1-800-605-5167 code 743544#

Other Polycom sites will be reserved as requested.

If you have any questions or desire additional information, please call me at 581-5841.

cc: UMS Trustees who are not members of the Executive Committee
James Page
University Presidents
Rebecca Wyke
Robert Neely
James Thelen
Rosa Redonnett
Vendean Vafiades

Board of Trustees
University of Maine System

Executive Committee Meeting

University of Maine System Executive Offices
Rudman Conference Room, 253 Estabrooke Hall, Orono

March 8, 2017 at 3:30 pm

AGENDA

Tab 1 - Proposed Revised Board of Trustee Policy 212

Tab 2 - Authorization to Incorporate Maine Center Ventures

Executive Session

This committee will go into Executive Session to discuss personnel related issues.

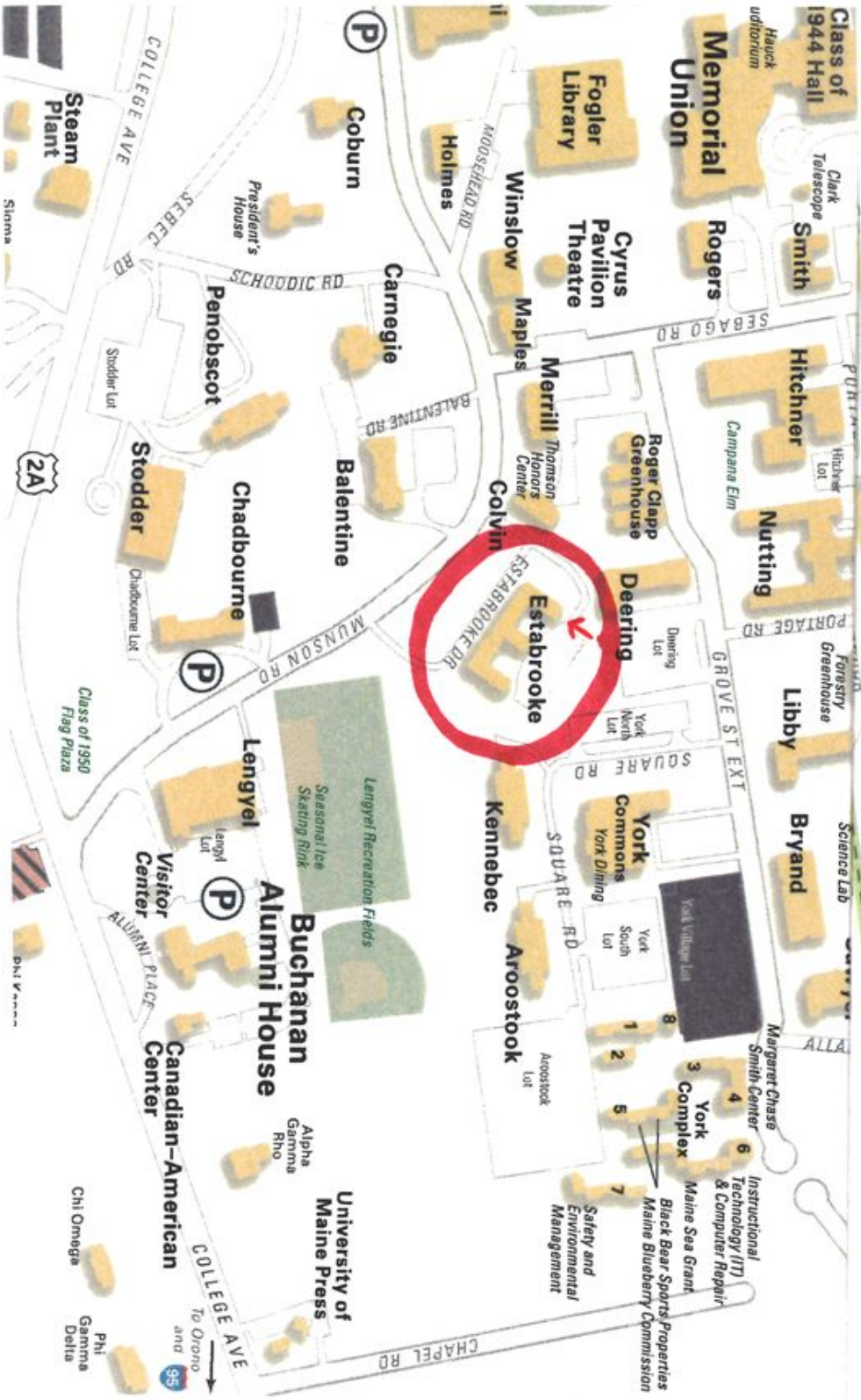
Action items are noted in red.

