



Board of Trustees
15 Estabrooke Drive
Orono, ME 04469

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February 24, 2017

TO: Members of the Academic & Student Affairs Committee
Members of the Human Resources & Labor Relations Committee

FR: Tracy B. Bigney, Clerk of the Board

RE: **March 6, 2017 Academic & Student Affairs Committee with the Human Resources & Labor Relations Committee**

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 Academic & Student Affairs Committee will meet with the Human Resources and Labor Relations Committee from **12:15 pm to 2:00 pm on Monday, March 6, 2017**. The first part of the meeting will be an Executive Session to discuss Tenure Nominations for 2017 from 12:15 pm to 1:15 pm. Following the Executive Session the remainder of the meeting will be an open session. The meeting will be held at the University of Maine System Executive Offices in the Rudman Conference Room, 253 Estabrooke Hall, 15 Estabrooke Drive in Orono. The following Polycom sites are available:

- UMA – 125 Robinson Hall
- UMF – Executive Conference Room, Merrill Hall
- UMFK – Alumni Conference Room
- UMM – ~~103 Science Building~~ Executive Conf. Room (effective 2/27/17)
- UMPI – Executive Conference Room, Preble Hall
- USM – 205 Wishcamper Center, Portland

Refreshments will be available at the UMS and the USM locations; however, there is no designated lunch break. **The Faculty & Student Representatives are invited to participate in this meeting from 1:15 to 2:00 pm as well as the meeting of the Academic & Student Affairs Committee from 2:10 to 3:30 pm.** The meeting materials are posted to the Diligent Board portal under the Academic and Student Affairs Committee section. In addition, the meeting materials are posted on the Board of Trustees website (<http://www.maine.edu/about-the-system/board-of-trustees/meeting-agendas/academic-student-affairs-committee/>). As a source of reference, the full tenure packets are available in a separate Board Book under the Academic & Student Affairs section, for those who have access. If you have questions about the meeting arrangements or accessing the meeting materials, please call me at 581-5841.

Other Board Committee meetings scheduled on March 6th are as follows:

- Human Resources & Labor Relations Committee from 11:00 am to 12:00 pm
- Academic & Student Affairs Committee from 2:10 pm to 3:30 pm

If you have any questions or desire additional information about the agenda items, please call Robert Neely at 581-5843 or Rosa Redonnett at 621-3419.

cc: Other UMS Trustees not on the ASA & HR/LR Committees
 James Page, Chancellor
 Faculty & Student Representatives
 Presidents
 Rebecca Wyke
 Robert Neely
 Rosa Redonnett

Board of Trustees
Academic and Student Affairs Committee with the
Human Resources & Labor Relations Committee

March 6, 2017
12:15 pm to 2:00 pm

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

EXECUTIVE SESSION

12:15-1:15pm

Following the executive session, the committee will discuss the following agenda items:

Tab 1 - Tenure Nominations

Tab 2 - Tenure Report

1:15pm-1:30pm

Tab 3 - Board Policy 402 and UMS Implementation: Update and Discussion

1:30-2:00pm

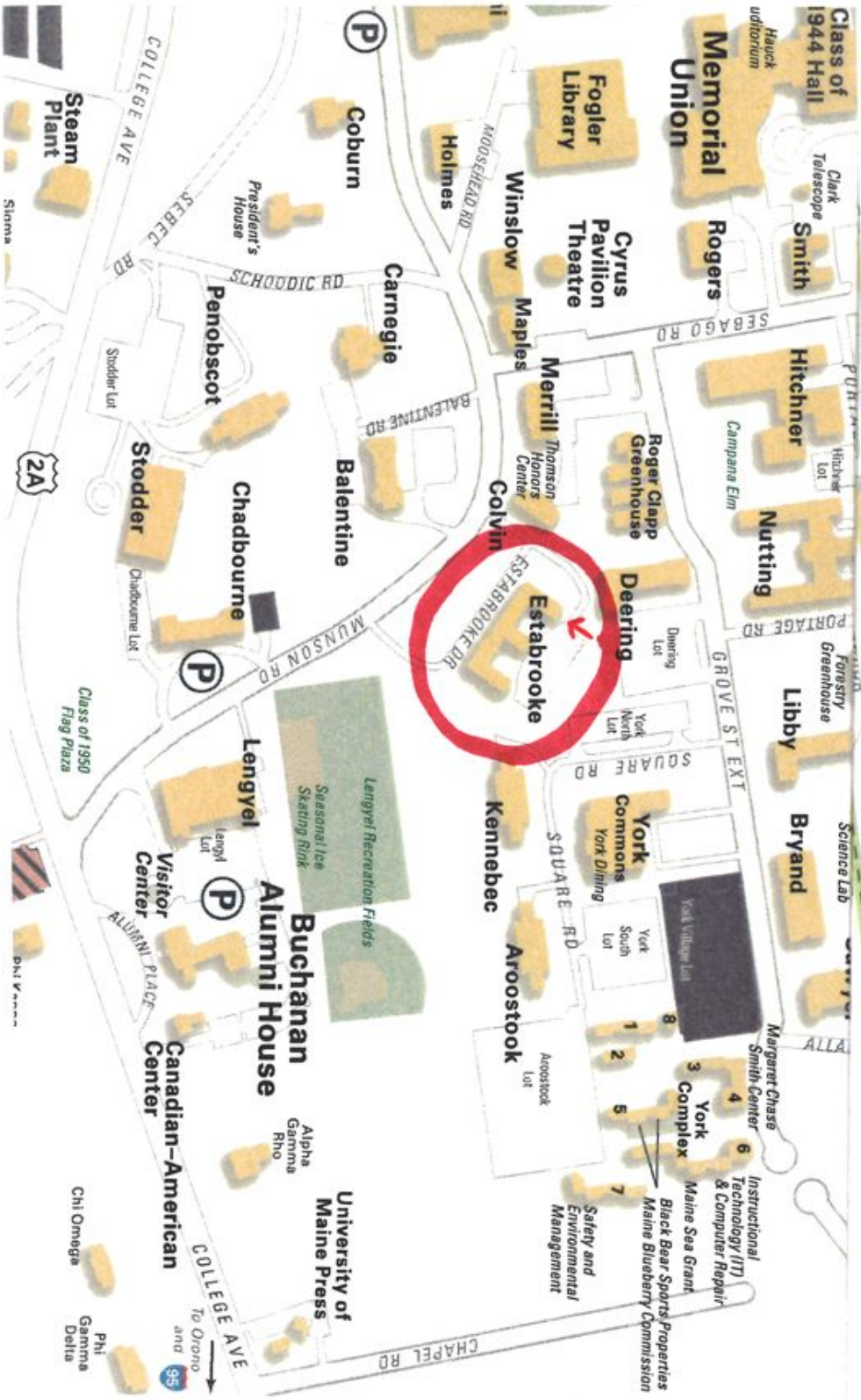
Action items are noted in red.

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 Lenyel.

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 Lenyel.

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:** Tenure Nominations 2017
- 2. **INITIATED BY:** Gregory G. Johnson, Chair
- 3. **BOARD INFORMATION:** **BOARD ACTION:** X
- 4. **BACKGROUND:**

Candidates recommended for tenure in the University of Maine System are brought forward for approval by the Board of Trustees in March with action to take effect September 1, 2017. Following material and information relevant to the tenure approval process:

Items in italics are for Board of Trustees only.

- Description of the tenure review process
- *Names of candidates for tenure for 2017, listed by institution*
- *Brief abstracts of candidates*
- Table 1: Tabular analysis of 2017 candidates
- Table 2: Summary of campus tenure promotions for 2017 and the previous five years
- Report on Tenure Statistics
- UMS Faculty Peer Tenure Comparison

5. TEXT OF PROPOSED RESOLUTION

That the Academic and Student Affairs Committee forward this item to the March 26-27, 2017 meeting of the Board of Trustees for approval of the following resolution:

That the Board of Trustees approves the recommendations for tenure submitted by the universities of the University of Maine System. Approvals will take effect September 1, 2017 for faculty with academic-year appointments and July 1, 2017 for faculty with fiscal-year appointments.

02/24/17

UNIVERSITY OF MAINE SYSTEM
Policy Manual

ACADEMIC AFFAIRS
Section 310 Tenure

Effective: 6/7/70
Last Revised: 7/9/90
Responsible Office: Academic Affairs

Policy Statement:

Tenure . . . an arrangement under which faculty appointments are continued until retirement or disability, subject to dismissal for cause, termination due to financial reasons, and/or termination due to change in the University program offerings.

The decision to grant or not to grant tenure rests solely with the Board of Trustees. Nothing in the administrative procedures, or in the criteria developed under those procedures, or in the approval of the criteria, shall limit or restrict that discretionary authority of the Board.

Related Documents:

Administrative Procedures for Awarding Tenure

Administrative Procedures for Awarding Tenure

Guidelines:

1. Each new appointee should receive a letter of appointment which includes, as a minimum, such data as:
 - a. academic rank and/or title of position;
 - b. general duties to be performed;
 - c. beginning and ending dates of appointment;
 - d. type of appointment - probationary, temporary;
 - e. indication of amount, if any, of prior service
 - f. to be counted toward probationary period;
 - g. salary.
2. The specific assignment of prior credit will be part of the letter received at the time of initial appointment. The time credited as probationary years with regard to service at other institutions of higher education, whether units of the University of Maine System or not, shall not exceed three years.
3. A probationary appointment shall not exceed six consecutive academic years in a full-time position on a single campus. A leave of absence, sabbatical, or a teacher improvement assignment shall not constitute a break in continuous service, nor shall it be included in the six-year period without prior written agreement between the faculty member and the President at the time of the request.
4. Individuals on probationary appointments shall normally complete the full term, i.e., the sixth year, before the Board awards tenure.
5. At the time of initial appointment, exceptionally qualified individuals may be awarded tenure at the rank of full professor, with the approval of the appointment by the Trustees. In other cases, as the campuses deem appropriate, full professors may receive an initial appointment without tenure but, with Trustee approval at the time of their appointment, may be given the opportunity to apply for tenure during the second year of their appointment.
6. Tenure shall not be awarded ordinarily below the associate professor level or its equivalent.
7. Each campus shall develop its criteria for promotion and tenure, and, once developed, a statement of such criteria shall be forwarded to the Chancellor and the Trustees for review and approval and thereafter be made available by the campus administration to all faculty members in the institution. These criteria shall include reference to teaching, public service, research, and scholarship activities as are appropriate to the University System and campus missions. Criteria may vary among units or departments, but shall be in accord with the over-all campus criteria.
8. Student input is a desirable and meaningful part of faculty evaluation, and the contribution students make to the evaluative process is essential to the improvement of instruction. Student evaluations are to be secured on a regular, systematic, and equitable basis and made part of the official record.

9. Evidence should be obtained from outside the institution and from outside the University of Maine System, as appropriate, regarding the scholarship and research of candidates for tenure.
10. Tenured faculty, as well as nontenured faculty, shall be reviewed on an annual basis. Each campus shall develop its criteria for faculty evaluation, and, once developed, a statement of such criteria shall be forwarded to the Chancellor and the Trustees for review and approval and thereafter be made available by the campus administration to all faculty members in the institution.
11. The tenure guidelines provide the policy framework for the process to be followed on each campus. Where exceptions are sought, it is necessary that the campus present its request in detail, including the rationale for the exception, to the Chancellor and the Board of Trustees.
12. Tenure may be transferable among the institutions of the University of Maine System at the discretion of the Board of Trustees, consistent with the tenure policies of the institution to which transfer is sought.
13. Senior administrators shall not be awarded tenure as part of their administrative contracts. However, the Trustees will consider, on an exceptional basis, a nomination to tenure for an academic dean, when presented under these conditions:
 - a. the nominee will have been accepted by an appropriate academic department and accorded faculty rank, at the time of appointment as academic dean;
 - b. the nomination will have been duly evaluated through the campus's tenure processes.

