



Board of Trustees
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August 21, 2017

TO: Members of the Human Resources & Labor Relations Committee

FR: Ellen N. Doughty, Interim Clerk of the Board

RE: **August 21, 2017 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 Human Resources & Labor Relations Committee will meet from **9:00 am to 10:00 am on Tuesday, August 21, 2017**. The meeting will include an executive 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:

- UMF – Executive Conference, Room 103 Merrill Hall
- UMFK – Alumni Conference Room
- UMPI – Executive Conference Room, Preble Hall
- USM – 203 Wishcamper Center, Portland
- Phone – 1-800-605-5167 code 743544#

Refreshments will be available at the UMS and the USM location. The meeting materials are posted to the Diligent Board portal under the Human Resources & Labor Relations 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/human-resources-labor-relations/>). If you have questions about the meeting arrangements or accessing the meeting materials, please call me at 581-5840.

If you have any questions or desire additional information about the agenda items, please call Lynda Dec at 262-7911.

cc: James Page, Chancellor
Trustees (who are not members of the HR/LR Committee)
Presidents
Ryan Low
Lynda Dec
Mark Schmelz

Board of Trustees

Human Resources & Labor Relations Committee

August 21, 2017
9:00 am -10:00 am
Rudman Conference Room
253 Estabrooke Hall
Orono, Maine

AGENDA

TAB 1 – [Proposed Change to Board Policy 206 – Ethics Code and Conflict of Interest](#)

Executive Session

TAB 2 - [Collective Barging Update](#)

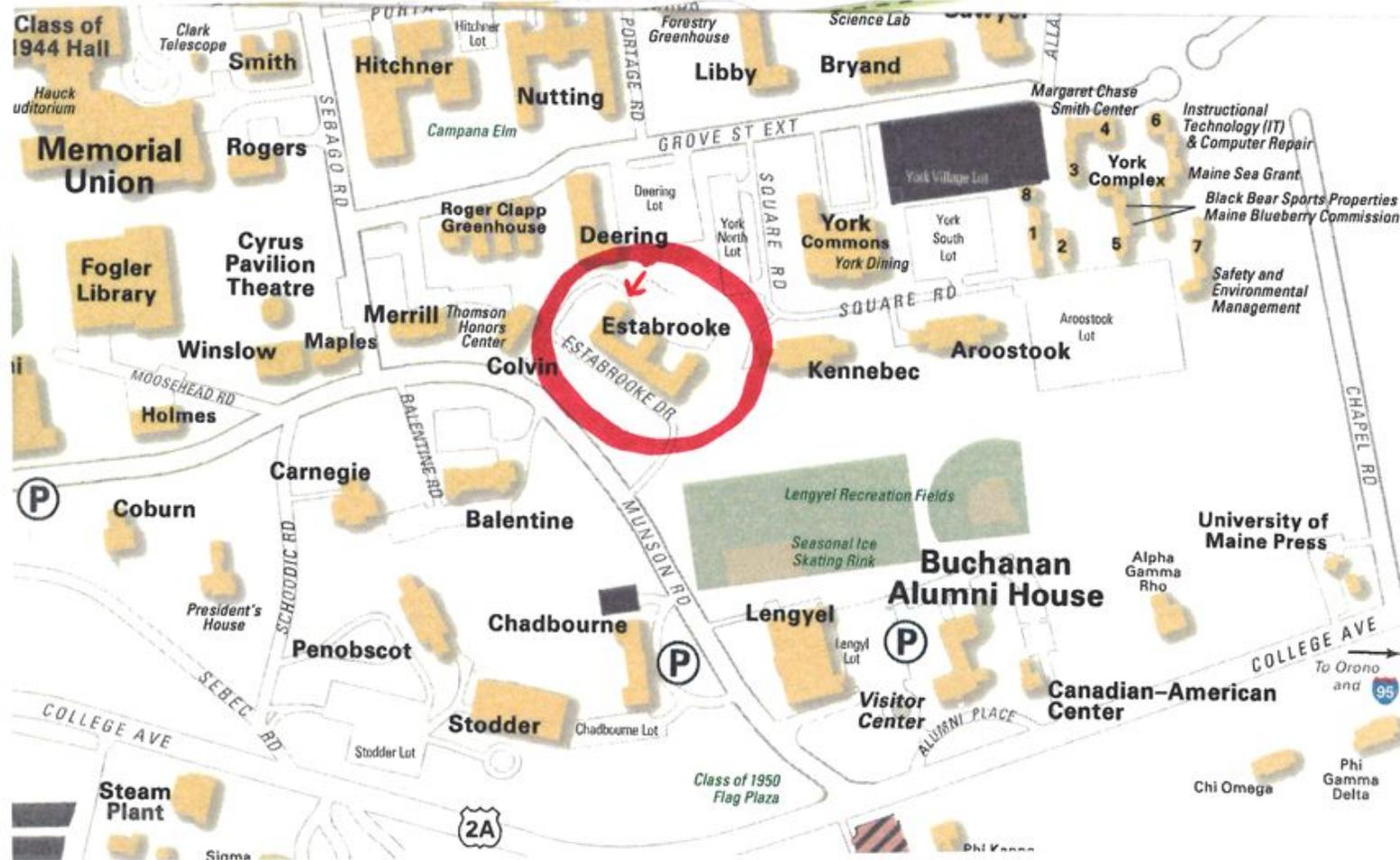
Action items are noted in red.