Note: Times are estimated based upon the anticipated length for presentation or discussion of a particular topic. An item may be brought up earlier or the order of items changed for effective deliberation of matters before the Committee.

University of Maine System

15 Estabrooke Drive, Orono

Rudman Conference Room
253 Estabrooke Hall, 2nd Floor
15 Estabrooke Drive, Orono



Directions to the UMS located on the UMaine Campus

From the South on I-95: take exit 191 to Kelly Road and turn right. Continue on Kelly Road for 1 mile until you reach the traffic light, then turn left onto Route 2 and go through downtown Orono. Cross the river. Turn left at the lights onto College Avenue. Buchanan Alumni House will be the first campus-related building on your right. Right after the Buchanan Alumni House, take a right onto Muson Road. Estabrooke Hall is the building on the right after Lengyel.

From the North on I-95: take exit 191 to Kelly Road and turn left. Continue on Kelly Road for 1 mile until you reach the traffic light, then turn left onto Route 2 and go through downtown Orono. Cross the river. Turn left at the lights onto College Avenue. Buchanan Alumni House will be the first campus-related building on your right. Right after the Buchanan Alumni House, take a right onto Muson Road. Estabrooke Hall is the building on the right after Lengyel.

The UMS is located on the 2nd floor of Estabrooke Hall. Enter Estabrooke Hall from the back of the building, the entrance closes to Deering Hall.



AGENDA ITEM SUMMARY

1. **NAME OF ITEM:** Proposed Revision to Board Policy 212

2. **INITIATED BY:** Trustee Samuel Collins, Chair

3. **BOARD INFORMATION:** X **BOARD ACTION:**

4. **BACKGROUND:**

At the UMS Board of Trustees meeting in Machias in November 2016, the Board's Student Representatives asked the Board to make a statement affirming the University's commitment to civility. This is a timely issue as many universities nationally have been and are facing questions about campus climate and civility. In August 2016, the Association of Governing Boards (AGB) Board of Directors issued a statement on Governing Board Accountability for Campus Climate, Inclusion and Civility. The AGB statement may be found at <http://agb.org/statements/2016-08/statement-campus-climate-inclusion-civility>.

At its December 6, 2016 meeting, the Board's Executive Committee discussed its ongoing commitment to Board Policies 212 (Free Speech and Assembly) and 414 (Campus Violence). The Chair charged an ad hoc committee, chaired by Chancellor James Page, to review Board and System policies on free speech and expression, campus climate, and political impartiality however, to determine whether changes should be considered to better express the Board's commitments and System policy in these areas. Trustees James Erwin and Gregory Johnson and USM President Glenn Cummings offered to serve on the committee, and Chancellor Page later added UMM Interim President Sue Huseman and Chief of Staff and General Counsel James Thelen to work on the committee as well.

The Committee determined to divide its work into two primary issues – one regarding free speech and expression and the other regarding political impartiality.

On free speech and expression, following review of several Board and System policies, as well as the AFUM contract, the Committee determined that the Board's commitment to free speech and expression, as well as free inquiry and academic freedom, could be better expressed in a revised and expanded Board Policy 212. The Committee's proposed revised Policy 212 was reviewed with System Presidents and verbally described for the Board's Student Representatives at their meeting with System Staff in advance of the Board's January 29-30, 2017 meeting in Portland.

The Committee determined to continue its review and work on political impartiality and will report back to the Board at a later date.