TABLE I**Numbers of Exceptions, Numbers of Women Candidates,
and Total Numbers of Candidates for Tenure, 2017**

Campus	Number	Exception to Board Policy	Women	Percentage of candidates who are women
UM	11		5	45%
UMA	3		0	0%
UMF	3		2	66%
UMFK	1		1	100%
UMM	4		3	75%
UMPI	2		0	0%
USM	3	1	1	33%
Total	27	1	12	44%

56.3% of all faculty are men; 43.7 % of all faculty are women.

61.5% of tenured faculty are men; 38.5 % of tenured faculty are women.

Table II. Numbers of Candidates Considered at Campus Level
and Numbers Forwarded for Board Approval, 2011-2017

	2011-2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	Total
UMaine							
Considered	16	6	15	3	7	11	58
Recommended	16	6	15	3	7	11	58
UM - Augusta							
Considered	5	2	0	2	4	3	16
Recommended	5	2	0	2	4	3	16
UM - Farmington							
Considered	3	4	1	5	1	3	17
Recommended	3	4	1	5	1	3	17
UM - Fort Kent							
Considered	1	0	0	3	1	1	6
Recommended	1	0	0	3	1	1	6
UM - Machias							
Considered	0	2	2	0	1	4	9
Recommended	0	2	2	0	1	4	9
UM - Presque Isle							
Considered	0	3	1	1	1	2	8
Recommended	0	3	1	1	1	2	8
USM							
Considered	6	8	7	2	4	3	30
Recommended	5	8	7	2	4	3	29
System Total							
Considered	31	25	26	16	19	27	144
Recommended	30	25	26	16	19	27	143



Faculty and Tenure Statistics

2016 - 2017

University
of
Maine System
Office of Human
Resources

March 2017

**UNIVERSITY OF MAINE SYSTEM
FACULTY AND TENURE STATISTICS**

This report provides a statistical summary of the tenure status and demographic characteristics of full-time faculty* at the University of Maine System. Current information and trends since 1987 are provided.

The information was extracted from the University's Human Resources Information file in January 2017, reflecting the 2016-2017 academic year. For the purpose of this report, a faculty member is defined as any full-time regular professional employee with a rank of professor, associate professor, assistant professor, instructor, or lecturer. Included are teaching faculty and administrators with rank who may or may not be teaching.

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UNIVERSITY OF MAINE SYSTEM
REPORT ON FACULTY AND TENURE STATISTICS
HIGHLIGHTS

Numbers of Faculty

- 1,156 faculty are included in this report. The number of faculty grew steadily throughout the 1980's; decreased throughout the 1990's, rose from 1997 to 2007, then declined steadily until 2015. There is a slight increase this year. The change in the number of faculty generally follows enrollment trends.
- There are 12 more faculty than last year. The decline from the peak in 2007 is 274 (18.5%). Tenured faculty decreased to 685 from 694 last year, and the number of faculty without tenure increased by 21 from last year to 471.
- Part-time "adjunct" faculty are not included in this report.
- Faculty participating in the partial retirement program or with shared appointments or similar arrangements are counted as full-time for this report. These faculty are included in the full-time faculty bargaining unit, may be eligible for tenure or be tenured, and receive full-time benefits. 27 faculty members are in the partial retirement program, 6 are in shared appointments.
- There are 27 faculty members who will be considered for tenure in the 2017/2018 academic year.

Tenured and Non-tenured Faculty

- 59.3% (685) of the faculty have tenure. The percentage of tenured faculty varies from a high of 66.3% at USM to a low of 47.5% at UMPI.
- 54.9% of all faculty in public institutions nationally are tenured (Annual Report on the Economic Status of the Profession, 2014/2015 published by the American Association of University Professors). This statistic includes institutions with academic ranks who grant Associate degrees.
- The percent of tenured faculty nationally declined steadily. The percent of tenured faculty at UMS decreased this year to 59.3%. This is 4.4% above the national average for tenured faculty at public institutions (Annual Report on the Economic Status of the Profession, 2014/2015). Last year UMS was above the national average by 5.8%.
- Nationally 19.8% of faculty at public institutions are in pre-tenure status, and 25.2% are not eligible for tenure. This compares to 15.6% in pre-tenure status, and 23.8% not eligible for tenure at the University of Maine System.
- While UMS is below the national average for full-time faculty not eligible for tenure and pre-tenured faculty, we are still above the national average for tenured faculty.
- 40.7% (471) of UMS faculty do not have tenure. Of this number, 43.7% are eligible for tenure, and 56.3% are not eligible for tenure.

On average, a faculty member serves 5.7 years in the University of Maine System before being awarded tenure. The average years of service from date of appointment to tenure has remained constant since 2009.

- There are 54 pre-tenured faculty who have 5 or more years of service that are eligible for tenure in the next academic year.
- There were 63 new faculty hired in 2016, of this number 38 (60.3%) are eligible for tenure.

Women and Minority Faculty

- 43.7% (505) are women and 56.3% (651) of the faculty are men. The proportion of women faculty ranges from a high of 57.4% at UMF to a low of 37.0% at UM. The variation in the proportion of women is related in part to the mix of programs and disciplines at each university.
- The percentage of faculty who are women has steadily increased from 21.9% in 1981 to 43.7% in 2016. This is the highest percentage of women faculty ever reported at the University of Maine System.
- 64.7% of men faculty have tenure, and 52.3% of women faculty have tenure. At the two graduate centers, the proportion of women with tenure is 46.1% at UM and 57.5% at USM.
- The percentage of women faculty with tenure has grown over the last 25 years, from 37.4% in 1981 to 58.2% in 2014/15. However, there was a slight decrease both last year and this year in the percentage of women faculty with tenure (52.5% in 2015/16; 52.3% in 2016/17). The percentage of women with tenure continues to be substantially lower than the percentage of men with tenure (64.7%).
- Women are under-represented at the rank of full professor; 22.6% of women are professors while 42.5% of men are professors. The number of women professors increased to the highest percentage in 2014/15 (25.4%), then decreased last year and this year following the trend in the percentage of women faculty with tenure. In 1984 only 6.3% of women were professors.
- Women faculty have an average of 6.0 years of service when awarded tenure; men faculty serve 5.5 years on average before being awarded tenure. Over time the data have shown a consistent difference between men and women in the number of years of employment prior to the granting of tenure.
- Minority faculty members have increased from last year to 94 or 8.1%. In 1993, 2.6% of faculty were minority. This year shows the highest percentage of minority faculty members recorded for the University of Maine System.

Age Distribution

- The average age of all faculty increased steadily for more than twenty years, then decreased last year. The average age this year is the same as last year, 52.7%.
- Tenured faculty average 57.5 years of age and non-tenured faculty average 45.8 years of age.
- The average age varies from 51.1 years at UM to 56.6 years at UMA.
- The average age of faculty by rank is: professors, 60.0; associate professors, 54.0; assistant professors, 41.7; instructors, 56.1; and lecturers, 48.5.
- 97.7% of tenured faculty are age 40 or older while 62.2% of non-tenured faculty are age 40 or older. The percentage of tenured faculty who are age 40 or older has increased steadily from approximately 80% in 1981.

- 317 tenured faculty (398 total faculty) are age 60 or over and 158 tenured faculty (191 total faculty) are age 65 or older.
- Projections based on the current workforce indicate a large number of faculty reaching normal retirement age. From fiscal year 2017 to fiscal year 2021, 205 faculty members will attain age 65.

Disciplines

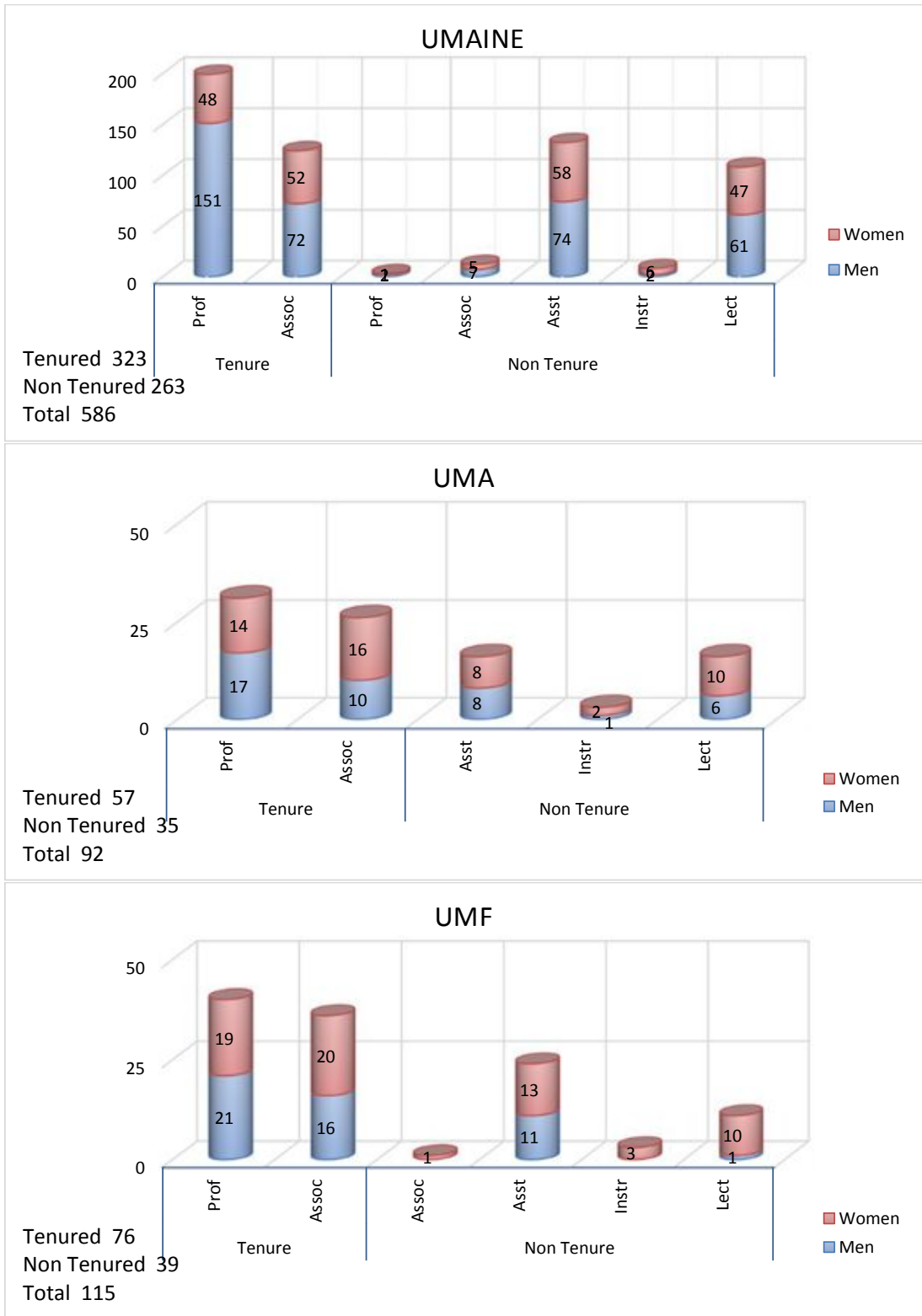
- Education is the discipline area with the largest number of faculty (143), followed by Social Sciences (101), Physical Sciences (89), Biological and Life Sciences (87), and Health Sciences (75). The top 10 disciplines have remained constant for the past five years, however, there is a decreasing trend in Education, Biological Sciences/Life Sciences and Health Sciences.