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 Change to Board Policy 206 – Ethics Code and Conflict of Interest
2. **INITIATED BY:** James R. Erwin, Chair
3. **BOARD INFORMATION:** X **BOARD ACTION:**
4. **OUTCOME:** **BOARD POLICY:**
206 – Ethics Code and Conflict of Interest
5. **BACKGROUND:**

The Board of Trustees Conflict of Interest requirements are outlined in Board Policy 206. In 2009, the Board amended the Policy to restrict Trustees from applying for or holding employment with UMS for one year following the end of their service as a member of the Board.

The one-year restriction affects the Student Trustee (who serves only a single two-year term) and the Commissioner of Education (who serves in an ex officio capacity only so long as he or she is Commissioner). The proposed amendment to Board Policy 206 – Code of Ethics and Conflict of Interest would provide that the one-year restriction on employment following service as a Trustee would not apply to the Student Trustee and the Commissioner of Education. However, those Trustees would remain subject to the Board's Conflict of Interest policies and requirements during the service as a Trustee, just as all other Trustees are.

A representative from the Governor's office will be invited to speak about the policy's impact on the Commissioner of Education, who is appointed by the Governor.

It is requested that the Human Resources and Labor Relations Committee submit a recommendation to amend the Policy for the September 17-18, 2017 Board of Trustees meeting for discussion and recommend approval at the November 19-20, 2017 Board of Trustees meeting.

8/16/2017

UNIVERSITY OF MAINE SYSTEM

Policy Manual

GOVERNANCE AND LEGAL AFFAIRS

Section 206 Board of Trustees: Ethics Code and Conflict of Interest

Effective: 4/24/74

Last Revised: 11/6/95; 7/13/09; 11/20/17

Responsible Office: Clerk of the Board

Policy Statement:

A Trustee is in potential conflict of interest when an action by the University of Maine System, whether isolated, recurring or continuous, is to the financial or other advantage of the Trustee, the Trustee's employer or client, the Trustee's spouse, parent, or child, to a degree greater than to the Maine citizenry taken on the whole.

A Trustee who is an attorney or a firm or partnership of which the Trustee is a part may not represent or provide legal advice or services to the University of Maine System or knowingly represent clients in litigation or other contested matters which involves the assertion of any claim against the University of Maine System or which is adverse to its interests or are otherwise prohibited by the Maine Rules of Professional Conduct.

Except to fill a temporary vacancy in a position on an interim basis, a Trustee may not seek or hold a position in the University of Maine System prior to one year following the end of their service as a member of the Board. **This prohibition does not apply to the Student Trustee or the Commissioner of Education serving in an ex officio capacity, provided however that those Trustees remain otherwise subject to the Board's conflict of interest policies and requirements during their service as Board members.**

Procedures:

1. When there is a potential conflict of interest, the Trustee upon becoming aware of a conflict shall declare such conflict at the earliest opportunity and either eliminate the conflict or refrain from debate and discussion at Board Committee meetings or Board meetings unless invited to participate by a majority vote of the Board Committee or by the Board. Further, the Trustee shall register an abstention when a vote is taken on the matter by the Board or Board Committee.
2. Each Trustee, upon appointment to the Board, and, as a minimum, for each Annual Meeting thereafter, shall file a Financial Disclosure Form (copy of which may be obtained from the Clerk's Office) with the Clerk of the Board. Such a form shall include, when completed, a listing of all:
 - a. continuous conflicts of interest known to the Trustee.
 - b. real and personal property owned by the Trustee, the Trustee's spouse, or minor child with a value of one hundred thousand dollars (\$100,000) or more. The homestead,

household furnishings, personal effects, life insurance, and bank deposits may be excluded, and no monetary valuations need be included.

- c. personal liabilities of fifty thousand dollars (\$50,000) or more, excluding loans secured by the homestead and by life insurance.
 - d. positions of Trustees and spouses as officers, directors, partners or employees of any non-profit or profit making corporation, partnership, labor union, or association, together with an indication with respect to each relationship whether the service is gratuitous or compensated.
3. The Financial Disclosure Form shall be available for public inspection in the Office of the Clerk of the Board.
 4. Alleged violations of this policy, from whatever source presented, shall be received by the Clerk of the Board. The Chair, or the Vice Chair if the Chair is involved, shall appoint a three person ad hoc committee to investigate the allegations and report its findings and recommendations to the Board of its determination.



AGENDA ITEM SUMMARY

1. **NAME OF ITEM:** Collective Bargaining Update
2. **INITIATED BY:** James Erwin, Chair
3. **BOARD INFORMATION:** X **BOARD ACTION:**
5. **BACKGROUND:**

The HR/LR Committee will go into executive session to provide collective bargaining updates related to bargaining and other issues.