The Committee's proposed revised Board Policy 212 is included with these materials for the Executive Committee's consideration.

Proposed revisions to the policy will be discussed by the Executive Committee and placed on the agenda for approval at the March 26 -27 meeting of the Board of Trustees.

March 2, 2017

University of Maine System

Board of Trustees Policy Manual

GOVERNANCE AND LEGAL AFFAIRS

Section 212 Free Speech and Assembly, Academic Freedom, and Civility

Effective: 11/21/67

Last Revised: 1/23/74

Responsible Office: University Counsel

Policy Statement:

~~Recognizing that many citizens have differing views on the matter of whom and which groups should have an opportunity to express opinions and meet on our University of Maine System Campuses, the Board of Trustees of the University of Maine System affirms its commitments to the rights of free speech and assembly.~~

~~To that principle, there shall be no restrictions, on any of the System institutions, placed on the fundamental rights of free speech and assembly, except those necessary to preserve the order for the University System to function as an institution of higher learning.~~

~~The administration of each university is responsible for establishing appropriate procedures for the implementation of this policy and for the protection of the rights of individuals through adequate review of alleged violations of the policy.~~

The University of Maine System is an organization of public institutions of higher education committed to excellence in teaching, research, and public service. Together, the students, faculty, and staff form our statewide University community. The quality of life on and about the System's member universities is vitally enhanced by preserving the rights and freedoms described in this policy.

The Board of Trustees of the University of Maine System affirms its commitment to the rights of free speech, free inquiry, and academic freedom. To protect these rights, all members of the University community should act toward each other with civility, mutual respect, integrity, and reason.

Free speech, free inquiry and academic freedom, and civility are interrelated and interdependent rights and values that will be protected together at University of Maine System institutions according to the following policies.

FREE SPEECH

The Board of Trustees is committed to protecting the rights all University community members share to free speech, which includes free expression and assembly, as enshrined in the U.S. and Maine State Constitutions. There shall be no restriction at any System institutions on these fundamental rights, although the University may prohibit speech that violates the law, defames specific individuals, genuinely threatens or harasses others, or violates privacy or confidentiality requirements or interests. The University may also reasonably regulate the time, place, and manner of the exercise of these rights to preserve order for the System's universities to function as institutions of higher learning.

Free speech requires tolerance for diversity of opinion and respect for an individual's right to express his or her beliefs, however unpopular they may be, without social or legal prohibition or fear of sanction. Tolerating and respecting another's views, however, does not mean those views are immune from critical scrutiny. Indeed, it is the university's responsibility to foster an environment where all are free to critically evaluate the ideas presented to them, and to accept critical evaluation of their own ideas.

Finally, although the University System greatly values civility and expects community members to share in the responsibility for maintaining a climate of mutual respect, demands for civility and mutual respect will not be used to justify restricting the discussion or expression of ideas or speech that may be disagreeable or even offensive to some members of the University community. Free speech is not absolute, and one person's claim to exercise his or her right to free speech may not be used to deny another person's right to free speech.

FREE INQUIRY AND ACADEMIC FREEDOM

The Board of Trustees affirms that a fundamental purpose of public higher education is free inquiry—the unfettered and relentless pursuit and dissemination of truth—and that within the academy, free inquiry is indistinguishable from one's freedom to inquire, present, discuss, and evaluate all matters relevant to the pursuit of truth without constraint, or fear of constraint, in the performance of one's teaching, research, publishing or service obligations.

Academic freedom is the freedom to present and discuss all relevant matters in and beyond the classroom, to explore all avenues of scholarship, research and creative expression, and to speak or write without any censorship, threat, restraint, or discipline by the University with regard to the pursuit of truth in the performance of one's teaching, research, publishing or service obligation.

System faculty and staff have the right to comment as employees on matters related to their professional duties, and the functioning of the University, subject to the need for courteous, professional and dignified interaction between all individuals and the parties' shared expectation that all members of the campus community will work to develop and maintain professional relationships that reflect courtesy and mutual respect, recognizing an employee's responsibility to refrain from interfering with the normal operations of the University and the ability to carry out its mission.