Sabbaticals

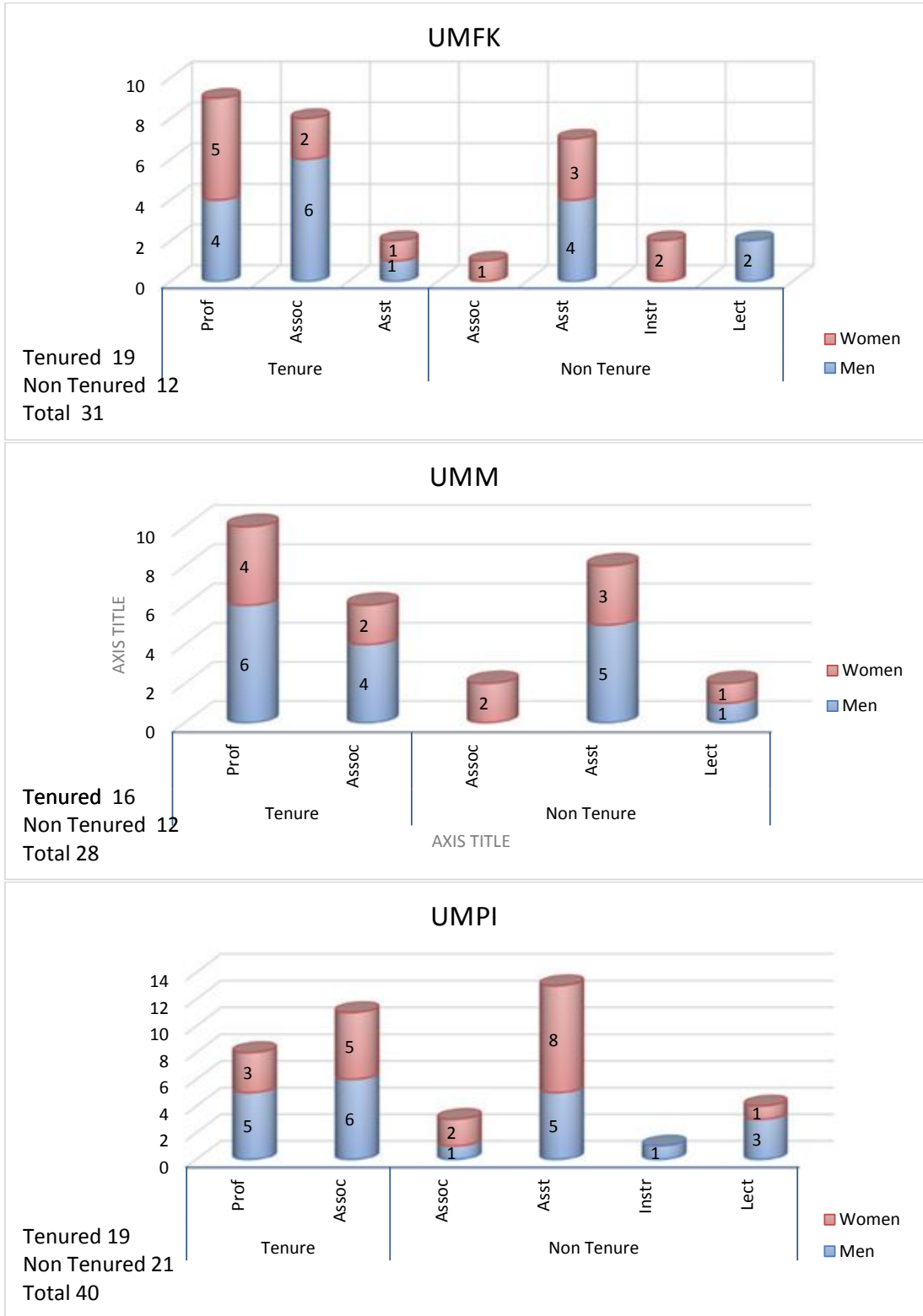
- The AFUM collective bargaining agreement provides 51 sabbaticals per year across all Universities. Additional sabbaticals may be granted at the discretion of the departments if there are no additional costs to the University and the Chief Administrative Officer recommends additional awards.
- The total number of sabbaticals fluctuate over a 3 - 5 year periods. There were a higher number of sabbaticals from the academic years 05/06 through 08/09 with a peak in 08/09 at 95. There have been fewer sabbaticals between the academic years 09/10 through 15/16. There were 57 faculty on sabbatical this year, the same number as last year.

Note: In all Tables a “-“ indicates zero.

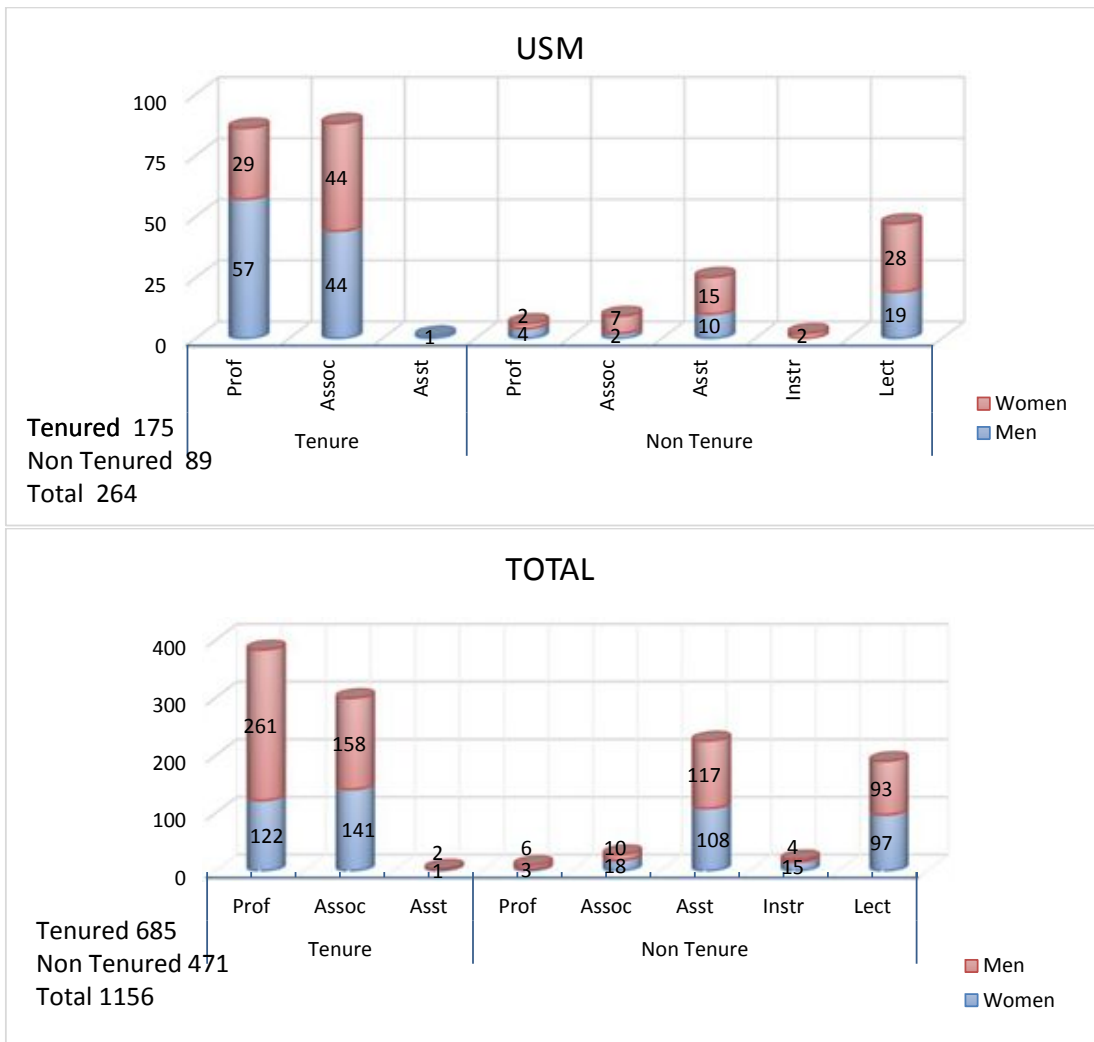
TENURE STATUS BY RANK AND UNIVERSITY

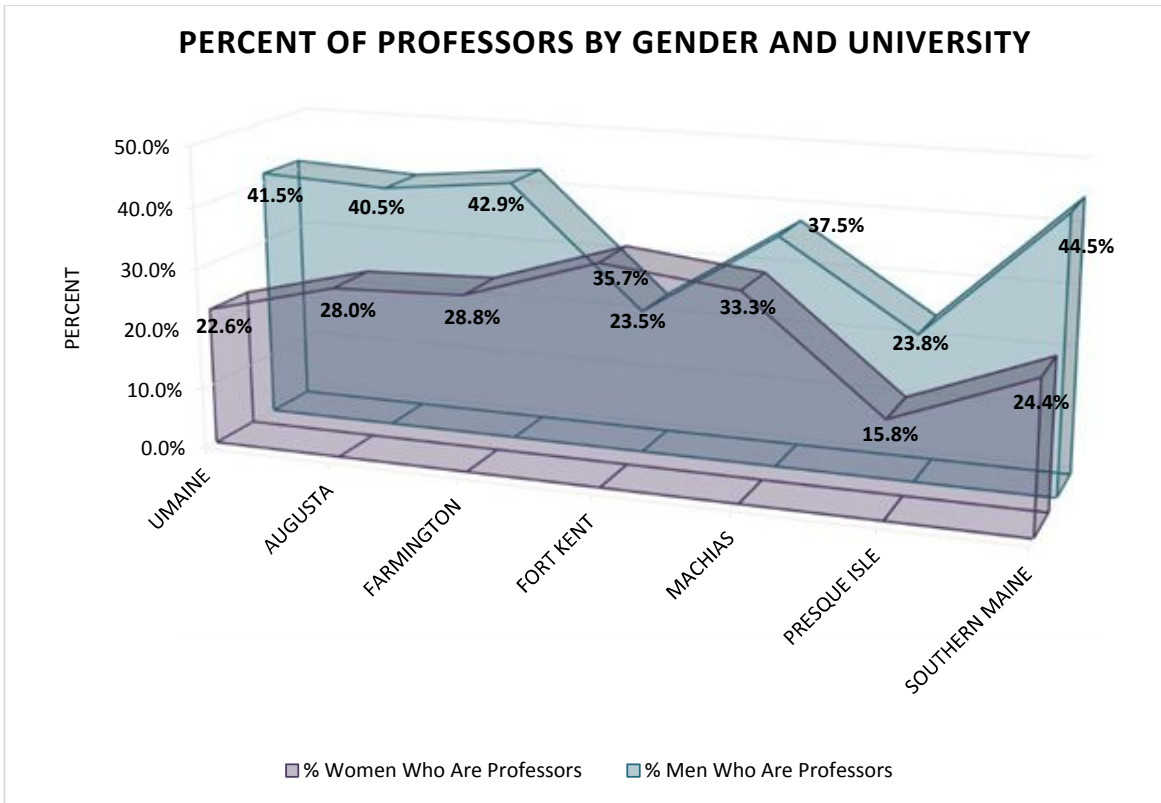


TENURE STATUS BY RANK AND UNIVERSITY



TENURE STATUS BY RANK AND UNIVERSITY

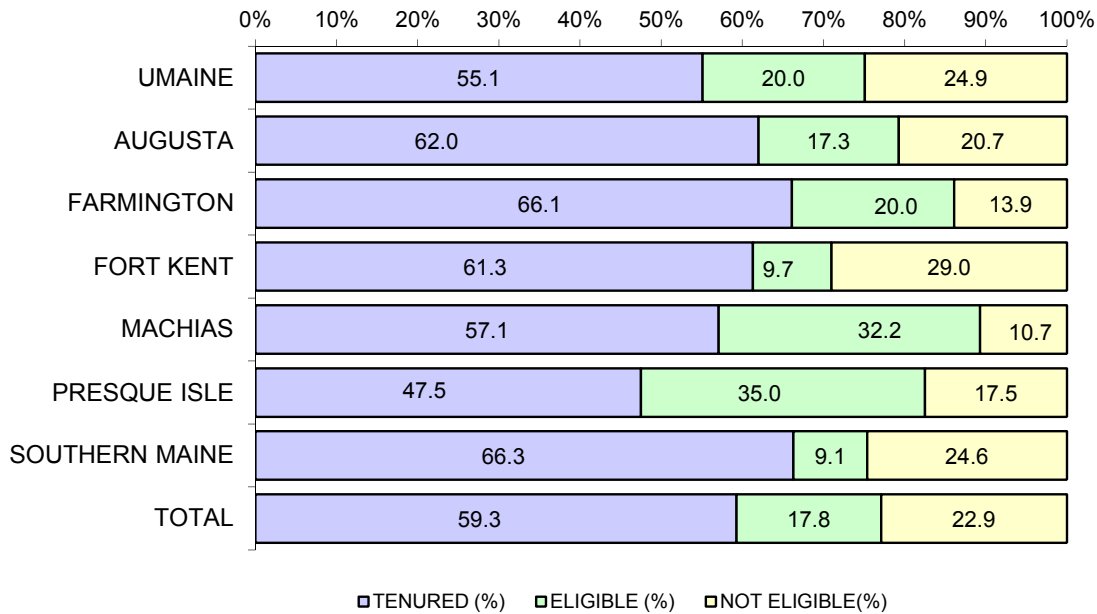




TENURE STATUS BY GENDER AND UNIVERSITY

UNIVERSITY	TENURED WOMEN		TENURED MEN		TENURED FACULTY	
	NO.	% OF TOTAL WOMEN FACULTY	NO.	% OF TOTAL MEN FACULTY	NO.	% OF TOTAL FACULTY
UMAINE	100	46.1	223	60.4	323	55.1
AUGUSTA	30	60.0	27	64.3	57	62.0
FARMINGTON	39	59.1	37	75.5	76	66.1
FORT KENT	8	57.1	11	64.7	19	61.3
MACHIAS	6	50.0	10	62.5	16	57.1
PRESQUE ISLE	8	42.1	11	52.4	19	47.5
SOUTHERN MAINE	73	57.5	102	74.5	175	66.3
Total	264	52.3	421	64.7	685	59.3

TENURE STATUS BY UNIVERSITY



TENURE STATUS BY UNIVERSITY
NUMBER OF NON-TENURED FACULTY

<u>UNIVERSITY</u>	TOTAL NUMBER OF TENURED <u>FACULTY</u>	ELIGIBLE FOR <u>TENURE</u>	NOT ELIGIBLE FOR <u>TENURE</u>	TOTAL NOT <u>TENURED</u>	TENURED OR ELIGIBLE FOR <u>TENURE</u>	TOTAL <u>FACULTY</u>
UMAINE	323	117	146	263	440	586
AUGUSTA	57	16	19	35	73	92
FARMINGTON	76	23	16	39	99	115
FORT KENT	19	3	9	12	22	31
MACHIAS	16	9	3	12	25	28
PRESQUE ISLE	19	14	7	21	33	40
SOUTHERN MAINE	175	24	65	89	199	264
TOTAL	685	206	265	471	891	1156

<u>UNIVERSITY</u>	TENURED FACULTY AS % OF FACULTY WHO ARE TENURED OR ARE ELIGIBLE FOR TENURE	% OF TOTAL FACULTY WHO ARE <u>TENURED</u>	% OF TOTAL FACULTY WHO ARE TENURED OR ARE ELIGIBLE FOR <u>TENURE</u>	% OF TOTAL FACULTY WHO ARE NOT ELIGIBLE FOR <u>TENURE</u>	% OF NON- TENURED FACULTY WHO ARE ELIGIBLE FOR TENURE
UMAINE	73.4	55.1	75.1	24.9	44.5
AUGUSTA	78.1	62.0	79.3	20.7	45.7
FARMINGTON	76.8	66.1	86.1	13.9	59.0
FORT KENT	86.4	61.3	71.0	29.0	25.0
MACHIAS	64.0	57.1	89.3	10.7	75.0
PRESQUE ISLE	57.6	47.5	82.5	17.5	66.7
SOUTHERN MAINE	87.9	66.3	75.4	24.6	27.0
TOTAL	76.9	59.3	77.1	22.9	43.7

ETHNICITY BY TENURE STATUS

ETHNICITY	TENURE		ELIGIBLE FOR TENURE		NOT ELIGIBLE FOR TENURE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
WHITE	634	92.6	182	88.3	246	92.8	1062	91.9
MINORITY	51	7.4	24	11.7	19	7.2	94	8.1
TOTAL	685	100.0	206	100.0	265	100.0	1156	100.0

ETHNICITY BY UNIVERSITY

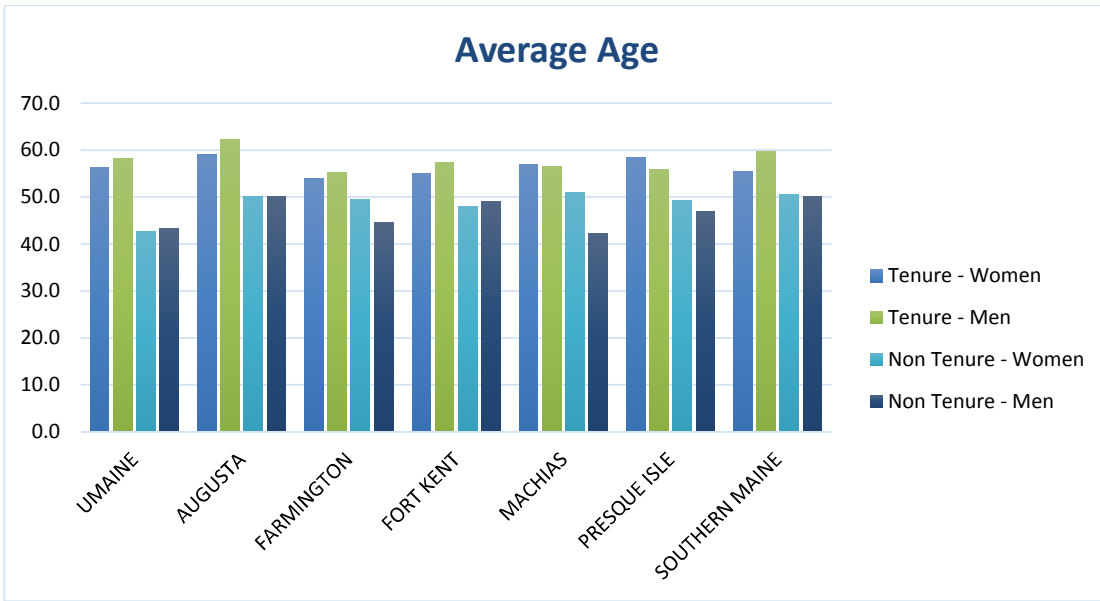
<u>UNIVERSITY</u>	<u>MINORITY NUMBER</u>	<u>MINORITY PERCENT</u>
UMAINE	55	9.4
AUGUSTA	2	2.2
FARMINGTON	6	5.2
FORT KENT	5	16.1
MACHIAS	0	0.0
PRESQUE ISLE	3	7.5
SOUTHERN MAINE	23	8.7
TOTAL	94	9.4

AVERAGE YEARS OF SERVICE FROM DATE OF APPOINTMENT TO DATE OF TENURE

<u>UNIVERSITY</u>	<u>WOMEN</u>	<u>MEN</u>	<u>TOTAL</u>
UMAINE	6.1	5.3	5.5
AUGUSTA	8.0	6.2	7.1
FARMINGTON	4.8	5.0	4.9
FORT KENT	6.6	6.0	6.3
MACHIAS	5.8	8.9	7.8
PRESQUE ISLE	6.0	5.8	5.9
SOUTHERN MAINE	5.7	5.5	5.6
Grand Total	6.0	5.5	5.7

AVERAGE AGE BY GENDER AND UNIVERSITY

Row Labels	Tenured			Non Tenured			Grand Total
	Women	Men	Total	Women	Men	Total	
UMAINE	56.4	58.2	57.6	42.6	43.3	43.0	51.1
AUGUSTA	59.0	62.2	60.5	50.1	50.1	50.1	56.6
FARMINGTON	53.9	55.2	54.6	49.4	44.6	47.9	52.3
FORT KENT	55.0	57.3	56.3	48.0	49.0	48.5	53.3
MACHIAS	57.0	56.5	56.7	51.0	42.2	46.6	52.4
PRESQUE ISLE	58.4	55.9	56.9	49.4	46.9	48.2	52.4
SOUTHERN MAINE	55.4	59.7	57.9	50.5	50.2	50.4	55.4
Grand Total	56.1	58.4	57.5	46.4	45.2	45.8	52.7