Employees as citizens are entitled to the rights of citizenship in their private roles as citizens, including to comment on matters of public concern outside of their employment. System employees have a responsibility and an obligation to indicate when expressing personal opinions that they are not institutional representatives unless specifically authorized as such.

CIVILITY AND MUTUAL RESPECT

Free speech and expression and academic freedom have an important corollary: the responsibility all University community members share for maintaining an environment in which their actions are guided by mutual respect, integrity, and reason. These responsibilities are expressed in our constitutional freedoms: The U.S. Constitution's right of the people *peaceably* to assemble, and the Maine State Constitution's right of citizens to freely speak, write and publish, *being responsible for the abuse of these liberties*. Although members of the University community are free to criticize and contest views expressed by others on campus—indeed, a guiding premise of free inquiry is that truth is more likely to be discovered if the opportunity exists for the free exchange of opposing opinions—and even to criticize and contest speakers who express their views on campus, no member of the University community may obstruct or otherwise interfere with another's freedom of speech, even if he or she disagrees with, opposes, or even loathes the other's views.

ENFORCEMENT

Each System university's administration is responsible for consistently enforcing this policy according to System-wide policies and standards, and for protecting individual rights through adequate and timely

review of alleged violations. This policy shall not be construed or applied to restrict academic freedom within the University, nor to restrict constitutionally protected speech.

References

U.S. Constitution, Amendment 1

Maine State Constitution, Article 1, Section 4

2015-2017 Agreement between UMS and AFUM, Article 2

University of Chicago Report of the Committee on Freedom of Expression

goals of civility and mutual respect and to providing a safe environment in its operations and activities.

The Executive Committee will discuss its ongoing commitment to policy 212 and policy 414. The Chair will appoint a committee to consider a resolution to be placed on the agenda for Board of Trustees consideration at the January, 2107 meeting.

12/5/16

Reviewed by Executive Committee 12/6/16



AGENDA ITEM SUMMARY

1. **NAME OF ITEM:** Authorization to Incorporate Maine Center Ventures

2. **INITIATED BY:** Trustee Samuel Collins, Chair

3. **BOARD INFORMATION:** **BOARD ACTION:** X

4. **BACKGROUND:**

At its October 23, 2016 meeting, the UMS Board of Trustees approved an initial two-stage process to begin development of parts of the Maine Center for Graduate Professional Studies business plan developed by Eliot Cutler and his staff. Agenda materials from the October 23 meeting that describe the two-staged plan in detail are included here for reference.

One element of Stage 1 of the Board's approved plan is the establishment of Maine Center Ventures, called for in the business plan to be a non-profit corporate entity that is governed by the UMS Board and lead by a Board of Directors chaired by the UMS Chancellor. Maine law permits UMS to incorporate Maine Center Ventures as a non-profit corporation, but requires that a Board officer be duly authorized to sign the necessary Articles of Incorporation and that a separate Board officer provide a certificate of such authorization along with the Articles of Incorporation filed with the Maine Secretary of State.

The Executive Committee is asked to authorize UMS Board Chair Samuel Collins to sign Articles of Incorporation to establish Maine Center Ventures as a Maine non-profit corporation governed by the UMS Board. Upon such action, UMS Board Clerk Tracy Bigney will provide the necessary authorization certificate to accompany the Articles of Incorporation when filed with the Maine Secretary of State. UMS System Staff will later prepare the appropriate materials to seek federal 501(c)(3) tax exempt status from the IRS for the Maine Center Ventures entity.

Chancellor Page, UMS Senior Staff, and Maine Center CEO Eliot Cutler continue to review the two-stage process and business plan goals to determine the best way to achieve the Maine Center Ventures requirements.

5. TEXT OF PROPOSED RESOLUTION:

That the Executive Committee acting on behalf of the Board of Trustees authorizes Board Chair Samuel Collins to sign Articles of Incorporation to establish Maine Center Ventures as a Maine non-profit corporation governed by the UMS Board.