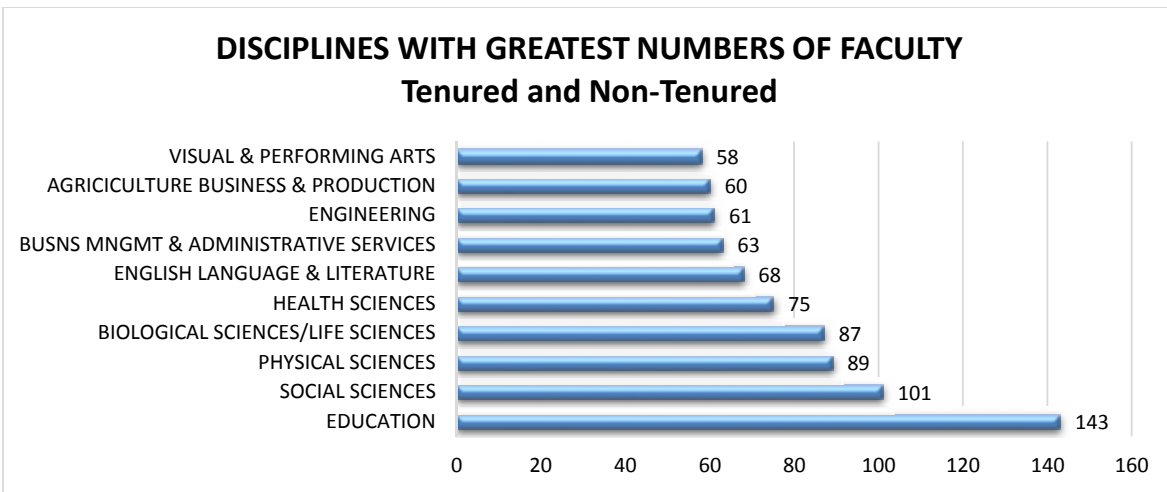


AVERAGE AGE BY GENDER AND RANK

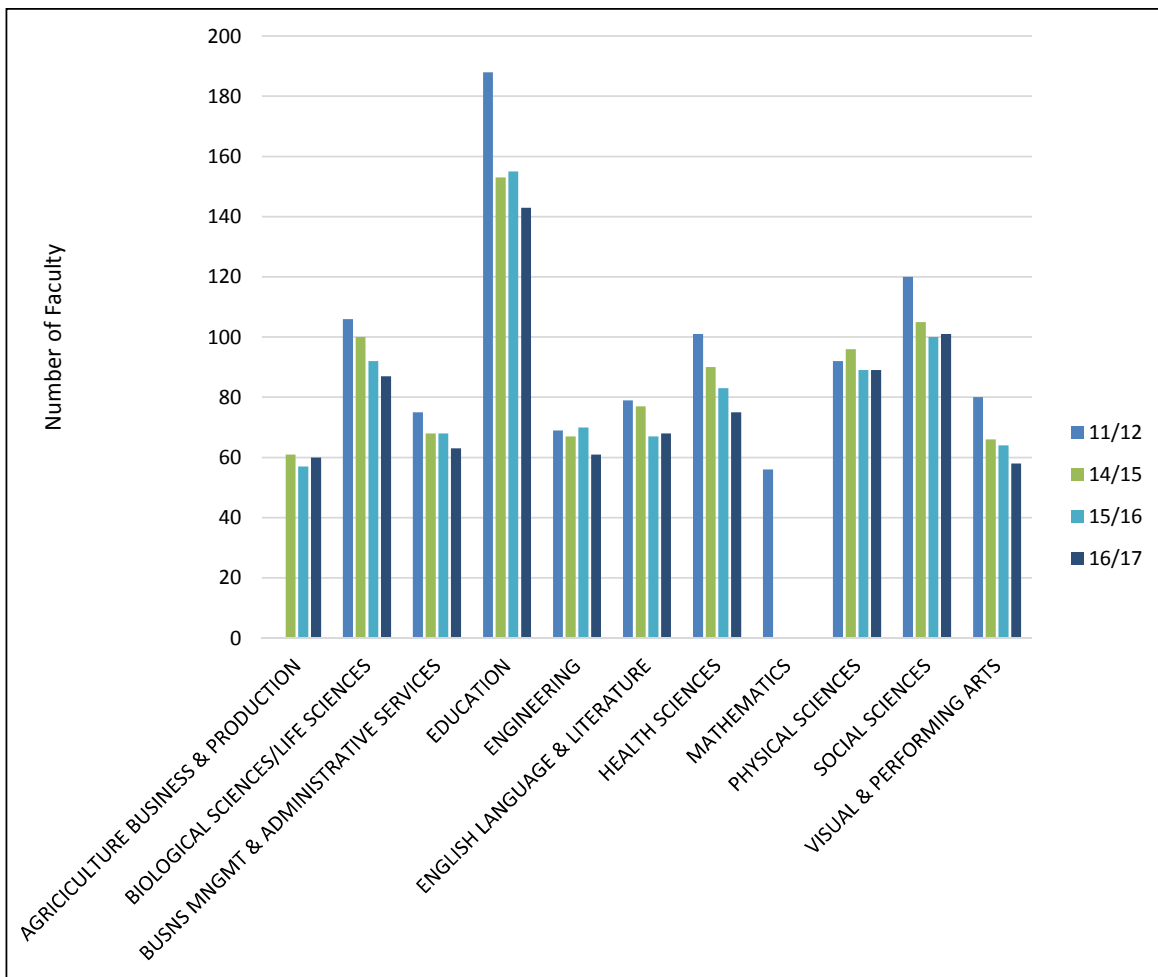
University	Rank	Tenure			Non Tenure			Total
		Women	Men	Total	Women	Men	Total	
UMAINE	Professor	59.4	60.3	60.1	68.0	63.0	64.7	60.2
	Associate Professor	53.6	53.7	53.7	49.4	57.1	53.9	53.7
	Assistant Professor				38.4	38.9	38.7	38.7
	Instructor				52.7	61.0	54.8	54.8
	Lecturer				45.1	45.9	45.6	45.6
UMAINE Total		56.4	58.2	57.6	42.6	43.3	43.0	51.1
AUGUSTA	Professor	63.1	67.1	65.3				65.3
	Associate Professor	55.4	53.9	54.8				54.8
	Assistant Professor				42.9	45.5	44.2	44.2
	Instructor				63.0	65.0	63.7	63.7
	Lecturer				53.3	53.7	53.4	53.4
AUGUSTA Total		59.0	62.2	60.5	50.1	50.1	50.1	56.6
FARMINGTON	Professor	57.7	56.6	57.1				57.1
	Associate Professor	50.4	53.5	51.8	58.0		58.0	51.9
	Assistant Professor				42.5	44.4	43.3	43.3
	Instructor				55.0		55.0	55.0
	Lecturer				55.9	47.0	55.1	55.1
FARMINGTON Total		53.9	55.2	54.6	49.4	44.6	47.9	52.3
FORT KENT	Professor	58.8	56.8	57.9				57.9
	Associate Professor	53.0	58.0	56.8	40.0		40.0	54.9
	Assistant Professor	40.0	55.0	47.5	46.3	50.0	48.4	48.2
	Instructor				54.5		54.5	54.5
	Lecturer					47.0	47.0	47.0
FORT KENT Total		55.0	57.3	56.3	48.0	49.0	48.5	53.3
MACHIAS	Professor	59.3	56.8	57.8				57.8
	Associate Professor	52.5	56.0	54.8	48.5		48.5	53.3
	Assistant Professor				50.3	43.0	45.8	45.8
	Lecturer				58.0	38.0	48.0	48.0
MACHIAS Total		57.0	56.5	56.7	51.0	42.2	46.6	52.4
PRESQUE ISLE	Professor	54.0	55.8	55.1				55.1
	Associate Professor	61.0	56.0	58.3	54.5	39.0	49.3	56.4
	Assistant Professor				48.9	44.0	47.0	47.0
	Instructor					41.0	41.0	41.0
	Lecturer				43.0	56.3	53.0	53.0
PRESQUE ISLE Total		58.4	55.9	56.9	49.4	46.9	48.2	52.4
SOUTHERN MAINE	Professor	56.2	62.2	60.2	47.5	63.0	57.8	60.0
	Associate Professor	54.8	56.3	55.5	50.1	37.0	47.2	54.8
	Assistant Professor		68.0	68.0	51.5	38.8	46.4	47.3
	Instructor				61.0		61.0	61.0
	Lecturer				49.5	54.9	51.7	51.7
SOUTHERN MAINE Total		55.4	59.7	57.9	50.5	50.2	50.4	55.4
Grand Total		56.1	58.4	57.5	46.4	45.2	45.8	52.7
	Professor	58.6	60.6	60.0	54.3	63.0	60.1	60.0
	Associate Professor	53.9	54.7	54.4	50.1	51.3	50.5	54.0
	Assistant Professor	40.0	61.5	54.3	42.4	40.7	41.5	41.7
	Instructor				55.9	57.0	56.1	56.1
	Lecturer				48.5	48.5	48.5	48.5
	Total	56.1	58.4	57.5	46.4	45.2	45.8	52.7

**FACULTY BY DISCIPLINE BY UNIFERSITY
TENURED AND NON-TENURED**

DISCIPLINE	UM	UMA	UMF	UMFK	UMM	UMPI	USM	Total
Agriculture Business & Production	49			6			5	60
Architecture & Related Programs		4						4
Area Ethnic & Cultural Studies		1	1					2
Biological Sciences/Life Sciences	53	6	7		6	4	11	87
Busns Mngmt & Administrative Services	25	5	4	3		4	22	63
Communications	15	1		1			5	22
Computer & Information Sciences	6	5	1				4	16
Criminal Justice And Corrections		1						1
Education	66	1	36	2	3	7	28	143
Engineering	54						7	61
Engineering Or Related Technologies	15							15
English Language & Literature	23	10	12	2	3	4	14	68
Foreign Languages & Literature	7	1	4	1			4	17
Health Sciences	15	19		8		3	30	75
History	13			1			1	15
Home Economics – Family And Consumer Life	9							9
Law And Legal Studies		2					19	21
Library Science	47	1						48
Mathematics	25	7	9	1	2	1	9	54
Multi/Interdisciplinary Studies	6	2						8
Parks, Recreation, Leisure & Fitness Studies	7				3	2	11	23
Philosophy & Religion	6	1	4				5	16
Physical Sciences	62	1	9		2	4	11	89
Psychology	16	6	8	1	4	2	9	46
Public Administration & Social Services	8	1		1		3	21	34
Social Sciences	35	9	14	3	3	5	32	101
Visual & Performing Arts	24	8	6	1	2	1	16	58
TOTAL	586	92	115	31	28	40	264	1156



DICIPLINES 2011 – 2016



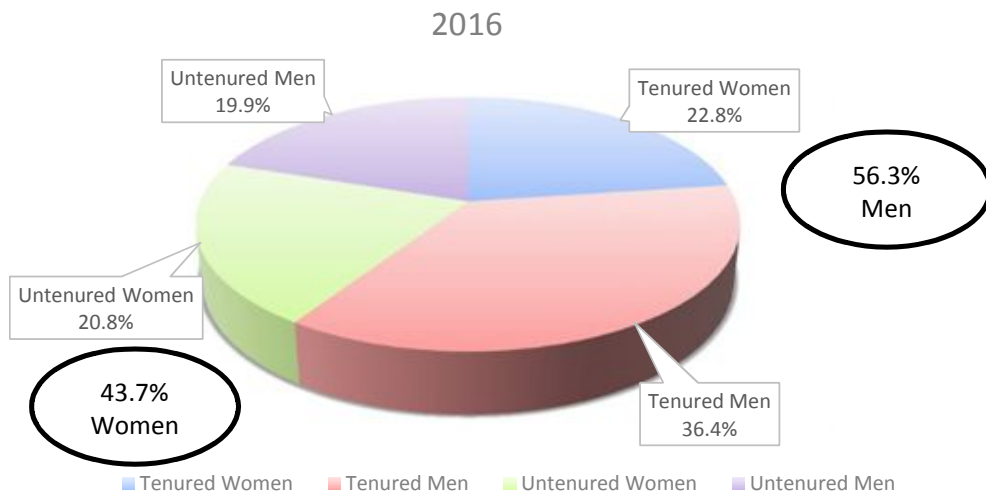
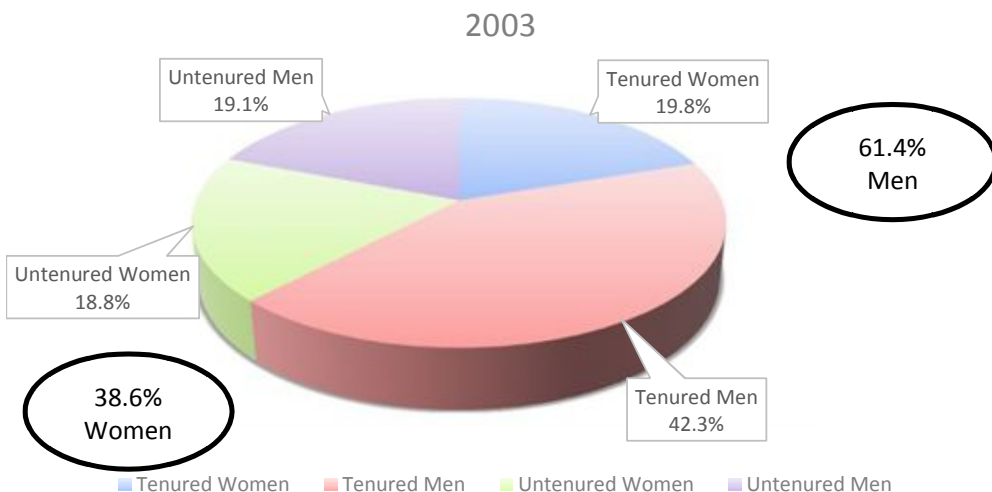
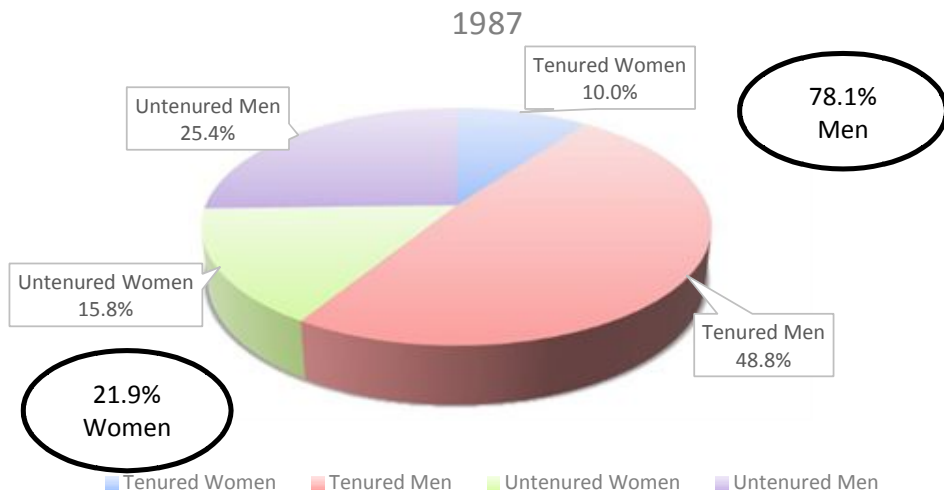
**FROM 1987 THROUGH 2016
TOTAL NUMBER OF ALL FACULTY**