March 2, 2017



AGENDA ITEM SUMMARY

1. **NAME OF ITEM:** The Maine Center for Graduate Professional Studies
2. **INITIATED BY:** James H. Page, Chancellor
3. **BOARD INFORMATION:** **BOARD ACTION:** XX
4. **BACKGROUND:**

In the fall of 2013 Chancellor Page with a number of academic and business leaders developed the concept of creating a professional and graduate center that would be a model and home for entrepreneurial, multi-disciplinary business and legal programs to drive economic development statewide. With private funding a feasibility study was conducted by the Parthenon Group. The Parthenon Study concluded that the creation of a Professional and Graduate Center was a transformational concept for the University of Maine System and could catalyze the growth of small to medium businesses across Maine.

In April 2015 Eliot Cutler was selected to serve as CEO of the Professional and Graduate Center Planning Initiative and was charged with developing a business plan for the proposed center. The business plan that is currently before the Board reflects the contributions of hundreds of individuals both within and outside the University System, including a Maine Center Advisory Board of more than one hundred people from across Maine.

The proposed Maine Center for Graduate Professional Studies (Maine Center) represents a groundbreaking opportunity for the University of Maine System to advance its One University plan in a way that brings our resources to bear in responsive, coordinated support of all Maine families, businesses and communities, an outcome best exemplified to date by the planned merging of the two MBA programs. The Chancellor and Presidents are committed to the launch of a single University of Maine MBA in the fall of 2017. The Maine Center Business Plan presents the project in a potentially fully realized state. Because of the project's magnitude – its scope and scale – a phased approach to implementation is the best way to ensure success, both by demonstrating the feasibility of the project and by allowing for Plan modifications as facts

and circumstances may dictate. Based on preliminary feedback, Chancellor Page recommends that the Board commit now to the project using a two-staged process that is based on the following program, public engagement, and fundraising milestones, as well as others to be developed.

Stage 1

- Stage 1 will begin on January 1, 2017, with a timeline of 2-3 years as necessary to meet public engagement, program, and fundraising milestones and to achieve other success metrics.
- Core Stage 1 Activities:
 - Full implementation plan for Stage 1 developed, approved and underway, and that for Stage 2 completed and approved, each with measurable Key Performance Indicators (Spring 2017).
 - KPIs for Stage 1: strong program leadership in place; faculty resources identified; business community engagement; curricular flexibility, experiential components and calendar and scheduling coordination; and executive education underway.
 - A re-envisioned University of Maine MBA developed with primary location in Portland, as well as offered in Orono and remotely. Faculty for this program will include faculty from both the University of Southern Maine and the University of Maine business programs (Fall 2017)
 - Maine Center Ventures (MCV) is established and operational, including the hiring of a MCV lead. Interactive engagement with business and professional communities to meet workforce and consultative needs underway. (Spring 2017)
 - New programming in place. (Ongoing)
 - Participating programs identify and adopt flexibility to accommodate new opportunities (e.g., advanced experiential learning). (Fall 2017)
 - Additional cross-disciplinary programs and opportunities, developed and launched. (Spring and Fall 2017)
 - Executive education programs launched and operational (Spring 2017)
 - Enrollment targets and trends for each participating program established and met. (Spring 2017, ongoing)
 - Capital campaign designed and underway. (Ongoing)

Stage 2. After the Stage 1 milestones and associated performance indicators have been met, the System Board of Trustees will determine the next steps for developing the Maine Center facility that will house the educational and applied research programs on a scope and scale appropriate to the needs, conditions, opportunities and funds.

5. Text of Proposed Resolution

That the Board of Trustees endorses the Maine Center for Graduate Professional Studies Business Plan dated October 2016 and directs that it be implemented in a multi-year phased approach as described in the agenda item summary. The Center's Plan is subject to Board of Trustees review and revision as milestones are reached. Further, that the Board of Trustees supports the Chancellor's efforts to seek assistance for the project from private foundations and other funding sources.

October 20, 2016

Approved by the Board 10/23/16