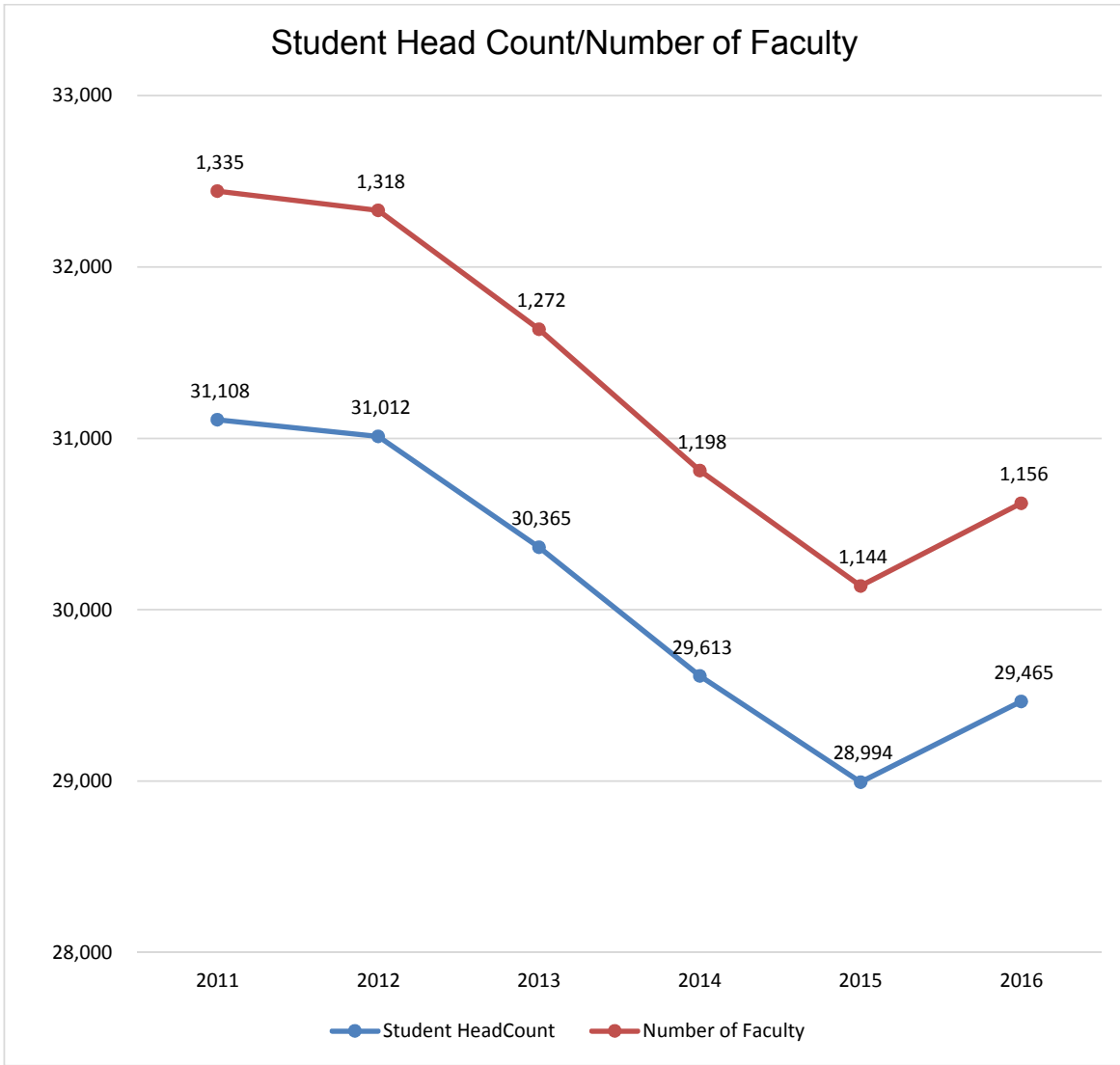
YEAR	FACULTY	MEN %	WOMEN %
2016	1,156	53.3	43.7
2015	1,144	57.1	42.9
2014	1,198	57.7	42.3
2011	1,335	57.9	42.1
2008	1,400	59.4	40.6
2005	1,380	60.5	39.5
2002	1,388	61.1	38.9
1999	1,310	64.9	35.1
1996	1,288	68.0	32.0
1993	1,325	69.7	30.3
1990	1,394	72.0	28.0
1987	1,353	74.1	25.9

PERCENT TENURED FACULTY BY GENDER

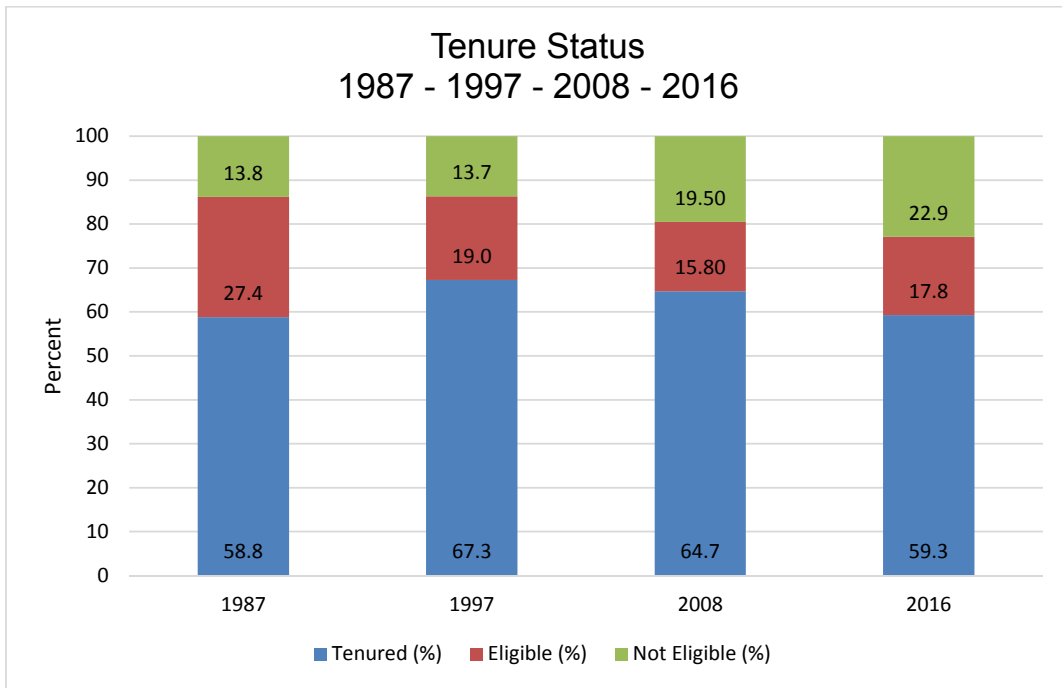
YEAR	NUMBER	PERCENT TENURED FACULTY	MEN %	WOMEN %
2016	685	59.3	64.7	52.3
2015	694	60.7	66.8	52.5
2014	795	66.4	72.4	58.2
2011	876	65.6	71.9	56.9
2008	906	64.7	70.0	57.0
2005	870	63.0	69.0	53.9
2002	848	61.1	69.7	47.6
1999	832	63.5	70.5	50.7
1996	897	69.6	76.7	54.6
1993	907	68.5	75.8	51.6
1990	856	61.4	68.6	42.8
1987	796	58.8	65.8	38.9

GENDER COMPOSITION FACULTY 1987 – 2003 - 2016





*The information for the student head count was from the University of Maine System Fall 2016 Enrollment Report



New Hire Faculty on Tenure Track

Year	Total Faculty	New Hires	Tenure Track
2016	1,156	63	38
2015	1,144	95	40
2014	1,198	59	29
2013	1,272	68	24
2012	1,318	61	27
2011	1,335	78	47
2008	1,400	62	37

**FACULTY AND TENURE PROFILE TRENDS
FROM 1987 THROUGH 2016**

YEARS TO TENURE BY GENDER

<u>YEAR</u>	<u>AVG</u>	<u>MEN</u>	<u>WOMEN</u>
2016	5.7	5.5	6.0
2015	5.6	5.4	5.9
2014	5.6	5.4	6.1
2011	5.6	5.3	6.0
2008	5.4	5.2	5.8
2005	5.5	5.2	5.9
2002	5.3	5.1	5.8
1999	5.4	5.2	6.1
1996	5.3	5.0	5.9
1993	5.1	4.9	5.8
1990	5.1	5.0	5.9
1987	5.2	5.0	6.1

MINORITY FACULTY

<u>YEAR</u>	<u>NUMBER</u>	<u>PERCENT</u>
2016	94	8.1
2015	89	7.8
2014	81	6.8
2011	80	6.0
2008	73	5.2
2005	63	4.6
2002	57	4.1
1999	55	4.2
1996	39	3.0
1993	34	2.6
1990	40	2.9
1987	-	-

AVERAGE AGE

<u>YEAR</u>	<u>AVG AGE</u>	<u>TENURED</u>	<u>NON-TENURED</u>	<u>TENURED PCT OVER 40</u>
2016	52.7	57.5	45.8	97.7
2015	52.7	57.1	45.9	96.4
2014	53.8	57.4	46.8	96.1
2011*	53.3	56.8	46.8	96.5
2008	53.5	56.9	47.1	97.1
2005	51.5	55.0	45.7	96.0
2002*	49.9	54.0	43.5	95.4
1999	49.7	53.4	43.1	95.8
1996	49.6	52.5	42.9	94.1
1993	48.5	51.2	42.7	89.7
1990	47.5	51.0	41.9	88.7
1987	46.1	50.2	40.2	88.3

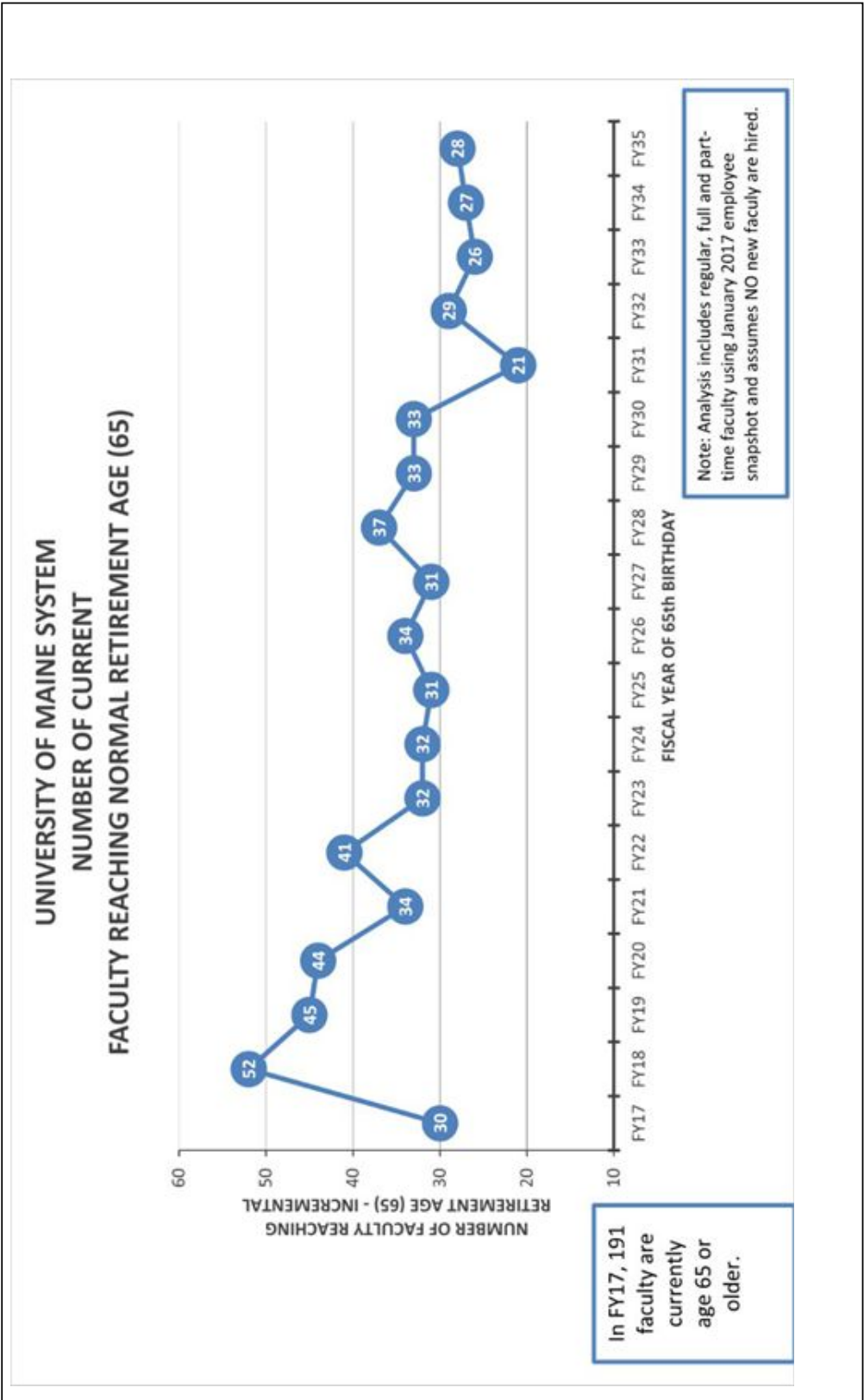
*There was a revision to the method for determining age in 2002 that resulted in rounding differences. Average age information has been revised to correct errors in the March 2011 report.

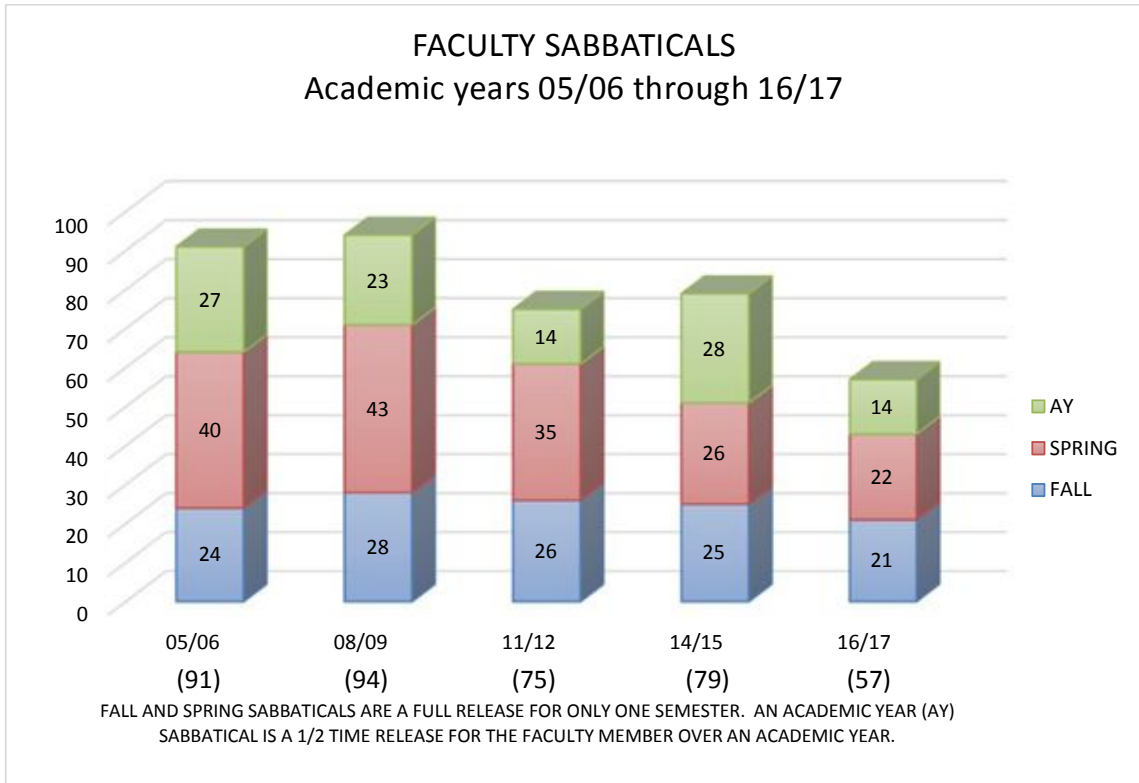
FACULTY AND TENURE PROFILE TRENDS FROM 1987 THROUGH 2016

ACADEMIC RANK

YEAR	PROFESSOR	ASSOC PROF	ASST PROF	INSTRUCTOR	LECTURER
2016	33.9%	28.3%	19.7%	1.7%	16.4%
2015	34.1%	29.4%	18.0%	2.2%	16.3%
2014	36.0%	33.2%	15.7%	2.1%	13.0%
2011	34.7%	34.5%	15.8%	2.4%	12.6%
2008	33.6%	34.8%	18.0%	3.6%	9.9%
2005	31.5%	34.5%	22.0%	3.8%	8.4%
2002	31.2%	32.7%	25.2%	3.2%	7.6%
1999	30.8%	35.0%	24.7%	3.0%	6.5%
1996	32.4%	39.8%	19.3%	3.3%	5.2%
1993	31.9%	37.6%	22.1%	4.2%	4.2%
1990	29.3%	33.1%	29.5%	4.0%	4.2%
1987	30.4%	32.7%	26.6%	6.0%	4.2%

YEAR	PROFESSOR	ASSOC PROF	ASST PROF	INSTRUCTOR	LECTURER
2016	392	327	228	19	190
2015	390	336	206	25	187
2014	431	398	188	25	156
2011	463	461	211	32	168
2008	471	487	252	51	139
2005	435	474	303	52	116
2002	433	454	350	45	106
1999	404	459	323	39	85
1996	417	513	249	42	67
1993	428	505	297	56	59
1990	414	469	417	56	59
1987	387	417	339	77	54







AGENDA ITEM SUMMARY

- 1. **NAME OF ITEM:** Board Policy 402 -Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation: UMS Implementation and Next Steps
- 2. **INITIATED BY:** Gregory G. Johnson, Chair
- 3. **BOARD INFORMATION:** **BOARD ACTION:** X
- 4. **BACKGROUND:**

Board Policy 402, Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation, was approved at the May 2015 Board of Trustees meeting. At the same time, we updated the Student Conduct Code and several other related policies.

Since our last report (June 2016), much activity has occurred, including launching the third year of our online training, the delivery of comprehensive training for all Title IX and Student Conduct staff, focused training for specific campuses (including Student Conduct Review Boards), and the implementation of a Systemwide case management system for our student conduct cases (and associated behavioral intervention tracking) and for our internal investigations specific to HR which is leading to a better alignment of practices across our campuses and to the potential for sharing cases as necessary. In addition, the Department of Learning and Organizational Development, led by Megan Clough, is developing a comprehensive approach to employee training and tracking which will further the important training already conducted specific to Board Policy 402; an overview of this was presented to the Academic and Student Affairs Committee at its January 2017 meeting.

Several national cases have been in the media spotlight over the past months, leading to the impression that we should review our current policy and process to ensure that we have the right procedures in place to fairly adjudicate any incident, and that we have our faculty and staff appropriately trained to respond. The presentation at the joint meeting of the Human Resources/Labor Relations and Academic and Student Affairs Committees will be an update on, and discussion of, current legal and political issues, status to date including completion statistics for training, the training program and other educational programs in place, and planning for the future. We will also present a suggested resolution to clarify and confirm our commitment to ensuring that our employees and students receive appropriate training and educational programs related to this important issue.

Presenters include Nina Lavoie, Senior Associate General Counsel, Lynda Dec, Chief Human Resources Officer, Brenda Haskell, Interim Director of Equal Opportunity, and Rosa Redonnett, Chief Student Affairs Officer.

5. TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee and the Human Resources and Labor Relations Committee approve the following resolution to be forwarded to the consent agenda of the March 26-27 Board of Trustees meeting:

That the Board of Trustees reaffirms its commitment to ensuring that all employees and students participate in appropriate training and educational programs connected to Board policy 402. As mandatory reporters, all employees are required to participate in this training or other equivalent educational program. Participating in appropriate training and/or other educational programming is required of all newly matriculated students as well as any other key populations as indicated by each campus and is strongly recommended for all other students.

03/03/17



BOARD COMMITTEES UPDATE

ACADEMIC AND STUDENT AFFAIRS

HUMAN RESOURCES AND LABOR RELATIONS

March 6, 2017 Update:
Board Policy 402 and UMS Implementation
Next Steps

UPDATE GIVEN BY...



3.1

- Nina Lavoie, Senior Associate Counsel
- Rosa Redonnett, Chief Student Affairs Officer, ASA Committee Representative
- Lynda Dec, Chief Human Resources Officer
- Brenda Haskell, Interim Director of the Equal Opportunity Center of Excellence

OBJECTIVES



3.1

- Orient to the national legal landscape around Title IX
- Review UMS' internal governance of Title IX
- Update regarding Title IX training and educational programming



TITLE IX LEGAL LANDSCAPE

Nina R. Lavoie
Senior Associate Counsel

COURT CASES



3.1

- Brought by both complainants and respondents.
- Complainants allege violations of Title IX – deliberate indifference and retaliation claims.
- Respondents allege violations of due process, breach of contract, breach of the covenant of good faith and fair dealing and Title IX gender discrimination claims.
- Both respondents and complainants have successfully brought claims.

OCR INVESTIGATIONS



3.1

- **Elmira College Reaches Agreement with U.S. Education Department to Address Title IX Violations Regarding Sexual Harassment, Sexual Violence 12.2016**
- **Students Accused of Sexual Misconduct Had Title IX Rights Violated by Wesley College Says U.S. Department of Education. October 2016**
- Again, findings for both complainants and respondents.



HAS THE APRIL 2011 DCL FAILED

- Opinions that April 2011 Dear Colleague Letter on Sexual Violence has failed both complainants and respondents.
- “At Stanford, we have seen firsthand what many students and faculty are recognizing nationally: the reforms have failed. Sexual assault investigations usually fail to secure both relief for victims and civil liberties for the accused.”
- On February 9, an exposé strongly critical of the Title IX policies at Tufts University was released. The report charged sexual assault investigators possessed far too much discretionary power and were not held to proper standards of impartiality.

POLITICAL CONTEXT



3.1

- “Dear Colleague” Letter from the U.S. Departments of Education and Justice withdrawing and rescinding the Departments’ joint “Dear Colleague Letter” from May 13, 2016 on Transgender Students (“2016 DCL”)
- Will DoEd rescind any other DCLs?



UMS INTERNAL GOVERNANCE OF TITLE IX

Rosa Redonnett
Chief Student Affairs Officer

GOVERNED INTERNALLY THROUGH CORE TEAMS



3.1

- Chaired by Rosa Redonnett, Chief Academic Affairs Officer
- Partner with EO COE Interim Director
- Senior Associate Counsel plays a key role
- Large Group Team comprised of all roles that have a due diligence responsibility in supporting Title IX at UMS
- Small Group Team(s) to focus on key Title IX project work
- Meet quarterly
- Student Conduct Officers (meet monthly)

SUPPORTED BY THE GOLD STANDARD ATIXA MEMBERSHIP



3.1

- Secured an ATIXA Membership (effective Feb. 2017) for all campuses. Leveraging immediately for HR/EEO and Student Affairs
 - ✓ Engaging in Maine-based Investigator Training (June)
 - ✓ Using ATIXA membership course/content access to support implementation of an internal Title IX Training Conference to meet annual compliance education requirement for key Title IX roles (Spring 2017)
 - ✓ ATIXA provides full range of resourced and support materials for all Title IX related training and educational programs
 - ✓ ATIXA membership includes access to a review of policy content (we will ask for review of Policy 402, Student Conduct Code, EO Complaint Procedure and Campus Violence Policy)

SUPPORTED BY AN INCIDENT MANAGEMENT SYSTEM



3.1

- Maxient initiated as UMS' Incident Management System
 - ✓ Utilized by Student Affairs for student-related Title IX situations
 - ✓ Utilized by US:HR's Equal Opportunity Center of Excellence for employee cases

STRUCTURE, POLICIES & PROCEDURES, AND COMMITTEES



3.1

- Title IX at UMS and per the DOL best-practice recommendation is holistically supported. At UMS:
 - ✓ Title IX and Deputy Title IX Officers on each campus
 - ✓ US - HR: Equal Opportunity Center of Excellence
 - ✓ Policies & Procedures:
 - Student Conduct Code (Student Affairs governance)
 - Equal Opportunity Complaint Procedure (Employee Relations governance)
 - Policy 402
 - ✓ Committees
 - Student Conduct Committees

CAMPUS SUPPORT ANNUAL CHECKLIST



3.1

- Student Support
 - ✓ Letters to all new students regarding the on-line training (Campus-based and UMS)
 - ✓ Special orientation-based programming by campus
 - Training for key support roles or high risk areas: Resident Assistants, Community Assistants, Athletes, Greek Life
 - ✓ Regular programming by campus
 - Lunch-n-learn sessions, education campaigns, public forums
 - Presentations in classes at the invite of faculty
 - Focused programming: bystander intervention, alcohol education
 - ✓ Training Reminders every semester to students who have not engaged yet

CAMPUS SUPPORT ANNUAL CHECKLIST



3.1

- Employee Support
 - ✓ Training reminders to all employees who have not engaged
 - ✓ Presidents send letters to all employees about their role as mandatory reporters and the on-line training
 - ✓ Training/educational programs previously mentioned



TITLE IX TRAINING

Brenda Haskell
Interim Director, EO COE

OUR TRAINING OBLIGATION



3.1

- Obligation under the Law (Department of Education)
 - ✓ Requires campuses to offer relevant training to all students and employees
 - ✓ Requires annual training for certain job roles that handle Title IX responsibilities
- On-line training available for both employees and students
 - ✓ Specific to their role

UPDATED COMPLIANCE EDUCATION COMPLETION STATISTICS - EMPLOYEES



3.1

CAMPUS	February 10, 2017	March 2, 2017
Augusta	61.1	84.9
Farmington	59.3	77.1
Ft. Kent	52.1	86.7
Machias	54.4	62.8
Maine	39.3	57.6
Southern Maine	39.5	57.8
Presque Isle	35.7	67.8
System	68.4	77.4

NEXT STEPS – EMPLOYEE COMPLIANCE



3.1

Manager/supervisor contact with employees not in compliance

Regular programming by campus

- Lunch-n-learn sessions, education campaigns, special speakers

Communication Campaign that includes brochures, unique tools by campus, and ATIXA resources



COMPLETION STATISTICS - STUDENTS

Undergraduate Students

UMA	23.7
UMF	52.1
UMFK	41.5
UMM	28.4
UM	42.0
USM	33.7
UMPI	30.0

Graduate Students

10.3
29.5
24.2

NEXT STEPS - CLARIFYING OUR STANCE AND RESOLUTION



3.1

- Employees are mandatory reporters; training should be required
- Law requires that we offer training/educational programs for our students
- Requiring of all students – realities and complications
- Goal:
 - ✓ Ensuring that all new students participate in training or equivalent educational programs
 - ✓ Giving campuses the ability to require participation of other key groups
- Implementation: Need time to work through implementation details, identify any barriers and coordinate rollout to match calendar

MOVING FORWARD –PROPOSED RESOLUTION



3.1

That the Academic and Student Affairs Committee and the Human Resources and Labor Relations Committee approve the following resolution to be forwarded to the consent agenda of the March 26-27 Board of Trustees meeting:

That the Board of Trustees reaffirms its commitment to ensuring that all employees and students participate in appropriate training and educational programs connected to Board policy 402. As mandatory reporters, all employees are required to participate in this training or other equivalent educational program. Participating in appropriate training and/or other educational programming is required of all newly matriculated students as well as any other key populations as indicated by each campus and is strongly recommended for all other students.



BOARD COMMITTEES UPDATE

ACADEMIC AND STUDENT AFFAIRS

HUMAN RESOURCES AND LABOR RELATIONS

Questions?

Title IX Legal Landscape

Neal v. Colo. State Univ.-Pueblo (D. Colo., 2017)

- Plaintiff alleged that Colorado State University-Pueblo (CSU) erroneously expelled him for sexual misconduct, failed to afford him adequate due process, and discriminated against him on the basis of sex in violation of Title IX.
- The Court allowed Plaintiff's Title IX claim to proceed against CSU, reasoning that the Plaintiff had identified facts to support an erroneous outcome and that these facts, coupled with pressure from OCR to enforce the 2011 DCL, could implicate a motivation for gender bias.

John Doe v. Western New England University (D. Mass. Jan. 10, 2016)

- A male student at Western New England University was suspended for two years after the University's Conduct Review Board found he had violated the University's Title IX policy for engaging in non-consensual sex
- Because the University's Title IX policy defined what constituted coerced sex "significantly more broadly" than did its Student Handbook, which was the only applicable policy in place at the time of the incident, the Court denied the University's motion to dismiss Plaintiff's counts related to breach of contract and breach of the covenant of good faith and fair dealing, but granted it on all of the remaining counts.

Jane Doe v. University of Kansas (D. Kan., Feb. 16, 2017)

- Plaintiff alleged that she was sexually assaulted by a member of the University of Kansas (KU) football team, that her rowing coach subjected her to relentless harassment about her weight and body shape, and retaliated against her for reporting the assault by refusing to allow her to attend a winter training event
- ...the Court allowed Plaintiff's deliberate indifference and retaliation claims to proceed.

Tackett v. University of Kansas (D. Kansas, Feb. 10, 2017)

- In the Fall of 2014, plaintiff was sexually assaulted by a member of the University of Kansas (KU) football team. She reported the incident the following October, after she learned that a friend had also been sexually assaulted by the same individual
- The Court partially dismissed plaintiff's hostile environment claim, concluding that plaintiff failed to plead facts that would impute liability to KU for its purported knowledge of heightened risk of sexual assault...the Court allowed plaintiff's deliberate indifference and retaliation claims to proceed

Elmira College Reaches Agreement with U.S. Education Department to Address Title IX Violations Regarding Sexual Harassment, Sexual Violence 12.2016

- The U.S. Department of Education announced that the [Office for Civil Rights \(OCR\)](#) has reached an agreement with Elmira College in Elmira, New York, after finding that the college violated Title IX of the Education Amendments of 1972 by failing to promptly and equitably respond to complaints of sexual harassment and sexual violence.

Students Accused of Sexual Misconduct Had Title IX Rights Violated by Wesley College Says U.S. Department of Education. October 2016

- The U.S. Department of Education announced that its [Office for Civil Rights \(OCR\)](#) has reached an agreement with Wesley College in Dover, Delaware after finding the college in violation of Title IX of the Education Amendments of 1972 as it applies to sexual violence and sexual harassment. OCR determined that students accused of sexual misconduct had their Title IX rights violated by Wesley in the course of its investigation of the case.

Stanford University

- Last week, the Editorial Board of the *Stanford Review* issued a strongly worded verdict on its college's sexual assault policies: "At Stanford, we have seen firsthand what many students and faculty are recognizing nationally: the reforms have failed. Sexual assault investigations usually fail to secure both relief for victims and civil liberties for the accused."

<https://stanfordreview.org/dear-betsy-restore-justice-to-title-ix-c7c72df7616c#.kihodp3vw>

Tufts University

- On February 9, an exposé strongly critical of the Title IX policies at Tufts University was released. The report charged sexual assault investigators possessed far too much discretionary power and were not held to proper standards of impartiality. The report also revealed that Title IX training materials were being kept secret.

<http://www.sa4s.org/single-post/2017/02/09/Tufts-University%E2%80%99s-Title-IX-Policies-Inadequately-Protect-Victims>

"Dear Colleague" Letter from the U.S. Department of Education and the U.S. Department of Justice on Transgender Students (Feb. 22, 2017)

- "Dear Colleague" Letter from the U.S. Departments of Education and Justice withdrawing and rescinding the Departments' joint "Dear Colleague Letter" from May 13, 2016 on Transgender Students ("2016 DCL")
- Based on University System policy, the Maine Human Rights Act and the Maine Supreme Judicial Court's decision in the DOE, et al. v. REGIONAL SCHOOL UNIT 26 case, the rescinding of the Dear Colleague Letter on Transgender students does not call for any change of existing University policy or practice.